

**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
 JANUARY 9, 2025
 5:45 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 December 12, 2024 Policy Committee Meeting 14
 - B. Minutes of December 12, 2024 Regular School Board Meeting 16
 - C. Minutes of December 16, 2024 OPEB Trust Meeting 23
 - D. Authorization of Payments, Transfers, and Investment Activity 24
 - E. Personnel
 - 1. Katherine Hammond, extension of leave request effective December 18, 2024 through January 28, 2025, as School Age Care Adult Assistant at North Branch Area Education Center
 - 2. Jason Cyr, resignation effective December 12, 2024, as French Teacher at North Branch Area High School
 - 3. Ashley Miller, termination effective December 11, 2024, as Lunchroom/Playground Assistant at Sunrise River Elementary School
 - 4. Rebecca LeMire, contract release granted as Special Education Teacher at Life Work Center
 - 5. Britney Lonnee, position change effective January 2, 2025 from Lunchroom/Playground Assistant to Special Education Assistant at Sunrise River Elementary School
 - 6. Diana Lind, position change effective January 2, 2025 from Special Education Assistant at North Branch Area High School to Special Education Assistant at Sunrise River Elementary School
 - 7. Teresa Carlson, employment effective December 11, 2024, as American Indian Education Assistant at North Branch Area Public Schools
 - 8. Stefan Lund, MA+ 60, Step 4, 0.57 FTE for 2024-25 School Year, 1.0 FTE Temporary from January 2, 2025 - January 17, 2025, as Social Studies/French Teacher at North Branch Area High School
 - 9. 2024-25 Extracurricular Winter Coaching Positions
 - a. Justin Voss, Class 9, Step 10, withdrawn from position as Fitness Center Supervisor 1
 - b. Natalie Bristol, Class 6, Step 2, as Middle School Boys Basketball Coach

- 10. 2024-25 Extracurricular Activity Advisor Positions
 - a. Brittany Ahner, Class 4, Step 2, as Advisor Speech Head Coach
 - b. Sydney Rydberg-Engel, Class 6, Step 1, as Advisor Assistant Speech Coach

- F. Approval of the Following Policies
 - 1. Policy 302 - Superintendent revised 2022 25
 - 2. Policy 303 - Superintendent Selection revised 2022 29
 - 3. Policy 304 - Superintendent Contract, Duties, and Evaluation revised 2022 31
 - 4. Policy 305 - Policy Implementation revised 2022 33

- G. Acceptance of Donations 35
 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 402 - Disability Nondiscrimination Policy (Annual review Only - No MSBA changes) 36
 - 2. Policy 414 - Mandated Reporting of Child Neglect or Physical or Sexual Abuse (Annual review Only - No MSBA changes) 37
 - 3. Policy 415 - Mandated Reporting of Maltreatment of Vulnerable Adults (Annual review Only - No MSBA changes) 44

- X. New Business
 - A. Consider First Reading of the Following Policies
 - 1. Policy 403 - Discipline, Suspension, and Dismissal of School District Employee revised 2022 49
 - 2. Policy 407 - Employee Rights to Know - Exposure to Hazardous Substances revised 10.13.16 53
 - 3. Policy 408 - Subpoena of a School District Employee revised 2022 55
 - 4. Policy 409 - Employee Publications, Instructional Materials, Inventions, and Creations Adopted 10.13.16 57

- XI. Addendum
- XII. Information
- XIII. Board Requests

- XIV. Committee Reports
- XV. Dates to Remember
 - A. January 13, 2025 at 6:00 PM - School Board Retreat, North Branch Education Center, Board Room, Room C120
 - B. January 23, 2025 at 5:30 PM - School Board Work Session, North Branch Education Center, Board Room, Room C120
 - C. January 29, 2025 at 5:30 PM - NBAPS Strategic Advisory Meeting, North Branch Area High School, Media Center Glass Classroom
- XVI. Adjournment

Superintendent Update

January 9, 2025

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At the forefront of educational excellence



WHAT WE INTEND TO CREATE

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

OUR PURPOSE

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

Viking Spotlight- Mitch Savage



SKOL! and congratulations to NBAHS 2001 alumnus Mitch Savage!

- Mitch is Colorado's Golf Course Superintendent of the Year
- Proud dad Mark (a retired teacher⁶ here) had this to say: "It all started at North Branch Golf Course...working a summer job while attending NBAHS. The power of being a Viking is endless!"

Sharing our Story and the Power of Partnership

NBAPS Partnership Approach

[Featured on Rethink Possible Podcast](#)
Episode 12

District Collaboration

Featured in [Minneapolis Star and Tribune](#)

Statewide Discussions

1/14 MDE Hosted Panel Discussion: Teacher Registered Apprenticeship- Deep Dive for School Districts

1/17 MSBA School Excellence Showcase: Forward Together: Teacher Registered Apprenticeship Cohorts (TRACs)

1/17 MSBA Workshop: Earn while you learn: Teacher Registered Apprenticeships in Action



Spreading Viking Pride



The North Branch Educational Center received two new murals over winter break.

- The Viking “V” is located just inside the front door.
- The helmet logo is located in the cafeteria. The horn tips are over 11’ off the floor!
- Middle school art teacher, Lee Ann Falen, completed the murals and is pictured for scale along with her granddaughters, Reyna and Veyda.



Kindergarten Information Night is Feb. 4



Come learn what we have to offer your kindergartner!

Child care available

**INCOMING KINDERGARTEN
PARENT INFORMATION
NIGHT**

6-7:30 PM
**Tuesday,
Feb 4**
38705 Grand Ave
North Branch, MN

**Welcome Future
VIKINGS!**
Class of 2038



Kindergarten Parent Information Night is coming to North Branch Area Education Center!

- Date: Tuesday, February 4
- Time: 6:00 – 7:30 PM
- Location: 38705 Grand Ave, North Branch, MN

9

Families will learn about our kindergarten program and all it has to offer children.

- Child care will be available!



Winter ECFE Classes Are Here!

Winter Early Childhood Family Education (ECFE) classes are now accepting enrollments for winter ECFE classes.

- Classes started Jan. 6

ECFE offers:

- Parenting resources
- Child development activities
- Opportunities to connect, learn, and grow

Register today: www.nbaeonline.org

Have questions? Call 651-674-1220

NOW ENROLLING

CLASSES START JAN 6

WINTER ECFE

learn, play, engage!

Early Childhood Family Education (ECFE) supports families with young children by offering parenting resources, child development activities, and opportunities to learn and grow together. 10

CLASS OFFERINGS

ECFE for all ages Mondays 8-9:30 am OR 9:45-11:45 am \$49/family *Scholarships available*	Infant ECFE Wednesdays 9-10:30 am FREE Baby Cafe to follow
Evenings ECFE Tuesdays Jan 28 - Sibling Smarts Feb 25 - Connect before you Correct March 25 - Flush the Fuss April 15 - Routines Made Simple May 6 - Unplug and Thrive \$10 a family - dinner included	Terrific Tots Fridays 9-10:30 am \$49/family *Scholarships available*

Register now!
www.nbaeonline.org

Contact us!
651-674-1220

NORTH BRANCH AREA PUBLIC SCHOOLS
Alpha Omega, Beta Omega, Gamma Theta

Prioritizing Human Connection



Come Engage with Joe Beckman



FREE

SAVE THE DATE

MEAL PROVIDED FROM 5:15-6

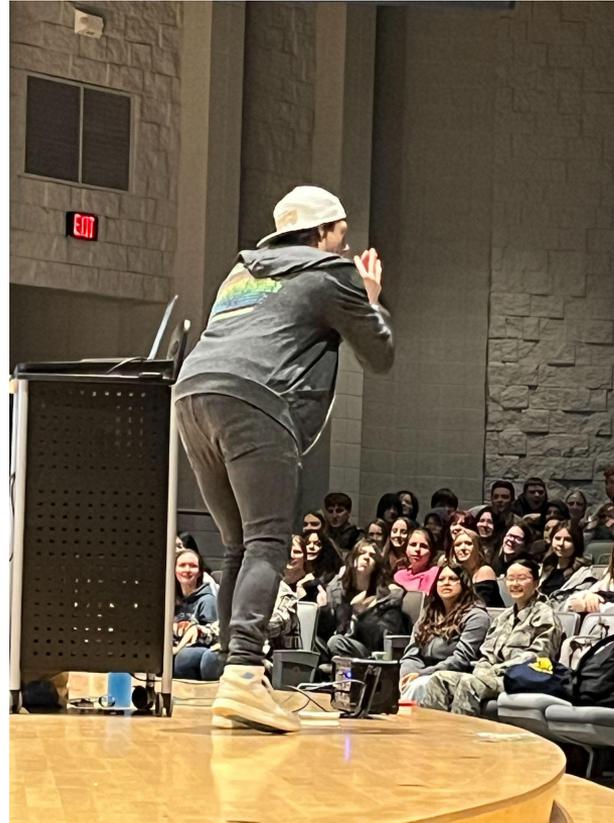
JOIN SPEAKER **JOE BECKMAN** FOR A FUN AND INSPIRING TALK ABOUT BUILDING SELF-WORTH, RESILIENCE, CONFIDENCE, JOY, AND STRONGER CONNECTIONS. LEARN SIMPLE, POWERFUL WAYS TO TAKE CARE OF YOURSELF AND BUILD POSITIVE RELATIONSHIPS..

