

**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
 MARCH 9, 2023
 5:30 PM**

AGENDA

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Approval of Agenda
- V. Superintendent’s Report 4
- VI. Removal of Consent Items for Discussion
- VII. Approval of Consent Items
 - A. Minutes of February 9, 2023 Policy Committee Meeting 14
 - B. Minutes of February 9, 2023 Regular School Board Meeting 15
 - C. Authorization of Payments, Transfers, and Investment Activity 22
 - D. Personnel
 - 1. Pamela Pignato, retirement effective at the end of the 2022-23 school year, as SPED Teacher at North Branch Area Education Center
 - 2. Carolyn Slater, retirement effective at the end of the 2022-23 school year, as Elementary Teacher at Sunrise River Elementary School and North Branch Area Education Center
 - 3. Andrew Spofford, resignation effective at the end of the 2022-23 school year, as Social Studies Teacher at North Branch Area High School
 - 4. Lynn Fox, leave request effective January 23, 2023 through March 20, 2023, as School Age Care Senior Adult Assistant at North Branch Area Education Center
 - 5. Barbara Gray, extension of leave request effective March 1, 2023 through June 1, 2023, as SPED Assistant at North Branch Area Middle School
 - 6. Jodi Johnson, extension of leave request effective March 2, 2023 through March 28, 2023 as Second Grade Teacher at Sunrise River Elementary School
 - 7. Chloe Moline, employment effective November 21, 2022, as SPED Assistant at Sunrise River Elementary School
 - 8. Erin Rainer, employment effective January 2, 2023, as Lunchroom Assistant at North Branch Area Middle School
 - 9. Deonne Nelson, employment effective January 9, 2023, as SPED Assistant at Life Work Center
 - 10. Geri Erickson, employment effective February 6, 2023, as SPED Assistant at North Branch Area Education Center
 - 11. Abigale Webster, employment effective February 7, 2023, as Community Education Early Childhood Instructor at North Branch Area Education Center

12. Jerry Miller, employment effective February 13, 2023, as Schoolkeeper at North Branch Area Public Schools
13. 2022-23 Extra Curricular Winter Coach Position
 - a. Josh Beaver, Class 3, Step 1, as Assistant Coach for Boys Basketball
14. 2022-23 Extra Curricular Spring Coach Positions
 - a. Matt Solberg, Class 2, Step 8, as Head Coach for Baseball
 - b. Josh Beaver, Class 4, Step 2, as Assistant Coach for Baseball
 - c. Charlie Linder, Class 4, Step 1, as Assistant Coach for Baseball
 - d. Katherine Crudo, Class 2, Step 7, as Head Coach for Softball
 - e. Kyle Groh, Class 4, Step 3, as Assistant Coach for Softball
 - f. Carlie Hart, Class 4, Step 1, as Assistant Coach for Softball
 - g. Karissa Ratcliff, Class 4, Step 2, as Assistant Coach for Softball
 - h. Brent Lundgren, Class 2, Step 7, as Head Coach for Boys Track & Field
 - i. Norm Nagel, Class 2, Step 10, as Head Coach for Girls Track & Field
 - j. Madison Mench, Class 4, Step 1, as Assistant Coach for Track & Field
 - k. Adam Wilson, Class 4, Step 8, as Assistant Coach for Track & Field
 - l. Ryan Minke, Class 3, Step 10, as Head Coach for Boys Golf
 - m. Chad Carlson, Class 5, Step 8, as Assistant Coach for Golf
 - n. Joel Santjer, Class 3, Step 7, as Head Coach for Boys Tennis
 - o. Bryant Meyer, Class 5, Step 2, as Assistant Coach for Boys Tennis
 - p. Norm Nagel, Class 9, Step 10, as Weightroom Supervisor for Spring Season
 - q. Justin Voss, Class 9, Step 10, as Weightroom Supervisor for Spring Season
 - r. Steve Christensen, Class 6, Step 10, as Coach for Middle School Baseball
 - s. Jim VanEerden, Class 6, Step 9, as Coach for Middle School Baseball
 - t. Jessica Audette, Class 6, Step 3, as Coach for Middle School Softball
 - u. Alexis Sheehan, Class 6, Step 2, as Coach for Middle School Softball
 - v. Reid Anderson, Class 6, Step 2, as Coach for Middle School Track
 - w. Josh Reistad, Class 6, Step 9, as Coach for Middle School Track
 - x. Scott Schraufnagel, Class 6, Step 2, as Coach for Middle School Track
 - y. Alyssa Nelson, Class 9, Step 1, as Coach for Adapted Bowling
 - z. Micah McGuiness - Volunteer Coach for Softball
 - aa. Mitch Minnig - Volunteer Coach for Softball
 - bb. Samantha Pederson - Volunteer Coach for Softball
 - cc. Kristi Pilz - Volunteer Coach for Softball
 - dd. Clint Mattson - Volunteer Coach for Baseball
 - ee. Aaron Robillard - Volunteer Coach for Baseball
 - ff. Jake Schmitz - Volunteer Coach for Baseball
 - gg. Casey Schwalbe - Volunteer Coach for Baseball
 - hh. Nick Solberg - Volunteer Coach for Baseball
 - ii. Alicia Aho - Volunteer Coach for Girls Golf
 - jj. Andy Spofford - Volunteer Coach for Boys Tennis
15. 2022-23 Activity Advisor Position
 - a. Pam Newbauer, Class 8, Step 10, as Middle School Student Council Advisor, effective January 17, 2023 through the remainder of the 2022-23 school year

- E. Acceptance of Donations 23
 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 209-NB - School Board Code of Ethics (Review only) 24
 - 2. Policy 210 - Conflict of Interest - School Board Members (MSBA changes) 27
 - 3. Policy 722 - Public Data Requests (MSBA changes) 30
- X. New Business
 - A. Consider Superintendent's Contract Effective July 1, 2023 through June 30, 2026
 - B. Consider First Reading of the Following Policies
 - 1. Policy 416 - Drug and Alcohol Testing (MSBA changes) 38
 - 2. Policy 417 - Chemical Use and Abuse (MSBA changes) 60
 - 3. Policy 418 - Drug-Free Workplace/Drug-Free School (MSBA changes) 66
- XI. Addendum
- XII. Information
 - A. Board & Administrator March 2023 Issue 71
- XIII. Board Requests
- XIV. Committee Reports
- XV. Dates to Remember
 - A. Thursday, March 23, 2023, School Board Work Session, 5:30 pm, North Branch Area Education Center, Boardroom, C120
 - B. Thursday, April 13, 2023 Policy Committee Meeting, 4:30 pm, North Branch Area Education Center, Conference Room, B122
 - C. Thursday, April 13, 2023, Regular School Board Meeting, 5:30 pm, North Branch Area Education Center, Boardroom, Room C120
 - D. Thursday, April 27, 2023, School Board Work Session, 5:30 pm, North Branch Area Education Center, Boardroom, C120
- XVI. Adjournment

Superintendent Update

March 9, 2023

4





Prepare all learners for success in school and in life.



DECA students shine at State Competition

Three days of competition

Over 3,000 participants in the statewide competition





Prepare all learners for success in school and in life.

Dakota Esget
is State Gymnastics
Champion



6

She displayed confidence amidst tough competition.

-Coach Chris Johnson





Prepare all learners for success in school and in life.

JROTC at state wrestling meet

Our high school JROTC students served as the Color Guard for the state wrestling meet last weekend.





Mutual accountability for shared results.

- NBAPS shared Level 5 e-learning plans with families in February newsletter
 - Included links to school-specific e-learning activities
 - Website created for families to readily access e-learning links
 - www.isd138.org/Page/510





Mutual accountability for shared results.

- Finance and operations
 - Support for staff transitions
 - ASBO training and leadership
- Learning and teaching
 - Clarity of expectations for Level Five e-learning days
 - Upcoming professional development day
- Staff wellness
 - Survey themes
 - Actions based on staff input
- Quality customer service
 - Front office services
 - Hosting community events



38705 Grand Ave. North Branch, MN 55056
Phone: 651-674-1000 Web: www.isd138.org

Vision Statement (where we want to be)

Inspire dreams, build integrity, and instill hope in our students, our staff, our families and our communities

Mission Statement (what we do)

Partner with families and communities to challenge all students to achieve their greatest potential and become informed citizens.

Strategic Directions (what moves us toward our mission)

1A: Prepare all learners for success in school and in life by ensuring students meet the educational milestones of the World's Best Workforce statute.

1B: Prepare all learners for success in school and in life by committing to the success of every student.

2. Ensure mutual accountability for measurable progress toward shared goals.

3. Mobilize community engagement

4. Commit resources to district priorities





Mobilizing Community Engagement

Patron Tours

Representatives from LGI Builders, a graduate from the 1950s, a local business owner, a North Branch city council member, a school board member, a parent, and recently hired district accountant attended the Feb. 15 Patron Tour. The positive energy was uplifting for tour attendees, staff and students!

Next Patron Tour: Friday, April 28

Contact Pat Tepoorten at ptepoorten@isd138.org to sign up.





Mobilizing Community Engagement

Win-Win of Economic Development

- Chisago County Economic Growth Committee: We all benefit from working in partnership to improve infrastructure, business, quality of life and quality of workforce.
- North Branch Economic Development Authority (EDA): Our students benefit significantly when the opportunities they strive for can be found in our communities rather than existing primarily as theoretical options in far away places. When we provide tangible and relevant learning opportunities, student motivation increases and students gain confidence about the future they can create for themselves. Our communities benefit from retaining local talent as we provide a growing number of incentives to stay in the area, raise families, and contribute to our shared, continued success.
- Economic growth means that more and more of our incredibly talented Vikings stay in our area and take advantage of a growing community.



Committing Resources to District Priorities

- Managing our Finances
 - Bond Rating Improved
 - Operating within Fund Balance range
 - 10-15%
 - Have not had to cash-flow borrow
 - Growing Enrollment
 - Added Elementary Positions
 - Ongoing strategic adjustments
 - Ongoing budget monitoring and strategic adjustments
 - Legislative Advocacy



TM

FORWARD

Together

**NORTH BRANCH INDEPENDENT SCHOOL DISTRICT NO. 138
NORTH BRANCH AREA EDUCATION CENTER, ROOM B122
POLICY COMMITTEE MEETING
February 9, 2023**

The Policy Committee met on Thursday, February 9, 2023 at 4:30 p.m. in Room B122 at the North Branch Area Education Center.

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

Policies Discussed

Policy 416 - Drug and Alcohol Testing (MSBA changes)

Policy 416 was discussed and will be presented at the March 9 regular board meeting for a first reading.

Policy 417 - Chemical Use and Abuse (MSBA changes)

Policy 417 was discussed and will be presented at the March 9 regular board meeting for a first reading.

Policy 418 - Drug-Free Workplace/Drug-Free School (MSBA changes)

Policy 418 was discussed and will be presented at the March 9 regular board meeting for a first reading.

The meeting concluded at 4:59 p.m.

Heather Naegele, Clerk
(Unapproved)

**NORTH BRANCH INDEPENDENT SCHOOL DISTRICT NO. 138
REGULAR SCHOOL BOARD MEETING
NORTH BRANCH AREA EDUCATION CENTER, BOARDROOM
FEBRUARY 9, 2023**

The School Board of Independent School District 138 met in regular session on Thursday, February 9, 2023, 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, Heather Naegele, Jesse LaValla, Shelly Johnson, and Superintendent Paul

Absent: Adam Trampe

Others in Attendance:

John Wagner, Molly Whelan, David Treichel, Todd Tetzlaff, Pat Tepoorten, and Arle Chambers

The Pledge of Allegiance was said by all.

Oath of Office for New School Member

The Oath of Office was read and newly elected school board member Jesse LaValla was seated at the board table.

Approval of Agenda:

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

SUPERINTENDENT'S REPORT

Superintendent Paul reported we have 29 new students since January 1. She also reported on Kindergarten Parent Information Night, MSHSL ExCEL recipient Hannah Bernier, and that the Middle School Speech team were named conference champions.

She also reported that the Robotics Team 7288, an all-girls squad, has qualified for the FTC state competition, and the DECA students are off to state March 5-7. She also gave an update on the Viking Bridge Program, the Staff Wellness Committee, and a visit from the state fire marshal.

