

**NORTH BRANCH INDEPENDENT SCHOOL DISTRICT NO. 138
 NORTH BRANCH AREA EDUCATION CENTER, BOARD ROOM, ROOM C120
 38705 GRAND AVENUE
 NORTH BRANCH, MN 55056
 REGULAR SCHOOL BOARD MEETING
 AUGUST 11, 2022
 5:30 PM**

AGENDA

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Approval of Agenda
- V. Superintendent’s Report 5
- VI. Removal of Consent Items for Discussion
- VII. Approval of Consent Items
 - A. Minutes of July 14, 2022 Policy Committee Meeting 21
 - B. Minutes of July 14, 2022 Regular School Board Meeting 22
 - C. Authorization of Payments, Transfers, and Investment Activity 30
 - D. Personnel
 - 1. Lonnie, Tschappat, retirement effective July 15, 2022, as Custodian at North Branch Area Public Schools
 - 2. Linda Behrendt, retirement effective July 28, 2022, as Early Childhood Assistant at North Branch Area Education Center
 - 3. Sophia Kneen, resignation effective June 10, 2022, as Health Office Clerk at North Branch Area High School
 - 4. Britnie Anderson, resignation effective July 11, 2022, as SPED Assistant at North Branch Area Education Center
 - 5. Allysha Ness, resignation effective July 22, 2022, as SPED Assistant at North Branch Area Education Center
 - 6. Carol Skiba, resignation effective August 31, 2022, as SPED Assistant at North Branch Area High School
 - 7. Sarah Izzo, request to be released from her contract for the upcoming 2022-23 school year, contingent upon the district hiring a suitable replacement, as Elementary Teacher at North Branch Area Education Center. Contract release granted.
 - 8. Becky Muyres, request to be released from her contract for the upcoming 2022-23 school year, contingent upon the district hiring a suitable replacement, as Math Teacher at North Branch Area High School
 - 9. Ramona Wideen, leave request effective August 30, 2022 through October 16, 2022, as Lead Custodian at Sunrise River Elementary School
 - 10. Kristi Johnson, leave request effective September 8, 2022 through November 23, 2022, as Community Education Early Childhood Instructor
 - 11. Vicki Kristo, BS, Step 4, employment for the 2022-23 school year only, as SPED Teacher at Sunrise River Elementary School

12. Erik Lien, MS+60, Step 17, employment effective the beginning of the 2022-23 school year, as Social Studies Teacher at Norse Area Learning Center and Distance Learning Academy
13. Stephanie Mohs, MA+45, Step 12, employment for the 2022-23 school year only, as SPED Teacher at North Branch Area Middle School
14. Elizabeth Sandberg, BS, Step 6, employment effective the beginning of the 2022-23 school year, as SPED Teacher at North Branch Area High School
15. Katherine Pell, employment effective August 4, 2022, as Lead Secretary at Sunrise River Elementary
16. Ashley Klofstad, hired as Lunchroom/Playground Assistant, North Branch Area Education Center, effective beginning with the 2022-23 school year, in addition to current position
17. Katerina Nagle, hired as Early Childhood Assistant, North Branch Area Education Center, effective beginning with the 2022-23 school year, in addition to current position
18. Jolene Schulte, position change effective at the beginning of the 2022-23 school year, from Lunchroom/Playground Assistant at North Branch Area Education Center to Early Childhood Assistant at North Branch Area Education Center
19. Tessa Strain-Moritz, MS, Step 10, change from 0.5 FTE to 1.0 FTE effective with the 2022-23 school year, as English/Language Arts Teacher at Norse Area Learning Center and Distance Learning Academy
20. 2022-23 Extra Curricular Fall Coach Positions
 - a. Norm Nagel, Class 2, Step 4, as Head Coach for Cross Country
 - b. Nita Worthley, Class 4, Step 4, as Assistant Coach for Cross Country
 - c. Josh Kopp, Class 2, Step 5, as Head Coach for Girls Soccer
 - d. Sherri Keller, Class 4, Step 8, as Assistant Coach for Girls Soccer
 - e. Chad Johnson, Class 2, Step 10, as Head Coach for Boys Soccer
 - f. Joel Santjer, Class 3, Step 7, as Head Coach for Girls Tennis
 - g. Kathy Crudo, Class 5, Step 3, as Assistant Coach for Girls Tennis
 - h. Justin Voss, Class 1, Step 5, as Head Coach for Football
 - i. Dan Johnson, Class 3, Step 8, as Assistant Coach for Football
 - j. Kyle Kahl, Class 3, Step 10, as Assistant Coach for Football
 - k. Brent Lundgren, Class 3, Step 9, as Assistant Coach for Football
 - l. Ian McWilliams, Class 3, Step 10, as Assistant Coach for Football
 - m. Mason Niederkorn, Class 3, Step 6, as Assistant Coach for Football
 - n. Andrew Timmer, Class 3, Step 2, as Assistant Coach for Football
 - o. Mike Selbitschka, Class 1, Step 10, as Head Coach for Volleyball
 - p. Grace Benda, Class 3, Step 1, as Assistant Coach for Volleyball
 - q. Madison Hadrava, Class 3, Step 1, as Assistant Coach for Volleyball
 - r. Tammi Minke, Class 3, Step 10, as Assistant Coach for Volleyball
 - s. Alexis Sheehan, Class 6, Step 2, as Middle School Volleyball Coach
 - t. Jim VanEerden, Class 6, Step 10, as Middle School Volleyball Coach
 - u. Parker Johnson, Class 6, Step 4, as Middle School Boys Soccer Coach
 - v. Ryan Minke, Class 9, Step 10, as Weightroom Supervisor (Fall Season)
 - w. Norm Nagel, Class 9, Step 10, as Weightroom Supervisor (Fall Season)

E. 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	
	A. Consider Second Reading of the Following Policies	
	1. Policy 206-NB - Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations (MSBA changes)	33
	2. Policy 211 - Criminal or Civil Action Against School District, School Board Member, Employee, or Student (MSBA changes)	38
	3. Policy 414 - Mandated Reporting of Child Neglect or Physical or Sexual Abuse (MSBA changes)	42
	4. Policy 423 - Employee-Student Relationships (MSBA changes)	51
	5. Policy 519 - Interviews of Students by Outside Agencies (MSBA changes)	54
	6. Policy 532 - Use of Peace Officers and Crisis Teams to Remove Students with IEPs from School Grounds (MSBA changes)	56
X.	New Business	
	A. Consider Resolution of Health and Safety Measures for the 2022-23 School Year	62
	B. Consider Family Satisfaction DRAFT Survey	64
	C. Consider Changing the Adult Lunch Price from \$4.40 to \$4.95 in Accordance with the Minimum Price Requirement Announcement from MDE	
	D. Ratify Contract Between the North Branch Support Staff Association and North Branch Independent School District Effective July 1, 2022 through June 30, 2024	
	E. Consider Renewal of Membership in Minnesota Rural Education Association (MREA) - \$2,500.00	66
	F. Consider Renewal of Membership in Schools for Equity in Education (SEE) for 2022-23 - \$4,011.00	68
	G. Consider First Reading of the Following Policies	
	1. Policy 503-NB - Attendance Policy	72
	2. Policy 524-NB - Internet Acceptable Use and Safety Policy	82
XI.	Addendum	
XII.	Information	
	A. Board & Administrator August 2022 Issue	102
XIII.	Board Requests	

XIV. Committee Reports

XV. Dates to Remember

- A. Thursday, August 25, 2022, Special School Board Meeting, 5:30 pm, North Branch Area Education Center, Boardroom, Room C120
- B. Thursday, September 8, 2022, Regular School Board Meeting, 5:30 pm, North Branch Area Education Center, Boardroom, Room C120
- C. Monday, September 19, 2022, Negotiations Committee Meeting, 4:00 pm, North Branch Area Education Center
- D. Monday, September 19, 2022, Principal Negotiation Session, 4:30 pm, North Branch Area Education Center
- E. Thursday, September 22, 2022, School Board Work Session, 5:30 pm, North Branch Area Education Center, Boardroom, C120

XVI. Adjournment

Superintendent Update

August 11, 2022

5





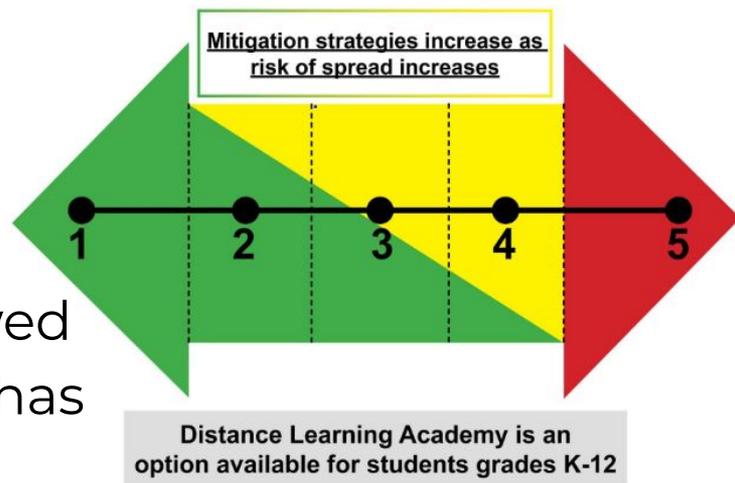
Safe Learning Update



2022-23

Safe Learning Continuum

- Predictability and consistency of our safe learning environment is critical in delivering on our core mission of educating students
- Safe Learning Plan review followed consultative process; Draft plan has been posted on website
- [COVID-19 Questions and Input Form](#)





Summer Programming Outcomes

By the numbers:

- 625 weekly Youth Connections
- 88 elementary students
- 30 middle school students
- 120 high school students

142 credits recovered by our courageous high school students!!

Additional grant for \$50,000 to support our summer programming!





NBAPS Supporting Families through access to Educational Benefits and Affordable Lunches

- Federal government has ended free breakfast and lunch funding
- Encouraging and supporting families to sign up for Educational Benefits:
 - Viking Newsletter provided links to new forms
 - School-level “back to school” communications also provides links to forms.
- Welcome Days: Taher staff at each site to encourage families to fill out forms, and offer assistance and answer any questions
- NBAPS lunch fees are over a dollar less than the price than a neighboring district charging for a student lunch.



Enrollment Update

- Projecting enrollment is an art and a science
- Enrollment is critical to budget decision making
- Student enrollment in building programs is currently above projected enrollment
 - So thankful for staff that are supporting transitions to set each student up for success
- We continue to monitor enrollment and adjust staffing to meet student needs.

NBAPS Continues to offer high quality Distance Learning Academy Option



North Branch Area Public Schools Distance Learning Academy is a great fit for non-traditional elementary students and homeschool families looking for something beyond an "online" option:

- In-person support on flexible schedule
- Strong elementary curriculum
- Technology provided
- Menu of options to support learning needs

NBAPS Distance Learning Academy is best of both worlds for high school students!

- Technology provided
- Access to college credit
- Access to courses to learn trades
- In-person support on flexible schedule

Learn more at: www.isd138.org/Page/491! Questions? Contact Supt. Sara Paul at spaul@isd138.org.



DISTANCE LEARNING
ACADEMY



NORTH BRANCH
AREA PUBLIC SCHOOLS
Inspire Dreams, Build Integrity, Instill Hope

*Providing K-12 **predictability**
and **choice** for families!*



Supporting School Transitions

- Pre-K Screening
- K-8 Welcome Days
- 9-12 Open House
- 9th Orientation
- Individual family tours available upon request



Safety and Security

- School Resource Officer will be full-time in 2022-23
- Building walkthroughs with members of each building leadership team completed led by Director of Buildings and Grounds
- Enhancing protocols for 6-12 student expectations



Buildings and Grounds

- Collaboration with City of North Branch regarding ice rink
- Ongoing removal of standing dead and diseased trees
- Building maintenance underway across the district
- HS Principal and B&G Director working on a new floor plan at HS Industrial Shop Areas to secure best use of space for students in machining, auto, beginning welding and the Advanced Welding Co. (advanced welding).
- Exterior security being reviewed by B&G to ensure systems functioning properly



Strategic Planning Advisory Committee

- Safe Learning Plan for 2022-23
- Safety and Security
- Win-Win Partnerships
- Two-Way Communication



Professional Development



- Lake ECMECC at NBAHS on Aug. 2
 - High Quality Professional Develop for staff across multiple districts
- Building Teams meeting throughout the summer to set goals and establish action plans





Achieving great things

Our Partnership

- Share personnel costs with other districts
- Provide the legally required special education services
- Enhance our framework for meeting the needs of all learners
- Engage in high-quality professional learning opportunities
- Tap into highly specialized support & expertise
- Benefit from a variety of “behind the scenes” services
- Gain access to student programs for students with disabilities



Homecoming Planning Underway!

- Leadership by Activities Office, high school administration and Student Council is critical to overall success
- Tradition of Homecoming Events
 - Coronation, Pepfest, Parade, Tailgating
 - Fall Sports Competitions with Alumni and Youth Connections
- “Powder Puff and Buff”
 - Held off site in recent years
 - Highly attended by adults and students
 - Parameters coordinated through activities office
- Professional development day changed from Friday, Sept. 23 to Monday, Sept. 26.

NORTH BRANCH VIKINGS HOMECOMING WEEK



SEPTEMBER

19

Monday

- CORONATION 10:30AM
HS AUDITORIUM
- GIRLS TENNIS 4:00PM
HS TENNIS COURTS
- BOYS SOCCER 5:00PM
GIRLS SOCCER 7:00PM
HS STADIUM
- SCOOPS ICE CREAM
HS STADIUM PLAZA
- PAJAMA DAY

SEPTEMBER

20

Tuesday

- GIRLS TENNIS 4:00PM
HS TENNIS COURTS
- DECADE DAY

SEPTEMBER

21

Wednesday

- POWDER BUFF 6:00PM
HS STADIUM
- POWDER PUFF 8:00PM
HS STADIUM
- FOOD TRUCKS 5:00PM
HS STADIUM PLAZA
NORTHSTAR DONUTS
D & D GOODIES
GRANDPA MIKE'S PIZZA
SCOOPS ICE CREAM
YUMMIES
- JERSEY DAY

SEPTEMBER

22

Thursday

- VOLLEYBALL
7:00PM
HS WEST GYM
- BEACH DAY

SEPTEMBER

23

Friday

- PEFFEST 1:45PM
HS STADIUM
- PARADE 3:15PM
MAPLE ST TO GRAND AVE
- TAILGATING 4:00PM
HS STADIUM PLAZA
WACKY HAIR
FACE PAINTING
YARD GAMES
FOOD TRUCKS
- FOOTBALL 7:00PM
HALL OF FAME INDUCTION
- SPIRIT DAY



School Board Filing Dates

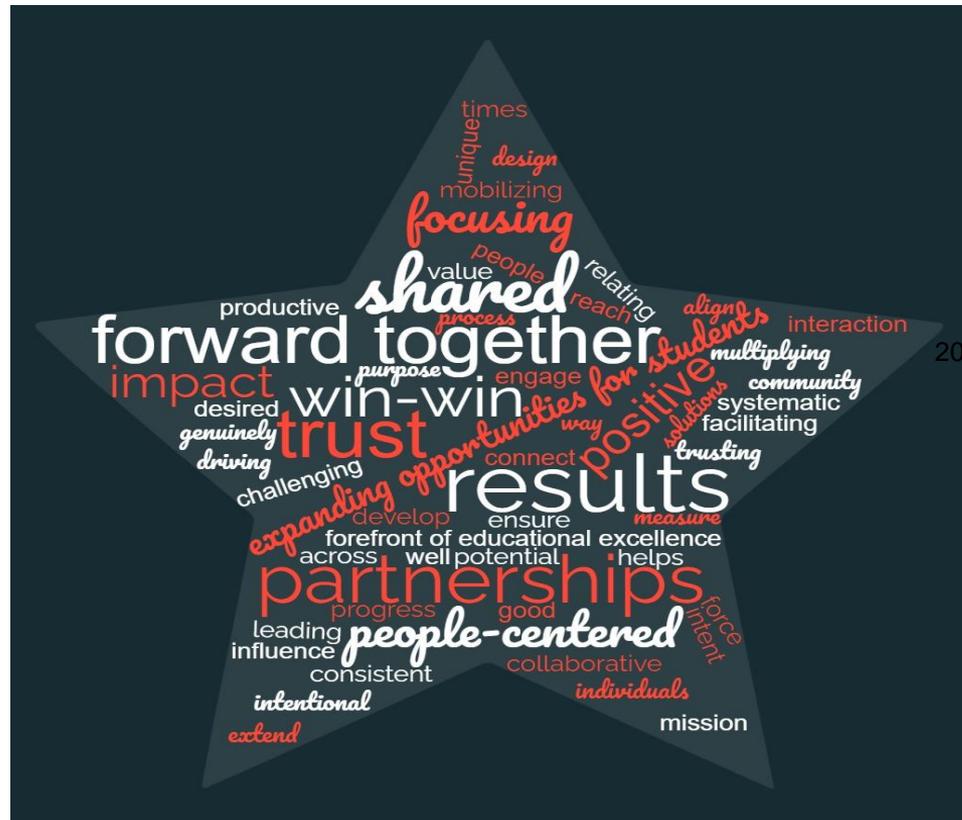
NBAPS accepting affidavits for candidacy to the school board

- Filing period: August 2 - 16
 - Up to 5 p.m. August 16
- Affidavits available through school district clerk:
 - 38705 Grand Ave., P.O. Box 370, North Branch, Mn. 55056
- Filing fee is \$2
- The election is Tuesday, Nov. 8.
 - Three individuals elected to four-year terms
 - One individual elected to fill vacancy expiring January 6, 2025.



At the forefront of educational excellence

Bringing out the gifts and
talents of each student
as they create their future!



**NORTH BRANCH INDEPENDENT SCHOOL DISTRICT NO. 138
NORTH BRANCH AREA EDUCATION CENTER, ROOM B122
POLICY COMMITTEE MEETING
July 14, 2022**

The Policy Committee met on Thursday, July 14, 2022 at 4:30 p.m. in Room B122 at the North Branch Area Education Center.

Members in Attendance: Tim MacMillan, Sarah Grovender, Superintendent Paul, David Treichel, Todd Tetzlaff, and Arle Chambers

Policies Discussed

Policy 503-NB – Attendance Policy

Policy 503-NB was discussed and will be presented at the August 11 regular board meeting for a first reading.

Policy 524-NB – Internet Acceptable Use and Safety Policy

Policy 524-NB was discussed and will be presented at the August 11 regular board meeting for a single reading.

Policy 697-NB – Controversial Issues in the Classroom

Policy 697-NB was discussed and reviewed.

The meeting concluded at 5:17 p.m.