Thursday February 20, 2025
@ North Branch Area High School Auditorium
6-7:15 PM

YOU DONT WANT TO MISS THIS!

@joe_beckman
www.till360.com

Sponsored by
North Branch Area Community Education in partnership with Chisago County Public Health



Upcoming Chisago County Collaboration Event



The Chisago County Collaborative Initiative is hosting a tour of the Public Safety Center on January 22, 6-8 p.m.



You're Invited

Chisago County Collaborative Initiative (CCI) Invites you to tour the Public Safety Center & hear from Sheriff Brandon Thyen about public safety in Chisago County

15230 Per Road
Center City, MN 55012

RSVP Requested

Wednesday
January 22
6:00 - 8:00 PM

JAIL

TOUR

Chisago COUNTY USA | SHERIFF'S OFFICE

An illustration at the bottom of the flyer shows several black silhouettes of police officers standing on a brown hill. Two red flags are planted in the ground; one says "JAIL" and the other says "TOUR". A large yellow star with a blue outline is positioned in the upper right, containing the event date and time. The background is a light gray.



**NORTH BRANCH INDEPENDENT SCHOOL DISTRICT NO. 138
NORTH BRANCH AREA EDUCATION CENTER, ROOM B122
POLICY COMMITTEE MEETING
December 12, 2024**

The Policy Committee met on Thursday, December 12, 2024 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, Todd Tetzlaff, Taylor Swanson and Pakou Lee

Absent: David Treichel

Policies Discussed for January Board Consent Agenda

Policy 302 – Superintendent

Policy 302 was reviewed and will be on January 9, 2025 regular board meeting consent agenda for approval.

Policy 303 - Superintendent Selection

Policy 303 was reviewed and will be on January 9, 2025 regular board meeting consent agenda for approval.

Policy 304 - Superintendent Contract, Duties and Evaluation

Policy 304 was reviewed and will be on January 9, 2025 regular board meeting consent agenda for approval.

Policy 305 - Policy Implementation

Policy 305 was reviewed and will be on January 9, 2025 regular board meeting consent agenda for approval.

Policies for the January Board Meeting Agenda for a First Reading Following the Regular Review Process

Policy 403 - Discipline, Suspension, and Dismissal of School District Employee

Policy 403 was reviewed following the regular review process and will move to a first reading at the January 9, 2025 regular board meeting.

Policy 407 - Employee Rights to Know - Exposure to Hazardous Substances

Policy 407 was reviewed following the regular review process and will move to a first reading at the January 9, 2025 regular board meeting.

Policy 408 - Subpoena of a School District Employee

Policy 408 was reviewed following the regular review process and will move to a first reading at the January 9, 2025 regular board meeting.

Policy 409 - Employee Publications, Instructional Materials, Inventions and Creations

Policy 409 was reviewed following the regular review process and will move to a first reading at the January 9, 2025 regular board meeting.

The meeting concluded at 5:25 p.m.

Heather Naegele, Clerk
(Unapproved)

**NORTH BRANCH INDEPENDENT SCHOOL DISTRICT NO. 138
REGULAR SCHOOL BOARD MEETING
NORTH BRANCH AREA EDUCATION CENTER, BOARDROOM
December 12, 2024**

The School Board of Independent School District 138 met in regular session on Thursday, December 12, 2024 at 5:30 p.m. in the Boardroom at the North Branch Area Education Center.

Chair MacMillan called the meeting to order.

Roll Call: Shelly Johnson, Adam Trampe, Sarah Grovender, Tim MacMillan, Superintendent Paul, Heather Naegele and Jesse LaValla

Absent: None

Others in Attendance:

Molly Whelan, Todd Tetzlaff, Pat Tepoorten, Pakou Lee, Taylor Swanson, Jennifer Van Dyke, Mary Reedy, Joel Santjer, Mike Selbitschka, Kindra Helin, Josh Kopp, Norm Nagel, Jon Wagner – CNR and Justin Voss

The Pledge of Allegiance was said by all.

Approval of Agenda:

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

School Board Recognition – Fall Sports

North Branch Area High School coaches shared their season highlights, experiences, positive team impact and support, athlete/team accomplishments and praises from the season.

- Boys Cross Country: Nathan Damiani Ethan Kester, Jordan Stumm, and Andrew Witkowski
- Girls Cross Country: Ruby Hanson
- Boys Soccer: Jacob Edmonds, Stephen Gerten, Chazz Johnson, Holden Norring, Jackson Puelston, and James Weinkauf
- Girls Soccer: Kinley Barie, Greta Cady, Sharis Garcia-Velazquez, Sharleen Garcia-Velazquez, Drew Moryn, and Reese Moryn
- Girls Tennis: Ashley Bistodeau, Brainna Bjerketvedt, Maggie Hunter, Abigail Pfeifer, Paulina Rossini, Charlotte Santjer, Julia Schlagel, Eliana Smit, Kara

Sullivan, Nora Toussain, and Rebekah Wurdemann

- Football: Dooley Beaver, Carter Drill, Nathan Edwards-Gaona, Matthew Fenton, Aaron Goeltl, Logan Hammel, Jacob Knoespel, Chazz Johnson, Tyler Minke, Moses Ochoa, London Olson, Austin Reynolds, Jacob Robillard, Isaac Sotankski, Patrick Spinler, and Nolen Volner
- Volleyball: Johanna Bartkey, Sophia Benedict, Derrian Dick, Dakota Esget, Brooke Giese, Heidi Hedberg, jade Knoespel, Annabelle Lattimore, Jenna Minke, Elle Nielsen, Avery Smith, and Sophia Thorsen

SUPERINTENDENT'S REPORT

- Superintendent Paul spotlighted Madison Moran, Air Force JROTC cadet, who has received a golden ticket for a full ride scholarship to the University of St. Thomas.
- Renowned speaker Joe Beckman presented on “What It Means to Be a Leader” to 85 students and coaches.
- Hockey Player Abby Thurmer recorded her 1,000th save during a recent game, “keeping the biscuit out of the basket.”
- JPC Auto sales donated a 2008 Chevy Impala to NBAHS auto program with the help of KNH Autos.
- National Bank – North Branch donated hats and mittens just in time for winter.
- NBAPS welcomed new SRO Officer Southward.
- NBAPS is in a position for growth with room to grow. NBAPS is currently conducting a facility review as district is capable of serving more students. Facility review will help determine how to best utilize existing spaces as enrollment continues to grow.
- Superintendent Paul gave a brief update on work alignment and shared priorities with Isanti and Chisago County.

CONSENT ITEMS

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

- A. Minutes of November 14, 2024 Policy Committee Meeting
- B. Minutes of November 14, 2024 Regular School Board Meeting
- C. Minutes of November 21, 2024 Work Session Meeting
- D. Authorization of Payments, Transfers, and Investment Activity
 - Accounts Payable, Bank 07 – \$1,092,460.09
 - Auxiliary, Bank 12 - \$23,267.00
 - Payroll, Bank 13 - \$3,172,951.95

- Scholarship, Bank 18 - \$0.00
- High School Student Activities, Bank 31 - \$31,940.10
- Middle School Student Activities, Bank 32 - \$0.00

E. Personnel

1. Morgane Netzloff, resignation effective November 11, 2024, as Tier I License French Teacher at North Branch Area High School
2. Lucinda Heil-Berg, leave request effective November 25, 2024 through December 15, 2024, as Physical Education Teacher at Sunrise River Elementary School and North Branch Area High School
3. Tracey John, leave request effective October 21, 2024 through January 20, 2025, as Fifth Grade Teacher at Sunrise River Elementary School
4. Katherine Hammond, extension of leave request effective October 10, 2024 through December 17, 2024, as School Age Care Adult Assistant at North Branch Area Education Center
5. Stacy Redding, extension of leave request effective November 11, 2024 through the remainder of the 2024-25 School Year, as High School Counselor at North Branch Area High School
6. Kate Gillis, effective December 2, 2024 to June 6, 2025, temporary position change from Special Education Assistant to Transition Job Coach at Life Work Center
7. Lauren Boatman, employment effective November 25, 2024, as School Age Care Adult Assistant at North Branch Area Education Center
8. Ashley Miller, employment effective November 18, 2024, as Lunchroom/Playground Assistant at Sunrise River Elementary School
9. Kysa Thurmer, employment effective November 4, 2024, as Special Education Assistant at Life Work Center
10. Diana Lind, employment effective November 18, 2024, as Special Education Assistant at North Branch Area High School
11. Jason Cyr, MA, Step 9, effective December 9, 2024 through the remainder of the 2024-25 School Year, as French Teacher at North Branch Area High School
12. Tristen Geving, BA, Step 1, as Long-Term Substitute for Tracey John, effective November 18, 2024 through January 21, 2025, as Fifth Grade Teacher at Sunrise River Elementary School

13. 2024-25 Activity Advisor Position

- a. Amy Randall, changed from Class 8, Step 1 to Class 8, Step 4 for the 2024-25 School Year as the Advisor for Middle School Student Council