CONSENT ITEMS

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

A. Minutes of January 12, 2023 Policy Committee Meeting

- B. Minutes of January 12, 2023 Organizational Meeting
- C. Minutes of January 12, 2023 Regular School Board Meeting
- D. Minutes of January 26, 2023 Work Session
- E. Authorization of Payments, Transfers, and Investment Activity
 - Accounts Payable, Bank 07 – \$1,134,366.06
 - Auxiliary, Bank 12 - \$2,736.60
 - Payroll, Bank 13 - \$2,040,408.16
 - Scholarship, Bank 18 - \$67,423.75
 - High School Student Activities, Bank 31 - \$16,872.98
 - Middle School Student Activities, Bank 32 - \$14.55
- F. Personnel
 1. Stephanie Wendel, resignation effective February 14, 2023, as Bookkeeper at North Branch Area Public Schools
 2. Jennifer Joyal, four (4) year leave request beginning with the 2023-24 school year
 3. Taylor Neil, leave request effective January 2, 2023 through January 11, 2023, as Elementary Music Teacher at Sunrise River Elementary School
 4. Michelle Bjork, employment effective January 2, 2023, as School Age Care Adult Assistant at North Branch Area Education Center
 5. Tonia Mattson, employment effective January 2, 2023, as Lunchroom/Playground Assistant at Sunrise River Elementary School
 6. Liz Overland, employment effective January 2, 2023, as SPED Assistant at North Branch Area Education Center
 7. Samantha Leger, employment effective January 10, 2023, as SPED Assistant at North Branch Area High School
 8. Jenna Battaglia, employment effective January 30, 2023, as District Accountant at North Branch Area Public Schools
 9. Mark Billik, position change from Maintenance Specialist to Interim Leader of Buildings and Grounds effective January 1, 2023 to June 30, 2023
 10. Samantha Hoffman, position change from School Age Care Adult Assistant to School Age Care Senior Adult Assistant effective January 16, 2023 at North Branch Area Education Center

11. Kimberly House, position change from Schoolkeeper to Custodian effective January 23, 2023 at North Branch Area Public Schools

12. Annette Fairbanks, position change from Community Education Early Childhood Instructor to Early Learning Coordinator effective February 15, 2023 at North Branch Area Education Center

13. 2022-23 Extra Curricular Winter Coach Positions

- a. Annie Gladitsch, Class 4, Step 1, as 0.5 FTE Assistant Coach for Gymnastics
- b. Sean Huset, Class 6, Step 9, as Coach for Middle School Boys Basketball

14. 2022-23 Activity Advisor Positions

- a. Tomy Cummings, Class 6, Step 2, as 0.5 FTE 10-12 FRC Robotics Coach
- b. Angela Tveit, Class 6, Step 2, as 10-12 FRC Robotics Coordinator
- c. Jessica Petrik, Class 4, Step 3, as Head Coach for Speech
- d. Brittany Ahner, Class 6, Step 7, as Assistant Coach for Speech

G. Letter of Agreement Between Independent School District No. 138, Deanna Wilson, and the North Branch Support Staff Association Regarding a Long-term Substitute Teaching Position Effective January 17, 2023 to June 9, 2023

H. Acceptance of Donations

Date	Donation From	Donation To	Amount	Use
12/7/22	Kyle Hauge – NB, MN	Sunrise River Elem	\$100.00	Sunrise Supplies
1/6/23	Anonymous	NBHS Scholarship A/C	\$500.00	Scholarship Donation
1/12/23	NB Fire Relief Assoc. – NB, MN	NBHS Athletics	\$1,000.00	Baseball Program
1/12/23	Revive Chiropractic – NB, MN	NBHS Athletics	\$50.00	Girls Basketball Program
1/12/23	VFW Post 6424 – NB, MN	NBHS Athletics	\$100.00	FRC Robotics Program
1/13/23	Box Tops for Education	Sunrise River Elem	\$63.40	Sunrise Supplies
1/13/23	Trinity Lutheran Church, TWIGS – NB, MN	NBAPS	\$450.00	\$200-Staff Development & \$250-Student Lunches
1/20/23	American Legion Post 85 Riders – NB, MN	NBHS Scholarship A/C	\$500.00	Scholarship Donation
1/20/23	Anonymous	NBHS Scholarship A/C	\$500.00	Scholarship Donation
1/23/23	Scheuring Speed Sports – Aurora, MN	NBHS	\$200.00	Shop Program
1/26/23	Big Rock Creek, LLC – St. Croix Falls, WI	NBHS Athletics	\$250.00	Student Council Program
1/26/23	Plastic Products Co., Inc. – Lindstrom, MN	NBHS Athletics	\$500.00	FRC Robotics Program
1/26/23	Regal Machine, Inc. – Wyoming, MN	NBHS Athletics	\$100.00	FRC Robotics Program
1/27/23	Brent Martfeld – NB, MN	NBAPS	\$400.00	District Supplies
1/30/23	Lisa Fortuna – NB, MN	NBHS Scholarship A/C	\$1,500.00	Scholarship Donation
1/30/23	Hazelden Betty Ford Foundation – Center City, MN	NBHS Scholarship A/C	\$600.00	Scholarship Donation
1/30/23	NB Area Chamber of Commerce – NB, MN	NBHS Scholarship A/C	\$1,500.00	Scholarship Donation
		TOTAL	\$8,313.40	
Jan 2023	DonorsChoose – New York, NY	Sunrise River Elem		Toys & activities were donated to SPED classroom.

OPEN MIC

No one signed up for open mic.

OLD BUSINESS

A. Approval of Second Reading of the Following Policies

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

1. Policy 410 - Family and Medical Leave Policy (Annual review, MSBA changes)
2. Policy 414 - Mandated Reporting of Child Neglect or Physical or Sexual Abuse (Annual review, MSBA changes)
3. Policy 415 - Mandated Reporting of Maltreatment of Vulnerable Adults (Annual review, MSBA changes)
4. Policy 534 - School Meals Policy (MSBA changes)

NEW BUSINESS

A. Minnesota School Board Recognition Week - Month of February

In honor of School Board Recognition Month, Superintendent Paul recognized the school board members for their dedication and service to North Branch Area Public Schools.

B. Approval of Resolution Directing the Administration to Make Recommendations for Reductions in Programs and Positions and Reasons Therefor

Member Naegle introduced the following resolution and moved its adoption:

**RESOLUTION DIRECTING THE ADMINISTRATION
TO MAKE RECOMMENDATIONS FOR REDUCTIONS
IN PROGRAMS AND POSITIONS AND REASONS
THEREFOR.**

WHEREAS, the financial condition of the school district dictates that the school board must reduce expenditures immediately, and

WHEREAS, there has been a reduction in student enrollment, and,

WHEREAS, this reduction in expenditure and decrease in student enrollment must include discontinuance of positions and discontinuance or curtailment of programs, and

WHEREAS, a determination must be made as to which teachers' contracts must be terminated and not renewed and which teachers may be placed on unrequested leave of absence without pay or fringe benefits in effecting discontinuance of positions,

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

That the School Board hereby directs the Superintendent of Schools and administration to consider the discontinuance of programs or positions to effectuate economies in the school district and reduce expenditures and, as a result of a reduction in enrollment, make recommendations to the school board for the discontinuance of programs, curtailment of programs, discontinuance of positions or curtailment of positions.

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

C. Approval of Delegation of Authority to Make Electronic Funds Transfers on Behalf of the School District

Moved by Grovender, seconded by LaValla and carried unanimously to approve the delegation of authority to make electronic funds transfers on behalf of the school district. Designate Todd Tetzlaff, Paula Vaughn, Jennifer Thompson, Christine Lundberg, and Stephanie Wendel. Add Jenna Battaglia. Remove Stephanie Wendel as of February 14, 2023 and Paula Vaughn as of March 1, 2023.

D. Approval of 2022-23 American Indian Resolution

Moved by Naegele, seconded by LaValla and carried unanimously to approve the following resolution:

RESOLUTION
The American Indian Parent Advisory Committee Resolution

WHEREAS, the school board or district has an AIPAC composed of parents/guardians of American Indian children who are eligible for Indian education programs, American Indian language and culture teachers and paraprofessionals, American Indian teachers, American Indian counselors, American Indian adults enrolled in educational programming, and American Indian representatives from community;

WHEREAS, the school board or district affords the AIPAC the necessary information and the opportunity to effectively express their views concerning all aspects of American Indian education and the educational needs of the American Indian children enrolled in the school(s) and program(s); and,

WHEREAS, the AIPAC is directly involved with and advises the school board and district staff on Indian Education program planning; and,

WHEREAS, the AIPAC develops and submits recommendations to the school board and district staff pertaining to the needs of American Indian students.

THEREFORE BE IT RESOLVED, that the AIPAC concurs that the school board and district are compliant with MN Statutes, Section 124D.78, and that the school board and district are meeting the needs of American Indian students.

We, the American Indian Parent Advisory Committee, issue a **Vote of Concurrence**. We attest that the school board and/or district are compliant with Minnesota Statutes and that the school board and/or district are meeting the needs of American Indian students; **or**,

We, the American Indian Parent Advisory Committee, issue a **Vote of Non-Concurrence**. We attest that the school board and/or district are not compliant with Minnesota Statutes and that the school board and/or district are not meeting the needs of American Indian students. We have provided written recommendations for improvements to the school board, and we acknowledge that the school board has 60 days from the receipt of these recommendations in which to respond, in writing, to each recommendation.

AIPAC Chairperson: Victoria Halverson

Date: 2/9/23

- E. Approval of Bus Purchase Agreement with 4.0
Moved by Grovender, seconded by Naegele and carried unanimously to approve the bus purchase agreement with 4.0.
- F. 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 209-NB - School Board Code of Ethics (Review only)
 2. Policy 210 - Conflict of Interest - School Board Members (MSBA changes)
 3. Policy 722 - Public Data Requests (MSBA changes)

INFORMATION

The board reviewed the February 2023 issue of the Board and Administrator.

BOARD REQUESTS

None

COMMITTEE REPORTS

None

DATES TO REMEMBER

- A. February 23, 2023, School Board Work Session, 5:30 pm, North Branch Area Education Center, Boardroom, C120
- B. March 9, 2023, Regular School Board Meeting, 5:30 pm, North Branch Area Education Center, Boardroom, Room C120

C. March 23, 2023, School Board Work Session, 5:30 pm, North
Branch Area Education Center, Boardroom, C120

Adjournment

Moved by Naegele, seconded by LaValla and carried unanimously to adjourn the regular meeting at 6:13 p.m.

Heather Naegele, Clerk
(Unapproved)

**ELECTRONIC FUND TRANSFERS
February 2023**

Direct Dep Cks	\$962,609.36		
ACHS	<u>\$12,497.46</u>		
	\$975,106.82		
Wells Fargo Debt Service Payment:		2/16/2023	\$71,197.43
Other Electronic Fund Transfers:		2/13/2023	\$64,287.34
Federal/FICA Taxes		2/13/2023	\$94,872.39
(Also reflected in P/R info)		2/27/2023	\$67,546.91
		2/27/2023	<u>\$94,617.86</u>
			\$321,324.50
Minnesota Withholding Taxes		2/14/2023	\$10,362.19
(Also reflected in P/R info)		2/14/2023	\$16,332.20
		2/28/2023	\$10,731.12
		2/28/2023	<u>\$16,187.96</u>
			\$53,613.47
Economic Service (EBC)		2/13/2023	\$10,341.96
(Also reflected in P/R info)		2/13/2023	\$24,252.78
		2/27/2023	\$10,341.96
		2/28/2023	<u>\$23,915.43</u>
			\$68,852.13
MII LIFE-F S A	PEIP	2/6/2023	\$2,463.44
	PEIP	2/7/2023	\$345.36
	PEIP	2/14/2023	\$1,249.88
	PEIP	2/17/2023	\$30.00
	PEIP	2/22/2023	\$19.92
	PEIP	2/22/2023	\$610.23
	PEIP Admin Fee	2/24/2023	<u>\$428.00</u>
			\$5,146.83
MII LIFE-M S A		2/13/2023	\$2,155.63
		2/13/2023	\$5,275.84
		2/27/2023	\$1,834.69
		2/27/2023	\$2,082.67
		2/28/2023	\$72.96
		2/28/2023	<u>\$3,525.45</u>
			\$14,947.24
Minnesota Teachers Retirement		2/10/2023	\$8,483.86
		2/10/2023	\$68,351.52
		2/24/2023	\$8,483.86
		2/27/2023	<u>\$68,817.12</u>
			\$154,136.36
PERA		2/10/2023	\$33,761.53
		2/24/2023	\$35,368.24
		2/27/2023	<u>\$22.96</u>
			\$69,152.73
Delta Dental Plan		2/22/2023	\$19,705.48
MN Sales Tax		2/16/2023	\$101.00

FEBRUARY 2023

DATE	DONATION FROM	DONATION TO	AMOUNT	USE
2/6/23	Shaan Hilber, 37687 Elk Ave, North Branch, MN 55056	NBHS	\$60.00	Music 50/50 split (Band & Choir) Department Donation
2/8/23	North Branch Dental, P.O. Box 220, North Branch, MN 55056	NBHS Scholarship A/C	\$2,000.00	Scholarship Donation
2/8/23	Northern Edge, P.O. Box 153, St. Francis, MN 55070	NBHS Scholarship A/C	\$500.00	Scholarship Donation
2/8/23	Tamyra & Kurt Roettjer, 5303 391st Street, North Branch, MN 55056	NBHS Scholarship A/C	\$1,000.00	Scholarship Donation
2/9/23	American Legion Aux. Unit 85, 6439 Elm St, North Branch, MN 55056	Comm. Ed	\$75.00	Community Ed Education Donation
2/9/23	NBAEF, 38868-12th Ave #4, North Branch, MN 55056	NBAPS	\$500.00	Books for Brett Donation
2/27/23	Shaan Hilber, 37687 Elk Ave, North Branch, MN 55056	NBHS	\$60.00	Music 50/50 split (Band & Choir) Department Donation
2/27/23	Jumpin' Jacks, Inc., 27796 Jodrell St NE, North Branch, MN 55056	ECFE/SPED	\$650.00	Special Ed within the ECFE Program
			\$4,845.00	

Adopted: _____

MSBA/MASA Model Policy 209

Orig. 1995

Revised: _____

Rev. 2022

209 SCHOOL BOARD CODE OF ETHICS

I. PURPOSE

The purpose of this policy is to assist the individual school board member in understanding his or her role as part of a school board and in recognizing the contribution that each member must make to develop an effective and responsible school board.