Kevin Bollman, Clerk
(Unapproved)

**NORTH BRANCH INDEPENDENT SCHOOL DISTRICT NO. 138
REGULAR SCHOOL BOARD MEETING
NORTH BRANCH AREA EDUCATION CENTER, BOARDROOM
JULY 14, 2022**

The School Board of Independent School District 138 met in regular session on Thursday, July 14, 2022, at 5:30 p.m. in the Boardroom at the North Branch Area Education Center.

Board Chair MacMillan called the meeting to order.

Roll Call: Tim MacMillan, Sarah Grovender, Jesse LaValla, Adam Trampe, and Superintendent Paul

Absent: Kevin Bollman and Heather Naegele

Others in Attendance:

Denise Martin, Bill Stickels III, John Wagner, Kindra Helin, Ryan Minke, Chad Bistodeau, Norm Nagel, Brent Lundgren, David Treichel, Todd Tetzlaff, Pat Tepoorten, and Arle Chambers

The Pledge of Allegiance was said by all.

Approval of Agenda:

Moved by Grovender, seconded by Trampe and carried unanimously to approve the agenda.

MSHSL Why We Play Video

The school board viewed a training video from the Minnesota State High School League (MSHSL) called Why We Play - Defining the Purpose of Education-Based Athletic and Activity Programs. The training must be completed before approving the Minnesota State High School League's Membership Resolution. The resolution will be approved following viewing the video. The intent of this requirement is to assist schools and their communities in aligning around a shared common language, where every stakeholder clearly understands the purpose of education-based athletic and activity programs.

Recognition:

The following students were recognized at the board meeting.

Spring Sport Recipients

Below are the spring award recipients. View the coaches' videos at the following link:

<https://bit.ly/3l4rlf2>

- Girls Softball Award Recipients: Hannah Bernier, Madison Helin, Lydia Kuhlman, Erin Pederson, Brooke Rothe, Makenna Runk, Samantha Schmitt, Ava Sittlow, and Peyton Verdon

- Boys Baseball Award Recipients: Lucas Goggin, Reed Jacobsen, Cole Olson, Andrew Orf, Isaiah Scarborough, Nathan Skiba, Everett Thomsen, and Noah Thorsen
- Boys Golf Award Recipients: Tyler Minke and Andrew Thauwald
- Girls Golf Award Recipients: Johanna Bartkey, Ashley Bistodeau, Hailey Bistodeau, Olivia Weyenberg, and Rachel Wurdemann
- Boys Tennis Award Recipients: Drake Mellen, Travis Mihajlovich, Brock Peterson, and Gabriel Wurdemann
- Boys Track Award Recipients: Austin Anderson, Zack Anderson, Dooley Beaver, Nickolas Bovitz, Eric Elizarraga-Flor, Zachary Johnson, Carson Klein, Garrett Korkowski, Jackson Marcussen, Logan Murphy, Justin Ramos, Jacob Robillard, Brody Rothe, Jordan Stumm, Jacob Tiegen, Carson Weber, and Josiah Zderad
- Girls Track Award Recipients: Shaeyna Andreotti, Sophia Benedict, Derrian Dick, Ella Dick, Dakota Esget, Ava Gerten, Brooke Giese, Elayna Goeltl, Lauren Hicks, Cora Hudella, Claire Husnik, Ella Kuhlman, Elle Nielsen, Liberty Nielsen, Asaysha Olson, Kailey Olson, Brianna Polipnik, Avery Smith, Sophia Thorsen, and Madison Whitman
- Adapted Bowling: Aidan (Eli) Black, Benjamin Elliott, Matthew Fox, Victoria Kent, Shelby Pantelis, and Molly Sullivan
- Knowledge Bowl: Justine Joyal, Norah Judson, Tiegan Koeppen, Garrett Korkowski, Chloe Petersen, Kobe Yang, and Josiah Zderad
- Speech: Madeline Brooks, Soleil DeLorge, Aubrey-Anna Denesen, Elayna Goeltl, Brianna Hendren, Dru Hurd, Norah Judson, Giana McGovern, Layla Verdick, and Miaya Volkman
- Triple AAA Award: Makenna Runk and Nathan Skiba
- ExCEL Award: Rylee Ramberg and Paul Boelk
- Athena Award: Madison Helin

SUPERINTENDENT'S REPORT

Superintendent Paul reported that the Safe Learning Plan is being updated and will be brought to the school board for review in August. She also reported on summer programming, Youth Connections, which is currently serving approximately 150 children throughout the summer, homeschool listening sessions, and safety and security. She also talked about updates to the parent/student handbook, considering engagement

surveys, honoring Viking Alumni, Concerts in the Park, and the Shine Kody Shine 5K, which will be held on Saturday, September 17.

CONSENT ITEMS

Moved by Grovender, seconded by LaValla and carried unanimously to approve the following consent items.

- A. Minutes of June 9, 2022 Policy Committee Meeting
- B. Minutes of June 9, 2022 Public Hearing on Student Fees
- C. Minutes of June 9, 2022 Regular School Board Meeting
- D. Minutes of June 20, 2022 OPEB Committee Meeting
- E. Minutes of June 22, 2022 School Board Retreat
- F. Authorization of Payments, Transfers, and Investment Activity
 - Accounts Payable, Bank 07 – \$910,908.46
 - Auxiliary, Bank 12 - \$40,394.65
 - Payroll, Bank 13 - \$3,330,655.27
 - Scholarship, Bank 18 - \$4,325.00
 - High School Student Activities, Bank 31 - \$6,709.47
 - Middle School Student Activities, Bank 32 - \$0.00
- G. Personnel
 - 1. Tammy Lewis, retirement effective August 16, 2022, as Early Childhood Assistant at North Branch Area Education Center
 - 2. Nona Schoenecker, retirement effective August 31, 2022, as Lead Secretary at Sunrise River Elementary School
 - 3. Abby Moon, resignation effective at the end of the 2021-22 school year, as Math Teacher at North Branch Area Middle School
 - 4. Riley Stremick, resignation effective at the end of the 2021-22 school year, as Speech Language Pathologist at Sunrise River Elementary School
 - 5. Kristie Arnold, leave request effective at the beginning of the 2022-23 school year through October 2, 2022, as SPED Assistant at North Branch Area High School. She will return on October 3, 2022.
 - 6. Chelsea Halseth, leave request effective October 24, 2022 through January 1, 2023, as SPED Teacher at North Branch Area Education Center

7. Emily Giffrow, BA, Step 2, beginning with the 2022-23 school year, as Elementary Teacher at Sunrise River Elementary School
 8. Kyle Groh, BS, Step 2, beginning with the 2022-23 school year, as Elementary Phy Ed/DAPE Teacher at North Branch Area Public Schools
 9. Sarah Jamieson, MA, Step 16, beginning with the 2022-23 school year, as Science Teacher at North Branch Area High School
 10. Timothy Reisdorf, BA+45, Step 11, beginning with the 2022-23 school year, as Math Teacher at North Branch Area Middle School
 11. Brenda Hughes, employment effective May 23, 2022, as Schoolkeeper for North Branch Area Public Schools
 12. Ian McVicker, employment effective July 5, 2022, as Schoolkeeper at North Branch Area Public Schools
 13. Debra Beyatt, position change beginning with the 2022-23 school year, from Education Assistant to Building Behavior Technician at Norse ALC
- H. Contract Between Independent School District No. 138, North Branch and Therapeutic Services Agency, Inc. (TSA) beginning July 1, 2022 to June 30, 2024 for the Employment of Jennifer Hesli, School Support Specialist
- I. Agreement to Provide School Resource Officer (SRO) Services Between the City of North Branch and Independent School District No. 138 (North Branch) for 2022-23
- J. Designation of Identified Official with Authority for the MDE External User Access Recertification System

The Minnesota Department of Education (MDE), Professional Educator Licensing Standards Board (PELSB), and Office of Higher Education (OHE) require annual designation of an Identified Official with Authority (IOwA) for each local educational agency that uses the Education Identity and Access Management (EDIAM) system. The IOwA is responsible for authorizing, reviewing, and recertifying user access for their local educational agency in accordance with the State of Minnesota Enterprise Identity and Access Management Standard, which states that all user access rights to Minnesota state systems must be reviewed and recertified at least annually. The IOwA will authorize user access to State of Minnesota Education secure systems in accordance with the user's assigned job duties, and will revoke that user's access when it is no longer needed to perform their job duties.

Your school board or equivalent governing board must designate an IOwA to authorize user access to State of Minnesota Education secure websites for your organization. This EDIAM board resolution must be completed and submitted to the

Minnesota Department of Education annually, as well as any time there is a change in the assignment of the Identified Official with Authority.

The Board recommends authorizing Sara Paul to act as the Identified Official with Authority (IOWA) and Arle Chambers to act as the IOWA Proxy to add and remove names only for LEA for North Branch Area Public Schools.

K. Acceptance of Donations

Date	Donation From	Donation To	Amount	Use
6/3/22	Paul & Rachele Johnson – NB, MN	NBHS Athletics	\$2,003.00	JROTC Program
6/6/22	Viking Coca-Cola – St. Cloud, MN	Sunrise River Elem	\$250.00	Boosterthon Fun Run
6/8/22	B.P.S. Incorporated – Osceola, WI	NBHS Athletics	\$1,500.00	Clay Target Program
6/8/22	Shaan Hilber – NB, MN	NBHS	\$300.00	Band & Choir Departments
6/28/22	Josh Kopp – NB, MN	NBHS Athletics	\$3,800.00	Girls Soccer Program
6/28/22	Sara Paul – NB, MN	NBHS Athletics	\$236.21	Prom Program Photo Paper Donation
6/29/22	Anonymous Donations-Casey's Loyalty Program	NBMS	\$1,483.60	MS Educational Media
6/30/22	NB Chamber of Commerce – NB, MN	NBHS Scholarship A/C	\$500.00	Scholarship Donation
		Total	\$10,072.81	
June	Quilters of Fish Lake Lutheran Church-Harris, MN	NBHS	Approximately 60 quilter's donated six bags of personal care items for high school students in need.	

OPEN MIC

No one signed up for open mic.

OLD BUSINESS

A. Approval of Summary of Bids for Garbage Pickup

Moved by Trampe, seconded by Grovender and carried unanimously to accept the bid of Terry's Disposal for garbage pickup for FY2023. Bids results are attached.

B. Approval of Summary of Bids for Diesel Fuel and Gasoline

Moved by Grovender, seconded by LaValla and carried unanimously to award the bid for diesel fuel and gasoline to Beaudry Oil and Propane for FY 2023 for the school district and the City of North Branch. Bid results are attached.

C. Approval of Second Reading of the Following Policies

Moved by Trampe, seconded by LaValla and carried unanimously to approve the second reading of the following policy:

1. Policy 515 - Protection and Privacy of Pupil Records (MSBA changes)
2. Policy 601-NB - School District Curriculum and Instruction Goals (MSBA changes)
3. Policy 603 - Curriculum Development (MSBA changes)

NEW BUSINESS

A. Approval of 2022-2023 Resolution for Membership in the Minnesota State High School League

Moved by Grovender, seconded by Trampe and carried unanimously to approve the following resolution of the MSHSL:

2022-2023 Resolution for Membership in the Minnesota State High School League

RESOLVED, that the Governing Board of North Branch Area Public Schools, County of Chisago, State of Minnesota delegates the control, supervision and regulation of interscholastic athletic and fine arts events (referred to in MN Statutes, Section 128C.01) to the Minnesota State High School League, and so hereby certifies to the State Commissioner of Education as provided for by Minnesota Statutes.

FURTHER RESOLVED, that the North Branch High School is authorized by this, the Governing Board of said school district or school to:

Renew its membership in the Minnesota State High School League; and participate in the approved interschool activities sponsored by said League and its various subdivisions.

FURTHER RESOLVED, that this Governing Board hereby adopts the Constitution, Bylaws, Rules and Regulations of said League and all amendments thereto as the same as are published in the latest edition of the League's Official Handbook, on file at the office of the school district or school, or as appears on the League's website, as the minimum standards governing participation in said League-sponsored activities, and that the administration and responsibility for determining student eligibility and for the supervision of such activities are assigned to the official representative identified by the Governing Board.

Signing the Resolution for Membership affirms that this Governing Board has viewed the WHY WE PLAY training video which defines the purpose and value of education-based athletic and activity programs and assists school communities in communicating a shared common language.

Member schools must develop and publicize administrative procedures to address eligibility suspensions related to Code of Student Conduct violations for students participating in activity programs by member schools.

The above Resolution was adopted by the Governing Board of this school district and is recorded in the official minutes of said Board and hereby is certified to the State Commissioner of Education as provided for by law.

B. Approval of 2022-23 Student and Parent Handbook

Moved by Grovender, seconded by LaValla and carried unanimously to approve the 2022-2023 student and parent handbook.

C. Approval of Renewal of Membership in Minnesota School Boards Association (MSBA)

Moved by Grovender, seconded by Trampe and carried unanimously to approve the renewal of membership in the Minnesota Schools Boards Association (MSBA) in the amount of \$ 10,480.00.

D. Approval of First Reading of the Following Policies

Moved by Grovender, seconded by LaValla and carried unanimously to approve the first reading of the following policies:

1. Policy 206-NB - Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations (MSBA changes)
2. Policy 211 - Criminal or Civil Action Against School District, School Board Member, Employee, or Student (MSBA changes)
3. Policy 414 - Mandated Reporting of Child Neglect or Physical or Sexual Abuse (MSBA changes)
4. Policy 423 - Employee-Student Relationships (MSBA changes)
5. Policy 519 - Interviews of Students by Outside Agencies (MSBA changes)
6. Policy 532 - Use of Peace Officers and Crisis Teams to Remove Students with IEPs from School Grounds (MSBA changes)

INFORMATION

The board reviewed the July 2022 issue of the Board and Administrator.

BOARD REQUESTS

None

COMMITTEE REPORTS

Negotiations – Board Member Grovender reported the North Branch Support Staff Association and the school district came to a tentative agreement on Monday, July 11th. It is anticipated the ratified contract will be on the August school board meeting agenda for approval.

DATES TO REMEMBER

- A. August 11, 2022, Policy Committee Meeting, 4:30 pm, North Branch Area Education Center, Conference Room, B122

B. August 11, 2022, Regular School Board Meeting, 5:30 pm, North Branch Area Education Center, Boardroom, Room C120

C. August 25, 2022, Special School Board Meeting, 5:30 pm, North Branch Area Education Center, Boardroom, Room C120

Adjournment

Moved by Grovender, seconded by LaValla and carried unanimously to adjourn the regular meeting at 6:43 pm.

Kevin Bollman, Clerk
(Unapproved)

ELECTRONIC FUND TRANSFERS
July 2022

Direct Dep Cks	\$1,169,668.04		
ACHS	<u>\$9,638.20</u>		
	\$1,179,306.24		
Transfers to Associated- Debt Service Payments:		7/26/2022	\$1,308,463.63
Other Electronic Fund Transfers:			
Federal/FICA Taxes		7/1/2022	\$19,917.44
(Also reflected in P/R info)		7/5/2022	\$50,788.62
		7/5/2022	\$64,888.14
		7/18/2022	\$57,774.81
		7/18/2022	<u>\$82,611.74</u>
			\$275,980.75
Minnesota Withholding Taxes		7/5/2022	\$3,717.02
(Also reflected in P/R info)		7/6/2022	\$8,034.33
		7/6/2022	\$11,151.56
		7/19/2022	\$8,989.74
		7/19/2022	<u>\$13,872.48</u>
			\$45,765.13
Economic Service (EBC)		7/5/2022	\$15,027.13
(Also reflected in P/R info)		7/6/2022	\$9,524.11
		7/18/2022	\$15,027.12
		7/19/2022	<u>\$35,824.11</u>
			\$75,402.47
MII LIFE-F S A			
	PEIP	7/5/2022	\$854.17
	PEIP	7/11/2022	\$14.90
	PEIP	7/18/2022	\$3,839.13
	PEIP Admin Fee	7/22/2022	\$243.95
	PEIP	7/25/2022	<u>\$513.66</u>
			\$5,465.81
MII LIFE-M S A			
		7/6/2022	\$2,186.90
		7/7/2022	\$3,210.99
		7/18/2022	\$4,100.60
		7/19/2022	\$2,186.90
		7/20/2022	<u>\$6,442.88</u>
			\$18,128.27
Minnesota Teachers Retirement			
		7/1/2022	\$46,171.71
		7/5/2022	\$7,496.16
		7/15/2022	\$8,025.81
		7/15/2022	\$58,929.88
		7/29/2022	\$7,545.62
		7/29/2022	\$26,533.56
		7/29/2022	<u>\$42,572.47</u>
			\$197,275.21
PERA			
		7/5/2022	\$24,807.83
		7/18/2022	\$17,593.62
		7/29/2022	<u>\$18,794.73</u>
			\$61,196.18
Delta Dental Plan		7/21/2022	\$18,723.61
MN Sales Tax		7/20/2022	\$617.00

JULY 2022

DATE	DONATION FROM	DONATION TO	AMOUNT	USE
7/5/22	Wilson Tool International, 12912 Farnham Ave, White Bear Lake, MN 55110	NBHS Athletics	\$660.00	FRC Robotics Program Donation
7/7/22	Members Cooperative Credit Union, 4628 Mike Colalillo Dr., Duluth, MN 55807	NBHS Athletics	\$150.00	FTC Robotics Program Donation
7/21/22	Lakes Gas, 26777 Fallbrook Ave, Wyoming, MN55092	NBHS Athletics	\$1,500.00	Science Club Program Donation
7/22/22	Shaan Hilber, 37687 Elk Ave, North Branch, MN 55056	NBHS	\$60.00	Music 50/50 split (Band & Choir) Department Donation
7/31/22	Edelstein Family Foundation, Minnesota Bank & Trust, 7701 France Ave. S., Ste. 110, Edina, MN 55435	NBHS Scholarship A/C	\$71,284.00	Scholarship Donation
			<u>\$73,654.00</u>	

Adopted: _____

MSBA/MASA Model Policy 206

Orig. 1995

Revised: _____

Rev. 20~~12~~27

206 PUBLIC PARTICIPATION IN SCHOOL BOARD MEETINGS/COMPLAINTS ABOUT PERSONS AT SCHOOL BOARD MEETINGS AND DATA PRIVACY CONSIDERATIONS

I. PURPOSE

- A. The school board recognizes the value of participation by the public in deliberations and decisions on school district matters. At the same time, the school board recognizes the importance of conducting orderly and efficient proceedings, with opportunity for expression of all participants' respective views.
- B. The purpose of this policy is to provide procedures to assure open and orderly public discussion as well as to protect the due process and privacy rights of individuals under the law.

II. GENERAL STATEMENT OF POLICY

- A. The policy of the school board is to encourage discussion by persons of subjects related to the management of the school district at school board meetings. The school board may adopt reasonable time, place, and manner restrictions on public expression in order to facilitate free discussion by all interested parties.
- B. The school board shall, as a matter of policy, protect the legal rights to privacy and due process of employees and students.