14. 2024-25 Extracurricular Winter Coaching Positions

- a. Ashton LaBelle, Class 6, Step 1, as Coach for Middle School Wrestling
- b. Michael Thao, Class 6, Step 1, as Coach for Middle School Wrestling
- c. James Bezanson, Class 3, Step 4, as Assistant Coach for Boys Basketball
- d. Tyson Radke, Class 3, Step 4, as Assistant Coach for Boys Basketball
- e. Jessica Audette, Class 4, Step 1, as 0.5 FTE Assistant Coach for Gymnastics
- f. Rylie Halbur, Class 4, Step 1, as 0.5 FTE Assistant Coach for Gymnastics

F. Approval of the Following Policies

- 1. Policy 213 - School Board Committees (Review only, No MSBA changes)
- 2. Policy 214 - Out-of-State Travel by School Board Members (Review only, No MSBA changes)
- 3. Policy 301 - School District Administration (Review only, No MSBA changes)

G. Acceptance of Donations

November 2024

Date	Donation From	Donation To	Amount	Use
11/4/2024	Max Malmquist, 4552 392nd St, North Branch, MN 55056	NBHS Scholarship A/C	\$2,000.00	Scholarship Donation
11/8/2024	Chris or Laura Darst, 36427 Elk Ave, North Branch, MN 55056	NBHS Scholarship A/C	\$400.00	Scholarship Donation
11/8/2024	Amy Witte, 6604 378th St, North Branch, MN 55056	NBHS Athletics	\$1,000.00	Football Program Donation
11/15/2024	Friends of Wild River State Park, Attn: Jan Kozlovsky, 17190 410th St, North Branch, MN 55056	NBHS Athletics	\$50.00	Wrestling Program Donation
11/15/2024	Cindy or Norman Lelm, 40370 Lowden Ave, North Branch, MN 55055	NBHS Athletics	\$100.00	Girls Basketball Program Donation
11/15/2024	North Branch Fire Relief Association, PO Box 245, North Branch, MN 55056	NBHS Athletics	\$500.00	Student Council Program Donation
11/26/2024	American Legion Post #85, PO Box 87, North Branch, MN 55056	NBHS Athletics	\$350.00	FTC Program Donation
11/26/2024	Klimek Bros. Well Drilling, 702 1/2 Country Rd 22 NW, Alexandria, MN 56308	NBHS Athletics	\$500.00	Girls Basketball Program Donation
11/26/2024	Lelm Custom Homes, LLC, 40452 Lowden Ave, North Branch, MN 55056	NBHS Athletics	\$350.00	Girls Basketball Program Donation
11/26/2024	Team Foundation, 105 Park Ave NW, Bagley, MN 56621	NBHS Athletics	\$5,000.00	FTC Program Donation
NOV	County Market, 5418 St. Croix Trl, North Branch, MN 55056	NBHS		* Donated a full sheet cake as a going away/thank you to SRO Mike Nelson
NOV	JPC Auto Sales LLC, 6637 437 St, Suite A, Harris, MN 55032	NBHS		* Donated a 2008 Chevy Impala to the High School Auto Program
NOV	KNH Autos, 6637 437th St, Harris, MN 55032	NBHS		* Donated parts & labor to get the Impala fixed and safe for students to work on

OPEN MIC

No one signed up for open mic.

OLD BUSINESS

- A. Approval of Second Reading of the 2025-26 Draft School Calendar
Moved by Grovender, seconded by LaValla, third by Johnson and carried unanimously to approve Second Reading of the 2025-26 Draft School Calendar.

- B. Approval of Second Reading of the Following Policies
Moved by Trampe, seconded by LaValla and carried unanimously to approve Second Reading of the following policies.
 - 1. Policy 410 - Family and Medical Leave Policy
 - 2. Policy 602 - Organization of School Calendar and School Day
 - 3. Policy 616 NB - School District System Accountability
 - 4. Policy 806 - Crisis Management

NEW BUSINESS

- A. Approval of Acceptance of the Audit Report for FY2024
Moved by Trampe, seconded by LaValla and carried unanimously to approve the Acceptance of the Audit Report for FY2024.

- B. Truth in Taxation Hearing Presentation
Presentation only, presented by Todd Tetzlaff, Director of Human Resources and Finance. Presentation is available for public view.

- C. Approval of Certification of Property Tax Levy 2024, Payable 2025 in the Amount of \$10,036,460.77
Moved by Grovender, seconded by Johnson and carried unanimously to approve the Certification of Property Tax Levy 2024, Payable 2025 in the Amount of \$10,036,460.77

- D. Approval of the Following Updated Terms and Conditions of Employment for 12-Month Salaried Staff and Directors
Moved by LaValla, seconded by Johnson and carried unanimously to approve the Following Updated Terms and Conditions of Employment for 12-Month Salaried Staff and Directors.

- E. Approval of the Resolution Establishing Combined Polling Places for Multiple Precincts and Designating Hours During Which the Polling Places will Remain Open for Voting for School District Elections Not Held on the Day of a Statewide Election
Moved by Grovender, seconded by Trampe and carried unanimously to approve the Resolution Establishing Combined Polling Places for Multiple Precincts and Designating

Hours During Which the Polling Places will Remain Open for Voting for School District Elections Not Held on the Day of a Statewide Election.

F. Approval of the First Reading of the Following Policies

Moved by Trampe, seconded by LaValla and carried unanimously to approve the First Reading of the following policies.

1. Policy 402 - Disability Nondiscrimination Policy (Annual Review, No MSBA changes)
2. Policy 602 - Organization of School Calendar and Instruction Goals revised 11.02.23 (Annual Review, No MSBA changes)
3. Policy 414 - Mandated Reporting of Child Neglect or Physical or Sexual Abuse (Annual Review, No MSBA changes)
4. Policy 415 - Mandated Reporting of Maltreatment of Vulnerable Adults (Annual Review, No MSBA changes)

Addendum

None

INFORMATION

None

BOARD REQUESTS

- A. School Board Retreat date of January 13, 2025 to start at 6:00 PM at North Branch Area High School was confirmed and agreed upon by all board members

COMMITTEE REPORTS

Member LaValla gave an update on Community Education Committee

DATES TO REMEMBER

- A. December 16, 2024 at 2:00 PM - OPEB Committee Meeting, Virtual Meeting
- B. January 9, 2025 at 4:30 PM - Policy Committee Meeting, North Branch Education Center, DO Conference Room B122
- C. January 9, 2025 at 5:30 PM - Organizational School Board Meeting, North Branch Education Center, Board Room, Room C120
- D. January 9, 2025 at 5:45 PM - Regular School Board Meeting, North Branch Education Center, Board Room, Room C120

Adjournment

Moved by Grovender, seconded by Trampe and carried unanimously following a roll call vote to adjourn the regular meeting at 7:02 PM.

Heather Naegele, Clerk
(Unapproved)

**NORTH BRANCH INDEPENDENT SCHOOL DISTRICT NO. 138
VIRTUAL MEETING
OPEB COMMITTEE MEETING
DECEMBER 16, 2024**

The OPEB Committee met in a virtual meeting on Monday, December 16, 2024 at 2:00 p.m.

In attendance: John Schultz (Wells Fargo), Connor Nelson (Wells Fargo), Tim MacMillan, Adam Trampe, Sara Paul and Todd Tetzlaff

[OPEB Investment Review Presentation 12/16/2024](#)

The OPEB Trust Committee last met in July and requested to meet again in December to ensure the market is on track after the election and given the trend in interest rates. Well Fargo staff reported the financial report for the third quarter was strong.

Based on our financial review, we are 123% funded to meet the obligations of the school district to meet our Other Post Employment obligations. We reviewed the allocation of current funds and anticipated future allocations. We are currently invested in 2% Cash Alternatives, 43% Fixed Income, 53% Equities and 2% Real Assets.

When compared to other school districts, we are well-positioned to meet our future obligations. Our target for growth is 5.5% and since inception, the return on our OPEB trust has been 4.42%.