II. GENERAL STATEMENT OF POLICY

Each school board member shall follow the code of ethics stated in this policy.

A. AS A MEMBER OF THE SCHOOL BOARD, I WILL:

1. Attend school board meetings.
2. Come to the meetings prepared for discussion of the agenda items.
3. Listen to the opinions and views of others (including, but not limited to, other school board members, administration, staff, students, and community members).
4. Vote my conscience after informed discussion, unless I abstain because a conflict of interest exists.
5. Support the decision of the school board, even if my position concerning the issue was different.
6. Recognize the integrity of my predecessors and associates and appreciate their work.
7. Be primarily motivated by a desire to provide the best possible education for the students of my school district.
8. Inform myself about the proper duties and functions of a school board member.

B. IN PERFORMING THE PROPER FUNCTIONS OF A SCHOOL BOARD MEMBER, I WILL:

1. Focus on education policy as much as possible.
2. Remember my responsibility is to set policy – not to implement policy.
3. Consider myself a trustee of public education and do my best to protect, conserve, and advance its progress.
4. Recognize that my responsibility, exercised through the actions of the school board as a whole, is to see that the schools are properly run – not to run them myself.

5. Work through the superintendent – not over or around the superintendent.
 6. Delegate the implementation of school board decisions to the superintendent.
- C. TO MAINTAIN RELATIONS WITH OTHER MEMBERS OF THE SCHOOL BOARD, I WILL:
1. Respect the rights of others to have and express opinions.
 2. Recognize that authority rests with the school board in legal session – not with the individual members of the school board except as authorized by law.
 3. Make no disparaging remarks, in or out of school board meetings, about other members of the school board or their opinions.
 4. Keep an open mind about how I will vote on any proposition until the board has met and fully discussed the issue.
 5. Make decisions by voting in school board meetings after all sides of debatable questions have been presented.
 6. Insist that committees be appointed to serve only in an advisory capacity to the school board.
- D. IN MEETING MY RESPONSIBILITIES TO MY COMMUNITY, I WILL:
1. Attempt to appraise and plan for both the present and future educational needs of the school district and community.
 2. Attempt to obtain adequate financial support for the school district's programs.
 3. Insist that business transactions of the school district be ethical and open.
 4. Strive to uphold my responsibilities and accountability to the taxpayers in my school district.
- E. IN WORKING WITH THE SUPERINTENDENT OF SCHOOLS AND STAFF, I WILL:
1. Hold the superintendent responsible for the administration of the school district.
 2. Give the superintendent authority commensurate with his or her responsibilities.
 3. Assure that the school district will be administered by the best professional personnel available.
 4. Consider the recommendation of the superintendent in hiring all employees.
 5. Participate in school board action after considering the recommendation of the superintendent and only after the superintendent has furnished adequate information supporting the recommendation.
 6. Insist the superintendent keep the school board adequately informed at all times.
 7. Offer the superintendent counsel and advice.

8. Recognize the status of the superintendent as the chief executive officer and a non-voting, ex officio member of the school board.
9. Refer all complaints to the proper administrative officer or insist that they be presented in writing to the whole school board for proper referral according to the chain of command.
10. Present any personal criticisms of employees to the superintendent.
11. Provide support for the superintendent and employees of the school district so they may perform their proper functions on a professional level.

F. IN FULFILLING MY LEGAL OBLIGATIONS AS A SCHOOL BOARD MEMBER, I WILL:

1. Comply with all federal, state, and local laws relating to my work as a school board member.
2. Comply with all school district policies as adopted by the school board.
3. Abide by all rules and regulations as promulgated by the Minnesota Department of Education and other state and federal agencies with jurisdiction over school districts.
4. Recognize that school district business may be legally transacted only in an open meeting of the school board.
5. Avoid conflicts of interest and refrain from using my school board position for personal gain.
6. Take no private action that will compromise the school board or administration.
7. Guard the confidentiality of information that is protected under applicable law.

Legal References: Minn. Stat. § 123B.02, Subd. 1 (General Powers of Independent School Districts)
Minn. Stat. § 123B.09 (Boards of Independent School Districts)
Minn. Stat. § 123B.143, Subd. 1 (Superintendent)

Cross References: None

Adopted: _____

MSBA/MASA Model Policy 210

Orig. 1995

Revised: _____

Rev. 2022~~08~~

210 CONFLICT OF INTEREST – SCHOOL BOARD MEMBERS

I. PURPOSE

The purpose of this policy is to observe state statutes regarding conflicts of interest and to engage in school district business activities in a fashion designed to avoid any conflict of interest or the appearance of impropriety.

II. GENERAL STATEMENT OF POLICY

It is the policy of the school board to contract for goods and services in conformance with statutory conflict of interest laws and in a manner that will avoid any conflict of interest or the appearance thereof. Accordingly, the school board will contract under the statutory exception provisions only when it is clearly in the best interest of the school district because of limitations that may exist on goods or services otherwise available to the school district.

III. GENERAL PROHIBITIONS AND RECOGNIZED STATUTORY EXCEPTIONS

- A. A school board member who is authorized to take part in any manner in making any sale, lease, or contract in his or her official capacity shall not voluntarily have a personal financial interest in that sale, lease, or contract or personally benefit financially therefrom.
- B. In the following circumstances, however, the school board may as an exception, by unanimous vote, contract for goods or services with a school board member of the school district:
 1. In the designation of a bank or savings association, in which a school board member is interested, as an authorized depository for school district funds and as a source of borrowing, provided such deposited funds are protected in accordance with Minn. Stat. Ch. Minnesota Statutes chapter 118A. Any school board member having said interest shall disclose that interest and the interest shall be entered upon the school board minutes ~~of the school board~~. Disclosure ~~must~~ shall be made when such bank or savings association is first designated as a depository or source of borrowing, or when such school board member is elected, whichever is later. Disclosure serves as notice of the interest and ~~must~~ need only be made once;
 2. The designation of an official newspaper, or publication of official matters therein, in which the school board member is interested when it is the only newspaper complying with statutory requirements relating to the designation or publication;
 3. A contract with a cooperative association of which the school board member is a shareholder or stockholder but not an officer or manager;
 4. A contract for which competitive bids are not required by law. A contract made under this exception will be void unless the following procedures are observed:

- a. The school board ~~must~~ shall authorize the contract in advance of its performance by adopting a resolution setting out the essential facts and determining that the contract price is as low as or lower than the price at which the goods or services could be obtained elsewhere.
 - b. In the case of an emergency when the contract cannot be authorized in advance, payment of the claims must be authorized by a like resolution wherein the facts of the emergency are also stated.
 - c. Before a claim is paid, the interested school board member ~~shall~~ must file with the clerk of the school board an affidavit stating:
 - (1) The name of the school board member and the office held;
 - (2) An itemization of the goods or services furnished;
 - (3) The contract price;
 - (4) The reasonable value;
 - (5) The interest of the school board member in the contract; and
 - (6) That to the best of the school board member's knowledge and belief, the contract price is as low as, or lower than, the price at which the goods or services could be obtained from other sources.
5. A school board member may contract with the school district to provide construction materials or services, or both, when the sealed bid process is used. When the contract comes before the school board for consideration, the interested school board member may not vote on the contract. (**Note:** *This section applies only when the school district has a population of 1,000 or less according to the last federal census.*)
6. A school board member may rent space in a public facility at a rate commensurate with that paid by other members of the public.
- C. In the following circumstances, the school board may as an exception, by majority vote at a meeting ~~where-at which~~ all school board members are present, contract for services with a school board member of the school district: A school board member may be newly employed or may continue to be employed by the school district as an employee ~~where~~ only if there is a reasonable expectation on July 1, or at the time the contract is entered into or extended, that the amount to be earned by that school board member under that contract or employment relationship, will not exceed \$~~208~~,000 in that fiscal year. If the school board member does not receive majority approval to be initially employed or to continue in employment at a meeting ~~where-at which~~ all school board members are present, that employment ~~must be~~ immediately terminated and that school board member ~~will have~~ has no further rights to employment while serving as a school board member in the school district.
- D. The school board may contract with a class of school district employees, such as teachers or custodians, ~~where-when~~ the spouse of a school board member is a member of the class of employees contracting with the school board and the employee spouse

receives no special monetary or other benefit that is substantially different from the benefits that other members of the class receive under the employment contract. ~~In order for~~ For the school board to invoke this exception, it must have a majority of disinterested school board members vote to approve the contract, direct the school board member spouse to abstain from voting to approve the contract, and publicly set out the essential facts of the contract at the meeting ~~where-in which~~ the contract is approved.

IV. LIMITATIONS ON RELATED EMPLOYEES

- A. The school board ~~can~~ must hire or dismiss teachers only at duly called meetings. ~~Where~~ When a husband and wife, brother and sister, or two brothers or sisters, constitute a quorum, no contract employing a teacher may be made or authorized except upon the unanimous vote of the full school board.
- B. The school board may not employ any teacher related by blood or marriage to a school board member, within the fourth degree as computed by the civil law, except by a unanimous vote of the full school board.

V. CONFLICTS PRIOR TO TAKING OFFICE

A school board member with personal financial interest in a sale, lease, or contract with the school district which was entered before the school board member took office and presents an actual or potential conflict of interest, shall immediately notify the school board of such interest. It shall thereafter be the responsibility of the school board member to refrain from participating in any action relating to the sale, lease, or contract. At the time of renewal of any such sale, lease, or contract, the school board may enter into or renew such sale, lease, or contract only if it falls within one of the enumerated exceptions for contracts relating to goods or services provided above and if the procedures provided in this policy are followed.

VI. DETERMINATION AS TO WHETHER A CONFLICT OF INTEREST EXISTS

The determination as to whether a conflict of interest exists is to be made by the school board. Any school board member who has an actual or potential conflict shall notify the school board of such conflict immediately. The school board member shall thereafter cooperate with the school board as necessary for the school board to make its determination.

Legal References: Minn. Stat. § 122A.40, Subd. 3 (~~Employment; Contracts; Termination~~)~~Teacher Hiring, Dismissal~~

Minn. Stat. § 123B.195 (Board Member's Right to Employment)

Minn. Stat. § 471.87 (Public Officers' Interest in Contract; Penalty)

Minn. Stat. § 471.88, Subds. 2, 3, 4, 5, 12, 13, and 21 (Exceptions)

Minn. Stat. § 471.89 (Contract, When Void)

Op. Atty. Gen. 437-A-4, March 15, 1935

Op. Atty. Gen. 90-C-5, July 30, 1940

Op. Atty. Gen. 90-A, August 14, 1957

Cross References: MSBA/MASA Model Policy 101 (Legal Status of the School Board)

MSBA/MASA Model Policy 209 (Code of Ethics)

~~MSBA Service Manual, Chapter 1, School District Governance, Powers and Duties~~

Adopted: _____

MSBA/MASA Model Policy 722

Orig. 2017

Revised: _____

Rev. 2022

722 PUBLIC DATA AND DATA SUBJECT REQUESTS

I. PURPOSE

The school district recognizes its responsibility relative to the collection, maintenance, and dissemination of public data as provided in state statutes.

II. GENERAL STATEMENT OF POLICY

The school district will comply with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes chapter 13 (MGDPA), and Minnesota Rules parts 1205.0100-1205.2000 in responding to requests for public data.

III. DEFINITIONS

A. Confidential Data on Individuals

Data made not public by statute or federal law applicable to the data and are inaccessible to the individual subject of those data.

B. Data on Individuals

All government data in which any individual is or can be identified as the subject of that data, unless the appearance of the name or other identifying data can be clearly demonstrated to be only incidental to the data and the data are not accessed by the name or other identifying data of any individual.