III. DEFINITIONS

- A. "Personnel data" means government data on individuals maintained because the individual is or was an employee or applicant for employment. For purposes of this policy, "employee" includes a volunteer or an independent contractor.
- B. Personnel data on current and former employees that is "public" includes:

Name; employee identification number, which must not be the employee's social security number; actual gross salary; salary range; terms and conditions of employment relationship; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary; bargaining unit; job title; job description; education and training background; previous work experience; date of first and last employment; the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action; the final disposition of any disciplinary action as defined in Minn. Stat. § 13.43, Subd. 2(b), together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body; the complete terms of any agreement settling any dispute arising out of the employment relationship, including a buyout agreement as defined in Minn. Stat. § 123B.143, Subd. 2, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money; work location; work telephone number; badge number; work-related continuing education; honors and

awards received; and payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data.

- C. Personnel data on current and former applicants for employment that is "public" includes:

Veteran status; relevant test scores; rank on eligible list; job history; education and training; and work availability. Names of applicants shall be private data except when certified as eligible for appointment to a vacancy or when applicants are considered by the appointing authority to be finalists for a position in public employment. For purposes of this subdivision, "finalist" means an individual who is selected to be interviewed by the appointing authority prior to selection.

- D. "Educational data" means data maintained by the school district which relates to a student.

- E. "Student" means an individual currently or formerly enrolled or registered in the school district, or applicants for enrollment, or individuals who receive shared time services.

- F. Data about applicants for appointments to a public body, including a school board, collected by the school district as a result of the applicant's application for appointment to the public body are private data on individuals, except that the following are public: name; city of residence, except where the appointment has a residency requirement that requires the entire address to be public; education and training; employment history; volunteer work; awards and honors; prior government service; any data required to be provided or that is voluntarily provided in an application to a multimember agency pursuant to Minn. Stat. § 15.0597; and veteran status. Once an individual has been appointed to a public body, the following additional items of data are public: residential address; either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee; the first and last dates of service on the public body; the existence and status of any complaints or charges against an appointee; and, upon completion of an investigation of a complaint or charge against an appointee, the final investigative report unless access to the data would jeopardize an active investigation. Any electronic mail address or telephone number provided by a public body for use by an appointee shall be public. An appointee may use an electronic mail address or telephone number provided by the public body as the designated electronic mail address or telephone number at which the appointee can be reached.

IV. RIGHTS TO PRIVACY

- A. School district employees have a legal right to privacy related to matters which may come before the school board, including, but not limited to, the following:
1. right to a private hearing for teachers, pursuant to Minn. Stat. § 122A.40, Subd. 14 (Teachers Discharge Hearing);
 2. right to privacy of personnel data as provided by Minn. Stat. § 13.43 (Personnel Data);
 3. right to consideration by the school board of certain data treated as not public as provided in Minn. Stat. § 13D.05 (Not Public Data);

4. right to a private hearing for licensed or nonlicensed head varsity coaches to discuss reasons for nonrenewal of a coaching contract pursuant to Minn. Stat. § 122A.33, Subd. 3.
- B. School district students have a legal right to privacy related to matters which may come before the school board, including, but not limited to, the following:
1. right to a private hearing, Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing);
 2. right to privacy of educational data, Minn. Stat. § 13.32 (Educational Data); 20 U.S.C. § 1232g (FERPA);
 3. right to privacy of complaints as provided by child abuse reporting and discrimination laws, Minn. Stat. [Ch. 260E §-626.556](#) (Reporting of Maltreatment of Minors) and Minn. Stat. Ch. 363A (Minnesota Human Rights Act).

V. THE PUBLIC'S OPPORTUNITY TO BE HEARD

The school board will strive to give all persons an opportunity to be heard and to have complaints considered and evaluated, within the limits of the law and this policy and subject to reasonable time, place, and manner restrictions. Among the rights available to the public is the right to access public data as provided by Minn. Stat. § 13.43, Subd. 2 (Public Data).

VI. PROCEDURES

A. Agenda Items

1. Persons who wish to have a subject discussed at a public school board meeting ~~are encouraged to~~ (NB elimination) ~~will~~ (NB change) notify the superintendent's office in advance of the school board meeting. The person ~~should~~ (NB elimination) ~~will~~ (NB change) provide his or her name, ~~address,~~ the name of group represented (if any), and the subject to be covered or the issue to be addressed. ~~The chair and superintendent shall determine whether to place the matter on the tentative agenda.~~ (NB change)
2. Persons who wish to address the school board on a particular subject should identify the subject and identify agenda item(s) to which their comments pertain ~~and may do so in open mic~~ (NB change).
3. The school board chair will recognize one speaker at a time and will rule out of order other speakers who are not recognized. Only those speakers recognized by the chair will be allowed to speak. Comments by others are out of order. Individuals who interfere with or interrupt speakers, the school board, or the proceedings may be directed to leave.
4. The school board retains the discretion to limit discussion of any agenda item to a reasonable period of time as determined by the school board. If a group or organization wishes to address the school board on a topic, the school board reserves the right to require designation of one or more representatives or spokespersons to speak on behalf of the group or organization.
5. Matters proposed for placement on the agenda which may involve data privacy concerns, which may involve preliminary allegations, or which may be

potentially libelous or slanderous in nature shall not be considered in public, but shall be processed as determined by the school board in accordance with governing law.

6. The school board chair shall promptly rule out of order any discussion by any person, including school board members, that would violate the provisions of state or federal law, this policy or the statutory rights of privacy of an individual.
7. Personal attacks by anyone addressing the school board are unacceptable. Persistence in such remarks by an individual shall terminate that person's privilege to address the school board.
8. Depending upon the number of persons in attendance seeking to be heard, the school board reserves the right to impose such other limitations and restrictions as necessary in order to provide an orderly, efficient, and fair opportunity for those present to be heard.

B. Complaints

1. Routine complaints about a teacher or other employee should first be directed to that teacher or employee or to the employee's immediate supervisor.
2. If the complaint is against an employee relating to child abuse, discrimination, racial, religious, or sexual harassment, or other activities involving an intimidating atmosphere, the complaint should be directed to the employee's supervisor or other official as designated in the school district policy governing that kind of complaint immediately or as soon as possible (NB change). In the absence of a designated person, the matter should be referred to the superintendent.
3. Unresolved complaints from Paragraph 1. of this section or problems concerning the school district should be directed to the superintendent's office.
4. Complaints which are unresolved at the superintendent's level may be brought before the school board by notifying the school board in writing.

C. Open Forum

The school board shall normally provide a specified period of time when persons may address the school board on any topic, subject to the limitations of this policy. The school board reserves the right to allocate a specific period of time for this purpose and limit time for speakers accordingly.

The school board may decide to hold certain types of public meetings where the public will not be invited to address the school board. Possible examples are work sessions and board retreats. The public will still be entitled to notice of these meetings and will be allowed to attend these meetings, but the public will not be allotted time during the meeting to address the board.

D. No Board Action at Same Meeting

Except as determined by the school board to be necessary or in an emergency, the school board will not take action at the same meeting on an item raised for the first time by the public.

VII. PENALTIES FOR VIOLATION OF DATA PRIVACY

- A. The school district is liable for damages, costs and attorneys' fees, and, in the event of a willful violation, punitive damages for violation of state data privacy laws. (Minn. Stat. § 13.08, Subd. 1)
- B. A person who willfully violates data privacy or whose conduct constitutes the knowing unauthorized acquisition of not public data is guilty of a misdemeanor. (Minn. Stat. § 13.09)
- C. In the case of an employee, willful violation of the Minnesota data practices law, Chapter 13, and any rules adopted thereunder, including any action subject to a criminal penalty, constitutes just cause for suspension without pay or dismissal. (Minn. Stat. § 13.09)

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 13.43 (Personnel Data)
Minn. Stat. § 13.601, Subd. 3 (Applicants for Appointment)
Minn. Stat. § 13D.05 ([Meetings Having Data Classified as Public](#)) ~~Open Meeting Law~~
Minn. Stat. § 121A.47, Subd. 5 ([Exclusion and Expulsion Procedures; Closed or Open Meeting](#)) ~~Student Dismissal Hearing~~
Minn. Stat. § 122A.33, Subd. 3 ([License and Degree Exemption for Head Coach; Notice of Nonrenewal; Opportunity to Respond](#)) ~~Coaches; Opportunity to Respond~~
Minn. Stat. § 122A.40, Subd. 14 ([Employment; Contracts; Termination; Hearing Procedures](#)) ~~Teacher Discharge Hearing~~
Minn. Stat. § 122A.44 (Contracting with Teachers; [Substitute Teachers](#))
Minn. Stat. § 123B.02, Subd. 14 ([General Powers of Independent School Districts](#); Employees; Contracts for Services)
Minn. Stat. § 123B.143, Subd. 2 ([Superintendents](#); Disclose Past Buyouts or Contract is Void)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
Minn. Stat. ~~Ch. 260E § 626.556~~ (Reporting of Maltreatment of Minors)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
Minn. Op. Atty. Gen. 852 (July 14, 2006)

Cross References: MSBA/MASA Model Policy 205 (Open Meetings and Closed Meetings)
MSBA/MASA Model Policy 207 (Public Hearings)
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA ~~Service Manual, Chapter 13,~~ School Law Bulletin "C" (Minnesota's Open Meeting Law)
MSBA ~~Service Manual, Chapter 13,~~ School Law Bulletin "I" (School Records – Privacy – Access to Data)

Adopted: _____

MSBA/MASA Model Policy 211

Orig. 1995

Revised: _____

Rev. 2022~~06~~

211 CRIMINAL OR CIVIL ACTION AGAINST SCHOOL DISTRICT, SCHOOL BOARD MEMBER, EMPLOYEE, OR STUDENT

I. PURPOSE

The purpose of this policy is to provide guidance ~~aboutas to~~ the school district's position, rights, and responsibilities when a civil or criminal action is pending against the school district, or a school board member, school district employee, or student.

II. GENERAL STATEMENT OF POLICY

- A. The school district recognizes that, when civil or criminal actions are pending against a school board member, school district employee, or student, the school district may be requested or required to take action.
- B. In responding to such requests and/or requirements, the school district will take such measures as are appropriate to its primary mission of providing for the education of students in an environment that is safe for staff and students and is conducive to learning.
- C. The school district acknowledges its statutory obligations with respect to providing assistance to school board members and teachers who are sued in connection with performance of school district duties. Collective bargaining agreements and school district policies may also apply.

III. CIVIL ACTIONS

- A. Pursuant to ~~Minnesota- Statutes section-~~ §466.07, ~~s~~Subd. 1, the school district shall defend and indemnify any school board member or school district employee for damages in school-related litigation, including punitive damages, claimed or levied against the school board member or employee, provided that the school board member or employee ~~he or she~~ was acting in the performance of the duties of the position and was not guilty of malfeasance, willful neglect of duty, or bad faith.
- B. Pursuant to ~~Minnesota- Statutes-~~ Section §123B.25(b), with respect to teachers employed by the school district, upon written request of the teacher involved, the school district ~~shall~~must provide legal counsel for any school teacher against whom a claim is made or action is brought for recovery of damages in any tort action involving physical injury to any person or property or for wrongful death arising out of or in connection with the employment of the teacher with the school district. The school district will choose legal counsel after consultation with the teacher.

C. Data Practices

Educational data and personnel data maintained by the school district may be sought as evidence in a civil proceeding. The school district will release the data only pursuant to the Minnesota Government Data Practices Act, ~~Minnesota Statutes, chapter~~Ch. 13, and to the Family Educational Rights and Privacy Act, 20 ~~United States Code~~ § 1232g, and related regulations. When an employee is subpoenaed and is expected to testify regarding educational data or personnel data, ~~he or she is to~~ the employee will inform the building administrator or designated supervisor, who shall immediately inform the superintendent or designee. No school board member or employee may release data without consultation in advance with the school district official ~~who is~~ designated as the responsible authority ~~responsible~~ for the collection, use, and dissemination of data.

D. Service of Subpoenas

~~The policy of the school district is that its~~ School district officers and employees will normally not be involved in providing service of process for third parties in the school setting.

E. Leave to Testify

Leave for employees appearing in court, either when sued or under subpoena to testify, will be considered in accordance with school district personnel policies and applicable collective bargaining agreements.

IV. **CRIMINAL CHARGES OR CONDUCT**

A. Employees

1. The school district expects that its employees serve as positive role models for students. As role models for students, employees have a duty to conduct themselves in an exemplary manner.
2. If the school district receives information relating to activities of a criminal nature by an employee, the school district will investigate and take appropriate disciplinary action, which may include discharge, subject to school district policies, statutes, and provisions of applicable collective bargaining agreements.
3. Pursuant to ~~Minnesota Statutes, section~~§ 123B.02, Subd. 20, if reimbursement for a criminal defense is requested by a school district employee, the school board may, after consulting with its legal counsel, reimburse the employee for any costs and reasonable attorney fees incurred by the employee to defend criminal charges brought against the employee arising out of the performance of duties for the school district. The decision ~~as to~~ whether to reimburse shall be made in the school board's discretion ~~of the school board~~. A school board member who is a witness or an alleged

victim in the case may not vote on the reimbursement. If a quorum of the school board is disqualified from voting on the reimbursement, the reimbursement must be approved by a judge of the district court.

B. Students

The school district has an interest in maintaining a safe and healthful environment and in preventing disruption of the educational process. ~~In order to further~~To promote that interest, the school district will take appropriate action regarding students convicted of crimes that relate to the school environment.

C. Criminal Investigations

1. The policy of the school district is to cooperate with law enforcement officials. The school district will make all efforts, however, to encourage law enforcement officials to question students and employees outside of school hours and off school premises unless ~~there are~~ extenuating circumstances exist, ~~or~~ the matter being investigated is school-related, or as otherwise provided by law.
2. If ~~such~~ questioning at school is unavoidable, the school district will attempt to maintain confidentiality; to avoid embarrassment to students and employees and to avoid disruption of the educational program. The school district will attempt to notify parents of a student under age 18 that police will be questioning their child. Normally, the superintendent, principal, or other appropriate school official will be present during the interview, except as otherwise required by law (~~Minnesota Statutes section~~ § 260E.22 ~~626.556, Subd. 10~~), or as otherwise determined in consultation with the parent or guardian.

D. Data Practices

The school district will release to juvenile justice and law enforcement authorities educational and personnel data only in accordance with ~~Minnesota Statutes chapter~~ Ch. 13 (Minnesota Government Data Practices Act) and 20 ~~United States Code section~~ § 1232g (FERPA).

V. **STATEMENTS WHEN LITIGATION IS PENDING**

The school district recognizes that when a civil or criminal action is commenced or pending, parties to the lawsuit have particular duties in reference to persons involved or named in the lawsuit, as well as insurance carrier(s). Therefore, school board members or school district employees shall make or release statements in that situation only in consultation with legal counsel.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)

Minn. Stat. § 123B.02, Subd. 20 (Legal Counsel; Reimbursement)
Minn. Stat. § 123B.25(b) (Legal Actions Against Districts and Teachers)
Minn. Stat. § 260E.22 (Interviews)
Minn. Stat. § 466.07, Subd. 1 (Indemnification)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
42 U.S.C. § 1983 (Civil Action for Deprivation of ~~ng~~ Rights)
Minn. Op. Atty. Gen. 169 (Mar. 7, 1963)
Minn. Op. Atty. Gen. 169 (Nov. 3, 1943)
Dypress v. School Committee of Boston, 446 N.E.2d 1099 (Mass. App. Ct. 1983)
Wood v. Strickland, 420 U.S. 308, ~~95 S.Ct. 992, 43 L.Ed.2d 214~~ (1975)

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
MSBA/MASA Model Policy 408 (Subpoena of a School District Employee)
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

Adopted: _____

MSBA/MASA Model Policy 414

Orig. 1995

Revised: _____

Rev. ~~2019~~2022

414 MANDATED REPORTING OF CHILD NEGLECT OR PHYSICAL OR SEXUAL ABUSE

[Note: This policy reflects the mandatory law regarding reporting of maltreatment of minors and is not discretionary in nature.]

I. PURPOSE

The purpose of this policy is to make clear the statutory requirements of school personnel to report suspected child neglect or physical or sexual abuse.

II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to fully comply with Minn. Stat. [Ch. 260E§ 626.556](#) requiring school personnel to report suspected child neglect or physical or sexual abuse.
- B. A violation of this policy occurs when any school personnel fails to immediately report instances of child neglect or physical or sexual abuse when the school personnel knows or has reason to believe a child is being neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years.

III. DEFINITIONS

- A. “Accidental” means a sudden, not reasonably foreseeable, and unexpected occurrence or event ~~which~~[that](#):
 - 1. is not likely to occur and could not have been prevented by exercise of due care; and
 - 2. if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence of event.
- B. “Child” means one under age 18 and, for purposes of Minn. Stat. Ch. 260C ([Juvenile Safety and Placement](#)) ~~Child Protection~~ and Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment), includes an individual under age 21 who is in foster care pursuant to Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18).
- C. “Immediately” means as soon as possible but in no event longer than 24 hours.

D. “Mandated reporter” means any school personnel who knows or has reason to believe a child is being ~~neglected or physically or sexually abused~~maltreated, or has been ~~neglected or physically or sexually abused~~maltreated within the preceding three years.

E. “Mental injury” means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child’s ability to function within a normal range of performance and behavior with due regard to the child’s culture.

EE. “Neglect” means the commission or omission of any of the acts specified below, other than by accidental means:

1. failure by a person responsible for a child’s care to supply a child with necessary food, clothing, shelter, health care, ~~medical care~~, or other care required for the child’s physical or mental health when reasonably able to do so; ~~including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;~~
2. failure to protect a child from conditions or actions that seriously endanger the child’s physical or mental health when reasonably able to do so, ~~including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;~~
3. failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors ~~such~~ as the child’s age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for ~~the child’s his or her~~ own basic needs or safety, or the basic needs or safety of another child in his or her care;
4. failure to ensure that a child is educated in accordance with state law, which does not include a parent’s refusal to provide his or her child with sympathomimetic medications;
5. prenatal exposure to a controlled substance as defined in state law used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child’s birth, ~~or~~ medical effects or developmental delays during the child’s first year of life that medically indicate prenatal exposure to a controlled substance, or the presence of a fetal alcohol spectrum disorder;
6. medical neglect as defined by Minn. Stat. § 260C.007, Subd. 6, Clause (5);
7. chronic and severe use of alcohol or a controlled substance by a ~~parent or~~ person responsible for the care of the child that adversely affects the child’s basic needs and safety; or

8. emotional harm from a pattern of behavior ~~which~~that contributes to impaired emotional functioning of the child, which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.