Heather Naegele, Clerk

ELECTRONIC FUND TRANSFERS
December 2024

Direct Dep Cks	\$1,259,613.01		
ACHS	<u>\$10,681.22</u>		
	\$1,270,294.23		
Other Electronic Fund Transfers:			
Federal/FICA Taxes (Also reflected in P/R info)		12/2/2024	\$78,175.90
		12/2/2024	\$119,623.85
		12/16/2024	\$81,243.20
		12/16/2024	\$131,170.17
		12/30/2024	\$116.60
		12/30/2024	\$79,944.50
		12/30/2024	<u>\$130,519.62</u>
			\$620,793.84
Minnesota Withholding Taxes (Also reflected in P/R info)		12/3/2024	\$200.00
		12/3/2024	\$505.62
		12/3/2024	\$13,041.77
		12/3/2024	\$21,993.29
		12/16/2024	\$200.00
		12/16/2024	\$561.10
		12/17/2024	\$13,171.74
		12/17/2024	\$23,334.43
		12/30/2024	\$182.40
		12/30/2024	\$200.00
		12/31/2024	\$13,126.28
		12/31/2024	<u>\$23,175.38</u>
			\$109,692.01
Economic Service (EBC) (Also reflected in P/R info)		12/16/2024	\$14,436.45
		12/16/2024	\$24,677.06
		12/30/2024	\$15,382.55
		12/30/2024	<u>\$23,758.24</u>
			\$78,254.30
MII LIFE-F S A		PEIP	12/3/2024
		PEIP	12/9/2024
		PEIP	12/10/2024
		PEIP	12/11/2024
		PEIP	12/17/2024
		PEIP	12/24/2024
		PEIP Admin Inv	12/26/2024
		PEIP	12/31/2024
			\$15.14
			\$181.94
			\$35.22
			\$140.00
			\$92.00
			\$3,225.08
			\$395.75
			<u>\$4,771.36</u>
			\$8,856.49
MII LIFE-M S A		12/16/2024	\$996.80
		12/16/2024	\$6,920.60
		12/30/2024	\$996.80
		12/30/2024	<u>\$6,911.88</u>
			\$15,826.08
Minnesota Teachers Retirement		12/13/2024	\$12,687.36
		12/13/2024	\$95,800.20
		12/27/2024	\$11,827.03
		12/27/2024	<u>\$95,477.90</u>
			\$215,792.49
PERA		12/13/2024	\$41,962.82
		12/27/2024	<u>\$42,293.10</u>
			\$84,255.92
Delta Dental Plan		12/23/2024	\$11,827.57
MN Sales Tax		12/20/2024	\$269.00

Adopted: _____

MSBA/MASA Model Policy 302

Orig. 1995

Revised: _____

Rev. 2022~~11~~

302 SUPERINTENDENT

I. PURPOSE

The purpose of this policy is to recognize the importance of the role of the superintendent and the overall responsibility of that position within the school district.

II. GENERAL STATEMENT OF POLICY

The school board shall employ a superintendent who shall serve as an ex officio, nonvoting member of the school board and as chief executive officer of the school system.

III. GENERAL RESPONSIBILITIES

- A. The superintendent is responsible for the management of the schools, the administration of all school district policies, and is directly accountable to the school board.
- B. The superintendent shall annually evaluate each principal assigned responsibility for supervising a school building in the district.
- C. The superintendent may delegate responsibilities to other school district personnel, but shall continue to be accountable for actions taken under such delegation.
- D. Where responsibilities are not specifically prescribed, nor school board policy applicable, the superintendent shall use personal and professional judgment, subject to review by the school board.

Legal References: Minn. Stat. § 123B.143 (Superintendent)

Cross References: MSBA/MASA Model Policy 202 (School Board Officers)
MSBA/MASA Model Policy 208 (Development, Adoption, and Implementation of Policies)
MSBA/MASA Model Policy 214 (Out-of-State Travel by School Board Members)
MSBA/MASA Model Policy 301 (School District Administration)
MSBA/MASA Model Policy 303 (Superintendent Selection)
MSBA/MASA Model Policy 304 (Superintendent Contract, Duties, and Evaluation)
MSBA/MASA Model Policy 305 (Policy Implementation)
MSBA/MASA Model Policy 306 (Administrator Code of Ethics)
MSBA/MASA Model Policy 412 (Expense Reimbursement)
MSBA/MASA Model Policy 510 (School Activities)
MSBA/MASA Model Policy 511 (Student Fundraising)
MSBA/MASA Model Policy 513 (Student Promotion, Retention, and Program Design)
MSBA/MASA Model Policy 602 (Organization of School Calendar and School Day)
MSBA/MASA Model Policy 605 (Alternative Programs)
MSBA/MASA Model Policy 701 (Establishment and Adoption of School District Budget)
MSBA/MASA Model Policy 704 (Development and Maintenance of an Inventory of Fixed Assets and a Fixed Asset Accounting System)
MSBA/MASA Model Policy 802 (Disposition of Obsolete Equipment and Material)

MSBA/MASA Model Policy 903 (Visitors to School District Buildings and Sites)
MSBA/MASA Model Policy 905 (Advertising)
MSBA/MASA Model Policy 906 (Community Notification of Predatory Offenders)
MSBA/MASA Model Policy 907 (Rewards)
~~MSBA Service Manual, Chapter 3, Superintendent of Schools~~

ADMINISTRATION

Superintendent

302

I. PURPOSE

The purpose of this policy is to recognize the importance of the role of the superintendent and the overall responsibility of that position within the school district.

II. GENERAL STATEMENT OF POLICY

The school board shall employ a superintendent who shall serve as an ex officio, nonvoting member of the school board and as chief executive officer of the school system.

III. GENERAL RESPONSIBILITIES

- A. The superintendent is responsible for the management of the schools, the administration of all school district policies, and is directly accountable to the school board.
- B. The superintendent shall annually evaluate each principal assigned responsibility for supervising a school building in the district.
- C. The superintendent may delegate responsibilities to other school district personnel, but shall continue to be accountable for actions taken under such delegation.
- D. Where responsibilities are not specifically prescribed, nor school board policy applicable, the superintendent shall use personal and professional judgment, subject to review by the school board.

Legal References: Minn. Stat. § 123B.143 (Superintendent)

Cross References: NB Policy 202 (School Board Officers)
NB Policy 208 (Development, Adoption, and Implementation of Policies)
NB Policy 214 (Out-of-State Travel by School Board Members)
NB Policy 301 (School District Administration)
NB Policy 303 (Superintendent Selection)
NB Policy 304 (Superintendent Contract, Duties, and Evaluation)
NB Policy 305 (Policy Implementation)
NB Policy 412 (Expense Reimbursement)
NB Policy 510 (School Activities)
NB Policy 511 (Student Fundraising)
NB Policy 513 (Student Promotion, Retention, and Program Design)
NB Policy 602 (Organization of School Calendar and School Day)

North Branch Independent School District No. 138: Policy #302

Adopted: January 12, 2017

Replaced: Policy 2110 – The Superintendent of Schools

Last Reviewed:

Revised: 2022

Effective: January 12, 2017

ADMINISTRATION

Superintendent

302

NB Policy 605 (Alternative Programs)
NB Policy 701 (Establishment and Adoption of School District Budget)
NB Policy 802 (Disposition of Obsolete Equipment and Material)
NB Policy 903 (Visitors to School District Buildings and Sites)
NB Policy 905 (Advertising)
NB Policy 906 (Community Notification of Predatory Offenders)
NB Policy 907 (Rewards)

North Branch Independent School District No. 138: Policy #302

Adopted: January 12, 2017

Replaced: Policy 2110 – The Superintendent of Schools

Last Reviewed:

Revised: 2022

Effective: January 12, 2017

Adopted: _____

MSBA/MASA Model Policy 303

Orig. 1995

Revised: _____

Rev. 2022+6

303 SUPERINTENDENT SELECTION

I. PURPOSE

The purpose of this policy is to convey to the school community that the authority to select and employ a superintendent is vested in the school board.

II. GENERAL STATEMENT OF POLICY

The school board shall employ a superintendent to serve as the chief executive officer of the school district and to conduct the daily operations of the school district.

III. QUALIFICATIONS

- A. The school board shall consider applicants who meet or exceed the licensing standards set by the Minnesota Board of School Administrators and qualifications established in the job description for the superintendent position. State and federal equal employment and nondiscrimination requirements shall be observed throughout the recruitment and selection process.
- B. The school board will consider professional preparation, experience, skill, and demonstrated competence of qualified applicants in making a final decision.

IV. SELECTION

- A. A process for recruitment, screening, and interviewing of candidates shall be developed by the school board.
- B. The school board may contract for assistance in the search for a superintendent.
- C. The school board shall provide the contract for the superintendent and specifically identify all conditions of employment mutually agreed upon with the superintendent. In so doing, the school board shall observe all requirements of state and federal law and school board policy.

Legal References: Minn. Stat. § 123B.143 (Superintendent)
Minn. Rules, Chapter 3512

Cross References: ~~MSBA Service Manual, Chapter 3, Superintendent~~None

ADMINISTRATION

Superintendent Selection

303

I. PURPOSE

The purpose of this policy is to convey to the school community that the authority to select and employ a superintendent is vested in the school board.

II. GENERAL STATEMENT OF POLICY

The school board shall employ a superintendent to serve as the chief executive officer of the school district and to conduct the daily operations of the school district.

III. QUALIFICATIONS

- A. The school board shall consider applicants who meet or exceed the licensing standards set by the Minnesota Board of School Administrators and qualifications established in the job description for the superintendent position. State and federal equal employment and nondiscrimination requirements shall be observed throughout the recruitment and selection process.
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- A. A process for recruitment, screening, and interviewing of candidates shall be developed by the school board.
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- C. The school board shall provide the contract for the superintendent and specifically identify all conditions of employment mutually agreed upon with the superintendent. In so doing, the school board shall observe all requirements of state and federal law and school board policy.