C. Data Practices Compliance Officer

The data practices compliance official is the designated employee of the school district to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems. The responsible authority may be the data practices compliance official.

D. Government Data

All data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media or conditions of use.

E. Individual

"Individual" means a natural person. In the case of a minor or an incapacitated person as defined in Minnesota Statutes section 524.5-102, subdivision 6, "individual" includes a parent or guardian or an individual acting as a parent or guardian in the absence of a parent or guardian, except that the responsible authority shall withhold data from parents or guardians, or individuals acting as parents or guardians in the absence of parents or guardians, upon request by the minor if the responsible authority determines that withholding the data would be in the best interest of the minor.

F. Inspection

"Inspection" means the visual inspection of paper and similar types of government data. Inspection does not include printing copies by the school district, unless printing a copy is the only method to provide for inspection of the data. For data stored in electronic

form and made available in electronic form on a remote access basis to the public by the school district, inspection includes remote access to the data by the public and the ability to print copies of or download the data on the public's own computer equipment.

G. Not Public Data

Any government data classified by statute, federal law, or temporary classification as confidential, private, nonpublic, or protected nonpublic.

H. Nonpublic Data

Data not on individuals made by statute or federal law applicable to the data: (a) not accessible to the public; and (b) accessible to the subject, if any, of the data.

I. Private Data on Individuals

Data made by statute or federal law applicable to the data: (a) not public; and (b) accessible to the individual subject of those data.

J. Protected Nonpublic Data

Data not on individuals made by statute or federal law applicable to the data (a) not public and (b) not accessible to the subject of the data.

K. Public Data

All government data collected, created, received, maintained, or disseminated by the school district, unless classified by statute, temporary classification pursuant to statute, or federal law, as nonpublic or protected nonpublic; or, with respect to data on individuals, as private or confidential.

L. Public Data Not on Individuals

Data accessible to the public pursuant to Minnesota Statutes section 13.03.

M. Public Data on Individuals

Data accessible to the public in accordance with the provisions of section 13.03.

N. Responsible Authority

The individual designated by the school board as the individual responsible for the collection, use, and dissemination of any set of data on individuals, government data, or summary data, unless otherwise provided by state law. Until an individual is designated by the school board, the responsible authority is the superintendent.

O. Summary Data

Statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify an individual is ascertainable. Unless classified pursuant to Minnesota Statutes section 13.06, another statute, or federal law, summary data is public.

IV. REQUESTS FOR PUBLIC DATA

- A. All requests for public data must be made in writing directed to the responsible authority.
 - 1. A request for public data must include the following information:

- a. Date the request is made;
 - b. A clear description of the data requested;
 - c. Identification of the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and
 - d. Method to contact the requestor (such as phone number, address, or email address).
2. Unless specifically authorized by statute, the school district may not require persons to identify themselves, state a reason for, or justify a request to gain access to public government data. A person may be asked to provide certain identifying or clarifying information for the sole purpose of facilitating access to the data. A requestor is not required to explain the reason for the data request.
 3. The identity of the requestor is public, if provided, but cannot be required by the government entity.
 4. The responsible authority may seek clarification from the requestor if the request is not clear before providing a response to the data request.
- B. The responsible authority will respond to a data request at reasonable times and places as follows:
1. The responsible authority will notify the requestor in writing as follows:
 - a. The requested data does not exist; or
 - b. The requested data does exist but either all or a portion of the data is not accessible to the requestor; or
 - (1) If the responsible authority determines that the requested data is classified so that access to the requestor is denied, the responsible authority will inform the requestor of the determination in writing, as soon thereafter as possible, and shall cite the specific statutory section, temporary classification, or specific provision of federal law on which the determination is based.
 - (2) Upon the request of a requestor who is denied access to data, the responsible authority shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of federal law upon which the denial was based.
 - c. The requested data does exist and provide arrangements for inspection of the data, identify when the data will be available for pick-up, or indicate that the data will be sent by mail. If the requestor does not appear at the time and place established for inspection of the data or the data is not picked up within ten (10) business days after the requestor is notified, the school district will conclude that the data is no longer wanted and will consider the request closed.
 2. The school district's response time may be affected by the size and complexity of the particular request, including necessary redactions of the data, and also by the number of requests made within a particular period of time.
 3. The school district will provide an explanation of technical terminology, abbreviations, or acronyms contained in the responsive data on request.

4. The school district is not required by the MGDPA to create or collect new data in response to a data request, or to provide responsive data in a specific form or arrangement if the school district does not keep the data in that form or arrangement.
5. The school district is not required to respond to questions that are not about a particular data request or requests for data in general.

V. REQUEST FOR SUMMARY DATA

- A. A request for the preparation of summary data shall be made in writing directed to the responsible authority.
 1. A request for the preparation of summary data must include the following information:
 - a. Date the request is made;
 - b. A clear description of the data requested;
 - c. Identify the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and
 - d. Method to contact requestor (phone number, address, or email address).
- B. The responsible authority will respond within ten (10) business days of the receipt of a request to prepare summary data and inform the requestor of the following:
 1. The estimated costs of preparing the summary data, if any; and
 2. The summary data requested; or
 3. A written statement describing a time schedule for preparing the requested summary data, including reasons for any time delays; or
 4. A written statement describing the reasons why the responsible authority has determined that the requestor’s access would compromise the private or confidential data.
- C. The school district may require the requestor to pre-pay all or a portion of the cost of creating the summary data before the school district begins to prepare the summary data.

VI. DATA BY AN INDIVIDUAL DATA SUBJECT

- A. Collection and storage of all data on individuals and the use and dissemination of private and confidential data on individuals shall be limited to that necessary for the administration and management of programs specifically authorized by the legislature or local governing body or mandated by the federal government.
- B. Private or confidential data on an individual shall not be collected, stored, used, or disseminated by the school district for any purposes other than those stated to the individual at the time of collection in accordance with Minnesota Statutes section 13.04, except as provided in Minnesota Statutes section 13.05, subdivision 4.
- C. Upon request to the responsible authority or designee, an individual shall be informed whether the individual is the subject of stored data on individuals, and whether it is

classified as public, private or confidential. Upon further request, an individual who is the subject of stored private or public data on individuals shall be shown the data without any charge and, if desired, shall be informed of the content and meaning of that data.

- D. After an individual has been shown the private data and informed of its meaning, the data need not be disclosed to that individual for six months thereafter unless a dispute or action pursuant to this section is pending or additional data on the individual has been collected or created.
- E. The responsible authority or designee shall provide copies of the private or public data upon request by the individual subject of the data. The responsible authority or designee may require the requesting person to pay the actual costs of making and certifying the copies.
- F. The responsible authority or designee shall comply immediately, if possible, with any request made pursuant to this subdivision, or within ten days of the date of the request, excluding Saturdays, Sundays and legal holidays, if immediate compliance is not possible.
- G. An individual subject of the data may contest the accuracy or completeness of public or private data. To exercise this right, an individual shall notify in writing the responsible authority describing the nature of the disagreement. The responsible authority shall within 30 days either: (1) correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual; or (2) notify the individual that the authority believes the data to be correct. Data in dispute shall be disclosed only if the individual's statement of disagreement is included with the disclosed data.
- H. The determination of the responsible authority may be appealed pursuant to the provisions of the Administrative Procedure Act relating to contested cases. Upon receipt of an appeal by an individual, the commissioner shall, before issuing the order and notice of a contested case hearing required by Minnesota Statutes chapter 14, try to resolve the dispute through education, conference, conciliation, or persuasion. If the parties consent, the commissioner may refer the matter to mediation. Following these efforts, the commissioner shall dismiss the appeal or issue the order and notice of hearing.
- I. Data on individuals that have been successfully challenged by an individual must be completed, corrected, or destroyed by a government entity without regard to the requirements of Minnesota Statutes section 138.17.
- A.J. After completing, correcting, or destroying successfully challenged data, the school district may retain a copy of the commissioner of administration's order issued under Minnesota Statutes chapter 14 or, if no order were issued, a summary of the dispute between the parties that does not contain any particulars of the successfully challenged data.

VII. REQUESTS FOR DATA BY AN INDIVIDUAL SUBJECT OF THE DATA

- A. All requests for individual subject data must be made in writing directed to the responsible authority.
- B. A request for individual subject data must include the following information:

1. Statement that one is making a request as a data subject for data about the individual or about a student for whom the individual is the parent or guardian;
 2. Date the request is made;
 3. A clear description of the data requested;
 4. Proof that the individual is the data subject or the data subject's parent or guardian;
 5. Identification of the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and
 6. Method to contact the requestor (such as phone number, address, or email address).
- C. The identity of the requestor of private data is private.
- D. The responsible authority may seek clarification from the requestor if the request is not clear before providing a response to the data request.
- E. Policy 515 (Protection and Privacy of Pupil Records) addresses requests of students or their parents for educational records and data.

VIII. COSTS

A. Public Data

1. The school district will charge for copies provided as follows:
 - a. 100 or fewer pages of black and white, letter or legal sized paper copies will be charged at 25 cents for a one-sided copy or 50 cents for a two-sided copy.
 - b. More than 100 pages or copies on other materials are charged based upon the actual cost of searching for and retrieving the data and making the copies or electronically sending the data, unless the cost is specifically set by statute or rule.
 - (1) The actual cost of making copies includes employee time, the cost of the materials onto which the data is copied (paper, CD, DVD, etc.), and mailing costs (if any).
 - (2) Also, if the school district does not have the capacity to make the copies, e.g., photographs, the actual cost paid by the school district to an outside vendor will be charged.
2. All charges must be paid for [in cash or by check] in advance of receiving the copies.

B. Summary Data

1. Any costs incurred in the preparation of summary data shall be paid by the requestor prior to preparing or supplying the summary data.
2. The school district may assess costs associated with the preparation of summary data as follows:

- a. The cost of materials, including paper, the cost of the labor required to prepare the copies, any schedule of standard copying charges established by the school district, any special costs necessary to produce such copies from a machine-based record-keeping system, including computers and microfilm systems;
- b. The school district may consider the reasonable value of the summary data prepared and, where appropriate, reduce the costs assessed to the requestor.

C. Data Belonging to an Individual Subject

- 1. The responsible authority or designee may require the requesting person to pay the actual costs of making and certifying the copies.

The responsible authority shall not charge the data subject any fee in those instances where the data subject only desires to view private data.

The responsible authority or designee may require the requesting person to pay the actual costs of making and certifying the copies. Based on the factors set forth in Minnesota Rule 1205.0300, subpart 4, the school district determines that a reasonable fee would be the charges set forth in section VIII.A of this policy that apply to requests for data by the public.

- 2. The school district may not charge a fee to search for or to retrieve educational records of a child with a disability by the child’s parent or guardian or by the child upon the child reaching the age of majority.

IXVII. Annual Review and Posting

- A. The responsible authority shall prepare a written data access policy and a written policy for the rights of data subjects (including specific procedures the school district uses for access by the data subject to public or private data on individuals). The responsible authority shall update the policies no later than August 1 of each year, and at any other time as necessary to reflect changes in personnel, procedures, or other circumstances that impact the public’s ability to access data.
- B. Copies of the policies shall be easily available to the public by distributing free copies to the public or by posting the policies in a conspicuous place within the school district that is easily accessible to the public or by posting them on the school district’s website.

Data Practices Contacts

Responsible Authority:

Sara Paul - Superintendent
 North Branch Area Public Schools
 651-338-1302
 spaul@isd138.org

Data Practices Compliance Official:

Todd Tetzlaff - Director of Finance and Human Resources
 North Branch Area Public Schools
 651-674-1009
 ttetzlaf@isd138.org

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 13.0136 (Government Data)

[Minn. Stat. § 13.02 \(Definitions\)](#)
Minn. Stat. [§ 13.025 \(Government Entity Obligation\)](#)
[Minn. Stat. § 13.03 \(Access to Government Data\)](#)
[Minn. Stat. § 13.04 \(Rights of Subjects to Data\)](#)
[Minn. Stat. § 13.05 \(Duties of Responsible Authority\)](#)
[Minn. Stat. § 13.32 \(Educational Data\)](#)
[Minn. Rules Part 1205.0300 \(Access to Public Data\)](#)
[Minn. Rules Part 1205.0400 \(Access to Private Data\)](#)

Cross References:

MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

Adopted: _____

MSBA/MASA Model Policy 416

Orig. 1995

Revised: _____

Rev. 20152022

416 DRUG AND ALCOHOL TESTING

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

- E. Any employee who violates this section shall be subject to discipline ~~which that~~ includes, but is not limited to, immediate suspension without pay and immediate discharge.