~~Neglect does not occur solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care. does not include spiritual means or prayer for treatment or care of disease where the person responsible for the child's care in good faith has selected and depended on those means for treatment or care of disease, except where the lack of medical care may cause serious danger to the child's health.~~

GF. "Nonmaltreatment mistake" ~~means~~occurs when: (1) at the time of the incident, the individual was performing duties identified in the center's child care program plan required under Minn. Rules Part 9503.0045; (2) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years; (3) the individual has not been determined to have committed a similar nonmaltreatment mistake under this paragraph for at least four years; (4) any injury to a child resulting from the incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical professional or not; and (5) except for the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing requirements relevant to the incident. This definition only applies to child care centers licensed under Minn. Rules Ch. 9503.

H. ~~"Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employee or agent, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.~~

IG. "Physical abuse" means any physical injury, mental injury (under subdivision 13), or threatened injury (under subdivision 23), inflicted by a person responsible for the child's care on a child other than by accidental means; or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive or deprivation procedures, or regulated interventions, that have not been authorized by Minn. Stat. § 125A.0942 or § 245.825.

Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian ~~which~~that does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, or school employee as allowed by Minn. Stat. § 121A.582.

Actions ~~which that~~ are not reasonable and moderate include, but are not limited to, any of the following: (1) throwing, kicking, burning, biting, or cutting a child; (2) striking a child with a closed fist; (3) shaking a child under age three; (4) striking or other actions ~~which that~~ result in any nonaccidental injury to a child under 18 months of age; (5) unreasonable interference with a child's breathing; (6) threatening a child with a weapon, as defined in Minn. Stat. § 609.02, Subd. 6; (7) striking a child under age one on the face or head; (8) striking a child who is at least age one but under age four on the face or head, which results in an injury; (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances ~~which that~~ were not prescribed for the child by a practitioner, in order to control or punish the child, or ~~giving the child~~ other substances that substantially affect the child's behavior, motor coordination, or judgment, or that result in sickness or internal injury, or ~~that~~ subject the child to medical procedures that would be unnecessary if the child were not exposed to the substances; (10) unreasonable physical confinement or restraint not permitted under Minn. Stat. § 609.379, including, but not limited to, tying, caging, or chaining; or (11) in a school facility or school zone, an act by a person responsible for the child's care that is a violation under Minn. Stat. § 121A.58.

JH. "Report" means any communication received by the local welfare agency, police department, county sheriff, or agency responsible for child protection pursuant to this section that describes ~~neglect or physical or sexual abuse~~ maltreatment of a child and contains sufficient content to identify the child and any person believed to be responsible for the maltreatment, neglect or abuse, if known.

KI. "School personnel" means professional employee or professional's delegate of the school district who provides health, educational, social, psychological, law enforcement, or child care services.

LJ. "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child (as defined in Minn. Stat. § 609.341, Subd. 15), or by a person in a current or recent position of authority (as defined in Minn. Stat. § 609.341, Subd. 10) to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct. Such acts include sexual penetration, sexual contact, solicitation of children to engage in sexual conduct, and communication of sexually explicit materials to children. Sexual abuse also includes any act involving a minor ~~which that~~ constitutes a violation of Minnesota statutes prohibiting prostitution or use of a minor in a sexual performance. Sexual abuse includes all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation ~~which that~~ requires registration under Minn. Stat. § 243.166, Subd. 1b(a) or (b) (Registration of Predatory Offenders).

M. "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury.

Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care who has (1) subjected the child to, or failed to protect a child from, an overt act or condition that constitutes egregious harm; (2) been found to be palpably unfit; (3) committed an act that resulted in an involuntary termination of parental rights; (4) , or committed an act that resulted in the involuntary transfer of permanent legal and physical custody of a child to a relative..

- ~~K.~~ “Mental injury” means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.
- ~~L.~~ “Person responsible for the child's care” means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.
- ~~M.~~ “Threatened injury” means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care who has subjected the child to, or failed to protect a child from, egregious harm, or a person whose parental rights were involuntarily terminated, been found palpably unfit, or one from whom legal and physical custody of a child has been involuntarily transferred to another.

IV. REPORTING PROCEDURES

- A. A mandated reporter ~~as defined herein~~ shall immediately report the information neglect or physical or sexual abuse, which he or she knows or has reason to believe is happening or has happened within the preceding three years, to the local welfare agency, agency responsible for assessing or investigating the report, police department, county sheriff, tribal social services agency, or tribal police department. The reporter will include his or her name and address in the report.
- B. ~~If the immediate report has been made orally~~An oral report shall be made immediately; by telephone or otherwise. ~~–~~The oral report shall be followed by a written report within 72 hours (exclusive of weekends and holidays) to the appropriate police department, the county sheriff, local welfare agency, or agency responsible for assessing assisting or investigating maltreatmentthe report. Any The written report shall be of sufficient content to identify the child, any person believed to be responsible for the abuse or neglectmaltreatment of the child if the person is known, the nature and extent of the abuse or neglectmaltreatment, and the name and address of the reporter.

- C. Regardless of whether a report is made, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident has occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.
- D. A mandated reporter who knows or has reason to know of the deprivation of [custodial or](#) parental rights or the kidnapping of a child shall report the information to the local police department or the county sheriff.
- E. With the exception of a health care professional or a social service professional who is providing the woman with prenatal care or other health care services, a mandated reporter shall immediately report to the local welfare agency if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive.
- F. A person mandated by Minnesota law and this policy to report who fails to report may be subject to criminal penalties and/or discipline, up to and including termination of employment.
- ~~G. An employer of a mandated reporter shall not retaliate against the person for reporting in good faith maltreatment against a child with respect to whom a report is made, because of the report.~~
- ~~G. Submission of a good faith report under Minnesota law and this policy will not adversely affect the reporter's employment, or the child's access to school.~~
- H. Any person who knowingly or recklessly makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury, [plus costs and reasonable attorney fees.](#) ~~and the reckless~~ [Knowingly or recklessly](#) making ~~of~~ a false report [also](#) may result in discipline. ~~The court may also award attorney's fees.~~

[Note: The Minnesota Department of Education (MDE) is responsible for assessing or investigating allegations of child maltreatment in schools. Although a report may be made to any of the agencies listed in Section IV. A., above, and there is no requirement to file more than one report, if the initial report is not made to MDE, it would be helpful to MDE if schools also report to MDE.]

V. INVESTIGATION

- A. The responsibility for [assessing or](#) investigating reports of suspected [maltreatment neglect or physical or sexual abuse](#) ~~rests~~ [rests](#) with the appropriate [state](#), county,

~~state,~~ or local agency or agencies. The agency responsible for assessing or investigating reports of ~~child~~-maltreatment has the authority to interview the child, the person or persons responsible for the child's care, the alleged ~~perpetrator/offender~~, and any other person with knowledge of the ~~abuse or neglect maltreatment~~ for the purpose of gathering ~~the~~ facts, assessing safety and risk to the child, and formulating a plan. The investigating agency may interview the child at school. The interview may take place outside the presence of ~~the alleged offender or parent, legal guardian, or a~~ school official. The investigating agency, not the school, is responsible for either notifying or withholding notification of the interview to the parent, guardian, or person responsible for the child's care. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded.

- B. When the investigating agency determines that an interview should take place on school property, written notification of intent to interview the child on school property ~~will~~must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property.
- C. Except where the alleged ~~perpetrator-offender~~ is believed to be a school official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare or law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable, and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school officials and the local welfare or law enforcement agency. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school employees when an interview is conducted on school premises.
- D. Where the alleged ~~perpetrator-offender~~ is believed to be a school official or employee, the school district shall conduct its own investigation independent of MDE and, if involved, the local welfare or law enforcement agency.
- E. Upon request by MDE, the school district shall provide all requested data that are relevant to a report of maltreatment and are in the possession of a school facility, pursuant to an assessment or investigation of a maltreatment report of a student in school. The school district shall provide the requested data in accordance with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

VI. MAINTENANCE OF SCHOOL RECORDS CONCERNING ABUSE OR POTENTIAL ABUSE

- A. When a local welfare or local law enforcement agency determines that a potentially abused or abused child should be interviewed on school property, written notification of the agency's intent to interview on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct the interview. The notification shall be private data. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notice or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation has been concluded.
- B. All records regarding a report of maltreatment, including any notification of intent to interview which was received by the school as described above in Paragraph A., shall be destroyed by the school only when ordered by the agency conducting the investigation or by a court of competent jurisdiction.

VII. PHYSICAL OR SEXUAL ABUSE AS SEXUAL HARASSMENT OR VIOLENCE

Under certain circumstances, alleged physical or sexual abuse may also be sexual harassment or violence under Minnesota law. If so, the duties relating to the reporting and investigation of such harassment or violence may be applicable.

VIII. DISSEMINATION OF POLICY AND TRAINING

- A. This policy shall appear in school personnel handbooks.
- B. The school district will develop a method of discussing this policy with school personnel.
- C. This policy shall be reviewed at least annually for compliance with state law.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 121A.58 (Corporal Punishment)
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)
Minn. Stat. § 125A.0942 (Standards for Restrictive Procedures)
Minn. Stat. § 243.166, Subd. 1b(a)(b) (Registration of Predatory Offenders)
Minn. Stat. § 245.825 (Use of Aversive or Deprivation Procedures)
Minn. Stat. § 260C.007, Subd. 6, Clause (5) (Child in Need of Protection)
Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18)
Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment)
[Minn. Stat. Ch. 260E \(Reporting of Maltreatment of Minors\)](#)
Minn. Stat. § 609.02, Subd. 6 (Definitions – Dangerous Weapon)
Minn. Stat. § 609.341, Subd. 10 (Definitions – Position of Authority)
Minn. Stat. § 609.341, Subd. 15 (Definitions – Significant Relationship)
Minn. Stat. § 609.379 (Reasonable Force)
[Minn. Stat. § 626.556 et seq. \(Reporting of Maltreatment of Minors\)](#)
[Minn. Stat. § 626.5561 \(Reporting of Prenatal Exposure to Controlled](#)

[Substances\)](#)

20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)

Cross References: MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)

Adopted: _____

MSBA/MASA Model Policy 423

Orig. 1999

Revised: _____

Rev. 202209

423 EMPLOYEE-STUDENT RELATIONSHIPS

I. PURPOSE

The school district is committed to an educational environment in which all students are treated with respect and dignity. Every school district employee is to provide students with appropriate guidance, understanding, and direction while maintaining a standard of professionalism and acting within accepted standards of conduct.

II. GENERAL STATEMENT OF POLICY

- A. This policy applies to all school district employees at all times, whether on or off duty and on or off of school district locations.
- B. At all times, students will be treated by teachers and other school district employees with respect, courtesy, and consideration and in a professional manner. Each school district employee is expected to exercise good judgment and professionalism in all interpersonal relationships with students. Such relationships must be and remain on a teacher-student basis or an employee-student basis.
- C. Teachers must be mindful of their inherent positions of authority and influence over students. Similarly, other school district employees also may hold positions of authority over students of the school district and must be mindful of their authority and influence over students.
- D. Sexual relationships between school district employees and students, without regard to the age of the student, are strictly forbidden and may subject the employee to criminal liability.
- E. Other actions that violate this policy include, but are not limited to, the following:
 - 1. Dating students.
 - 2. Having any interaction/activity of a sexual nature with a student.
 - 3. Committing or attempting to induce students or others to commit an illegal act or act of immoral conduct which may be harmful to others or bring discredit to the school district.
 - 4. Supplying alcohol or any illegal substance to a student, allowing a student access to such substances, or failing to take reasonable steps to prevent such access from occurring.
- F. School district employees shall, whenever possible, employ safeguards against improper relationships with students and/or claims of such improper relationships.

[Note: Such safeguards may include the following: avoiding altogether or minimizing physical contact, keeping doors open when talking or meeting with students one-on-one, and/or making sure that such meetings with a

student take place in rooms with windows and/or others nearby.]

- G. Excessive informal and social involvement with individual students is unprofessional, is not compatible with employee-student relationships, and is inappropriate.
- H. School district employees will adhere to applicable standards of ethics and professional conduct in Minnesota law.

III. REPORTING AND INVESTIGATION

- A. Complaints and/or concerns regarding alleged violations of this policy shall be handled in accordance with MSBA/MASA Model Policy 103 (Complaints – Students, Employees, Parents, Other Persons) unless other specific complaint procedures are provided within any other policy of the school district.
- B. All employees shall cooperate with any investigation of alleged acts, conduct, or communications in violation of this policy.

IV. SCHOOL DISTRICT ACTION

Upon 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. It also may include reporting to appropriate state or federal authorities, including the Minnesota Professional Educator Licensing and Standards Board or the appropriate licensing authority and appropriate agencies responsible for investigating reports of maltreatment of minors and/or vulnerable adults. 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.

V. SCOPE OF LIABILITY

Employees are placed on notice that if an employee acts outside the performance of the duties of the position for which the employee is employed or is guilty of malfeasance, willful neglect of duty, or bad faith, the school district is not required to defend and indemnify the employee for damages in school-related litigation.

Legal References: Minn. Stat. § 13.43, Subd. 16 (School District or Charter School Disclosure of Violence or Inappropriate Sexual Contact)
Minn. Stat. § 122A.20, Subd. 2 (Mandatory Reporting to Professional Educator Licensing and Standards Board or Board of School Administrators)
Minn. Stat. § 122A.40, Subds. 5(b) and 13(b) (Mandatory immediate discharge of teachers with license revocations due to child or sex abuse convictions)
Minn. Stat. §§ 609.341-609.352 (Defining “intimate parts” and “position of authority” as well as detailing various sex offenses)
Minn. Stat. ~~Ch. 260E § 626.556~~ (Reporting of Maltreatment of Minors)
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)
Minn. Rules Part 3512.5200 (Code of Ethics for School Administrators)
Minn. Rules Part 8710.2100 (Code of Ethics for Minnesota Teachers)

Cross References: MSBA/MASA Model Policy 103 (Complaints – Students, Employees, Parents, Other Persons)
MSBA/MASA Model Policy 211 (Criminal or Civil Action Against School District, School Board Member, Employee, or Student)

MSBA/MASA Model Policy 306 (Administrator Code of Ethics)
MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
MSBA/MASA Model Policy 421 (Gifts to Employees and School Board Members)
MSBA/MASA Model Policy 507 (Corporal Punishment)

Adopted: _____

MSBA/MASA Model Policy 519

Orig. 1995

Revised: _____

Rev. 202202

519 INTERVIEWS OF STUDENTS BY OUTSIDE AGENCIES

I. PURPOSE

There are occasions in which persons other than school district officials and employees find it necessary to speak with a student during the school day. Student safety and disruption of the educational program is of concern to the school district. The purpose of this policy is to establish the procedures for access to students by authorized individuals during the school day.

II. GENERAL STATEMENT OF POLICY

- A. Generally, students may not be interviewed during the school day by persons other than a student's parents, school district officials, employees and/or agents, except as otherwise provided by law and/or this policy.
- B. Requests from law enforcement officers and those other than a student's parents, school district officials, employees and/or agents to interview students shall be made through the principal's office. Upon receiving a request, it shall be the responsibility of the principal to determine whether the request will be granted. Prior to granting a request, the principal shall attempt to contact the student's parents to inform them of the request, except where otherwise prohibited by law.

III. INTERVIEWS CONDUCTED UNDER THE MALTREATMENT OF MINORS ACT

- A. In the case of an investigation pursuant to the [Reporting of Maltreatment of Minors Act, Minnesota Statutes Chapter 260E, Minn. Stat. § 626.556, Subd. 10](#), a local welfare agency, the agency responsible for investigating the report, and a local law enforcement agency may interview, without parental consent, an alleged victim and any minors who currently reside with or who have resided with the alleged perpetrator. The interview may take place at school and during school hours. School district officials will work with the local welfare agency, the agency responsible for investigating the report, or law enforcement agency to select a place appropriate for the interview. The interview may take place outside the presence of the perpetrator or parent, legal custodian, guardian, or school district official.
- B. If the interview took place or is to take place on school district property, an order of the juvenile court pursuant to [Minn. Stat. § 626.556, Subd. 10 \(c\) Minnesota Statutes Chapter 260E](#) may specify that school district officials may not disclose to the parent, legal custodian, or guardian the contents of the notification of intent to interview the child on school district property and/or any other related information regarding the interview that may be a part of the child's record. The school district official must receive a copy of the order from the local welfare or law enforcement agency.
- C. When the local welfare agency, local law enforcement agency, or agency responsible for assessing or investigating a report of maltreatment determines that an interview should take place on school district property, school district officials must receive written notification of intent to interview the child on school district property prior to the interview. The notification shall include the name of the child to be interviewed,

the purpose of the interview, and a reference to the statutory authority to conduct an interview on school district property. Where the interviews are conducted by the local welfare agency, the notification must be signed by the chair of the local social services agency or the chair's designee. The notification is private educational data on the student. School district officials may not disclose to the parent, legal custodian or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded, unless a school employee or agent is alleged to have maltreated the child. Until school district officials receive said notification, all inquiries regarding the nature of the investigation or assessment should be directed to the local welfare or law enforcement agency or the agency responsible for assessing or investigating a report of maltreatment shall be solely responsible for any disclosure regarding the nature of the assessment or investigation.

- D. School district officials shall have discretion to reasonably schedule the time, place, and manner of an interview by a local welfare or local law enforcement agency on school district premises. However, where the alleged perpetrator is believed to be a school district official or employee, the local welfare or local law enforcement agency will have discretion to determine where the interview will be held. The interview must be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school district officials and the local welfare or law enforcement agency. However, school district officials must yield to the discretion of the local welfare or law enforcement agency concerning other persons in attendance at the interview. School district officials will make every effort to reduce the disruption to the educational program of the child, other students, or school staff when an interview is conducted on school district premises.
- E. Students shall not be taken from school district property without the consent of the principal and without proper warrant.

Legal References: Minn. Stat. § 13.32 (Educational Data)
Minn. Stat. ~~Ch. 260E (Reporting of Maltreatment of Minors) § 626.556, Subd. 10(c) and (d) (Duties of Local Welfare Agency and Local Law Enforcement Agency Upon Receipt of a Report)~~

Cross References: MSBA/MASA Model Policy 103 (Complaints – Students, Employees, Parents, Other Persons)
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

Adopted: _____

MSBA/MASA Model Policy 532

Orig. 2003

Revised: _____

Rev. 202219

532 USE OF PEACE OFFICERS AND CRISIS TEAMS TO REMOVE STUDENTS WITH IEPs FROM SCHOOL GROUNDS

[Note: School districts are required by statute to have a policy addressing these issues.]