Legal References: Minn. Stat. § 123B.143 (Superintendent)
Minn. Rules, Chapter 3512

Cross References: None

North Branch Independent School District No. 138: Policy #303

Adopted: January 12, 2017

Replaced: Policy 2110 – The Superintendent of Schools

Last Reviewed:

Revised: 8/10/17, 2022

30

303 Superintendent Selection, Page 1 of 1

Effective: 1/12/17, 8/10/17

Adopted: _____

MSBA/MASA Model Policy 304

Orig. 1995

Revised: _____

Rev. ~~2021~~1999

304 SUPERINTENDENT CONTRACT, DUTIES, AND EVALUATION

I. PURPOSE

The purpose of this policy is to provide for the use of an employment contract with the superintendent, a position description, and the use of an approved instrument to evaluate performance.

II. GENERAL STATEMENT OF POLICY

- A. The superintendent's contract shall be used to formalize the employment relationship and to specifically identify and clarify all conditions of employment with the superintendent.
- B. The specific duties for which the superintendent is accountable shall be set forth in a position description for the superintendent and shall be measured by a performance appraisal instrument approved by the school board in consultation with the superintendent. The school board shall use this instrument to periodically evaluate the performance of the superintendent.
- C. The school board may use the model contract approved by the boards of the Minnesota School Boards Association and the Minnesota Association of School Administrators as a model instrument.

Legal References: Minn. Stat. § 123B.143 (Superintendent)

Cross References: ~~None MSBA Service Manual, Chapter 3, Superintendent of Schools (See Model Contract, Sample Performance Appraisals, and Model Job Description)~~

ADMINISTRATION

Superintendent Contract, Duties, and Evaluation

304

I. PURPOSE

The purpose of this policy is to provide for the use of an employment contract with the superintendent, a position description and the use of an approved instrument to evaluate performance.

II. GENERAL STATEMENT OF POLICY

- A. The superintendent's contract shall be used to formalize the employment relationship and to specifically identify and clarify all conditions of employment with the superintendent.
- B. The specific duties for which the superintendent is accountable shall be set forth in a position description for the superintendent and shall be measured by a performance appraisal instrument approved by the school board in consultation with the superintendent. The school board shall use this instrument to periodically evaluate the performance of the superintendent.
- C. The school board may use the model contract approved by the boards of the Minnesota School Boards Association and the Minnesota Association of School Administrators as a model instrument.

Legal References: Minn. Stat. § 123B.143 (Superintendent)

Cross References: None

Adopted: _____

MSBA/MASA Model Policy 305

Orig. 1995

Revised: _____

Rev. ~~2022~~1999

305 POLICY IMPLEMENTATION

I. PURPOSE

The purpose of this policy is to clarify the responsibility of the school administration for implementation of school ~~board-district~~ policy.

II. GENERAL STATEMENT OF POLICY

- A. It shall be the responsibility of the superintendent to implement school ~~board-district~~ policy and to recommend additions or modifications thereto. The administration is authorized to develop procedures, guidelines, and directives to effectuate the implementation of school ~~board-district~~ policies. These procedures, guidelines, and directives shall not be inconsistent with said policies. At least annually, these written procedures, guidelines, and directives shall be presented to the school board for review.
- B. Employee and student handbooks shall be subject to annual review and approval by the school board.
- C. School principals and other administrators who have handbook responsibilities shall present recommended changes necessary to reflect new or modified policies. Changes of substance within handbooks shall be reviewed by the superintendent to assure compliance with school ~~board-district~~ policy and shall be approved by the school board.

Legal References: Minn. Stat. § 123B.143 (Superintendent)

Cross References: MSBA/MASA Model Policy 208 (Development, Adoption, and Implementation of Policies)

I. PURPOSE

The purpose of this policy is to clarify the responsibility of the school administration for implementation of school district policy.

II. GENERAL STATEMENT OF POLICY

- A. It shall be the responsibility of the superintendent to implement school district policy and to recommend additions or modifications thereto. The administration is authorized to develop procedures, guidelines, and directives to effectuate the implementation of school district policies. These procedures, guidelines, and directives shall not be inconsistent with said policies. At least annually, these written procedures, guidelines, and directives shall be presented to the school board for review.
- B. Employee and student handbooks shall be subject to annual review and approval by the school board.
- C. School principals and other administrators who have handbook responsibilities shall present recommended changes necessary to reflect new or modified policies. Changes of substance within handbooks shall be reviewed by the superintendent to assure compliance with school district policy and shall be approved by the school board.

Legal References: Minn. Stat. § 123B.143 (Superintendent)

Cross References: NB Policy 208 (Development, Adoption, and Implementation of Policies)

DECEMBER 2024

DATE	DONATION FROM	DONATION TO	AMOUNT	USE
12/12/24	American Legion Post #85 Riders, PO Box 87, North Branch, MN 55056	NBHS Scholarship A/C	\$1,000.00	Scholarship Donation
12/12/24	Anonymous	NBHS Athletics	\$321.31	Arts Fest Tips-Donations for FTC Robotics
12/12/24	Anonymous	NBHS Athletics	\$527.55	One Act Holiday Show-Cash Donations
12/12/24	Anderson & Koch Ford, PO Box 158, North Branch, MN 55056	NBHS Athletics	\$500.00	FRC Robotics Program Donation
12/12/24	H & L Machine, 27380 Lofton Ave, Chisago City, MN 55013	NBHS Athletics	\$250.00	FRC Robotics Program Donation 35
12/19/24	Plastic Products, 13116 Lake Blvd, Lindstrom, MN 55045	NBHS Athletics	\$1,000.00	FRC Robotics Program Donation
12/19/24	Revive Chiropractic, PO Box 94, North Branch, MN 55056-0094	NBHS Athletics	\$50.00	Boys Basketball Program-Sports Physical Donation
12/19/24	Revive Chiropractic, PO Box 94, North Branch, MN 55056-0094	NBHS Athletics	\$50.00	Girls Basketball Program-Sports Physical Donation
12/19/24	Revive Chiropractic, PO Box 94, North Branch, MN 55056-0094	NBHS Athletics	\$50.00	Wrestling Program-Sports Physical Donation
12/27/24	American Legion Post #85, PO Box 87, North Branch, MN 55056	NBHS Athletics	\$5,000.00	JROTC Program Donation
12/27/24	North Branch Fire Relief Assoc., PO Box 245, North Branch, MN 55056	NBHS Athletics	\$1,000.00	Girls Golf Program Donation
12/30/24	BCBS Minnesota, PO Box 64560, St. Paul, MN 55164-0560	Community Ed	\$500.00	Human Connection Matters Special Event Donation
December	Sharon & Rich Lundberg, 39218 Hemingway Ave, North Branch, MN 55056	NBMS		*Donated a clarinet to the Middle School music program

I. PURPOSE

The purpose of this policy is to provide a fair employment setting for all persons and to comply with state and federal law.

II. GENERAL STATEMENT OF POLICY

- A. The school district shall not discriminate against qualified individuals with disabilities because of the disabilities of such individuals in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions, and privileges of employment.
- B. The school district shall not engage in contractual or other arrangements that have the effect of subjecting its qualified applicants or employees with disabilities to discrimination on the basis of disability. The school district shall not exclude or otherwise deny equal jobs or job benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association.
- C. The school district shall make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the accommodation would impose undue hardship on the operation of the business of the school district.
- D. Any job applicant or employee wishing to discuss the need for a reasonable accommodation, or other matters related to a disability or the enforcement and application of this policy, should contact the Director of Finance and Human Resources. This individual is the school district's appointed ADA/Section 504 coordinator.

Legal References: Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
29 U.S.C. 794 *et seq.* (Rehabilitation Act of 1973, § 504)
42 U.S.C., Ch. 126 § 12112 (Americans with Disabilities Act)
29 C.F.R. Part 32
34 C.F.R. Part 35
34 C.F.R. Part 104

Cross References: NB Policy 521 (Student Disability Nondiscrimination)

EMPLOYEES/PERSONNEL

Mandated Reporting of Child Neglect or Physical or Sexual Abuse 414

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to fully comply with Minnesota Statutes chapter 260E requiring school personnel to report suspected child neglect or physical or sexual abuse.
- B. A violation of this policy occurs when any school personnel fails to immediately report instances of child neglect or physical or sexual abuse when the school personnel knows or has reason to believe a child is being neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years.

III. DEFINITIONS

- A. "Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence or event that:
 - 1. is not likely to occur and could not have been prevented by exercise of due care; and
 - 2. if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence of event.
- B. "Child" means one under age 18 and, for purposes of Minnesota Statutes chapter 260C (Juvenile Safety and Placement) and Minnesota Statutes chapter 260D (Child in Voluntary Foster Care for Treatment), includes an individual under age 21 who is in foster care pursuant to Minnesota Statutes chapter 260C.451 (Foster Care Benefits Past Age 18).
- C. "Immediately" means as soon as possible but in no event longer than 24 hours.
- D. "Mandated reporter" means any school personnel who knows or has reason to believe a child is being maltreated or has been maltreated within the preceding three years.
- E. "Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.
- F. "Neglect" means the commission or omission of any of the acts specified below, other than by accidental means:

NORTH BRANCH INDEPENDENT SCHOOL DISTRICT NO. 138: Policy #414

Adopted: 5/5/03

Replaces: Policy 5141.4 Maltreatment of Minors

Last Reviewed: 4/8/21, 12/9/21, 5/9/24

Revised: 5/13/04, 11/10/16, 8/10/17, 1/9/20, 8/11/22, 2/9/23

Effective: 5/5/03, 5/13/04, 11/10/16, 8/10/17, 1/9/20, 8/11/22, 2/9/23 37

EMPLOYEES/PERSONNEL

Mandated Reporting of Child Neglect or Physical or Sexual Abuse 414

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

Neglect does not occur solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care.