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

A. General Statement of Policy

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

B. Definitions

1. "Actual Knowledge" means actual knowledge by the school district that a driver has used alcohol or controlled substances based on: (a) direct observation of the employee's use (not observation of behavior sufficient to warrant reasonable suspicion testing); (b) information provided by a previous employer; (c) a traffic citation; or (d) an employee's admission, except when made in connection with a qualified employee self-admission program.
2. "Alcohol Screening Device" (ASD) means a breath or saliva device, other than an Evidential Breath Testing Device (EBT), that is approved by the National Highway Traffic Safety Administration and placed on its Conforming Products List for such devices.
3. "Breath Alcohol Technician" (BAT) means an individual who instructs and assists individuals in the alcohol testing process and who operates the EBT.
4. "Commercial Motor Vehicle" (CMV) includes a vehicle ~~which that~~ is designed to transport 16 or more passengers, including the driver.
5. "Designated Employer Representative" (DER) means an employee authorized by the school district ~~a designated school district representative authorized~~ to take immediate action to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation process, ~~and to~~ The DER receives test results and other communications for the school district.
6. "Department of Transportation" (DOT) means United States Department of Transportation.
7. "Direct Observation" means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing.
8. "Driver" is any person who operates a CMV, including full-time, regularly employed drivers, casual, intermittent, or occasional drivers, leased drivers, and independent owner-operator contractors.
9. "Evidential Breath Testing Device" (EBT) means a device approved by the National Highway Traffic Safety Administration for the evidentiary testing of breath for alcohol concentration and placed on its Conforming Products List for such devices.

10. "Licensed Medical Practitioner" means a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.
11. "Medical Review Officer" (MRO) means a licensed physician responsible for receiving and reviewing laboratory results generated by the school district's drug testing program and for evaluating medical explanations for certain drug tests.
12. "Refusal to Submit" (to an alcohol or controlled substances test) means that a driver: (a) fails to appear for any test within a reasonable time, as determined by the school district, consistent with applicable DOT regulations, after being directed to do so; (b) fails to remain at the testing site until the testing process is complete; (c) fails to provide a urine specimen or an adequate amount of saliva or breath for any DOT drug or alcohol test; (d) fails to permit the observation or monitoring of the driver's provision of a specimen in the case of a directly observed or monitored collection in a drug test; (e) fails to provide a sufficient breath specimen or sufficient amount of urine when directed and a determination has been made that no adequate medical explanation for the failure exists; (f) fails or declines to take an additional test as directed by the school district or the collector; (g) fails to undergo a medical examination or evaluation, as directed by the MRO or the DER; (h) fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process, fails to wash hands after being directed to do so by the collector, fails to sign the certification on the forms); (i) fails to follow the observer's instructions, in an observed collection, to raise the driver's clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if the driver has any type of prosthetic or other device that could be used to interfere with the collection process; (j) possesses or wears a prosthetic or other device that could be used to interfere with the collection process; (k) admits to the collector or MRO that the driver adulterated or substituted the specimen; or (l) is reported by the MRO as having a verified adulterated or substituted test result. An applicant who fails to appear for a pre-employment test, who leaves the testing site before the pre-employment testing process commences, or who does not provide a urine specimen because he or she the applicant (NB change) has left before it commences is not deemed to have refused to submit to testing.
13. "Safety-Sensitive Functions" are on-duty functions from the time the driver begins work or is required to be in readiness to work until relieved from work and all responsibility for performing work, and include such functions as driving, loading and unloading vehicles, or supervising or assisting in the loading or unloading of vehicles, servicing, repairing, obtaining assistance to repair, or remaining in attendance during the repair of a disabled vehicle.
14. "Screening Test Technician" (STT) means anyone who instructs and assists individuals in the alcohol testing process and operates an ASD.
15. "Stand Down" means the practice of temporarily removing an employee from performing safety-sensitive functions after based only upon a laboratory reports to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test result but before the MRO completes the verification process.
16. "Substance Abuse Professional" (SAP) means a qualified person who evaluates

employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

C. Policy and Educational Materials

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

D. Alcohol and Controlled Substances Testing Program Manager

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

E. Specific Prohibitions for Drivers

1. Alcohol Concentration. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Drivers who test greater than 0.04 will be taken out of service and will be subject to evaluation by a professional and retesting at the driver's expense.
2. Alcohol Possession. No driver shall be on duty or operate a CMV while the driver possesses alcohol.
3. On-Duty Use. No driver shall use alcohol while performing safety-sensitive functions.

4. Pre-Duty Use. No driver shall perform safety-sensitive functions within four (4) hours after using alcohol.
5. Use Following an Accident. No driver required to take a post-accident test shall use alcohol for eight (8) hours following the accident, or until ~~the driver~~~~he or she~~ undergoes a post-accident alcohol test, whichever occurs first.
6. Refusal to Submit to a Required Test. No driver shall refuse to submit to an alcohol or controlled substances test required by post-accident, random, reasonable suspicion, return-to-duty, or follow-up testing requirements. A verified adulterated or substituted drug test shall be considered a refusal to test.
7. Use of Controlled Substances. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to instructions (which have been presented to the school district) from a licensed ~~physician~~~~medical practitioner~~ who is familiar with the driver's medical history and has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV. Controlled substance includes medical cannabis, regardless of whether the driver is enrolled in the state registry program.
8. Positive, Adulterated, or Substituted Test for Controlled Substance. No driver shall report for duty, remain on duty, or perform a safety-sensitive function if the driver tests positive for controlled substances, including medical cannabis, or has adulterated or substituted a test specimen for controlled substances.
9. General Prohibition. Drivers are also subject to the general policies and procedures of the school district ~~which that~~ prohibit ~~the~~ possession, transfer, sale, exchange, reporting to work under the influence of drugs or alcohol, and consumption of drugs or alcohol while at work or while on school district premises or operating any school district vehicle, machinery, or equipment.

F. Other Alcohol-Related Conduct

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

G. Prescription Drugs/Cannabinoid Products

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

H. Testing Requirements

1. Pre-Employment Testing

- a. A driver applicant shall undergo testing for [alcohol and] controlled substances, including medical cannabis, before the first time the driver performs safety-sensitive functions for the school district.
- b. Tests shall be conducted only after the applicant has received a conditional offer of employment.
- c. ~~In order to~~ To be hired, the applicant must test negative and must sign an agreement in the form of Attachment B to this policy, authorizing former employers to release to the school district all information on the applicant's alcohol tests with results of blood alcohol concentration of 0.04 or higher, or verified positive results for controlled substances, including medical cannabis, or refusals to be tested (including verified adulterated or substituted drug test results), or any other violations of DOT agency drug and alcohol testing regulations, or, if the applicant violated the testing regulations, documentation of the applicant's successful completion of DOT return-to-duty requirements (including follow-up tests), within the preceding two (2) years.
- d. The applicant also must be asked whether ~~he or she~~ **the applicant (NB change)** has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee, during the last two (2) years, applied for, but did not obtain, safety-sensitive transportation work covered by DOT testing rules.
- e. Before employing a driver subject to controlled substances and alcohol testing, the school district must conduct a full pre-employment query of the federal Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse ("Clearinghouse") to obtain information about whether the driver (1) has a verified positive, adulterated, or substituted controlled substances test result; (2) has an alcohol confirmation test with a concentration of 0.04 or higher; (3) has refused to submit to a test in violation of federal law; or (4) that an employer has reported actual knowledge that the driver used alcohol on duty, before duty, or following an accident in violation of federal law or used a controlled substance in violation of federal law. The applicant must give specific written or electronic consent for the school district to conduct the Clearinghouse full query. The school district shall retain the consent for three (3) years from the date of the query.

32. Post-Accident Testing

- a. As soon as practicable following an accident involving a CMV, the school district shall test the driver for alcohol and controlled substances, including medical cannabis, if the accident involved the loss of human life or if the driver receives a citation for a moving traffic violation arising from an accident which results in bodily injury or disabling damage to a motor vehicle.
- b. Drivers should be tested for alcohol use within two (2) hours and no later than eight (8) hours after the accident.
- c. Drivers should be tested for controlled substances, including medical

cannabis, no later than thirty-two (32) hours after the accident.

- d. A driver subject to post-accident testing must remain available for testing, or shall be considered to have refused to submit to the test.
- e. If a post-accident alcohol test is not administered within two (2) hours following the accident, the school district shall prepare and maintain on file a record stating the reasons the test was not promptly administered and continue to attempt to administer the alcohol test within eight (8) hours.
- f. If a post-accident alcohol test is not administered within eight (8) hours following the accident or a post-accident controlled substances test is not administered within thirty-two (32) hours following the accident, the school district shall cease attempts to administer the test, and prepare and maintain on file a record stating the reasons for not administering the test.
- g. The school district shall report drug and alcohol program violations to the Clearinghouse as required under federal law.

43. Random Testing

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

54. Reasonable Suspicion Testing

- a. The school district shall require a driver to submit to an alcohol test and/or controlled substances, including medical cannabis, test when a supervisor or school district official, who has been trained in accordance with the regulations, has reasonable suspicion to believe that the driver has used alcohol and/or controlled substances, including medical cannabis, on duty, ~~or~~ within four (4) hours before coming on duty, or

just after the period of the work day. The test shall be done as soon as practicable following the observation of the behavior indicative of the use of controlled substances or alcohol.

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

65. Return-To-Duty Testing. A driver found to have violated this policy shall not return to work until an SAP has determined the employee has successfully complied with prescribed education and/or treatment and until undergoing return-to-duty tests indicating an alcohol concentration of less than 0.02 and a confirmed negative result for the use of controlled substances. The school district is not required to return a driver to safety-sensitive duties because the driver has met these conditions; this is a personnel decision subject to collective bargaining agreements or other legal requirements.

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

87. Refusal to Submit and Attendant Consequences

- a. A driver or driver applicant may refuse to submit to drug and alcohol testing.
- b. Refusal to submit to a required drug or alcohol test subjects the driver or driver applicant to the consequences specified in federal regulations as well as the civil and/or criminal penalty provisions of 49 United States Code section U.S.C. § 521(b). In addition, a refusal to submit to testing establishes a presumption that the driver or driver applicant would test positive if a test were conducted and makes the driver or driver applicant subject to discipline or disqualification under this policy.
- c. A driver applicant who refuses to submit to testing shall be disqualified

from further consideration for the conditionally offered position.

- d. An employee who refuses to submit to testing shall not be permitted to perform safety-sensitive functions and will be considered insubordinate and subject to disciplinary action, up to and including dismissal. If an employee is offered an opportunity to return to a DOT safety-sensitive duty, the employee will be evaluated by an SAP and must submit to a return-to-duty test prior to being considered for reassignment to safety-sensitive functions.
- e. Drivers or driver applicants who refuse to submit to required testing will be required to sign Attachment C to this policy.

I. Testing Procedures

1. Drug Testing

- a. Drug testing is conducted by analyzing a donor's urine specimen. Split urine samples will be collected in accordance with federal regulations. The donor will provide a urine sample at a designated collection site. The collection site personnel will then pour the sample into two sample bottles, labeled "primary" and "split," seal the specimen bottles, complete the chain of custody form, and prepare the specimen bottles for shipment to the testing laboratory for analysis. The specimen preparation shall be conducted in sight of the donor.
- b. If the donor is unable to provide the appropriate quantity of urine, the collection site person shall instruct the individual to drink up to forty (40) ounces of fluid distributed reasonably through a period of up to three (3) hours to attempt to provide a sample. If the individual is still unable to provide a complete sample, the test shall be discontinued and the school district notified. The DER shall refer the donor for a medical evaluation to determine if the donor's inability to provide a specimen is genuine or constitutes a refusal to test. For pre-employment testing, the school district may elect to not have a referral made, and revoke the employment offer.
- c. Drug test results are reported directly to the MRO by the testing laboratory. The MRO reports the results to the DER. If the results are negative, the school district is informed and no further action is necessary. If the test result is confirmed positive, adulterated, substituted, or invalid, the MRO shall give the donor an opportunity to discuss the test result. The MRO will contact the donor directly, on a confidential basis, to determine whether the donor wishes to discuss the test result. The MRO shall notify each donor that the donor has seventy-two (72) hours from the time of notification in which to request a test of the split specimen at the donor's expense. No split specimen testing is done for an invalid result.
- d. If the donor requests an analysis of the split specimen within seventy-two (72) hours of having been informed of a confirmed positive test, the MRO shall direct, in writing, the laboratory to provide the split specimen to another Department of Health and Human Services – SAMHSA certified laboratory for analysis. If the donor has not contacted the MRO within seventy-two (72) hours, the donor may present the MRO

information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the confirmed positive test, or other circumstances unavoidably prevented the donor from timely making contact. If the MRO concludes that a legitimate explanation for the donor's failure to contact him/her within seventy-two (72) hours exists, the MRO shall direct the analysis of the split specimen. The MRO will review the confirmed positive test result to determine whether an acceptable medical reason for the positive result exists. The MRO shall confirm and report a positive test result to the DER and the employee when no legitimate medical reason for a positive test result as received from the testing laboratory exists.