[Note: Minnesota Laws 2009, Chapter 96, made a number of changes to the laws and rules governing the use of “conditional procedures” with respect to special education students. Specifically, Chapter 96 repealed, EFFECTIVE AUGUST 1, 2011, ~~Minn. Stat. Minnesota Statutes sections §§ 121A.66, 121A.67, Subd. 1, as well as Minnesota- Rules 3525.0210, Subparts 5, 6, 9, 13, 17, 29, 30, 46, 47, and 3525.2900, Subp. 5. These laws and rules were replaced, effective August 1, 2011, with a restrictive procedures law which generally addresses the restraint of special education students. Also note that the restrictive procedures law contains a significant staff training component, found at ~~Minn. Stat. §Minnesota Statutes section~~ 125A.0942, Subds. 1, 2, and 5. Staff who intend to use restrictive procedures must be trained in the areas specified in Subd. 5 to use these procedures.]~~

I. PURPOSE

The purpose of this policy is to describe the appropriate use of peace officers and crisis teams to remove, if necessary, a student with an individualized education program (IEP) from school grounds.

II. GENERAL STATEMENT OF POLICY

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

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

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

III. DEFINITIONS

For purposes of this policy, the following terms have the meaning given them in this section:

- A. “Student with an IEP” or “the student” means a student who is eligible to receive special education and related services pursuant to the terms of an IEP or an individual interagency intervention plan (IIIP).
- B. “Peace officer” means an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the Board of Peace Officer Standards and Training, charged with the prevention and detection of crime and the enforcement of general criminal laws of the state and who has the full power of arrest. The term “peace officer” includes a person who serves as a sheriff, a deputy sheriff, a police officer, or a state patrol trooper.
- C. “Police liaison officer” is a peace officer who, pursuant to an agreement between the school district and a political subdivision or law enforcement agency, is assigned to a school building for all or a portion of the school day to provide law enforcement assistance and support to the building administration and to promote school safety, security, and positive relationships with students.
- D. “Crisis team” means a group of persons, which may include teachers and non-teaching school personnel, selected by the building administrator in each school building who have received crisis intervention training and are responsible for becoming actively involved with resolving crises. The building administrator or designee shall serve as the leader of the crisis team.
- E. The phrase “remove the student from school grounds” is the act of securing the person of a student with an IEP and escorting that student from the school building or school activity at which the student with an IEP is located.
- F. “Emergency” means a situation where immediate intervention is needed to protect a child or other individual from physical injury.
- G. All other terms and phrases used in this policy shall be defined in accordance with applicable state and federal law or ordinary and customary usage.

IV. REMOVAL OF STUDENTS WITH IEPs FROM SCHOOL GROUNDS

A. Removal By Crisis Team

If the behavior of a student with an IEP escalates to the point where the student’s behavior endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the school building’s crisis team may be summoned. The crisis team may attempt to de-escalate the student’s

behavior by means including, but not limited to, those described in the student's IEP and/or behavior intervention plan. When such measures fail, or when the crisis team determines that the student's behavior continues to endanger or may endanger the health, safety, or property of the student, other students, staff members, or school property, the crisis team may remove the student from school grounds.

If the student's behavior cannot be safely managed, school personnel may immediately request assistance from the police liaison officer or a peace officer.

B. Removal By Police Liaison Officer or Peace Officer

If a student with an IEP engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the school building's crisis team, building administrator, or the building administrator's designee, may request that the police liaison officer or a peace officer remove the student from school grounds.

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

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

[Note: If the school district uses a different reference name for its student records policy, insert that name in place of the reference to Protection and Privacy of Pupil Records, which is the title of MSBA/MASA Model Policy 515.]

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

C. Reasonable Force Permitted

In removing a student with an IEP from school grounds, a building administrator, other crisis team members, or the police liaison officer or other agents of the school

district, whether or not members of a crisis team, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.

In removing a student with an IEP from school grounds, police liaison officers and school district personnel are further prohibited from engaging in the following conduct:

1. Corporal punishment prohibited by Minnesota Statutes section Minn. Stat. § 121A.58;
2. Requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;
3. Totally or partially restricting a child's senses as punishment;
4. Denying or restricting a child's access to equipment and devices such as walkers, wheel-chairs, hearing aids, and communication boards that facilitate the child's functioning except when temporarily removing the equipment or device is needed to prevent injury to the child or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the child as soon as possible;
5. Interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under Minnesota Statutes Chapter Minn. Stat. .260E; § 626.556;
6. Physical holding (as defined in Minnesota Statutes section Minn. Stat. § 125A.0941) that restricts or impairs a child's ability to breathe, restricts or impairs a child's ability to communicate distress, places pressure or weight on a child's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's torso;
7. Withholding regularly scheduled meals or water; and/or
8. Denying a child access to toilet facilities.

D. Parental Notification

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

E. Continued Removals; Review of IEP

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

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

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

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

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

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

- Legal References:**
- Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
 - Minn. Stat. §§ 121A.40-121A.56 (Minnesota Pupil Fair Dismissal Act)
 - Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)
 - Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)
 - Minn. Stat. § 121A.67, Subd. 2 (Aversive and Deprivation Procedures)
 - Minn. Stat. §§ 125A.094-125A.0942 (Restrictive Procedures for Children with Disabilities)
 - Minn. Stat. § 609.06 (Authorized Use of Force)
 - Minn. Stat. § 609.379 (Permitted Actions)
 - 20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy (FERPA))
 - 20 U.S.C. § 1415(k)(6) (Individuals with Disabilities Education Improvement Act of 2004 (IDEA))

532-6

34 C.F.R. § 300.535 (IDEA Regulation Regarding Involvement of Law Enforcement)

Cross References: MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 507 (Corporal Punishment)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA/MASA Model Policy 525 (Violence Prevention)
MSBA/MASA Model Policy 806 (Crisis Management Policy)

Consider Resolution for Health and Safety Measures for the 2022-2023 School Year

WHEREAS, Minnesota Statutes Section 123B.09 vests the care, management, and control of Independent School District No. 138 (the “School District”) in the School Board; and

WHEREAS, the Superintendent of the School District [hereinafter the “Superintendent”] is responsible for the management of the schools, the administration of all School District policies, and is directly accountable to the School Board; and

WHEREAS, when responsibilities are not specifically prescribed nor School District policy applicable, the Superintendent shall use personal and professional judgment, subject to review by the School Board, pursuant to School District Policy 302, Superintendent; and

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) and the Minnesota Department of Health (“MDH”) have determined that the COVID-19 pandemic is currently ongoing and may remain ongoing for an unknown time; and

WHEREAS, the Minnesota Department of Education (“MDE”) has issued and may continue to issue written guidance for Minnesota schools on educational issues related to COVID-19; and

WHEREAS, the MDH has issued and may continue to issue written guidance for Minnesota schools on public health issues related to COVID-19; and

WHEREAS, the School Districts has established a consultative process to inform decision making; and

WHEREAS, the School District has a Safe Learning Continuum that shows five level of mitigation; and

WHEREAS, the Superintendent and the administration of the School District have conferred with the School Board regarding COVID-19 health and safety measures, the current CDC, MDE, and MDH recommendations for each, and other relevant information; and

WHEREAS, the School District provided in-person learning throughout the 2020-21 and 2021-22 school years and collected data to inform decisions; and

WHEREAS, based upon the collective consideration of these factors, the Superintendent has recommended to the School Board that the school year commence at a Level 1 on the Safe Learning Continuum.

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

Section 1: The Superintendent is hereby directed to implement the following health and safety measures to open the 2022-2023 school year: Return to School at a Level 1 on the School District Safe Learning Continuum. Decisions to move to increasing levels on the Safe Learning Continuum will be guided by the level of COVID-19 spread within the School District as well as other relevant factors.

Section 2: The Superintendent is hereby authorized, after consultation with the School Board Chair and notification to the School Board, to select and implement different health and safety measures as reflected on the Safe Learning Continuum for the School District or any specific school buildings without School Board action if the Superintendent reasonably believes that prompt implementation of different health and safety measures is necessary, and that constraints of time and public health considerations render it impractical to hold a School Board meeting to approve the implementation of different health and safety measures.

Section 3: The Superintendent will provide regular updates to the School Board regarding the School District's mitigation efforts and School District's COVID-19 data and other matters deemed relevant by the Superintendent or School Board.

Adopted this 11th day of August, 2022.

Roll Call Vote

School Board Chair

School Board Clerk

**Satisfaction Family Survey
North Branch Area Public Schools**

GOAL – Give positive updates on current satisfaction of the district perception by families at the start of the new 2022-23 school year.

NBAPS Family Satisfaction Survey (Scale of 1-5 rating...):

Strategy 1: Student Learning

Academic progress/ preparation

My family is provided the necessary services to ensure student learning needs are met.

Or

I am confident about the academic growth of my child/children.

Expanding learning opportunities

I am excited about the expanded career path options for students in the vocational/trades areas.

Know about tiered supports for student needs

The district has programming that expands the unique gifts and talents of students.

Strategy 2: Mutual accountability towards shared goals

COVID response

The district's Safe Learning Plan provides clarity that meets the needs of my family.

Strategy 3: Communication/Engagement

Word-of-mouth support

I would recommend the North Branch Area Schools to other families.

"Positive narrative"

The community has a generally positive view of the current direction of the school district.

Strategy 4: Use of public funding from local bond support

Use of public funding from local bond support

I am satisfied by the facility improvements made possible by the recent bond referendum.

Comments:

Crown Global consulted on this project and will administer the survey and compile a data report for review.



June 3, 2022

Sara Paul
North Branch Area School District
38705 Grand Ave PO Box 370
North Branch MN 55056

Hi, Sara,

On behalf of all our Greater Minnesota students and educators, MREA thanks North Branch Area School District for its membership that helps us actively engage with legislators and state officials to address E-12 funding, policy, tax, and budget issues.

Your continued membership for FY2022-23 is essential to continued advocacy that positively impacts all our students across Greater Minnesota.

Working For You and With You

As your district’s voice at the Capitol, MREA works for you to keep your legislators and policy officials informed of the impacts of their decisions. During the recent non-budget legislative session MREA helped prioritize rural education issues, including:

- Buying down the Special Education cross-subsidy
- Enhancing equalization for Local Optional Revenue
- Increasing student mental health funding
- See more at MREAVoice.org/progressreport

In and out of the legislative session, count on MREA to keep working with you as well, including:

- New advocacy briefings on Tuesday mornings
- Our professional development conference in November
- Educator and school awards to elevate and celebrate our profession and its impact
- New summer social-emotional learning and coaching for district administrators

We Are Greater Together

We know these are challenging times, and we know we are greater when we all work together and strengthen the Voice for Greater Minnesota Education. Please send in your district’s renewal invoice, dues, and updated information by July 15 to ensure our voice remains vibrant.

Best wishes for a summer of renewal and refreshment!

Matt Schultz, Board President
Superintendent, Lanesboro Schools

Bob Indihar, Executive Director
MREA



MEMBERSHIP RENEWAL INVOICE

2022-23 MEMBERSHIP YEAR

Date: June 3, 2022

Invoice #: 2023-1759

Due: July 15, 2022

BILL TO:

Sara Paul
North Branch Area School District
38705 Grand Ave PO Box 370
North Branch MN 55056

Base Fee: \$1100.00
***Legislative Fee:**.....+\$1400.00
2022-23 Dues:.....\$2500.00

Current expiration: June 30, 2022
New membership year: July 1, 2022-June 30, 2023
2023-23 Membership type: Full ISD Membership
***APU = 2831 **Shared District: NA**

Amount Enclosed: \$ _____

**\$1.00 per Adjusted Pupil Unit (APU) to \$1,400 maximum.
**If sharing superintendent with another district, MREA has applied \$275 discount to Base Fee. Districts with shared Superintendents must each join MREA to obtain discount. Contact MREA if Shared District has changed.*

UPDATE/CORRECT as needed:

Member: North Branch Area School District
Superintendent: Sara Paul
Superintendent Cell Phone:
Email Address: spaul@isd138.org

Address: 38705 Grand Ave PO Box 370
City, State, Zip: North Branch MN 55056
Organization Phone: 651 - 674-1000
Website Address:
County: Chisago

QUESTIONS? Contact Diane Vosen, Administrative Coordinator

*** COMPLETE AND RETURN forms with payment by July 15, 2022. ***

MREA is a nonprofit 501(c)(4) membership association. Dues are not tax deductible as charitable contributions. We estimate 36.3% of FY23 dues will be attributable to nondeductible lobbying activity and are NOT deductible under Internal Revenue Code Section 162 as an ordinary and necessary business expense. Provide a copy of this notice to your accountant and/or tax preparer.

May 31, 2022

Dear SEE member,

As I write this, the Governor and legislative leadership are mulling over whether to call a special session to complete the work of the 2022 legislative session. It has been another year full of promise and challenges and SEE has been working tirelessly on your behalf throughout the time.

How the session turns out is anyone's guess at this point but SEE was in the midst of the action again this year and was able to spearhead efforts to get increased equalization into the omnibus tax bill. While it is uncertain whether there will ultimately be a tax bill by which this progress will be realized, this effort once again showed how your support of SEE translates into positive results in the quest to make Minnesota's education funding and property tax systems work better for districts throughout state. Further, this year's efforts lay a foundation for further progress on the equalization issue in 2023.

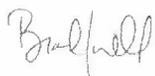
The year ahead will be full of activity. It is my intention to travel out to members and legislative candidates throughout the campaign season to best determine how we can better communicate our message and meet our goals as an organization. The fall elections will be crucial and making candidates from both parties more familiar with SEE's set of issues can lay the groundwork for a successful 2023 legislative session.

It is our goal at SEE to provide you with the valuable services you seek when working with your legislative leadership, your local legislators, and leadership at the Minnesota Department of Education. There is never a shortage of information and ideas coming out from elected officials. It is our mission to keep you abreast of all news that affects your school district and work to make certain your voice is heard by all policy makers as we react to these challenges.

It is my sincere hope that you have gained value from your membership over past year and you will join us again in the year ahead as we continue our mission to make certain all students throughout Minnesota have access to high quality educational opportunities regardless of where they live.

Thank you for your on-going support of SEE and its essential mission. Your membership is vital to our success.

Sincerely,



Brad Lundell
Executive Director



SEE Districts

- Albany
- Albert Lea
- Annandale
- Anoka-Hennepin
- Austin
- Belle Plaine
- Big Lake
- Braham
- Buffalo-Hanover-Montrose
- Byron
- Cambridge-Isanti
- Cannon Falls
- Centennial
- Chisago Lakes
- Dassel-Cokato
- Delano
- East Central
- Faribault
- Forest Lake
- Fridley
- Hastings
- Hinckley-Finlayson
- Howard Lake-Waverly-Winsted
- Hutchinson
- Jordan
- Kasson-Mantorville
- Kimball
- Lake City
- Litchfield
- Maple Lake
- Medford
- Melrose
- Milaca
- Monticello
- Mora
- New London-Spicer
- New Prague
- North Branch
- Northfield
- Owatonna
- Paynesville
- Pine Island
- Princeton
- Prior Lake-Savage
- Rockford
- Rocori
- Rosemount-Apple Valley-Eagan
- Royalton
- Rush City
- Sartell-St. Stephen
- St. Francis
- St. Michael-Albertville
- Stewartville
- Waconia

Schools for Equity in Education (SEE) works to ensure that all public-school children have equal access to a high-quality education regardless of where they live in Minnesota. Our success does not depend on geography. Success depends on school districts with similar characteristics and their communities joining together to shape Minnesota politicians' education finance and policy decisions.

Working together, we will make a difference!

About SEE Districts

- SEE is a coalition of 54 Minnesota school districts. SEE districts serve approximately 230,000 children, approximately one-third of Minnesota's K-12 students.
- Two common characteristics bring SEE districts together:
 - * The student demographics in SEE school districts do not generate significant categorical aid or other funding from the state. Thus, SEE districts tend to receive the minimum in state funding.
 - * SEE districts tend to be lower-property wealth districts where the taxpayer cost for a school levy dollar is high. This makes it more expensive for taxpayers and challenging to pass voter-approved levies to make up for inadequate state funding.
- SEE districts range in size from less than 1,000 pupils to over 37,000. SEE districts are located across the state, including suburban and Greater Minnesota school districts.

Advantages of SEE Membership

A constant presence at the Minnesota Capitol lobbying on issues that impact your district.

- Speaking with one voice on shared issues enhances the ability to influence state funding and policy.
- SEE districts retain high-caliber, experienced lobbyists by leveraging their buying power with other districts.
- SEE lobbyists have a deep understanding of the legislative process and expertise in education funding and policy.

Understandable data and resources to support communication on the issues that impact SEE districts.

- SEE's staff can make complex issues understandable. For example, SEE's Capitol Pizza video simplified the issue of equity without having to understand the complexities of school finance.
- SEE maintains an excellent website with information specific to individual SEE districts to assist communications with your community and legislators. MinnPost declared that the SEE website was the go-to place for education funding information that, ". . . is home to an impressive collection of documents that might well be titled, "School Finance for Dummies.""
- See provides timely and accurate information through weekly legislative updates, daily blogs, and action alerts during the legislative session and continued research throughout the year.

“The quality of a child’s education should not depend on their zipcode.”



A SEE day at the Capitol brings community members together with their legislators.

More Advantages of SEE Membership

Professional development and networking at SEE meetings and events

- Excellent programming at SEE general membership meetings connects administrators and board members with educational experts and political insiders to discuss timely and relevant issues. CEUs are available. The meetings are held in Roseville. Previous program speakers included:
 - Key legislators, including House and Senate leadership and E-12 committee chairs, discussing their legislative priorities.
 - Dr. Bill Morris, one of Minnesota's leading analysts of public opinion and political trends, sharing Minnesota's perspective on education and other issues.
 - A legislative session wrap-up from the Minnesota Department of Education, days after the end of the legislative session.
 - Dr. Clayton Cook, an expert on social-emotional learning from the University of Minnesota, communicating his research.
- Approximately seventy SEE members attend each of the six **general membership meetings**, providing excellent networking opportunities with colleagues that share similar interests and challenges.
- Additionally, at **SEE's three annual regional meetings**, SEE staff meets directly with members in small group settings around the state to provide current information in a format that promotes questions and a free exchange of ideas.
- At SEE's meetings and events, members become better informed and prepared to address funding and equity issues with their communities and legislators.

A community outreach liaison who educates and engages a growing network of education advocates including parents, community members, and business leaders within SEE districts and stands ready to support community engagement in your district.

- The liaison organizes and hosts highly-effective “SEE Days at the Capitol”, bringing community members and their legislators together with direct liaison support to discuss K-12 issues specific to their districts.
- The liaison is ready to travel to SEE districts to share a powerful, yet easy to understand, presentation for community members, school boards or staff that explains how schools are funded, why they continue to struggle financially and what can be done to help.