- G. "Nonmaltreatment mistake" occurs when: (1) at the time of the incident, the individual was performing duties identified in the center's child care program plan required under Minnesota Rules part 9503.0045; (2) the individual has not been determined responsible for a similar incident that resulted

EMPLOYEES/PERSONNEL

Mandated Reporting of Child Neglect or Physical or Sexual Abuse 414

in a finding of maltreatment for at least seven years; (3) the individual has not been determined to have committed a similar nonmaltreatment mistake under this paragraph for at least four years; (4) any injury to a child resulting from the incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical professional or not; and (5) except for the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing requirements relevant to the incident. This definition only applies to child care centers licensed under Minnesota Rules chapter 9503.

- H. "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employee or agent, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.
- I. "Physical abuse" means any physical injury, mental injury (under subdivision 13), or threatened injury (under subdivision 23), inflicted by a person responsible for the child's care on a child other than by accidental means; or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive or deprivation procedures, or regulated interventions, that have not been authorized by Minnesota Statutes section 125A.0942 or 245.825.

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

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

NORTH BRANCH INDEPENDENT SCHOOL DISTRICT NO. 138: Policy #414

Adopted: 5/5/03

Replaces: Policy 5141.4 Maltreatment of Minors

Last Reviewed: 4/8/21, 12/9/21, 5/9/24

Revised: 5/13/04, 11/10/16, 8/10/17, 1/9/20, 8/11/22, 2/9/23

Effective: 5/5/03, 5/13/04, 11/10/16, 8/10/17, 1/9/20, 8/11/22, 2/9/23 39

EMPLOYEES/PERSONNEL

Mandated Reporting of Child Neglect or Physical or Sexual Abuse 414

- J. "Report" means any communication received by the local welfare agency, police department, county sheriff, or agency responsible for child protection pursuant to this section that describes maltreatment of a child and contains sufficient content to identify the child and any person believed to be responsible for the maltreatment, if known.
- K. "School personnel" means professional employee or professional's delegate of the school district who provides health, educational, social, psychological, law enforcement, or child care services.
- L. "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child (as defined in Minn. Stat. § 609.341, Subd. 15), or by a person in a current or recent position of authority (as defined in Minn. Stat. § 609.341, Subd. 10) to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct. Such acts include sexual penetration, sexual contact, solicitation of children to engage in sexual conduct, and communication of sexually explicit materials to children. Sexual abuse also includes any act involving a minor that constitutes a violation of Minnesota statutes prohibiting prostitution or use of a minor in a sexual performance. Sexual abuse includes all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation that requires registration under Minnesota Statutes section 243.166, Subd. 1b(a) or (b).
- M. "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care who has (1) subjected the child to, or failed to protect a child from, an overt act or condition that constitutes egregious harm; (2) been found to be palpably unfit; (3) committed an act that resulted in an involuntary termination of parental rights; (4) , or committed an act that resulted in the involuntary transfer of permanent legal and physical custody of a child to a relative.

IV. REPORTING PROCEDURES

- A. A mandated reporter shall immediately report the information to the local welfare agency, agency responsible for assessing or investigating the report, police department, county sheriff, tribal social services agency, or tribal police department. The reporter will include his or her name and address in the report.
- B. An oral report shall be made immediately by telephone or otherwise., The oral report shall be followed by a written report within 72 hours (exclusive of weekends and holidays) to the appropriate police department, the county sheriff, local welfare agency, or agency responsible for assessing or investigating the report. Any report shall be of sufficient content to identify the child, any person believed to be responsible for the maltreatment of the child if the person is known, the nature and

EMPLOYEES/PERSONNEL

Mandated Reporting of Child Neglect or Physical or Sexual Abuse 414

extent of the maltreatment, and the name and address of the reporter.

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

V. INVESTIGATION

- A. The responsibility for assessing or investigating reports of suspected maltreatment rests with the appropriate state, county, or local agency or agencies. The agency responsible for assessing or investigating reports of maltreatment has the authority to interview the child, the person or persons responsible for the child's care, the alleged offender, and any other person with knowledge of the maltreatment for the purpose of gathering facts, assessing safety and risk to the child, and formulating a plan. The investigating agency may interview the child at school. The interview may take place outside the presence of the alleged offender or parent, legal guardian, or school official. The investigating agency, not the school, is responsible for either notifying or withholding notification of the interview to the parent, guardian, or person responsible for the child's care. School officials

NORTH BRANCH INDEPENDENT SCHOOL DISTRICT NO. 138: Policy #414

Adopted: 5/5/03

Replaces: Policy 5141.4 Maltreatment of Minors

Last Reviewed: 4/8/21, 12/9/21, 5/9/24

Revised: 5/13/04, 11/10/16, 8/10/17, 1/9/20, 8/11/22, 2/9/23

Effective: 5/5/03, 5/13/04, 11/10/16, 8/10/17, 1/9/20, 8/11/22, 2/9/23 41

414 Mandated Reporting of Child Neglect or Physical or Sexual Abuse, Page 5 of 7

EMPLOYEES/PERSONNEL

Mandated Reporting of Child Neglect or Physical or Sexual Abuse 414

may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded.

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

VI. MAINTENANCE OF SCHOOL RECORDS CONCERNING ABUSE OR POTENTIAL ABUSE

- A. When a local welfare or local law enforcement agency determines that a potentially abused or abused child should be interviewed on school property, written notification of the agency's intent to interview on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct the interview. The notification shall be private data. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notice or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation has been concluded.

NORTH BRANCH INDEPENDENT SCHOOL DISTRICT NO. 138: Policy #414

Adopted: 5/5/03

Replaces: Policy 5141.4 Maltreatment of Minors

Last Reviewed: 4/8/21, 12/9/21, 5/9/24

Revised: 5/13/04, 11/10/16, 8/10/17, 1/9/20, 8/11/22, 2/9/23

Effective: 5/5/03, 5/13/04, 11/10/16, 8/10/17, 1/9/20, 8/11/22, 2/9/23 42

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Mandated Reporting of Child Neglect or Physical or Sexual Abuse 414

- B. All records regarding a report of maltreatment, including any notification of intent to interview which was received by the school as described above in Paragraph A., shall be destroyed by the school only when ordered by the agency conducting the investigation or by a court of competent jurisdiction.

VII. PHYSICAL OR SEXUAL ABUSE AS SEXUAL HARASSMENT OR VIOLENCE

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

VIII. DISSEMINATION OF POLICY AND TRAINING

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

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 121A.58 (Corporal Punishment)
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)
Minn. Stat. § 125A.0942 (Standards for Restrictive Procedures)
Minn. Stat. § 243.166, Subd. 1b(a)(b) (Registration of Predatory Offenders)
Minn. Stat. § 245.825 (Use of Aversive or Deprivation Procedures)
Minn. Stat. § 260C.007, Subd. 6, Clause (5) (Child in Need of Protection)
Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18)
Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment)
Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)
Minn. Stat. § 609.02, Subd. 6 (Definitions – Dangerous Weapon)
Minn. Stat. § 609.341, Subd. 10 (Definitions – Position of Authority)
Minn. Stat. § 609.341, Subd. 15 (Definitions – Significant Relationship)
Minn. Stat. § 609.379 (Reasonable Force)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)

Cross References: NB Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)

EMPLOYEES/PERSONNEL

Mandated Reporting of Maltreatment of Vulnerable Adults

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I. PURPOSE

The purpose of this policy is to make clear the statutory requirements of school personnel to report suspected maltreatment of vulnerable adults.

II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to comply fully with Minnesota Statutes section 626.557 requiring school personnel to report suspected maltreatment of vulnerable adults.
- B. A violation of this policy occurs when any school personnel fails to report suspected maltreatment of vulnerable adults when the school personnel has reason to believe that a vulnerable adult is being or has been maltreated, or has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained.

III. DEFINITIONS

- A. "Abuse" means:
 - 1. An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of: (1) assault in the first through fifth degrees as defined in Minnesota Statutes sections 609.221 to 609.224; (2) the use of drugs to injure or facilitate crime as defined in Minnesota Statutes section 609.235; (3) the solicitation, inducement, and promotion of prostitution as defined in Minnesota Statutes section 609.322; and (4) criminal sexual conduct in the first through fifth degrees as defined in Minnesota Statutes sections 609.342 to 609.3451. A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction.
 - 2. Conduct which is not an accident or therapeutic conduct as defined in Minnesota Statutes section 626.5572 which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following: (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult; (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening; (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and (4) use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under Minnesota Statutes section 245.825.
 - 3. Any sexual contact or penetration as defined in Minn. Stat. § 609.341 between a facility staff

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person or a person providing services in the facility and a resident, patient, or client of that facility.