- e. If, after making reasonable efforts and documenting those efforts, the MRO is unable to reach the donor directly, the MRO must contact the DER who will direct the donor to contact the MRO. If the DER is unable to contact the donor, the donor will be suspended from performing safety-sensitive functions.
- f. The MRO may confirm the test as a positive without having communicated directly with the donor about the test results under the following circumstances:
 - (1) The donor expressly declines the opportunity to discuss the test results;
 - (2) The donor has not contacted the MRO within seventy-two (72) hours of being instructed to do so by the DER; or
 - (3) The MRO and the DER, after making and documenting all reasonable efforts, have not been able to contact the donor within ten (10) days of the date the confirmed test result was received from the laboratory.

2. Alcohol Testing

- a. The federal alcohol testing regulations require testing to be administered by a BAT using an EBT or an STT using an ASD. EBTs and ASDs can be used for screening tests but only EBTs can be used for confirmation tests.
- b. Any test result less than 0.02 alcohol concentration is considered a "negative" test.
- c. If the donor is unable to provide sufficient saliva for an ASD, the DER will immediately arrange to use an EBT. If the donor attempts and fails to provide an adequate amount of breath, the school district will direct the donor to obtain a written evaluation from a licensed physician to determine if the donor's inability to provide a breath sample is genuine or constitutes a refusal to test.
- d. If the screening test results show alcohol concentration of 0.02 or higher, a confirmatory test conducted on an EBT will be required to be performed between fifteen (15) and thirty (30) minutes after the completion of the screening test.

e. Alcohol tests are reported directly to the DER.

J. Driver/Driver Applicant Rights

1. All drivers and driver applicants subject to the controlled substances testing provisions of this policy who receive a confirmed positive test result for the use of controlled substances have the right to request, at the driver's or driver applicant's expense, a confirming retest of the split urine sample. If the confirming retest is negative, no adverse action will be taken against the driver, and a driver applicant will be considered for employment.
2. The school district will not discharge a driver who, for the first time, receives a confirmed positive drug or alcohol test UNLESS:
 - a. The school district has first given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the school district after consultation with the SAP; and
 - b. The employee refuses to participate in the recommended program, or fails to successfully complete the program as evidenced by withdrawal before its completion or by a positive test result on a confirmatory test after completion of the program.
 - c. This limitation on employee discharge does not bar discharge of an employee for reasons independent of the first confirmed positive test result.

K. Testing Laboratory

The testing laboratory for controlled substances will be [Occupational Medicine Consultants, 6515 Barrie Road, Suite 150, Edina, MN 55435, 952-920-5663](#), which is a laboratory certified by the Department of Health and Human Services – SAMHSA to perform controlled substances testing pursuant to federal regulations.

L. Confidentiality of Test Results

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

M. Recordkeeping Requirements and Retention of Records

1. The school district shall keep and maintain records in accordance with the federal regulations in a secure location with controlled access.
2. The required records shall be retained for the following minimum periods:

Basic records	5 years
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"Basic records" includes records of: (a) alcohol test results with

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

Information obtained from previous employers	3 years
Collection records <u>Alcohol and controlled substance collection procedures</u>	2 years
Negative and cancelled drug <u>controlled substance</u> tests	1 year
Alcohol tests with less than 0.02 concentration	1 year
Education and training records	indefinite

“Education and training records” must be maintained while the individuals perform the functions which require training and for the two (2) years after ceasing to perform those functions.

3. Personal Information

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

- a. The name of the person tested;
- b. Any verified positive, adulterated, or substituted drug test result;
- c. Any alcohol confirmation test with a BAC concentration of 0.04 or higher;
- d. Any refusal to submit to any test required hereunder;
- e. Any report by a supervisor of actual knowledge of use as follows
 - i. Any on-duty alcohol use;
 - ii. Any pre-duty alcohol use;
 - iii. Any alcohol use following an accident; and
 - iv. Any controlled substance use.
- f. Any report from a substance abuse professional certifying successful completion of the return-to-work process;
- g. Any negative return-to-duty test; and
- h. Any employer’s report of completion of follow-up testing.

N. Training

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

O. Consequences of Prohibited Conduct and Enforcement

1. Removal. The school district shall remove a driver who has engaged in prohibited conduct from safety-sensitive functions. A driver shall not be permitted to return to safety-sensitive functions until and unless the return-to-duty requirements of federal DOT regulations have been completed.
2. Referral, Evaluation, and Treatment
 - a. A driver or driver applicant who has engaged in prohibited conduct shall be provided a listing of SAPs readily available to the driver or applicant and acceptable to the school district.
 - b. If the school district offers a driver an opportunity to return to a DOT safety-sensitive duty following a violation, the driver must be evaluated by an SAP and the driver is required to successfully comply with the SAP's evaluation recommendations (education, treatment, follow-up evaluation(s), and/or ongoing services). The school district is not required to provide an SAP evaluation or any subsequent recommended education or treatment.
 - c. Drivers are responsible for payment for SAP evaluations and services unless a collective bargaining agreement or employee benefit plan provides otherwise.
 - d. Drivers who engage in prohibited conduct also are required to comply with follow-up testing requirements.
3. Disciplinary Action
 - a. Any driver who refuses to submit to post-accident, random, reasonable suspicion, or follow-up testing not only shall not perform or continue to perform safety-sensitive functions, but also may be subject to disciplinary action, which may include immediate suspension without pay and/or immediate discharge.
 - b. Drivers who test positive with verification of a confirmatory test or are otherwise found to be in violation of this policy or the federal regulations shall be subject to disciplinary action, which may include immediate suspension without pay and/or immediate discharge.
 - c. Nothing in this policy limits or restricts the right of the school district to discipline or discharge a driver for conduct which not only constitutes prohibited conduct under this policy but also violates the school district's other rules or policies.

P. Other Testing

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

policy.

Q. Report to Clearinghouse

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

R. Annual Clearinghouse Query

1. The school district must conduct a query of the Clearinghouse record at least once per year for information for all employees subject to controlled substance and alcohol testing related to CMV operation to determine whether information exists in the Clearinghouse about those employees. In lieu of a full query, the school district may obtain the individual driver's consent to conduct a limited query to satisfy the annual query requirement. The limited query will tell the employer whether there is information about the driver in the Clearinghouse but will not release that information to the employer. If the limited query shows that information exists in the Clearinghouse about the driver, the school district must conduct a full query within twenty-four (24) hours or must not allow the driver to continue to perform any safety-sensitive function until the employee conducts the full query and the results confirm the driver's Clearinghouse record contains no prohibitions showing the driver has a verified positive, adulterated or substitute controlled substance test, no alcohol confirmation test with a concentration of 0.04 or higher, refuses to submit to a test, or was reported to have used alcohol on duty, before duty, following an accident or otherwise used a controlled substance in violation of the regulations except where the driver completed the SAP evaluation, referral and education/treatment process as required by the regulations. The school district shall comply with the query requirements set forth in 49 Code of Federal Regulations§ 382.701.
2. The school district may not access an individual's Clearinghouse record unless the school district (1) obtains the individual's prior written or electronic consent for access to the record; and (2) submits proof of the individual's consent to the Clearinghouse. The school district must retain the consent for three (3) years from the date of the last query. The school district shall retain for three (3) years a record of each request for records from the Clearinghouse and the information received pursuant to the request.
3. The school district shall protect the individual's privacy and confidentiality of each Clearinghouse record it receives. The school district shall ensure that information contained in a Clearinghouse record is not divulged to a person or entity not directly involved in assessing and evaluating whether a prohibition applies with respect to the individual to operate a CMV for the school district.
4. The school district may use an individual's Clearinghouse record only to assess and evaluate whether a prohibition applies with respect to the individual to operate a CMV for the school district.

IV. DRUG AND ALCOHOL TESTING FOR OTHER EMPLOYEES

The school district may request or require drug and alcohol testing for other school district personnel, i.e., employees who are not school bus drivers, or job applicants for such positions.

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

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

1. General Limitations

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

2. Job Applicant Testing

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

3. Random Testing

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

4. Reasonable Suspicion Testing

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

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

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

5. Treatment Program Testing

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

6. Routine Physical Examination Testing

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

B. No Legal Duty to Test

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

C. Definitions

- 1. "Drug" means a controlled substance as defined in Minnesota Statutes, including medical cannabis, regardless of enrollment in the state registry program.
- 2. "Drug and Alcohol Testing," "Drug or Alcohol Testing," and "Drug or Alcohol Test" mean analysis of a body component sample ~~according to the standards established under one of the programs by a testing laboratory that meets one of the criteria~~ listed in Minnesota Statutes, § section 181.953, Ssubd-ivision 1, for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested.
- 3. "Other Employees" means any persons, independent contractors, or persons working for an independent contractor who perform services for the school district for compensation, either full time or part time, in whatever form, except for persons whose positions require a commercial driver's license, and includes both professional and nonprofessional personnel. Persons whose positions require a commercial driver's license are primarily governed by the provisions of the school district's drug and alcohol testing policy relating to school bus drivers (Section III.). To the extent that the drug and alcohol testing of persons whose positions require a commercial driver's license is not mandated by federal law and regulations, such testing shall be governed by Section IV. of this policy

and the drivers shall fall within this definition of "other employees."

4. "Job Applicant" means a person, independent contractor, or person working for an independent contractor who applies to become an employee of the school district in a position that does not require a commercial driver's license, and includes a person who has received a job offer made contingent on the person's passing drug or alcohol testing. Job applicants for positions requiring a commercial driver's license are governed by the provisions of the school district's drug and alcohol testing policy relating to school bus drivers (Section III.).
5. "Positive Test Result" means a finding of the presence of drugs, alcohol, or their metabolites in the sample tested in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minnesota Statutes, §181.953, subdivision 1.
6. "Random Selection Basis" means a mechanism for selection of employees that:
 - a. results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected; and
 - b. does not give the school district discretion to waive the selection of any employee selected under the mechanism.
7. "Reasonable Suspicion" means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.
8. "Safety-Sensitive Position" means a job, including any supervisory or management position, in which an impairment caused by drug or alcohol usage would threaten the health or safety of any person.

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

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

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

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

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

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

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

E. Reliability and Fairness Safeguards

1. Pretest Notice

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

2. Notice of Test Results

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

3. Notice of and Right to Test Result Report

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

4. Notice of and Right to Explain Positive Test Result

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

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

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

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

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

5. Notice of and Right to Request Confirmatory Retests

- a. If an employee or job applicant has a positive test result on a confirmatory test, the school district shall provide ~~him or her~~ the individual with notice of the test results and, at the same time, written notice of the right to request a confirmatory retest of the original sample at his or her expense.
 - b. An employee or job applicant may request a confirmatory retest of the original sample at his or her own expense after notice of a positive test result on a confirmatory test. Within five (5) working days after notice of the confirmatory test result, the employee or job applicant shall notify the school district in writing of his or her intention to obtain a confirmatory retest. Within three (3) working days after receipt of the notice, the school district shall notify the original testing laboratory that the employee or job applicant has requested the laboratory to conduct the confirmatory retest or to transfer the sample to another laboratory licensed under Minn-~~esota~~ Stat-utes, §section 181.953, ~~Ssubd-ivision~~ 1 to conduct the confirmatory retest. The original testing laboratory shall ensure that appropriate chain-of-custody procedures are followed during transfer of the sample to the other laboratory. The confirmatory retest must use the same drug or alcohol threshold detection levels as used in the original confirmatory test. If the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test may be taken against the employee or job applicant.
6. If an employee or job applicant has a positive test result on a confirmatory test, the school district, at the time of providing notice of the test results, shall also provide written notice to inform ~~him or her~~ the individual of other rights provided under Sections F. or G., below, whichever is applicable.

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

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

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

by the school district after consultation with a certified chemical abuse counselor or a physician trained in the diagnosis and treatment of chemical dependency; and

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

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

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

H. Chain-of-Custody Procedures

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

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

I. Privacy, Confidentiality and Privilege Safeguards

1. Privacy Limitations

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

2. Confidentiality Limitations

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

3. Exceptions to Privacy and Confidentiality Disclosure Limitations

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

4. Privilege

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

J. Notice of Testing Policy to Affected Employees

The school district shall provide written notice of this drug and alcohol testing policy to all affected employees upon adoption of the policy, to a previously non-affected employee upon transfer to an affected position under the policy, and to a job applicant upon hire and before any testing of the applicant if the job offer is made contingent on

the applicant's passing drug and alcohol testing. Affected employees and applicants will acknowledge receipt of this written notice in the form of Attachment G to this policy.