SEE | Schools for Equity in Education

Brad Lundell, Executive Director
1884 Como Avenue
St. Paul, MN 55108
Phone: 651-647-6251
Cell: 612-220-7459
E-mail: brad.lundell@schoolsforequity.org

All public school children must have equal access to a high quality education regardless of where they live in Minnesota.

Visit SEE's website!
www.schoolsforequity.org



May 28, 2022

North Branch School District
Attention: Superintendent Sara Paul
38705 Grand Avenue
North Branch, MN 55056

Invoice
Membership Fee for 2022-23
Schools for Equity in Education

Following is the membership fee for the North Branch 37 School commencing July 1, 2022 through June 30, 2023.

2022-23 Membership
Dues
\$4,011

Please make check payable to *Schools for Equity in Education* and mail to:

Schools for Equity in Education
Attn: Membership
1611 County Road B
Suite 214
Roseville, MN 55113

If you have any questions, please contact Brad Lundell at 612/220-7459 or Deb Griffiths at 612/309-0089.

Thank you for your interest and support. We look forward to serving you and your district during the coming year.

Adopted: _____

MSBA/MASA Model Policy 503

Orig. 1995

Revised: _____

Rev. 20132021

503 STUDENT ATTENDANCE

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

I. PURPOSE

- A. The school board believes that regular school attendance is directly related to success in academic work, benefits students socially, provides opportunities for important communications between teachers and students, and establishes regular habits of dependability important to the future of the student. The purpose of this policy is to encourage regular school attendance. It is intended to be positive and not punitive.
- B. This policy also recognizes that class attendance is a joint responsibility to be shared by the student, parent or guardian, teacher, and administrators. This policy will assist students in attending class.

II. GENERAL STATEMENT OF POLICY

A. Responsibilities

1. Student's Responsibility

It is the student's right to be in school. It is also the student's responsibility to attend all assigned classes and study halls every day that school is in session and to be aware of and follow the correct procedures when absent from an assigned class or study hall. Finally, it is the student's responsibility to request any missed assignments due to an absence.

2. Parent or Guardian's Responsibility

It is the responsibility of the student's parent or guardian to ensure the student is attending school, to inform the school in the event of a student absence, and to work cooperatively with the school and the student to solve any attendance problems that may arise.

3. Teacher's Responsibility

It is the teacher's responsibility to take daily attendance and to maintain accurate attendance records in each assigned class and study hall. It is also the teacher's responsibility to be familiar with all procedures governing attendance and to apply these procedures uniformly. It is also the teacher's responsibility to provide any student who has been absent with any missed

assignments upon request. Finally, it is the teacher's responsibility to work cooperatively with the student's parent or guardian and the student to solve any attendance problems that may arise.

4. Administrator's Responsibility

- a. It is the administrator's responsibility to require students to attend all assigned classes and study halls. It is also the administrator's responsibility to be familiar with all procedures governing attendance and to apply these procedures uniformly to all students, to maintain accurate records on student attendance, and to prepare a list of the previous day's absences stating the status of each. Finally, it is the administrator's responsibility to inform the student's parent or guardian of the student's attendance and to work cooperatively with them and the student to solve attendance problems.
- b. In accordance with the Minnesota Compulsory Instruction Law, Minnesota Statutes, §section 120A.22, the students of the school district are REQUIRED to attend all assigned classes and/or study halls every day school is in session, unless the student has been excused by the school board from attendance because the student has already completed state and school district standards required to graduate from high school, has withdrawn, or has a valid excuse for absence.

B. Attendance Procedures

The superintendent shall develop procedures to implement the policy for district schools and keep the school board informed of any changes in these procedures. (Previous NB change)

~~Attendance procedures shall be presented to the school board for review and approval. When approved by the school board, the attendance procedures will be included as an addendum to this policy. (Previous MSBA language that we deleted)~~

1. Excused Absences

- a. To be considered an excused absence, the student's parent or legal guardian ~~will verify within two days of the absence~~ (Previous NB change) ~~may be asked to verify, in writing or by phone~~ (Previous NB change), the reason for the student's absence from school. ~~The school district reserves the right to request documentation for any excused absence. (Previous NB change)~~ A note from a physician or a licensed mental health professional stating that the student cannot attend school is a valid excuse.
- b. ~~Reasonable efforts will be made by the school district to accommodate any student who wishes to be excused from a~~

~~curricular activity for a religious observance. The school district will provide annual notice to students of the school district's policy relating to a student's absence for religious observance.~~

~~ebb.~~ The following reasons shall be sufficient to constitute excused absences:

- (1) Illness. (Documentation from a medical provider may be required.) (Previous NB change)
- (2) Serious illness or injury (Previous NB change) in the student's immediate family.
- (3) A death or funeral in the student's immediate family or of a close friend or relative.
- (4) Medical, dental, or orthodontic treatment, or a counseling appointment.
- (5) Court appearances occasioned by family or personal action.
- (6) Religious instruction not to exceed three hours in any week.
- (7) Physical emergency conditions such as fire, flood, storm, etc.
- (8) Official school field trip or other school-sponsored outing.
- (9) Removal of a student pursuant to a suspension. Suspensions are to be handled as excused absences and students will be permitted to complete make-up work.
- (10) Family emergencies.
- (11) Active duty in any military branch of the United States.
- (12) Family member on military leave (Previous NB change)
- (13) Observance of a religious or cultural holiday (Previous NB change) We would like to change this sentence to say Religious observance
- (14) Successfully appealed absences (Previous NB change)
- (15) A student's condition that requires ongoing treatment for a mental health diagnosis.

[Note: State law provides that a school board may include other

exemptions in the school district's attendance policy. See Minnesota Statutes, §section 120A.22, Ssubdivision 12. When considering whether to add other exemptions, school boards should consider the intent of the compulsory attendance law, which recognizes the educational value of regular attendance and class participation, and whether the proposed exemption is consistent with the intent of the law.]

c. Consequences of Excused Absences

(1) Students whose absences are excused are required to make up all assignments missed or to complete alternative assignments as deemed appropriate by the classroom teacher. The student is responsible for contacting teachers to initiate makeup work. (Previous NB change)

(2) ~~Work missed because of absence must be made up within _____ days from the date of the student's return to school. Any work not completed within this period shall result in "no credit" for the missed assignment. However, the building principal or the classroom teacher may extend the time allowed for completion of make-up work in the case of an extended illness or other extenuating circumstances.~~ (Previous MSBA language that we deleted)

Work missed because of absence must be made up. The building principal or the classroom teacher will extend the time allowed for completion of make-up work in the case of an extended illness or other extenuating circumstances. (Previous NB change)

2. Unexcused Absences

a. The following are examples of absences which will not be excused:

(1) Truancy. An absence by a student which was not approved by the parent and/or the school district.

(2) Any absence in which the student failed to comply with any reporting requirements of the school district's attendance procedures.

(3) Work at home/Needed at home (Previous NB change).

(4) Work at a business, except under a school-sponsored work release program.

(5) Vacations with family.

- (6) Personal trips to schools or colleges.
- (7) Absences resulting from cumulated unexcused tardies (____ tardies equal one unexcused absence).
- (8) Any other absence not included under the attendance procedures set out in this policy. **For Example: Hunting, Fishing, 4-H, Rodeo, etc.** (Previous NB change)

b. Consequences of Unexcused Absences

- (1) Absences resulting from official suspension will be handled in accordance with the Pupil Fair Dismissal Act, Minnesota Statutes, sections ~~§§~~ 121A.40-121A.56.
- (2) Days during which a student is suspended from school shall not be counted in a student's total cumulated unexcused absences.
- (3) In cases of recurring unexcused absences, the administration may also request the county attorney to file a petition with the juvenile court, pursuant to Minnesota statutes.
- (4) Students with unexcused absences shall be subject to discipline in the following manner:
 - (a) ~~From the first through the _____ cumulated unexcused absence in a [quarter or semester] the student will not be allowed to make up work missed due to such absence.~~ (Previous MSBA language that we deleted)

With the exception of truancy absences, work missed on a day marked unexcused may be turned in the day after the student returns to school. Work completed on the day of truancy that represents work from multiple days (tests, group projects, long term projects) will be accepted. (Previous NB change)

- (b) After the _____ cumulated unexcused absence in a [quarter or semester], a student's parent or guardian will be notified by **certified** (Previous NB change) mail that his or her child is nearing a total of _____ unexcused absences and that, after the _____ unexcused absence, **the students in grades 9-12 shall have their grade** (Previous NB change) ~~student's grade shall be~~ reduced by one increment for each

unexcused absence thereafter.

- (c) After such notification, the student or his or her parent or guardian may, within a reasonable time, request a conference with school officials regarding the student's absences and the prescribed discipline. The notification will offer the student's parent or guardian an opportunity to request such a conference.

~~(Previous NB change) state that the school strongly urges the student's parent or guardian to request such a conference. (Previous MSBA language that we deleted)~~

- (d) ~~After _____ cumulative unexcused absences in a [quarter or semester] the teacher will reduce the student's letter grade by one increment for each unexcused absence thereafter (i.e. A to A-). However, prior to reducing the student's grade, an administrative conference must be held among the principal, student, and parent. (Previous MSBA language that we deleted)~~

~~For high school students in grades 9-12 on the 6th cumulative unexcused absence in a trimester the teacher will reduce the student's letter grade by one increment in consultation with the building administrator. The grade will be reduced one increment for each unexcused absence thereafter (i.e. A- to B+). The administration may impose the loss of academic credit in the class or classes from which the student has been absent. However, prior to loss of credit, an administrative contact must be made with the student and parent and the parent must be provided an opportunity to have an administrative conference if desired. (Previous NB change)~~

- (e) After _____ cumulated unexcused absences in a [quarter or semester], the administration may impose the loss of academic credit in the class or classes from which the student has been absent. However, prior to loss of credit, an administrative conference must be held among the principal, student, and parent.

~~Students may be assigned detention or suspended from school for truancy. (Previous NB change)~~

- (f) If the result of a grade reduction or loss of credit has

the effect of an expulsion, the school district will follow the procedures set forth in the Pupil Fair Dismissal Act, Minnesota Statutes, sections §§ 121A.40-121A.56.

- (g) A student may appeal the grade reduction process if the student feels that he/she has a valid reason (i.e. unforeseeable extenuating circumstance) for the absence. An Appeals Committee will review and make a decision on the appeal. (Previous NB change)

C. Tardiness

1. Definition: Students are expected to be in their assigned area at designated times. Failure to do so constitutes tardiness. A student will be marked tardy if they arrive to class within ten minutes of the bell. Students that are more than ten minutes late will be marked absent. (Previous NB change)

2. Procedures for Reporting Tardiness

- a. Students tardy at the start of school must report to the school office or classroom (Previous NB change) for an admission slip.
- b. Tardiness between periods will be handled by the teacher.

3. Excused Tardiness

Valid excuses for tardiness are:

- a. Illness.
- b. Serious illness in the student's immediate family.
- c. A death or funeral in the student's immediate family or of a close friend or relative.
- d. Medical, dental, orthodontic, or mental health treatment.
- e. Court appearances occasioned by family or personal action.
- f. Physical emergency conditions such as fire, flood, storm, etc.
- g. Any tardiness for which the student has been excused in writing by an administrator or faculty member.

4. Unexcused Tardiness

- a. An unexcused tardiness is failing to be in an assigned area at the

designated time class period commences without a valid excuse.

- b. Consequences of tardiness may include detention after 3 unexcused tardies. In addition for grades 9-12, 3 unexcused tardies are equivalent to one unexcused absence. Three late to school unexcused tardies for grades K-8 are the equivalent to one unexcused absence. (Previous NB change)

D. Participation in Extracurricular Activities and School-Sponsored On-the-Job Training Programs

1. This policy applies to all students involved in any extracurricular activity scheduled either during or outside the school day and any school-sponsored on-the-job training programs.
2. School-initiated absences will be accepted and participation permitted.
3. A student may not participate in any activity or program if he or she has an unexcused absence from any class during the day.
4. If a student is suspended from any class, he or she may not participate in any activity or program that day.
5. If a student is absent from school due to medical reasons, he or she must present a physician's statement or a statement from the student's parent or guardian clearing the student for participation that day. The note must be presented to the coach or advisor before the student participates in the activity or program.

III. RELIGIOUS OBSERVANCE ACCOMMODATION

Reasonable efforts will be made by the school district to accommodate any student who wishes to be excused from a curricular activity for a religious observance. Requests for accommodations should be directed to the building principal.

IV. DISSEMINATION OF POLICY

1. Copies of this policy shall be made available to all students and parents at the commencement of each school year. This policy shall also be available upon request in each principal's office.
2. The school district will provide annual notice to parents of the school district's policy relating to a student's absence from school for religious observance.

IV. REQUIRED REPORTING

- A. Continuing Truant

Minnesota- Statutes- §section 260A.02 provides that a continuing truant is a student who is subject to the compulsory instruction requirements of Minnesota- Statutes- §section 120A.22 and is absent from instruction in a school, as defined in Minnesota- Statutes- §section 120A.05, without valid excuse within a single school year for:

1. Three days if the child is in elementary school; or
2. Three or more class periods on three days if the child is in middle school, junior high school, or high school.

B. Reporting Responsibility

When a student is initially classified as a continuing truant, Minnesota- Statutes- §section 260A.03 provides that the school attendance officer or other designated school official shall notify the student's parent or legal guardian, by first class mail or other reasonable means, of the following:

1. That the child is truant;
2. That the parent or guardian should notify the school if there is a valid excuse for the child's absences;
3. That the parent or guardian is obligated to compel the attendance of the child at school pursuant to Minnesota- Statutes- §section 120A.22 and parents or guardians who fail to meet this obligation may be subject to prosecution under Minnesota- Statutes- §section 120A.34;
4. That this notification serves as the notification required by Minnesota- Statutes- §section 120A.34;
5. That alternative educational programs and services may be available in the child's enrolling or resident district;
6. That the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the child's truancy;
7. That if the child continues to be truant, the parent and child may be subject to juvenile court proceedings under Minnesota- Stat-utes Chapter- 260C;
8. That if the child is subject to juvenile court proceedings, the child may be subject to suspension, restriction, or delay of the child's driving privilege pursuant to Minnesota- Statutes- section§ 260C.201; and
9. That it is recommended that the parent or guardian accompany the child to school and attend classes with the child for one day.

[Note: Where truancy services and procedures programs under Minnesota- Statutes-

Chapter- 260A are available within the school district, the following provisions should also be included in the policy.]

C. Habitual Truant

1. A habitual truant is a child under the age of 17 years who is absent from attendance at school without lawful excuse for seven school days per school year if the child is in elementary school or for one or more class periods on seven school days per school year if the child is in middle school, junior high school, or high school, or a child who is 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days per school year and who has not lawfully withdrawn from school.

2. A school district attendance officer shall refer a habitual truant child and the child's parent or legal guardian to appropriate services and procedures, under ~~Minnesota Statutes Chapter-~~ 260A.

Legal References:

Minn. Stat. § 120A.05 (Definitions)
Minn. Stat. § 120A.22 (Compulsory Instruction)
Minn. Stat. § 120A.24 (Reporting)
Minn. Stat. § 120A.26 (Enforcement and Prosecution)
Minn. Stat. § 120A.34 (Violations; Penalties)
Minn. Stat. § 120A.35 (Absence from School for Religious Observance)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 260A.02 (Definitions)
Minn. Stat. § 260A.03 (Notice to Parent or Guardian When Child is a Continuing Truant)
Minn. Stat. § 260C.007, ~~S~~subd. 19 (Habitual Truant Defined)
Minn. Stat. § 260C.201 (Dispositions; Children in Need of Protection or Services or Neglected and in Foster Care)
Goss v. Lopez, 419 U.S. 565, ~~95 S.Ct. 729~~ (1975)
Slocum v. Holton Board of Education, 429 N.W.2d 607 (Mich. App. Ct. 1988)
Campbell v. Board of Education of New Milford, 475 A.2d 289 (Conn. 1984)
Hamer v. Board of Education of Township High School District No. 113, 66 Ill. App.3d 7, 383 N.E.2d 231 (1978)
Gutierrez v. School District R-1, 585 P.2d 935 (Co. Ct. App. 1978)
Knight v. Board of Education, 38 Ill. App. 3d 603, 348 N.E.2d 299 (1976)
Dorsey v. Bale, 521 S.W.2d 76 (Ky. 1975)

Cross References:

MSBA/MASA Model Policy 506 (Student Discipline)

Adopted: _____

MSBA/MASA Model Policy 524

Orig. 1996

Revised: _____

Rev. 20~~22~~21

524 INTERNET ACCEPTABLE USE AND SAFETY POLICY

[Note: School districts are required by statute to have a policy addressing these issues.]

I. PURPOSE

The purpose of this policy is to set forth policies and guidelines for access to the school district computer system and acceptable and safe use of the Internet, including electronic communications.

II. GENERAL STATEMENT OF POLICY

In making decisions regarding student and employee access to the school district computer system and the Internet, including electronic communications, the school district considers its own stated educational mission, goals, and objectives. Electronic information research skills are now fundamental to preparation of citizens and future employees. Access to the school district computer system and to the Internet enables students and employees to explore thousands of libraries, databases, bulletin boards, and other resources while exchanging messages with people around the world. The school district expects that faculty will blend thoughtful use of the school district computer system and the Internet throughout the curriculum and will provide guidance and instruction to students in their use.

III. LIMITED EDUCATIONAL PURPOSE

The school district is providing students and employees with access to the school district computer system, which includes Internet access. The purpose of the system is more specific than providing students and employees with general access to the Internet. The school district system has a limited educational purpose, which includes use of the system for classroom activities, educational research, and professional or career development activities. Users are expected to use Internet access through the district system to further educational and personal goals consistent with the mission of the school district and school policies. Uses which might be acceptable on a user's private personal account on another system may not be acceptable on this limited-purpose network.

IV. USE OF SYSTEM IS A PRIVILEGE

The use of the school district system and access to use of the Internet is a privilege, not a right. Depending on the nature and degree of the violation and the number of previous violations, unacceptable use of the school district system or the Internet may result in one or more of the following consequences: suspension or cancellation of use or access privileges; payments for damages and repairs; discipline under other appropriate school district policies, including suspension, expulsion, exclusion, or termination of employment; or civil or criminal liability under other applicable laws.