4. The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another.

Abuse does not include actions specifically excluded by Minnesota Statutes section 626.5572, Subd. 2.

- B. "Caregiver" means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement.
- C. "Common entry point" means the entity responsible for receiving reports of alleged or suspected maltreatment of a vulnerable adult and designated by the Commissioner of the Minnesota Department of Human Services as the MN Adult Abuse Reporting Center (MAARC).
- D. "Financial Exploitation" means a breach of a fiduciary duty by an actor's unauthorized expenditure of funds entrusted to the actor for the benefit of the vulnerable adult or by an actor's failure to provide food, clothing, shelter, health care, therapeutic conduct or supervision, the failure of which results or is likely to result in detriment to the vulnerable adult. Financial exploitation also includes: the willful use, withholding or disposal of funds or property of a vulnerable adult; the obtaining of services for wrongful profit or advantage which results in detriment to the vulnerable adult; the acquisition of a vulnerable adult's funds or property through undue influence, harassment, duress, deception or fraud; and the use of force, coercion, or enticement to cause a vulnerable adult to perform services against the vulnerable adult's will for the profit or advantage of another.
- E. "Immediately" means as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.
- F. "Mandated reporter" means a professional or professional's delegate while engaged in education.
- G. "Maltreatment" means the neglect, abuse, or financial exploitation of a vulnerable adult.
- H. "Neglect" means the failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care, or supervision which is: (1) reasonable and necessary to obtain or maintain the vulnerable adult's physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and (2) which is not the result of an accident or therapeutic conduct.
- I. Neglect also means the absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental

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health of the vulnerable adult which a reasonable person would deem essential to obtain or maintain the vulnerable adult's health, safety, or comfort considering the physical or mental capacity or dysfunction of the vulnerable adult. Neglect does not include actions specifically excluded by Minnesota Statutes section 626.5572, Subd. 17.

- J. "School personnel" means professional employees or their delegates of the school district engaged in providing health, educational, social, psychological, law enforcement, or other caretaking services of vulnerable adults.
- K. "Vulnerable adult" means any person 18 years of age or older who: (1) is a resident or inpatient of a facility; (2) receives services required to be licensed under Minnesota Statutes chapter 245A, except as excluded under Minnesota Statutes section 626.5572, Subd. 21(a)(2); (3) receives services from a licensed home care provider or person or organization that offers, provides, or arranges for personal care assistance services under the medical assistance program; or (4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the individual's ability to provide adequately for the individual's own care without assistance or supervision and, because of the dysfunction or infirmity and need for care or services, has an impaired ability to protect the individual's self from maltreatment.

IV. REPORTING PROCEDURES

- A. A mandated reporter as defined herein shall immediately report the suspected maltreatment to the common entry point responsible for receiving reports.
- B. Whenever a mandated reporter, as defined herein, knows or has reason to believe that an individual made an error in the provision of therapeutic conduct to a vulnerable adult which results in injury or harm, which reasonably requires the care of a physician, such information shall be reported immediately to the designated county agency. The mandated reporter also may report a belief that the error did not constitute neglect and why the error does not constitute neglect.
- C. The report shall, to the extent possible, identify the vulnerable adult, the caregiver, the nature and extent of the suspected maltreatment, any evidence of previous maltreatment, the name and address of the reporter, the time, date, and location of the incident, and any other information that the reporter believes might be helpful in investigating the suspected abuse or neglect. A mandated reporter may disclose *not public data*, as defined under Minnesota Statutes section 13.02, to the extent necessary to comply with the above reporting requirements.
- D. A person mandated to report suspected maltreatment of a vulnerable adult who negligently or intentionally fails to report is liable for damages caused by the failure. A negligent or intentional failure to report may result in discipline. A mandatory reporter who intentionally fails to make a report, who knowingly provides false or misleading information in reporting, or who intentionally fails to

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provide all the material circumstances surrounding the reported incident may be guilty of a misdemeanor.

- E. Retaliation against a person who makes a good faith report under Minnesota law and this policy, or against vulnerable adult who is named in a report is prohibited.
- F. Any person who intentionally makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury. The intentional making of a false report may result in discipline.

V. INVESTIGATION

The responsibility for investigating reports of suspected maltreatment of a vulnerable adult rests with the entity designated by the county for receiving reports.

VI. DISSEMINATION OF POLICY AND TRAINING

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

Legal References: Minn. Stat. § 13.02 (Government Data Practices; Definitions)
Minn. Stat. Ch. 245A (Human Services Licensing)
Minn. Stat. § 245.825 (Aversive and Deprivation Procedures; Licensed Facilities and Services)
Minn. Stat. §§ 609.221-609.224 (Assault)
Minn. Stat. § 609.232 (Crimes Against Vulnerable Adults; Definitions)
Minn. Stat. § 609.235 (Use of Drugs to Injure or Facilitate Crime)
Minn. Stat. § 609.322 (Solicitation, Inducement, and Promotion of Prostitution; Sex Trafficking)
Minn. Stat. § 609.341 (Definitions)
Minn. Stat. §§ 609.342-609.3451 (Criminal Sexual Conduct)
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)
Minn. Stat. § 626.5572 (Definitions)
In re Kleven, 736 N.W.2d 707 (Minn. App. 2007)

Cross References: NB Policy 103 (Complaints – Students, Employees, Parents, Other Persons)
NB Policy 211 (Criminal or Civil Action Against School District, School Board Member,

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Employee, or Student)

NB Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)

NB Policy 406 (Public and Private Personnel Data)

NB Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)

NB Policy 515 (Protection and Privacy of Pupil Records)

NORTH BRANCH INDEPENDENT SCHOOL DISTRICT NO. 138: Policy 415

Adopted: 11/10/16

Replaces:

Last Reviewed: 4/8/21, 12/9/21, 5/9/24

Revised: 2/9/23

Effective: 11/10/16, 2/9/23

EMPLOYEES/PERSONNEL

Discipline, Suspension, and Dismissal of School District Employees

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I. PURPOSE

The purpose of this policy is to achieve effective operation of the school district's programs through the cooperation of all employees under a system of policies and rules applied fairly and uniformly.

II. GENERAL STATEMENT OF POLICY

The disciplinary process described herein is designed to utilize progressive steps, where appropriate, to produce positive corrective action. While the school district intends that in most cases progressive discipline will be administered, the specific form of discipline chosen in a particular case and/or the decision to impose discipline in a manner otherwise, is solely within the discretion of the school district.

III. DISCIPLINE

A. Violation of School Laws and Rules

The form of discipline imposed for violations of school laws and rules may vary from an oral reprimand to termination of employment or discharge depending upon factors such as the nature of the violation, whether the violation was intentional, knowing and/or willful and whether the employee has been the subject of prior disciplinary action of the same or a different nature. School laws and rules to which this provision applies include:

1. policies of the school district;
2. directives and/or job requirements imposed by administration and/or the employee's supervisor; and
3. federal, state, and local laws, rules and regulations, including, but not limited to, the rules and regulations adopted by federal and state agencies.

B. Substandard Performance

An employee's substandard performance may result in the imposition of discipline ranging from an oral reprimand to termination of employment or discharge. In most instances, discipline imposed for the reason of substandard performance will follow a progressive format and will be accompanied by guidance, help and encouragement to improve from the employee's supervisor and reasonable time for correction of the employee's deficiency.

C. Misconduct

Misconduct of an employee will result in the imposition of discipline consistent with the seriousness of the misconduct. Conduct which falls into this category includes, but is not limited to:

North Branch Independent School District No. 138: Policy #403

Adopted: February 8, 2018

Last Reviewed:

Revised: 2022

Effective: February 8, 2018

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1. unprofessional conduct;
2. failure to observe rules, regulations, policies and standards of the school district and/or directives and orders of supervisors and any other act of an insubordinate nature;
3. continuing neglect of duties in spite of oral warnings, written warnings and/or other forms of discipline;
4. personal and/or immoral misconduct;
5. use of illegal drugs, alcohol or any other chemical substance on the job or any use off the job which impacts on the employee's performance;
6. deliberate and serious violation of the rights and freedoms of other employees, students, parents or other persons in the school community;
7. activities of a criminal nature relating to the fitness or effectiveness of the employee to perform the duties of the position;
8. failure to follow the canons of professional and personal ethics;
9. falsification of credentials and experience;
10. unauthorized destruction of school district property;
11. other good and sufficient grounds relating to any other act constituting inappropriate conduct;
12. neglect of duty;
13. violation of the rights of others as provided by federal and state laws related to human rights.

IV. FORMS OF DISCIPLINE

- A. The forms of discipline that may be imposed by the school district include, but are not limited to:
1. oral warning;
 2. written warning or reprimand;
 3. probation;

North Branch Independent School District No. 138: Policy #403

Adopted: February 8, 2018

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Discipline, Suspension, and Dismissal of School District Employees

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4. disciplinary suspension, demotion or leave of absence with pay;
 5. disciplinary suspension, demotion or leave of absence without pay; and
 6. dismissal/termination or discharge from employment.
- B. Other forms of discipline, including any combination of the forms described in Paragraph A., above, may be imposed if, in the judgment of the administration, another form of discipline will better accomplish the school district's objective of stopping or correcting the offending conduct and improving the employee's performance.