V. POSTING

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

- Legal References:**
- Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
 - Minn. Stat. Ch. 43A (State Personnel Management)
 - [Minn. Stat. § 151.72 \(Sale of Certain Cannabinoid Products\)](#)
 - [Minn. Stat. § 152.01 \(Definitions\)](#)
 - Minn. Stat. § 152.22 (~~Definitions~~; Medical Cannabis; ~~Definitions~~)
 - Minn. Stat. § 152.23 (~~Limitations~~; Medical Cannabis; ~~Limitations~~)
 - Minn. Stat. § 152.32 (Protections for Registry Program Participation)
 - [Minn. Stat. § 176.011, subd. 16 \(Definitions; Personal Injury\)](#)
 - Minn. Stat. §§ 181.950-181.957 (Drug and Alcohol Testing in the Workplace)
 - Minn. Stat. § 221.031 (Motor Carrier Rules)
 - 49 U.S.C. § 31306 (Omnibus Transportation Employee Testing Act of 1991)
 - [49 U.S.C. 31306a \(National Clearinghouse for Controlled Substance and Alcohol Test Results of Commercial Motor Vehicle Operators\)](#)
 - 49 U.S.C. § 521(b) (Civil and Criminal Penalties for Violations)
 - 49 C.F.R. Parts 40 and 382 (Department of Transportation Rules Implementing Omnibus Transportation Employee Testing Act of 1991)
- Cross-References:**
- MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
 - MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
 - MSBA/MASA Model Policy 417 (Chemical Use and Abuse)
 - MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug-Free School)

Adopted: _____

MSBA/MASA Model Policy 417

Orig. 1995

Revised: _____

Rev. 2022~~15~~

417 CHEMICAL USE AND ABUSE

I. PURPOSE

The school board recognizes that chemical use and abuse constitutes a grave threat to the physical and mental well-being of students and employees and significantly impedes the learning process. Chemical use and abuse also creates significant problems for society in general. The school board believes that the public school has a role in education, intervention, and prevention of chemical use and abuse. The purpose of this policy is to assist the school district in its goal to prevent chemical use and abuse by providing procedures for education and intervention.

II. GENERAL STATEMENT OF POLICY

- A. Use or possession of controlled substances, toxic substance, medical cannabis, ~~toxic substances~~, and alcohol before, during, or after school hours, at school or in any other school location, is prohibited in ~~the school setting in~~ accordance with school district policies with respect to a Drug-Free Workplace/Drug-Free School.
- B. The ~~policy of this~~ school district shall develop, implement, and evaluate comprehensive programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievement. ~~is to provide an instructional program in every elementary and secondary school in chemical abuse and the prevention of chemical dependency.~~
- C. ~~Every~~The school ~~district that participates in a school district chemical abuse program~~ shall establish and maintain in every school a chemical abuse preassessment team. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
- ~~D. The superintendent, with the advice of the school board, shall be responsible for establishing a school and community advisory team to address chemical abuse problems in the district.~~
- ED. The school district shall establish and maintain a drug-free awareness program ~~to for educate and assist its employees, and may establish a students,~~ and others in understanding this policy and the goals of achieving drug-free schools and workplaces.

III. DEFINITIONS

- A. "Chemical abuse," as applied to students, means use of any psychoactive or mood-altering chemical substance, without compelling medical reason, in a manner that induces mental, emotional, or physical impairment and causes socially dysfunctional or socially disordering behavior, to the extent that the minor's student's normal function in academic, school, or social activities is chronically impaired.
- ~~B. "Chemicals" includes, but is not limited to, alcohol, toxic substances, medical cannabis, and controlled substances as defined in the school district's Drug-Free Workplace/Drug-Free School policy.~~
- B. "Controlled substances," as applied to the chemical abuse assessment of students, means a drug, substance, or immediate precursor in Schedules I through V of Minnesota Statutes section 152.02 and "marijuana" as defined in Minnesota Statutes section 152.01, subdivision 9; but not distilled spirits, wine, malt beverages, intoxicating liquors or tobacco. As otherwise defined in this policy, "controlled substances" include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as

defined in Schedules I through V of the Controlled Substances Act, 21 United States Code section 812, including analogues and look-alike drugs.

- C. "Drug prevention" means prevention, early intervention, rehabilitation referral, recovery support services, or education related to the illegal use of drugs, such as raising awareness about the consequences of drug use that are evidence based.
- C. "Use" includes to sell, buy, manufacture, distribute, dispense, use, or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration.
- D. "School location" includes any school building or on any school premises; on any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off-school property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district; or during any period of time such employee is supervising students on behalf of the school district or otherwise engaged in school district business.
- D. "Teacher" means all persons employed in a public school or education district or by a service cooperative as members of the instructional, supervisory, and support staff including superintendents, principals, supervisors, secondary vocational and other classroom teachers, librarians, counselors, school psychologists, school nurses, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, and speech therapists.

IV. STUDENTS

A. Districtwide School Discipline Policy

Procedures for detecting and addressing chemical abuse problems of a student while on school premises are included in the districtwide school student discipline policy.

AB. Programs and Activities Instruction

14. EveryThe school district shall develop, implement, and evaluate comprehensive provide an instructional-programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievements. The programs and activities may include, among other programs and activities, drug prevention activities and programs that may be evidence based, including programs to educate students against the use of alcohol, tobacco, marijuana, smokeless tobacco products, and electronic cigarettes, in chemical abuse and the prevention of chemical dependency. The school district may involve parents, students, health care professionals, state department staff, and members of the community in developing the curriculum.

2. As part of its drug-free programs, the school district may implement the drug abuse resistance education program (DARE) that enables peace officers to undergo the training to teach a curriculum on drug abuse resistance in schools.

2. Each school shall have age-appropriate and developmentally based activities that:

- a. address the consequences of violence and the illegal use of drugs, as appropriate;
- b. promote a sense of individual responsibility;
- c. teach students that most people do not illegally use drugs;

- d. ~~teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use;~~
 - e. ~~teach students about the dangers of emerging drugs;~~
 - f. ~~engage students in the learning process; and~~
 - g. ~~incorporate activities in secondary schools that reinforce prevention activities implemented in elementary schools.~~
3. ~~Each school shall have activities that involve families, community sectors (which may include appropriately trained seniors), and a variety of drug and violence prevention providers in setting clear expectations against violence and illegal use of drugs and appropriate consequences for violence and illegal use of drugs.~~
 4. ~~Each school shall disseminate drug and violence prevention information within the school and to the community.~~
 5. ~~Each school shall have professional development and training for, and involvement of, school personnel, student services personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to drug and violence prevention.~~
 6. ~~Each school shall have drug and violence prevention activities that may include the following:~~
 - a. ~~Community-wide planning and organizing activities to reduce violence and illegal drug use, which may include gang activity prevention.~~
 - b. ~~The hiring and mandatory training, based on scientific research, of school security personnel who interact with students in support of youth drug and violence prevention activities under this policy that are implemented in the school.~~
 - c. ~~Conflict resolution programs, including peer mediation programs that educate and train peer mediators and a designated faculty supervisor, and youth anti-crime and anti-drug councils and activities.~~
 - d. ~~Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance provided by qualified school-based mental health services providers and the training of teachers by school-based mental health services providers in appropriate identification and intervention techniques for students at risk of violent behavior and illegal use of drugs.~~
 - e. ~~Programs that encourage students to seek advice from, and to confide in, a trusted adult regarding concerns about violence and illegal drug use.~~

CB. Reports of Use, Possession, or Transfer of Alcohol or a Controlled Substance~~Chemical Use and Abuse~~

1. ~~In the event that a school district employee knows that a student is abusing, possessing, transferring, distributing, or selling chemicals in a school location:~~
 - a. ~~The employee shall immediately either take the student to an administrator or notify an appropriate administrator of the observation and continue to observe the student until the administrator arrives.~~
 - b. ~~The administrator will notify the student's parents. If there is a medical emergency, the administrator will notify the school nurse and/or outside medical personnel as appropriate.~~
 - c. ~~The administrator will notify law enforcement officials, the student's counselor, and the chemical~~

preassessment team.

d. ~~_____ The administrator and/or law enforcement officials will confiscate the chemicals and/or conduct a search of the student's person, effects, locker, vehicle, or areas within the student's control. Searches by school district officials shall be in accordance with school board policies regarding search and seizure.~~

e. ~~_____ The school district will take appropriate disciplinary action in compliance with the student discipline code. Such discipline may include immediate suspension, initiation of expulsion proceedings, and/or referral to a detoxification center or medical center.~~

2. ~~_____ If a school district employee has reason to believe that a student is abusing, possessing, transferring, distributing, or selling chemicals:~~

a. ~~_____ The employee shall notify the building administrator or a member of the preassessment team and shall describe the basis for the suspicion. The building administrator and/or team will determine what action should be taken. Action may include conducting an investigation, gathering data, scheduling a conference with the student or parents, or providing a meeting between a single member of the team and the student to discuss the behaviors that have been reported and attempting to ascertain facts regarding chemical abuse.~~

b. ~~_____ The team may determine there is no chemical abuse. If the team determines there is chemical abuse, the team will select an appropriate course of action, which may include referral to a school counselor; referral to a treatment program; referral for screening, assessment, and treatment planning; participation in support groups; or other appropriate measures.~~

1. ~~_____~~ 1. _____ A teacher in a nonpublic school participating in a school district chemical use program, or a public school teacher, who knows or has reason to believe that a student is using, possessing, or transferring alcohol or a controlled substance while on the school premises or involved in school-related activities, shall immediately notify the school's chemical abuse preassessment team, or staff member assigned duties similar to those of such a team, of this information.

[Note: School districts are not required to participate in a chemical abuse program or establish a chemical abuse preassessment team pursuant to state law. Schools are required to have procedures for detecting student chemical abuse and can obtain federal funding if they establish drug prevention, detection, intervention, and recovery support services. Thus, it is recommended that schools establish these programs and activities. For those schools that do not establish a chemical abuse preassessment team, those obligations could be assigned to a specified staff member such a school counselor or administrator.]

32. ~~_____~~ Students involved in the abuse, possession, transfer, distribution, or sale of chemicals shall ~~may~~ be suspended ~~and proposed for expulsion~~ in compliance with the student discipline policy and the Pupil Fair Dismissal Act, Minnesota Statutes section ~~§~~ 121A.40-121A.56, and proposed for expulsion.

43. ~~_____~~ Searches by school district officials in connection with the ~~abuse, possession, or transfer, distribution, or sale of alcohol or a controlled substance chemicals~~ will be conducted in accordance with school board policies related to search and seizure.

4. ~~_____~~ Nothing in paragraph IV.B.1. prevents a teacher or any other school employee from reporting to a law enforcement agency any violation of law occurring on school premises or at school sponsored events.

1. Every school ~~that participates in a school district chemical abuse program~~ shall ~~establish~~ have a chemical abuse preassessment team designated by the superintendent or designee. The team ~~must~~ will be composed of classroom teachers, administrators, and ~~to the extent they exist in the school, school nurse, school counselor or psychologist, social worker, chemical abuse specialist, and~~ other appropriate professional staff ~~to the extent they exist in each school, such as the school nurse, school counselor or psychologist, social worker, chemical abuse specialist, or others.~~ For schools that do not have a chemical abuse program and team, the superintendent or designee will assign these duties to a designated school district employee.
2. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
3. Within forty-five (45) days after receiving an individual reported case, the team shall make a determination whether to provide the student and, in the case of a minor, the student's parents with information about school and community services in connection with chemical abuse.

ED. Data Practices

1. Student data may be disclosed without consent in health and safety emergencies pursuant to Minnesota Statutes section§ 13.32 and applicable federal law and regulations.

2. Destruction of Records

- a. If the preassessment team decides not to provide a student and, in the case of a minor, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the determination is made.
- b. If the team decides to provide the student and, in the case of a minor or a dependent student, the student's parents with ~~such~~ information about school or community services in connection with chemical abuse, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the student is no longer enrolled in the district.
- c. ~~This section shall govern d~~ Destruction of records identifying individual students shall be governed by paragraph IV.E.2. notwithstanding ~~provisions of the Records Management Act, Minnesota Statutes section~~§ 138.163 (Preservation and Disposal of Public Records).

FE. Consent

Any minor may give effective consent for medical, mental, and other health services to determine the presence of or to treat conditions associated with alcohol and other drug abuse, and the consent of no other person is required.

V. EMPLOYEES

- A. The ~~school district shall establish superintendent or designee shall undertake and maintain~~ a drug-free awareness ~~and prevention~~ program to inform employees, ~~students, and others~~ about:

1. The dangers ~~and health risks of chemical~~of drug abuse in the workplace/school.
 2. The school district's ~~drug-free workplace/drug-free school~~-policy of maintaining a drug-free workplace.
 3. ~~Any available drug or alcohol~~ counseling, ~~treatment,~~ rehabilitation, ~~re-entry,~~ and/or employee assistance programs ~~available to employees and/or students~~.
 4. The penalties that may be imposed on employees for drug abuse violations.
- B. The ~~school district superintendent or designee~~ shall notify ~~any~~ federal granting agency required to be notified under the Drug-Free Workplace Act within ten (10) days after receiving notice ~~from the employee or otherwise receiving actual notice~~ of any criminal drug statute conviction ~~of an employee for a criminal drug statute violation~~ occurring in the workplace. ~~To facilitate the giving of such notice, any employee aware of such a conviction shall report the same to the superintendent.~~

Legal References:

Minn. Stat. § 13.32 (Educational Data)
Minn. Stat. § 121A.25-121A.29 (Chemical Abuse)
Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)
Minn. Stat. § 124D.695 (Approved Recovery Program Funding)
Minn. Stat. § 126C.44 (Safe Schools Levy)
Minn. Stat. § 138.163 (Preservation and Disposal of Public Records) ~~Records Management Act~~
Minn. Stat. § 144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse, Abortion)
Minn. Stat. § 152.01 (Definitions)
Minn. Stat. § 152.02 (Schedules of Controlled Substances; Administration of Chapter)
Minn. Stat. § 152.22 (~~Medical Cannabis~~; Definitions; Medical Cannabis)
Minn. Stat. § 152.23 (~~Medical Cannabis~~; Limitations; Medical Cannabis)
Minn. Stat. § 299A.33 (DARE Program)
Minn. Stat. § 466.07, subd. 1 (Indemnification Required)
Minn. Stat. § 609.101, subd. 3(e) (Controlled Substance Offenses; Minimum Fines)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
20 U.S.C. §§ 7101-716522 (Student Support and Academic Enrichment Grants)~~Safe and Drug-Free Schools and Communities Act~~
20 U.S.C. § 5812 (National Education Goals)
20 U.S.C. § 7175 (Local Activities)
41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)
34 C.F.R. Part 84 (Government-~~w~~Wide Requirements for Drug-Free Workplace)

Cross References:

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 416 (Drug and Alcohol Testing)
MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug Free School)
MSBA/MASA Model Policy 419 (Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices; Vaping Awareness and Prevention Instruction)
MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA/MASA Model Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)

418 DRUG-FREE WORKPLACE/DRUG-FREE SCHOOL

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. Use or possession of ~~alcohol, controlled substances,~~ toxic substances, medical cannabis, ~~nonintoxicating cannabinoids (including edible cannabinoid products), and controlled substances~~ alcohol before, during, or after school hours, at school or in any other school location, is prohibited as general policy. Paraphernalia associated with controlled substances is prohibited.
- B. A violation of this policy occurs when any student, teacher, administrator, other school district personnel, or member of the public uses or possesses alcohol, toxic substances, ~~controlled substances, or~~ medical cannabis, ~~nonintoxicating cannabinoids (including edible cannabinoid products), or controlled substances~~ in any school location.
- C. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or member of the public who violates this policy.

III. DEFINITIONS

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

- F. “Possess” means to have on one’s person, in one’s effects, or in an area subject to one’s control.
- G. “School location” includes any school building or on any school premises; in any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district; or during any period of time such employee is supervising students on behalf of the school district or otherwise engaged in school district business.
- H.D. “Toxic substances” includes: (1) glue, cement, aerosol paint, containing toluene, benzene, xylene, amyl nitrate, butyl nitrate, nitrous oxide, or containing other aromatic hydrocarbon solvents, but does not include glue, cement, or paint contained in a packaged kit for the construction of a model automobile, airplane, or similar item; (2) butane or a butane lighter; or (3) any similar substance declared to be toxic to the central nervous system and to have a potential for abuse, by a rule adopted by the commissioner of health, or other substances used or possessed with the intent of inducing intoxication or excitement of the central nervous system.
- I.E. “Use” includes to sell, buy, manufacture, distribute, dispense, possess, use, or be under the influence of alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids (including edible cannabinoid products), and/or controlled substances, whether or not for the purpose of receiving remuneration or consideration.

IV. EXCEPTIONS

- A. A violation of this policy does not occur when a person brings onto a school location, for such person’s own use, a controlled substance, except medical cannabis, which has a currently accepted medical use in treatment in the United States and the person has a physician’s prescription for the substance. The person shall comply with the relevant procedures of this policy.
- B. A violation of this policy does not occur when a person possesses an alcoholic beverage in a school location when the possession is within the exceptions of Minnesota, Stat.utes, section §–624.701, Ssubdivision- 1a (experiments in laboratories; pursuant to a temporary license to sell liquor issued under Minnesota laws or possession after the purchase from such a temporary license holder).

V. PROCEDURES

- A. Students who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, must comply with the school district’s student medication policy.
- B. Employees who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or syringe. The employee must inform his or her supervisor. The employee may be required to provide a copy of the prescription.
- C. Each employee shall be provided with written notice of this Drug-Free Workplace/Drug-Free School policy and shall be required to acknowledge that he or she has received the policy.

- D. Employees are subject to the school district’s drug and alcohol testing policies and procedures.
- E. Members of the public are not permitted to possess controlled substances in a school location except with the express permission of the superintendent.
- F. No person is permitted to possess or use medical cannabis on a school bus or van; or on the grounds of any preschool or primary or secondary school; or on the grounds of any child care facility. This prohibition includes (1) vaporizing or combusting medical cannabis on any form of public transportation where the vapor or smoke could be inhaled by a minor child or in any public place, including indoor or outdoor areas used by or open to the general public or place of employment; and (2) operating, navigating, or being in actual physical control of any motor vehicle or working on transportation property, equipment or facilities while under the influence of medical cannabis.
- G. Possession of alcohol on school grounds pursuant to the exceptions of Minn-~~esota~~ Stat-utes §section 624.701, Ssubd-ivision 1a, shall be by permission of the school board only. The applicant shall apply for permission in writing and shall follow the school board procedures for placing an item on the agenda.

VI. ENFORCEMENT

A. Students

- 1. Students may be required to participate in programs and activities that provide education against the use of alcohol, tobacco, marijuana, smokeless tobacco products, and electronic cigarettes, and nonintoxicating cannabinoids (including edible cannabinoid products).
- 2. Students may be referred to drug or alcohol assistance or rehabilitation programs; school based mental health services, mentoring and counseling, including early identification of mental health symptoms, drug use and violence and appropriate referral to direct individual or group counselling service. which may be provided by school based mental health services providers; and/or referral to law enforcement officials when appropriate.
- 3. A student who violates the terms of this policy shall be subject to discipline in accordance with the school district’s discipline policy. Such discipline may include suspension or expulsion from school.
- ~~2. The student may be referred to a drug or alcohol assistance or rehabilitation program and/or to law enforcement officials when appropriate.~~

B. Employees

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

2. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, termination, or discharge as deemed appropriate by the school board.
3. In addition, any employee who violates the terms of this policy may be required to satisfactorily participate in a drug and/or alcohol abuse assistance or rehabilitation program approved by the school district. Any employee who fails to satisfactorily participate in and complete such a program is subject to nonrenewal, suspension, or termination as deemed appropriate by the school board.
4. Sanctions against employees, including nonrenewal, suspension, termination, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and school district policies.

C. The Public

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

Legal References: Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)
[Minn. Stat. § 121A.40-§ 121A.56 \(Pupil Fair Dismissal Act\)](#)
[Minn. Stat. § 151.72 \(Sale of Certain Cannabinoid Products\)](#)
Minn. Stat. § 152.22, subd. 6 (~~Medical Cannabis~~; Definitions; Medical Cannabis)
Minn. Stat. § 152.23 (~~Medical Cannabis~~; Limitations; Medical Cannabis)
[Minn. Stat. § 340A.101 \(Definitions; Alcoholic Beverage\)](#)
Minn. Stat. § 340A.403 (3.2 Percent Malt Liquor Licenses)
Minn. Stat. § 340A.404 (Intoxicating Liquor; On-Sale Licenses)
Minn. Stat. § 609.684 (~~Sale of Toxic Substances to Children~~; Abuse of Toxic Substances)
Minn. Stat. § 624.701 (Alcohol in Certain Buildings or Grounds)
~~20 U.S.C. § 7101-716522 (Safe and Drug-Free Schools and Communities Act)~~
[Student Support and Academic Enrichment Grants](#)
21 U.S.C. § 812 (Schedules of Controlled Substances)
41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)
21 C.F.R. §§ 1308.11-1308.15 (Controlled Substances)
34 C.F.R. Part 84 (Government-~~w~~Wide Requirements for Drug-Free Workplace)

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

[TO BE PLACED ON SCHOOL DISTRICT LETTERHEAD]

— ACKNOWLEDGMENT —

DRUG-FREE WORKPLACE/DRUG-FREE SCHOOL POLICY

I have received a copy of the Drug-Free Workplace/Drug-Free School Policy of Independent School District No. _____, _____, Minnesota.

Dated: _____

Signature of Employee/Applicant

Typed or Printed Name

Board & Administrator

FOR SCHOOL BOARD MEMBERS

March 2023 Vol. 36, No. 11

Highlight achievements of longtime, retiring board members

School board members who have served for many years can impact a board and school district in a lasting manner. When they retire, celebrating their successes can help remind the school community of the board's achievements, strengthen board morale, and even attract quality board candidates.

The board president can recognize a board member's positive impact by pointing to the member's specific achievements. By highlighting how the whole board contributed to those achievements, the board president can increase cohesion while underscoring the types of collaborative efforts the president would like to see going forward.

Some ways to celebrate include composing

a press release announcing the retirement and taking time during a board meeting to verbally recognize the retiring member's achievements.

Whatever method the president uses to sing the praises of an exiting board member, she should highlight that individual's most impressive achievements. The president should also highlight any successes that will likely impact the district in the years to come. And by providing more general observations about the personal qualities that helped make the board member successful, such as how she excelled at collaborating, the president can point out strengths desired of future board member candidates who may realize that they too might make a difference. ■

Is the board on track?

A board doesn't need to formally assess itself to learn how it is performing and where it can improve. A simple Q&A exercise can give the board basic insight into its effectiveness and accountability to stakeholders.

Consider how your board is performing by posing questions in these four areas:

1. Planning.
2. Governance.
3. Teamwork.
4. Relationship with the superintendent.

Questions for the board

Planning

- Does the board work with the superintendent

on planning?

- Does the board have a clear mission and vision for the district that it reviews, approves, and articulates?

Governance

- Does the board govern the district by setting policy instead of managing it?
- Does the board assess the superintendent's job performance?

Teamwork

- Does the board work well internally and with the superintendent so that more is accomplished as a team?

- Does the board recognize that leadership requires everyone to focus on the vision, mission, purpose, and goals of the district?

Relationship with superintendent

- Do the board members understand the rules,

ideas, and concepts that guide how they work with the superintendent?

- Do the board and superintendent have an open, positive relationship?
- Does the board support the superintendent in the administration of the district? ■

Use monthly ‘meet and greets’ to engage residents

Some members of the community may not feel comfortable attending board meetings or speaking up during the public comment period. This is especially true now that board meetings have become more contentious. To ensure your school board is able to engage and listen to all constituents, not just the vocal board meeting attendees, consider holding monthly “meet and greets” at local venues.

This is what the school board for Moses Lake (Wash.) School District did to engage its residents. According to a local news outlet, Superintendent Monty Sabin and School Board Member Shannon Hintz will have a monthly face-to-face meeting with residents at a local café. These low-key meetings will begin in February 2023 and

occur after regularly scheduled board meetings. Residents will have an opportunity to “come in and talk,” voice concerns, ask questions, or “say whatever you want to say,” Hintz told the news outlet.

Offer your constituents a similar opportunity. Consider holding “meet and greets” or “coffee talks” on a monthly or bimonthly basis. This will give residents another avenue to get to know school leadership in a more casual setting. Your board can decide when and where these meetings will happen. It should also determine whether the superintendent and one board member will be responsible for attending these events or whether that duty will rotate among all board members. ■

Keep a list of board’s main responsibilities handy

School board members, especially new ones, may not be clear on their responsibilities. Even if they go through orientation, they may sometimes forget their precise duties, and how the board’s obligations differ from that of the superintendent. Even a long-time board member could lose focus.

To keep everyone on the same page, the board president can develop a description of board member responsibilities and keep it on hand to give to board members when they begin to stray. The president might consider including the following on that list:

- Decide on a vision and goals for the district.
- Set performance standards for schools.
- Lobby elected officials for legislation favorable to the schools.

- Maintain complete records of board meetings.
- Ensure the district’s financial solvency.
- Approve contracts.
- Make sure the district complies with all legal requirements.
- Hire the superintendent.
- Delegate to the superintendent the authority to carry out the board’s policies.
- Establish the superintendent’s performance standards.
- Evaluate the superintendent’s performance annually.

The president could even meet with the board to develop its list, then distribute one to each member. But it may help also for the president to keep copies handy — just in case a board member starts to lose focus. ■