V. UNACCEPTABLE USES

- A. While not an exhaustive list, the following uses of the school district system and Internet resources or accounts are considered unacceptable:

1. Users will not use the school district system to access, review, upload, download, store, print, post, receive, transmit, or distribute:
 - a. pornographic, obscene, or sexually explicit material or other visual depictions that are harmful to minors;
 - b. obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit language;
 - c. materials that use language or images that are inappropriate in the education setting or disruptive to the educational process;
 - d. information or materials that could cause damage or danger of disruption to the educational process;
 - e. materials that use language or images that advocate violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination.
2. Users will not use the school district system to knowingly or recklessly post, transmit, or distribute false or defamatory information about a person or organization, or to harass another person, or to engage in personal attacks, including prejudicial or discriminatory attacks.
3. Users will not use the school district system to engage in any illegal act or violate any local, state, or federal statute or law.
4. Users will not use the school district system to vandalize, damage, or disable the property of another person or organization, will not make deliberate attempts to degrade or disrupt equipment, software, or system performance by spreading computer viruses or by any other means, will not tamper with, modify, or change the school district system software, hardware, or wiring or take any action to violate the school district's security system, and will not use the school district system in such a way as to disrupt the use of the system by other users.
5. Users will not use the school district system to gain unauthorized access to information resources or to access another person's materials, information, or files without the implied or direct permission of that person.
6. Users will not use the school district system to post private information about another person, personal contact information about themselves or other persons, or other personally identifiable information, including, but not limited to, addresses, telephone numbers, school addresses, work addresses, identification numbers, account numbers, access codes or passwords, labeled photographs, or other information that would make the individual's identity easily traceable, and will not repost a message that was sent to the user privately without permission of the person who sent the message.

[Note: School districts should consider the impact of this paragraph on present practices and procedures, including, but not limited to, practices pertaining to employee communications, school or classroom websites, and student/employee use of social networking websites. Depending upon school district policies and practices, school districts may wish to add one or more of the following clarifying paragraphs.]

- a. This paragraph does not prohibit the posting of employee contact information on school district webpages or communications between

employees and other individuals when such communications are made for education-related purposes (i.e., communications with parents or other staff members related to students).

- b. Employees creating or posting school-related webpages may include personal contact information about themselves on a webpage. However, employees may not post personal contact information or other personally identifiable information about students unless:
 - (1) such information is classified by the school district as directory information and verification is made that the school district has not received notice from a parent/guardian or eligible student that such information is not to be designated as directory information in accordance with Policy 515; or
 - (2) such information is not classified by the school district as directory information but written consent for release of the information to be posted has been obtained from a parent/guardian or eligible student in accordance with Policy 515.

In addition, prior to posting any personal contact or personally identifiable information on a school-related webpage, employees shall obtain written approval of the content of the postings from the building administrator.

- c. These prohibitions specifically prohibit a user from utilizing the school district system to post personal information about a user or another individual on social networks, including, but not limited to, social networks such as "Facebook," "Twitter," "Instagram," "Snapchat," "TikTok," "Reddit," and similar websites or applications.
- 7. Users must keep all account information and passwords on file with the designated school district official. Users will not attempt to gain unauthorized access to the school district system or any other system through the school district system, attempt to log in through another person's account, or use computer accounts, access codes, or network identification other than those assigned to the user. Messages and records on the school district system may not be encrypted without the permission of appropriate school authorities.
 - 8. Users will not use the school district system to violate copyright laws or usage licensing agreements, or otherwise to use another person's property without the person's prior approval or proper citation, including the downloading or exchanging of pirated software or copying software to or from any school computer, and will not plagiarize works they find on the Internet.
 - 9. Users will not use the school district system for conducting business, for unauthorized commercial purposes, or for financial gain unrelated to the mission of the school district. Users will not use the school district system to offer or provide goods or services or for product advertisement. Users will not use the school district system to purchase goods or services for personal use without authorization from the appropriate school district official.
 - 10. Users will not use the school district system to engage in bullying or cyberbullying in violation of the school district's Bullying Prohibition Policy. This prohibition includes using any technology or other electronic communication off school premises to the extent that student learning or the school environment is substantially and materially disrupted.

- B. The school district has a special interest in regulating off-campus speech that materially disrupts classwork or involves substantial disorder or invasion of the rights of others. A student or employee engaging in the foregoing unacceptable uses of the Internet when off school district premises also may be in violation of this policy as well as other school district policies. Examples of such violations may include, but are not limited to, serious or severe bullying or harassment targeting particular individuals, threats aimed at teachers or other students, failure to follow rules concerning lessons, the writing of papers, the use of computers, or participation in other online school activities, and breaches of school security devices. If the school district receives a report of an unacceptable use originating from a non-school computer or resource, the school district may investigate such reports to the best of its ability. Students or employees may be subject to disciplinary action for such conduct, including, but not limited to, suspension or cancellation of the use or access to the school district computer system and the Internet and discipline under other appropriate school district policies, including suspension, expulsion, exclusion, or termination of employment.
- C. If a user inadvertently accesses unacceptable materials or an unacceptable Internet site, the user shall immediately disclose the inadvertent access to an appropriate school district official. In the case of a school district employee, the immediate disclosure shall be to the employee's immediate supervisor and/or the building administrator. This disclosure may serve as a defense against an allegation that the user has intentionally violated this policy. In certain rare instances, a user also may access otherwise unacceptable materials if necessary to complete an assignment and if done with the prior approval of and with appropriate guidance from the appropriate teacher or, in the case of a school district employee, the building administrator.

VI. FILTER

[Note: Pursuant to state law, school districts are required to restrict access to inappropriate materials on school computers with Internet access. School districts seeking technology revenue pursuant to Minnesota Statutes section 125B.26 or certain federal funding, such as e-rate discounts, for purposes of Internet access and connection services and/or receive funds to purchase Internet accessible computers are subject to the federal Children's Internet Protection Act, effective in 2001. Those districts are required to comply with additional standards in restricting possible access to inappropriate materials. Therefore, school districts should select one of the following alternative sections depending upon whether the school district is seeking such funding and the type of funding sought.]

ALTERNATIVE NO. 1

[Note: For a school district that does not seek either state or federal funding in connection with its computer system, the following language should be adopted. It reflects a mandatory requirement under Minnesota Statutes section 125B.15.]

All computers equipped with Internet access and available for student use at each school site will be equipped to restrict, by use of available software filtering technology or other effective methods, all student access to materials that are reasonably believed to be obscene, child pornography or harmful to minors under state or federal law. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.

[Note: The purchase of filtering technology is not required by state law if the school site would incur more than incidental expense in making the purchase. In the absence of filtering technology, school sites still are required to use "other effective methods" to restrict student access to such materials.]

ALTERNATIVE NO. 2

[Note: Technology revenue is available to school districts that meet the additional condition of also restricting adult access to inappropriate materials. School districts that seek such state technology revenue may adopt or retain the following language. However, the school district is not required to do so.]

- A. All school district computers with Internet access and available for student use will be equipped to restrict, by use of available software filtering technology or other effective methods, all student access to materials that are reasonably believed to be obscene, child pornography or harmful to minors under state or federal law.
- B. All school district computers with Internet access, not just those accessible and available to students, will be equipped to restrict, by use of available software filtering technology or other effective methods, adult access to materials that are reasonably believed to be obscene or child pornography under state or federal law.
- C. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.

ALTERNATIVE NO. 3

[Note: School districts that receive certain federal funding, such as e-rate discounts, for purposes of Internet access and connection services and/or receive funds to purchase Internet accessible computers are subject to the federal Children's Internet Protection Act, effective in 2001. This law requires school districts to adopt an Internet safety policy that contains the provisions set forth below. Also, the Act requires such school districts to provide reasonable notice and hold at least one public hearing or meeting to address the proposed Internet safety policy prior to its implementation. School districts that do not seek such federal financial assistance need not adopt the alternative language set forth below nor meet the requirements with respect to a public meeting to review the policy. The following alternative language for school districts that seek such federal financial assistance satisfies both state and federal law requirements.]

- A. With respect to any of its computers with Internet access, the school district will monitor the online activities of both minors and adults and employ technology protection measures during any use of such computers by minors and adults. The technology protection measures utilized will block or filter Internet access to any visual depictions that are:
 - 1. Obscene;
 - 2. Child pornography; or
 - 3. Harmful to minors.
- B. The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that:
 - 1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; or
 - 2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal ~~or~~ perverted sexual acts, or a lewd exhibition of the

genitals; and

3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.
- C. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.
 - D. An administrator, supervisor, or other person authorized by the Superintendent may disable the technology protection measure, during use by an adult, to enable access for bona fide research or other lawful purposes.
 - E. The school district will educate students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

[Note: Although school districts are not required to adopt the more restrictive provisions contained in either Alternative No. 2 or No. 3 if they do not seek state or federal funding, they may choose to adopt the more restrictive provisions as a matter of school policy.]

VII. CONSISTENCY WITH OTHER SCHOOL POLICIES

Use of the school district computer system and use of the Internet shall be consistent with school district policies and the mission of the school district.

VIII. LIMITED EXPECTATION OF PRIVACY

- A. By authorizing use of the school district system, the school district does not relinquish control over materials on the system or contained in files on the system. Users should expect only limited privacy in the contents of personal files on the school district system.
- B. Routine maintenance and monitoring of the school district system may lead to a discovery that a user has violated this policy, another school district policy, or the law.
- C. An individual investigation or search will be conducted if school authorities have a reasonable suspicion that the search will uncover a violation of law or school district policy.
- D. Parents may have the right at any time to investigate or review the contents of their child's files and e-mail files in accordance with the school district's Protection and Privacy of Pupil Records Policy. Parents have the right to request the termination of their child's individual account at any time.
- E. School district employees should be aware that the school district retains the right at any time to investigate or review the contents of their files and e-mail files. In addition, school district employees should be aware that data and other materials in files maintained on the school district system may be subject to review, disclosure, or discovery under Minnesota Statutes chapter 13 (Minnesota Government Data Practices Act).
- F. The school district will cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with school district policies conducted through the school district system.

IX. INTERNET USE AGREEMENT

- A. The proper use of the Internet, and the educational value to be gained from proper Internet use, is the joint responsibility of students, parents, and employees of the school district.
- B. This policy requires the permission of and supervision by the school's designated professional staff before a student may use a school account or resource to access the Internet.
- C. The Internet Use Agreement form for students must be read and signed by the user, the parent or guardian, and the supervising teacher. The Internet Use Agreement form for employees must be signed by the employee. The form must then be filed at the school office. As supervising teachers change, the agreement signed by the new teacher shall be attached to the original agreement.

X. LIMITATION ON SCHOOL DISTRICT LIABILITY

Use of the school district system is at the user's own risk. The system is provided on an "as is, as available" basis. The school district will not be responsible for any damage users may suffer, including, but not limited to, loss, damage, or unavailability of data stored on school district diskettes, tapes, hard drives, or servers, or for delays or changes in or interruptions of service or misdeliveries or nondeliveries of information or materials, regardless of the cause. The school district is not responsible for the accuracy or quality of any advice or information obtained through or stored on the school district system. The school district will not be responsible for financial obligations arising through unauthorized use of the school district system or the Internet.

XI. USER NOTIFICATION

- A. All users shall be notified of the school district policies relating to Internet use.
- B. This notification shall include the following:
 - 1. Notification that Internet use is subject to compliance with school district policies.
 - 2. Disclaimers limiting the school district's liability relative to:
 - a. Information stored on school district diskettes, hard drives, or servers.
 - b. Information retrieved through school district computers, networks, or online resources.
 - c. Personal property used to access school district computers, networks, or online resources.
 - d. Unauthorized financial obligations resulting from use of school district resources/accounts to access the Internet.
 - 3. A description of the privacy rights and limitations of school sponsored/managed Internet accounts.
 - 4. Notification that, even though the school district may use technical means to limit student Internet access, these limits do not provide a foolproof means for

enforcing the provisions of this acceptable use policy.

5. Notification that goods and services can be purchased over the Internet that could potentially result in unwanted financial obligations and that any financial obligation incurred by a student through the Internet is the sole responsibility of the student and/or the student's parents.
6. Notification that the collection, creation, reception, maintenance, and dissemination of data via the Internet, including electronic communications, is governed by Public and Private Personnel Data Policy, and Protection and Privacy of Pupil Records Policy.
7. Notification that, should the user violate the school district's acceptable use policy, the user's access privileges may be revoked, school disciplinary action may be taken and/or appropriate legal action may be taken.
8. Notification that all provisions of the acceptable use policy are subordinate to local, state, and federal laws.

XII. PARENTS' RESPONSIBILITY; NOTIFICATION OF STUDENT INTERNET USE

- A. Outside of school, parents bear responsibility for the same guidance of Internet use as they exercise with information sources such as television, telephones, radio, movies, and other possibly offensive media. Parents are responsible for monitoring their student's use of the school district system and of the Internet if the student is accessing the school district system from home or a remote location.
- B. Parents will be notified that their students will be using school district resources/accounts to access the Internet and that the school district will provide parents the option to request alternative activities not requiring Internet access. This notification should include:
 1. A copy of the user notification form provided to the student user.
 2. A description of parent/guardian responsibilities.
 3. A notification that the parents have the option to request alternative educational activities not requiring Internet access and the material to exercise this option.
 4. A statement that the Internet Use Agreement must be signed by the user, the parent or guardian, and the supervising teacher prior to use by the student.
 5. A statement that the school district's acceptable use policy is available for parental review.

XIII. NOTIFICATION REGARDING TECHNOLOGY PROVIDERS

- A. "Technology provider" means a person who:
 1. contracts with the school district, as part of a one-to-one program or otherwise, to provide a school-issued device for student use; and
 2. creates, receives, or maintains educational data pursuant or incidental to a contract with the school district.

- B. "Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.
- C. Within 30 days of the start of each school year, the school district must give parents and students direct and timely notice, by United States mail, e-mail, or other direct form of communication, of any curriculum, testing, or assessment technology provider contract affecting a student's educational data. The notice must:
1. identify each curriculum, testing, or assessment technology provider with access to educational data;
 2. identify the educational data affected by the curriculum, testing, or assessment technology provider contract; and
 3. include information about the contract inspection and provide contact information for a school department to which a parent or student may direct questions or concerns regarding any program or activity that allows a curriculum, testing, or assessment technology provider to access a student's educational data.
- D. The school district must provide parents and students an opportunity to inspect a complete copy of any contract with a technology provider.
- E. A contract between a technology provider and the school district must include requirements to ensure appropriate security safeguards for educational data. The contract must require that:
1. the technology provider's employees or contractors have access to educational data only if authorized; and
 2. the technology provider's employees or contractors may be authorized to access educational data only if access is necessary to fulfill the official duties of the employee or contractor.
- F. All educational data created, received, maintained, or disseminated by a technology provider pursuant or incidental to a contract with a public educational agency or institution are not the technology provider's property.

XIV. SCHOOL-ISSUED DEVICES

- A. "School-issued device" means hardware or software that the school district, acting independently or with a technology provider, provides to an individual student for that student's dedicated personal use. A school-issued device includes a device issued through a one-to-one program.
- B. Except as provided in paragraph C, the school district or a technology provider must not electronically access or monitor:
1. any location-tracking feature of a school-issued device;
 2. any audio or visual receiving, transmitting, or recording feature of a school-issued device; or
 3. student interactions with a school-issued device, including but not limited to keystrokes and web-browsing activity.

- C. The school district or a technology provider may only engage in activities prohibited by paragraph B if:
1. the activity is limited to a noncommercial educational purpose for instruction, technical support, or exam-proctoring by school district employees, student teachers, staff contracted by the school district, a vendor, or the Minnesota Department of Education, and notice is provided in advance;
 2. the activity is permitted under a judicial warrant;
 3. the school district is notified or becomes aware that the device is missing or stolen;
 4. the activity is necessary to respond to an imminent threat to life or safety and the access is limited to that purpose;
 5. the activity is necessary to comply with federal or state law, including but not limited to Minnesota Statutes section 121A.031; or
 6. the activity is necessary to participate in federal or state funding programs, including but not limited to the E-Rate program.
- D. If the school district or a technology provider interacts with a school-issued device as provided in paragraph C, clause 4, it must, within 72 hours of the access, notify the student to whom the school-issued device was issued or that student's parent and provide a written description of the interaction, including which features of the device were accessed and a description of the threat. This notice is not required at any time when the notice itself would pose an imminent threat to life or safety, but must instead be given within 72 hours after that imminent threat has ceased.

XVIII. IMPLEMENTATION; POLICY REVIEW

- A. The school district administration may develop appropriate user notification forms, guidelines, and procedures necessary to implement this policy for submission to the school board for approval. Upon approval by the school board, such guidelines, forms, and procedures shall be an addendum to this policy.
- B. The administration shall revise the user notifications, including student and parent notifications, if necessary, to reflect the adoption of these guidelines and procedures.
- C. The school district Internet policies and procedures are available for review by all parents, guardians, staff, and members of the community.
- D. Because of the rapid changes in the development of the Internet, the school board shall conduct an annual review of this policy.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 13.32 (Educational Data)
15 U.S.C. § 6501 *et seq.* (Children's Online Privacy Protection Act)
17 U.S.C. § 101 *et seq.* (Copyrights)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
47 U.S.C. § 254 (Children's Internet Protection Act of 2000 (CIPA))
47 C.F.R. § 54.520 (FCC rules implementing CIPA)

Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. § 125B.15 (Internet Access for Students)
Minn. Stat. § 125B.26 (Telecommunications/Internet Access Equity Act)
Mahanoy Area Sch. Dist. v. B.L., 594 U.S. ____ , 141 S. Ct. 2038 (2021)
Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969)
United States v. Amer. Library Assoc., 539 U.S. 1942003)
Sagehorn v. Indep. Sch. Dist. No. 728, 122 F.Supp.2d 842 (D. Minn. 2015)
R.S. v. Minnewaska Area Sch. Dist. No. 2149, 894 F.Supp.2d 1128 (D. Minn. 2012)
Tatro v. Univ. of Minnesota, 800 N.W.2d 811 (Minn. App. 2011), *aff'd* on other grounds 816 N.W.2d 509 (Minn. 2012)
S.J.W. v. Lee's Summit R-7 Sch. Dist., 696 F.3d 771 (8th Cir. 2012)
Parents, Families and Friends of Lesbians and Gays, Inc. v. Camdenton R-III Sch. Dist., 853 F.Supp.2d 888 (W.D. Mo. 2012)
M.T. v. Cent. York Sch. Dist., 937 A.2d 538 (Pa. Commw. Ct. 2007)

Cross References:

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
MSBA/MASA Model Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA/MASA Model Policy 519 (Interviews of Students by Outside Agencies)
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)
MSBA/MASA Model Policy 522 (Title IX Sex Nondiscrimination Grievance Procedures and Process)
MSBA/MASA Model Policy 603 (Curriculum Development)
MSBA/MASA Model Policy 604 (Instructional Curriculum)
MSBA/MASA Model Policy 606 (Textbooks and Instructional Materials)
MSBA/MASA Model Policy 806 (Crisis Management Policy)
MSBA/MASA Model Policy 904 (Distribution of Materials on School District Property by Nonschool Persons)

STUDENTS

Internet Acceptable Use and Safety Policy

524-NB

I. PURPOSE

The purpose of this policy is to set forth policies and guidelines for access to the school district computer system and acceptable and safe use of the Internet, including electronic communications.

II. GENERAL STATEMENT OF POLICY

In making decisions regarding student and employee access to the school district computer system and the Internet, including electronic communications, the school district considers its own stated educational mission, goals, and objectives. Electronic information research skills are now fundamental to preparation of citizens and future employees. Access to the school district computer system and to the Internet enables students and employees to explore thousands of libraries, databases, bulletin boards, and other resources while exchanging messages with people around the world. The school district expects that faculty will blend thoughtful use of the school district computer system and the Internet throughout the curriculum and will provide guidance and instruction to students in their use.

III. LIMITED EDUCATIONAL PURPOSE

The school district is providing students and employees with access to the school district computer system, which includes Internet access. The purpose of the system is more specific than providing students and employees with general access to the Internet. The school district system has a limited educational purpose, which includes use of the system for classroom activities, educational research, and professional or career development activities. Users are expected to use Internet access through the district system to further educational and personal goals consistent with the mission of the school district and school policies. Uses which might be acceptable on a user's private personal account on another system may not be acceptable on this limited-purpose network.

IV. USE OF SYSTEM IS A PRIVILEGE

The use of the school district system and access to use of the Internet is a privilege, not a right. Depending on the nature and degree of the violation and the number of previous violations, unacceptable use of the school district system or the Internet may result in one or more of the following consequences: suspension or cancellation of use or access privileges; payments for damages and repairs; discipline under other appropriate school district policies, including suspension, expulsion, exclusion, or termination of employment; or civil or criminal liability under other applicable laws.

V. UNACCEPTABLE USES

- A. While not an exhaustive list, the following uses of the school district system and Internet resources or accounts are considered unacceptable:
 - 1. Users will not use the school district system to access, review, upload, download, store, print, post, receive, transmit, or distribute:

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- a. pornographic, obscene, or sexually explicit material or other visual depictions that are harmful to minors;
 - b. obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit language;
 - c. materials that use language or images that are inappropriate in the education setting or disruptive to the educational process;
 - d. information or materials that could cause damage or danger of disruption to the educational process;
 - e. materials that use language or images that advocate violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination.
2. Users will not use the school district system to knowingly or recklessly post, transmit, or distribute false or defamatory information about a person or organization, or to harass another person, or to engage in personal attacks, including prejudicial or discriminatory attacks.
 3. Users will not use the school district system to engage in any illegal act or violate any local, state, or federal statute or law.
 4. Users will not use the school district system to vandalize, damage, or disable the property of another person or organization, will not make deliberate attempts to degrade or disrupt equipment, software, or system performance by spreading computer viruses or by any other means, will not tamper with, modify, or change the school district system software, hardware, or wiring or take any action to violate the school district's security system, and will not use the school district system in such a way as to disrupt the use of the system by other users.
 5. Users will not use the school district system to gain unauthorized access to information resources or to access another person's materials, information, or files without the implied or direct permission of that person.
 6. Users will not use the school district system to post private information about another person, personal contact information about themselves or other persons, or other personally identifiable information, including, but not limited to, addresses, telephone numbers, school addresses, work addresses, identification numbers, account numbers, access codes or passwords, labeled photographs, or other information that would make the individual's identity easily traceable, and will not repost a message that was sent to the user privately without permission of the person who sent the message.

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- a. This paragraph does not prohibit the posting of employee contact information on school district webpages or communications between employees and other individuals when such communications are made for education-related purposes (i.e., communications with parents or other staff members related to students).
 - b. Employees creating or posting school-related webpages may include personal contact information about themselves on a webpage. However, employees may not post personal contact information or other personally identifiable information about students unless:
 - (1) such information is classified by the school district as directory information and verification is made that the school district has not received notice from a parent/guardian or eligible student that such information is not to be designated as directory information in accordance with Policy 515; or
 - (2) such information is not classified by the school district as directory information but written consent for release of the information to be posted has been obtained from a parent/guardian or eligible student in accordance with Policy 515.

In addition, prior to posting any personal contact or personally identifiable information on a school-related webpage, employees shall obtain written approval of the content of the postings from the building administrator.
 - c. These prohibitions specifically prohibit a user from utilizing the school district system to post personal information about a user or another individual on social networks, including, but not limited to, social networks such as "Facebook," "Twitter," "Instagram," "Snapchat," "TikTok," "Reddit," and similar websites or applications.
7. Users must keep all account information and passwords on file with the designated school district official. Users will not attempt to gain unauthorized access to the school district system or any other system through the school district system, attempt to log in through another person's account, or use computer accounts, access codes, or network identification other than those assigned to the user. Messages and records on the school district system may not be encrypted without the permission of appropriate school authorities.
 8. Users will not use the school district system to violate copyright laws or usage licensing agreements, or otherwise to use another person's property without the person's prior approval or proper citation, including the downloading or exchanging of pirated software

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or copying software to or from any school computer, and will not plagiarize works they find on the Internet.

9. Users will not use the school district system for conducting business, for unauthorized commercial purposes, or for financial gain unrelated to the mission of the school district. Users will not use the school district system to offer or provide goods or services or for product advertisement. Users will not use the school district system to purchase goods or services for personal use without authorization from the appropriate school district official.
 10. Users will not use the school district system to engage in bullying or cyberbullying in violation of the school district's Bullying Prohibition Policy. This prohibition includes using any technology or other electronic communication off school premises to the extent that student learning or the school environment is substantially and materially disrupted.
- B. The school district has a special interest in regulating off-campus speech that materially disrupts classwork or involves substantial disorder or invasion of the rights of others. A student or employee engaging in the foregoing unacceptable uses of the Internet when off school district premises also may be in violation of this policy as well as other school district policies. Examples of such violations may include, but are not limited to, serious or severe bullying or harassment targeting particular individuals, threats aimed at teachers or other students, failure to follow rules concerning lessons, the writing of papers, the use of computers, or participation in other online school activities, and breaches of school security devices. If the school district receives a report of an unacceptable use originating from a non-school computer or resource, the school district may investigate such reports to the best of its ability. Students or employees may be subject to disciplinary action for such conduct, including, but not limited to, suspension or cancellation of the use or access to the school district computer system and the Internet and discipline under other appropriate school district policies, including suspension, expulsion, exclusion, or termination of employment.
- C. If a user inadvertently accesses unacceptable materials or an unacceptable Internet site, the user shall immediately disclose the inadvertent access to an appropriate school district official. In the case of a school district employee, the immediate disclosure shall be to the employee's immediate supervisor and/or the building administrator. This disclosure may serve as a defense against an allegation that the user has intentionally violated this policy. In certain rare instances, a user also may access otherwise unacceptable materials if necessary to complete an assignment and if done with the prior approval of and with appropriate guidance from the appropriate teacher or, in the case of a school district employee, the building administrator.

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VI. FILTER

- A. With respect to any of its computers with Internet access, the school district will monitor the online activities of both minors and adults and employ technology protection measures during any use of such computers by minors and adults. The technology protection measures utilized will block or filter Internet access to any visual depictions that are:
1. Obscene;
 2. Child pornography; or
 3. Harmful to minors.
- B. The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that:
1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; or
 2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
 3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.
- C. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.
- D. An administrator, supervisor, or other person authorized by the Superintendent may disable the technology protection measure, during use by an adult, to enable access for bona fide research or other lawful purposes.
- E. The school district will educate students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

VII. CONSISTENCY WITH OTHER SCHOOL POLICIES

Use of the school district computer system and use of the Internet shall be consistent with school district policies and the mission of the school district.

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VIII. LIMITED EXPECTATION OF PRIVACY

- A. By authorizing use of the school district system, the school district does not relinquish control over materials on the system or contained in files on the system. Users should expect only limited privacy in the contents of personal files on the school district system.
- B. Routine maintenance and monitoring of the school district system may lead to a discovery that a user has violated this policy, another school district policy, or the law.
- C. An individual investigation or search will be conducted if school authorities have a reasonable suspicion that the search will uncover a violation of law or school district policy.
- D. Parents may have the right at any time to investigate or review the contents of their child's files and e-mail files in accordance with the school district's Protection and Privacy of Pupil Records Policy. Parents have the right to request the termination of their child's individual account at any time.
- E. School district employees should be aware that the school district retains the right at any time to investigate or review the contents of their files and e-mail files. In addition, school district employees should be aware that data and other materials in files maintained on the school district system may be subject to review, disclosure or discovery under Minnesota Statutes Chapter 13 (Minnesota Government Data Practices Act).
- F. The school district will cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with school district policies conducted through the school district system.

IX. INTERNET USE AGREEMENT

- A. The proper use of the Internet, and the educational value to be gained from proper Internet use, is the joint responsibility of students, parents, and employees of the school district.
- B. This policy requires the permission of and supervision by the school's designated professional staff before a student may use a school account or resource to access the Internet.

X. LIMITATION ON SCHOOL DISTRICT LIABILITY

Use of the school district system is at the user's own risk. The system is provided on an "as is, as available" basis. The school district will not be responsible for any damage users may suffer, including, but not limited to, loss, damage, or unavailability of data stored on school district diskettes, tapes, hard drives, or servers, or for delays or changes in or interruptions of service or misdeliveries or nondeliveries of information or materials, regardless of the cause. The school district is not responsible for the accuracy or quality of any advice or information obtained through or stored on the school district system. The school

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district will not be responsible for financial obligations arising through unauthorized use of the school district system or the Internet.

XI. USER NOTIFICATION

- A. All users shall be notified of the school district policies relating to Internet use.
- B. This notification shall include the following:
 1. Notification that Internet use is subject to compliance with school district policies.
 2. Disclaimers limiting the school district's liability relative to:
 - a. Information stored on school district diskettes, hard drives, or servers.
 - b. Information retrieved through school district computers, networks, or online resources.
 - c. Personal property used to access school district computers, networks, or online resources.
 - d. Unauthorized financial obligations resulting from use of school district resources/accounts to access the Internet.
 3. A description of the privacy rights and limitations of school sponsored/managed Internet accounts.
 4. Notification that, even though the school district may use technical means to limit student Internet access, these limits do not provide a foolproof means for enforcing the provisions of this acceptable use policy.
 5. Notification that goods and services can be purchased over the Internet that could potentially result in unwanted financial obligations and that any financial obligation incurred by a student through the Internet is the sole responsibility of the student and/or the student's parents.
 6. Notification that the collection, creation, reception, maintenance, and dissemination of data via the Internet, including electronic communications, is governed by Public and Private Personnel Data Policy, and Protection and Privacy of Pupil Records Policy.
 7. Notification that, should the user violate the school district's acceptable use policy, the user's access privileges may be revoked, school disciplinary action may be taken and/or appropriate legal action may be taken.

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8. Notification that all provisions of the acceptable use policy are subordinate to local, state, and federal laws.

XII. PARENTS' RESPONSIBILITY; NOTIFICATION OF STUDENT INTERNET USE

- A. Outside of school, parents bear responsibility for the same guidance of Internet use as they exercise with information sources such as television, telephones, radio, movies, and other possibly offensive media. Parents are responsible for monitoring their student's use of the school district system and of the Internet if the student is accessing the school district system from home or a remote location.
- B. Parents will be notified that their students will be using school district resources/accounts to access the Internet and that the school district will provide parents the option to request alternative activities not requiring Internet access. This notification should include:
 1. A copy of the user notification form provided to the student user.
 2. A description of parent/guardian responsibilities.
 3. A notification that the parents have the option to request alternative educational activities not requiring Internet access and the material to exercise this option.
 4. A statement that the school district's acceptable use policy is available for parental review.

XIII. IMPLEMENTATION; POLICY REVIEW

- A. The school district administration may develop appropriate user notification forms, guidelines, and procedures necessary to implement this policy for submission to the school board for approval. Upon approval by the school board, such guidelines, forms, and procedures shall be an addendum to this policy.
- B. The administration shall revise the user notifications, including student and parent notifications, if necessary, to reflect the adoption of these guidelines and procedures.
- C. The school district Internet policies and procedures are available for review by all parents, guardians, staff, and members of the community.
- D. Because of the rapid changes in the development of the Internet, the school board shall conduct an annual review of this policy.

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Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
15 U.S.C. § 6501 *et seq.* (Children's Online Privacy Protection Act)
17 U.S.C. § 101 *et seq.* (Copyrights)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
47 U.S.C. § 254 (Children's Internet Protection Act of 2000 (CIPA))
47 C.F.R. § 54.520 (FCC rules implementing CIPA)
Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. § 125B.15 (Internet Access for Students)
Minn. Stat. § 125B.26 (Telecommunications/Internet Access Equity Act)
Mahanoy Area Sch. Dist. v. B.L., 594 U.S. ___, 141 S. Ct. 2038 (2021)
Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969)
United States v. Amer. Library Assoc., 539 U.S. 1942003)

Sagehorn v. Indep. Sch. Dist. No. 728, 122 F.Supp.2d 842 (D. Minn. 2015)
R.S. v. Minnewaska Area Sch. Dist. No. 2149, 894 F.Supp.2d 1128 (D. Minn. 2012)
Tatro v. Univ. of Minnesota, 800 N.W.2d 811 (Minn. App. 2011), *aff'd* on other grounds
816 N.W.2d 509 (Minn. 2012)
S.J.W. v. Lee's Summit R-7 Sch. Dist., 696 F.3d 771 (8th Cir. 2012)

Parents, Families and Friends of Lesbians and Gays, Inc. v. Camdenton R-III Sch. Dist.,
853 F.Supp.2d 888 (W.D. Mo. 2012)
M.T. v. Cent. York Sch. Dist., 937 A.2d 538 (Pa. Commw. Ct. 2007)

Cross References:

NB Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
NB Policy 406 (Public and Private Personnel Data)
NB Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)
NB Policy 506 (Student Discipline)
NB Policy 514 (Bullying Prohibition Policy)
NB Policy 515 (Protection and Privacy of Pupil Records)
NB Policy 519 (Interviews of Students by Outside Agencies)
NB Policy 521 (Student Disability Nondiscrimination)
NB Policy 522 (Title IX Sex Nondiscrimination Grievance Procedures and Process)
NB Policy 603 (Curriculum Development)
NB Policy 604 (Instructional Curriculum)
NB Policy 606 (Textbooks and Instructional Materials)
NB Policy 806 (Crisis Management Policy)
NB Policy 904 (Distribution of Materials on School District Property by Nonschool Persons)

Board & Administrator

FOR SCHOOL BOARD MEMBERS

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Resist texting superintendent, colleagues over contentious issues

While text messaging is a convenient way to communicate with your superintendent and colleagues, school board members should think twice before hitting “send.” This is especially true when involved in a heated discussion regarding a controversial topic.

On May 19, 2022, during a board meeting for the San Dieguito Union High (Cal.) School District, a resident read aloud text messages from Board Trustee Michael Allman to Superintendent Cheryl James-Ward. In the profanity-laced messages, Allman demanded that James-Ward fire a teacher who disciplined a student for failing to wear a face mask correctly in class. Because James-Ward filed a harassment complaint against Allman, those messages will also be investigated by an independent investigator.

Don’t make a similar mistake. If you plan to communicate with your superintendent or a colleague regarding a controversial topic, avoid sending text messages, emails, and the like. Instead, consider scheduling an in-person meeting to discuss concerns after you both have cooled off.

Additionally, steer clear of your smartphone when tensions are running high to help you avoid sending your superintendent or another board member unprofessional or inappropriate messages while you are upset or agitated. While some messaging apps allow you to delete or “unsend” your messages to others, most smartphones allow recipients to take screenshots of the conversation if they catch the messages before they are deleted. ■

Avoid temptation to rush superintendent selection process

A school board that hires a new superintendent without conducting a thorough search may be doing a disservice to itself, the new hire, and the community.

This is especially true when the board previously committed to considering multiple candidates for the position. In such instances, the rush to sign an interim superintendent, a district administrator, or other individual to a multiyear contract can suggest that the board is more concerned with filling the vacancy than finding the right individual to lead the district.

The public’s perception of the hiring process can

be critical to the new superintendent’s job performance. A community that feels excluded from the decision-making process will have less trust in the board’s new hire. Even if the individual selected for the position is the ideal candidate, it can take years for the public to warm up to the new superintendent — if they accept him at all. Community members may also scrutinize decisions made by the superintendent and the board, resulting in strained relationships and feelings of mistrust.

It’s no secret that finding a superintendent can be a challenge, especially during an era of nation-

wide personnel shortages. However, a board’s rush through the selection process — even with the best of intentions — can hinder the new superintendent’s ability to perform her duties effectively. The better course of action is to conduct a thorough

search for potential superintendents, consider the strengths and weakness of each candidate, and be transparent about the process. Taking a little more time at the beginning of the search will lead to better outcomes for all involved. ■

Checklist to cover all bases in separation agreement

All school boards should prepare for superintendent turnover. Use this checklist of terms that are frequently included in superintendent separation

agreements. Make sure your board considers each term, and review with district counsel before signing on the dotted line.

Check each box after each contract term is considered	Terms for negotiation
<input type="checkbox"/>	Amount of base salary and other compensation to continue as severance
<input type="checkbox"/>	Length of time to receive severance
<input type="checkbox"/>	Amount of terminal pay for accrued vacation and sick leave
<input type="checkbox"/>	Scope of retirement system payments
<input type="checkbox"/>	Extent of health insurance coverage
<input type="checkbox"/>	Release of legal claims and liabilities against the district
<input type="checkbox"/>	Release of claims district may have against the superintendent
<input type="checkbox"/>	Severability clause stating that if any provision is ruled unenforceable, the remainder of the provisions remain in effect
<input type="checkbox"/>	Obligation for payment of attorney’s fees and costs related to contractual negotiations
<input type="checkbox"/>	Extent of future cooperation of superintendent to assist with claims, investigations, administrative proceedings, or lawsuits which relate to the district and for which the superintendent may possess relevant knowledge or information
<input type="checkbox"/>	Non-disparagement clause for superintendent and board members, including the amount of damages for breach of such clause
<input type="checkbox"/>	Provision for return of district property upon superintendent’s termination ■

Consult with superintendent before making public statements

As an elected member of a school board, you may feel a personal responsibility to make a public statement after a serious incident at a district school or involving an enrolled student. You may also believe that responding quickly to the matter may help prevent negative publicity. Before responding to any media inquiries, however, consider consulting with your superintendent on the matter.

On May 24, 2022, a high schooler from Alexandria City (Va.) Public Schools was killed during an off-campus altercation that allegedly involved 30 to 50 students. Following the incident, Superin-

tendent Luis Mejia Hernandez wrote a note asking school board members to forward any media inquiries about the incident to the district’s communications team. According to Hernandez, he had already instructed the communications team to refrain from using the term “no comment.”

Your superintendent may have a similar plan in place for your district. Accordingly, doing your part by checking in with the superintendent, in addition to your colleagues on the board, will ensure everyone presents a unified front and is on the same page. ■