V. PROCEDURES FOR ADMINISTERING POLICY

- A. When any form of discipline is imposed, the employee's supervisor will:
1. Advise the employee of any inadequacy, deficiency or conduct which is the cause of the discipline, either orally or in writing. If given orally, the supervisor will document the fact that an oral warning was given to the employee specifying the date, time and nature of the oral warning.
 2. Provide directives to the employee to correct the conduct or performance.
 3. Forward copies of all writings to the administrator in charge of personnel for filing in the employee's personnel file.
 4. Allow a reasonable period of time, when appropriate, for the employee to correct or remediate the performance or conduct.
 5. Specify the expected level of performance or modification of conduct to be required from the employee.
- B. The school district retains the right to immediately discipline, terminate or discharge an employee as appropriate, subject to relevant governing law and collective bargaining agreements when applicable.

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Discipline, Suspension, and Dismissal of School District Employees

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Legal References: Minn. Stat. § 122A.40 (Employment; Contracts; Termination) Minn. Stat. § 122A.41 (Teacher Tenure Act; Cities of the First Class)
Minn. Stat. § 122A.44 (Contracting with Teachers; Substitute Teachers)
Minn. Stat. § 122A.58 (Coaches; Termination Duties)
Minn. Stat. § 123B.02, Subd. 14 (General Powers of Independent School Districts)
Minn. Stat. § 123B.143 (Superintendent)
Minn. Stat. § 123B.147 (Principals)
Minn. Stat. § 197.46 *et seq.* (Veterans Preference Act)

Cross References: None

North Branch Independent School District No. 138: Policy #403

Adopted: February 8, 2018

Last Reviewed:

Revised: 2022

Effective: February 8, 2018

EMPLOYEES/PERSONNEL

Employee Right to Know – Exposure to Hazardous Substances 407

I. PURPOSE

The purpose of this policy is to provide school district employees a place of employment and conditions of employment free from recognized hazards that are likely to cause death or serious injury or harm. (Minn. Stat. § 182.653, Subd. 2)

II. GENERAL STATEMENT OF POLICY

The policy of this school district is to provide information and training to employees who may be “routinely exposed” to a hazardous substance, harmful physical agent, infectious agent, or blood borne pathogen.

III. DEFINITIONS

- A. “Commissioner” means the Commissioner of Labor and Industry.
- B. “Routinely exposed” means that there is a reasonable potential for exposure during the normal course of assigned work or when an employee is assigned to work in an area where a hazardous substance has been spilled.
- C. “Hazardous substance” means a chemical or substance, or mixture of chemicals and substances, which:
 - 1. is regulated by the Federal Occupational Safety and Health Administration under the Code of Federal Regulations; or
 - 2. is either toxic or highly toxic; an irritant; corrosive; a strong oxidizer; a strong sensitizer; combustible; either flammable or extremely flammable; dangerously reactive; pyrophoric; pressure-generating; compressed gas; carcinogen; teratogen; mutagen; reproductive toxic agent; or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance; or
 - 3. is determined by the commissioner as a part of the standard for the chemical or substance or mixture of chemicals and substances to present a significant risk to worker health and safety or imminent danger of death or serious physical harm to an employee as a result of foreseeable use, handling, accidental spill, exposure, or contamination.
- D. “Harmful physical agent” means a physical agent determined by the commissioner as a part of the standard for that agent to present a significant risk to worker health or safety or imminent danger of death or serious physical harm to an employee. This definition includes, but is not limited to, radiation, whether ionizing or nonionizing.
- E. “Infectious agent” means a communicable bacterium, rickettsia, parasites, virus, or fungus

North Branch Independent School District No. 138: Policy #407

Adopted: April 11, 2002

Revised: October 13, 2016

Effective: April 11, 2002, October 13, 2016

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Employee Right to Know – Exposure to Hazardous Substances 407

determined by the commissioner by rule, with approval of the commissioner of health, which, according to documented medical or scientific evidence, causes substantial acute or chronic illness or permanent disability as a foreseeable and direct result of any routine exposure to the infectious agent. Infectious agent does not include an agent in or on the body of a patient before diagnosis.

- F. “Blood borne pathogen” means a pathogenic microorganism that is present in human blood and can cause disease in humans. This definition includes, but is not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

IV. TARGET JOB CATEGORIES

Annual training will be provided to all full- and part-time employees who are “routinely exposed” to a hazardous substance, harmful physical agent, infectious agent, or blood borne pathogen as set forth above.

V. TRAINING SCHEDULE

Training will be provided to employees before beginning a job assignment as follows:

- A. Any newly hired employee assigned to a work area where he or she is determined to be “routinely exposed” under the guidelines above.
- B. Any employee reassigned to a work area where he or she is determined to be “routinely exposed” under the above guidelines.

Legal References: Minn. Stat. Ch. 182 (Occupational Safety and Health)
Minn. Rules Ch. 5205 (Safety and Health Standards)
Minn. Rules Ch. 5206 (Employee Right to Know Standards)
29 C.F.R. § 1910.1050, App. B (Substance Technical Guidelines)

Cross References: NB Policy 420 (Students and Employees with Sexually Transmitted Infections and Diseases and Certain Other Communicable Diseases and Infectious Conditions)
NB Policy 807 (Health and Safety Policy)

I. PURPOSE

The purpose of this policy is to protect the privacy rights of school district employees and students under both state and federal law when requested to testify or provide educational records for a judicial or administrative proceeding.

II. GENERAL STATEMENT OF POLICY

This policy is to provide guidance and direction for school district employees who may be subpoenaed to testify and/or provide educational records for a judicial or administrative proceeding.

III. DATA CLASSIFICATION**A. Educational Data****1. State Law**

The Minnesota Government Data Practices Act (MGDPA), Minnesota Statutes chapter. 13, classifies all educational data, except for directory information as designated by the school district, as private data on individuals. The state statute provides that **private data on individuals may not be released, except pursuant to a valid court order or informed consent by the subject of the data or a parent if the subject of the data is a minor.**

2. Federal Law

The Family Educational Rights and Privacy Act (FERPA), 20 United States Code section. § 1232g, provides that educational data may not be released, except pursuant to informed consent by the individual subject of the data or any lawfully issued subpoena. Regulations promulgated under the federal law require that the school district must first make a reasonable effort to notify the parent of the student, or the student if the student is 18 years of age or older, of the subpoena in advance of releasing the information pursuant to the subpoena.

B. Personnel Data

The MGDPA also classifies all personnel data, except for certain data specifically classified as public, as private data on individuals. The state statute provides that **private data on individuals may not be released, except pursuant to a valid court order or informed consent by the subject of the data.**

IV. APPLICATION AND PROCEDURES

A. Any employee who receives a subpoena for any purpose related to employment is to inform the

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Subpoena of a School District Employee

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building administrator or designated supervisor when the employee receives the subpoena. The building administrator or designated supervisor shall immediately inform the superintendent that the employee has received a subpoena.

- B. No employee may release educational data, personnel data, or any other data of any kind without consultation in advance with the school district official who is designated as the authority responsible for the collection, use and dissemination of data.
- C. Payment for attendance at judicial or administrative proceedings and the retention of witness and mileage fees is to be determined in accordance with the applicable school board policies and collective bargaining agreements.
- D. The administration shall not release any information except in strict compliance with state and federal law and this policy. Recognizing that an unauthorized release may expose the school district or its employees to civil or criminal penalties or loss of employment, the administration shall confer with school district legal counsel prior to release of such data.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Rules 1205.0100, Subp. 5 (How These Rules Apply)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)

Cross References: NB Policy 211 (Criminal or Civil Action Against School District, School Board Member, Employee, or Student)
NB Policy 515 (Protection and Privacy of Pupil Records)
MSBA School Law Bulletin "I" (School Records – Privacy – Access to Data)

EMPLOYEES/PERSONNEL

Employee Publications, Instructional Materials, Inventions, and Creations

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I. PURPOSE

The purpose of this policy is to identify and reserve the proprietary rights of the school district to certain publications, instructional materials, inventions, and creations which employees may develop or create, or assist in developing or creating, while employed by the school district.

II. GENERAL STATEMENT OF POLICY

Unless the employee develops, creates or assists in developing or creating a publication, instructional material, computer program, invention or creation entirely on the employee's own time and without the use of any school district facilities or equipment, the employee shall immediately disclose and, on demand of the school district, assign any rights to publications, instructional materials, computer programs, materials posted on websites, inventions or creations which the employee develops or creates or assists in developing or creating during the term of employee's employment and for two years thereafter. In addition, employees shall sign such documents and perform such other acts as may be necessary to secure the rights of the school district relating to such publications, instructional materials, computer programs, materials posted on websites, inventions and/or creations, including domestic and foreign patents and copyrights.

III. NOTICE OF POLICY

The school district shall give employees notice of this policy by such means as are reasonably likely to inform them of this policy.

Legal References: Minn. Stat. § 181.78 (Agreements; Terms Relating to Inventions)
17 U.S.C. § 101 *et seq.* (Copyrights)

Cross References: