

**NORTH BRANCH INDEPENDENT SCHOOL DISTRICT NO. 138
NORTH BRANCH AREA EDUCATION CENTER, DO CONFERENCE ROOM
B122
38705 GRAND AVENUE
NORTH BRANCH, MN 55056
POLICY COMMITTEE MEETING
JANUARY 9, 2025
4:30 PM**

AGENDA

- | | | |
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Adopted: _____

MSBA/MASA Model Policy 420

Orig. 1995

Revised: _____

Rev. 2022~~15~~

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

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

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

A. Students

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

B. Employees

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

C. Circumstances and Conditions

1. Determinations of whether a contagious individual's school attendance or job performance creates a significant risk of the transmission of the illness to students or employees of the school district will be made on a case by case basis. Such decisions will be based upon the nature of the risk (how it is transmitted), the duration of the risk (how long the carrier is infectious), the severity of the risk (what is the potential harm to third parties), and the probabilities the disease will be transmitted and will cause varying degrees of harm. When a student is disabled, such a determination will be made in

consultation with the educational planning team.

2. The school board recognizes that some students and some employees, because of special circumstances and conditions, may pose greater risks for the transmission of infectious conditions than other persons infected with the same illness. Examples include students who display biting behavior, students or employees who are unable to control their bodily fluids, who have oozing skin lesions, or who have severe disorders which result in spontaneous external bleeding. These conditions need to be taken into account and considered in assessing the risk of transmission of the disease and the resulting effect upon the educational program of the student or employment of the employee by consulting with the Commissioner of Health, the physician of the student or employee, and the parent(s)/guardian(s) of the student.

D. Students with Special Circumstances and Conditions

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

E. Extracurricular Student Participation

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

F. Precautions

The school district will develop routine procedures for infection control at school and for educating employees about these procedures. The procedures shall be developed through cooperation with health professionals taking into consideration any guidelines of the Minnesota Department of Education and the Minnesota Department of Health. (These precautionary procedures shall be consistent with the school district's procedures regarding blood-borne pathogens developed pursuant to the school district's employee right to know policy.)

G. Information Sharing

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

H. Reporting

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

I. Prevention

The school district shall, with the assistance of the Minnesota Commissioners of Health

and -Education, implement a program to prevent and reduce the risk of sexually transmitted diseases in accordance with [Minn. Stat. §Minnesota Statutes section 121A.23](#) ~~which that~~ includes:

1. planning materials, guidelines, and other technically accurate and updated information;
2. a comprehensive, developmentally appropriate, technically accurate, and updated curriculum that includes helping students to abstain from sexual activity until marriage;
3. cooperation and coordination among school districts and Service Cooperatives;
4. a targeting of adolescents, especially those who may be at high risk of contracting sexually transmitted diseases and infections, for prevention efforts;
5. involvement of parents and other community members;
6. in-service training for district staff and school board members;
7. collaboration with state agencies and organizations having a sexually transmitted infection and disease prevention or sexually transmitted infection and disease risk reduction program;
8. collaboration with local community health services, agencies and organizations having a sexually transmitted infection and disease risk reduction program; and
9. participation by state and local student organizations.
10. The program must be consistent with the health and wellness curriculum.
11. The school district may accept funds for sexually transmitted infection and disease prevention programs developed and implemented under this section from public and private sources, including public health funds and foundations, department professional development funds, federal block grants, or other federal or state grants.

J. Vaccination and Screening

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

Legal References: Minn. Stat. § 121A.23 ([Programs to Prevent and Reduce the Risks of Sexually Transmitted Infections and Diseases](#))
Minn. Stat. § 144.441-~~442~~ (Tuberculosis [Screening in Schools](#))
[Minn. Stat. § 142 \(Testing in School Clinics\)](#)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education ~~Improvement Act of 2004~~)
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)
42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)
29 C.F.R. 1910.1030 (~~Occupational Exposure to~~ Bloodborne Pathogens)
Kohl by Kohl v. Woodhaven Learning Center, 865 F.2d 930 (8th Cir.), *cert. denied*, 493 U.S. 892, ~~110 S.Ct. 239~~ (1989)

| *School Board of Nassau County, Fla. v. Arline*, 480 U.S. 273, ~~107 S.Ct. 1123~~
(1987)
16 EHLR 712, OCR Staff Memo, April 5, 1990

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

Adopted: _____

MSBA/MASA Model Policy 420

Orig. 1995

Revised: _____

Rev. 2022

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A. Students

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

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10. The program must be consistent with the health and wellness curriculum.
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Legal References: Minn. Stat. § 121A.23 (Programs to Prevent and Reduce the Risks of Sexually Transmitted Infections and Diseases)
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EMPLOYEES/PERSONNEL

Students and Employees with Sexually Transmitted Infections and Diseases and Certain Other Communicable Diseases and Infectious Conditions

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NORTH BRANCH INDEPENDENT SCHOOL DISTRICT NO. 138: Policy 420

Adopted: February 12, 1998

Replaced: Policy #5141.2 and #4114.5 Acquired Immune Deficiency Syndrome or Similar Communicable Diseases and Infectious Conditions (Student 5141.2) (Personnel 4114.5)

Revised: June 12, 2002, November 10, 2016

Effective: June 12, 2002, November 10, 2016

EMPLOYEES/PERSONNEL

Students and Employees with Sexually Transmitted Infections and Diseases and Certain Other Communicable Diseases and Infectious Conditions

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EMPLOYEES/PERSONNEL

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EMPLOYEES/PERSONNEL

Students and Employees with Sexually Transmitted Infections and Diseases and Certain Other Communicable Diseases and Infectious Conditions

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2. a comprehensive, developmentally appropriate, technically accurate, and updated curriculum that includes helping students to abstain from sexual activity until marriage;
3. cooperation and coordination among school districts and Service Cooperatives;
4. a targeting of adolescents, especially those who may be at high risk of contracting sexually transmitted diseases and infections, for prevention efforts;
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EMPLOYEES/PERSONNEL

Students and Employees with Sexually Transmitted Infections and Diseases and Certain Other Communicable Diseases and Infectious Conditions

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Legal References: Minn. Stat. § 121A.23 (Health-Related Programs)
Minn. Stat. § 144.441-442 (Tuberculosis)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education Improvement Act of 2004)
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)
42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)
29 C.F.R. 1910.1030 (Occupational Exposure to Bloodborne Pathogens)
Kohl by Kohl v. Woodhaven Learning Center, 865 F.2d 930 (8th Cir.), *cert. denied*, 493 U.S. 892, 110 S.Ct. 239 (1989)
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Cross References: NB Policy 402 (Disability Nondiscrimination)
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Revised: June 12, 2002, November 10, 2016

Effective: June 12, 2002, November 10, 2016

EMPLOYEES/PERSONNEL

Gifts to Employees and School Board Members

421-NB

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. The school district recognizes that students, parents, and others may wish to show appreciation to school district employees. The policy of the school district, however, is to discourage gift-giving to employees and to encourage donors instead to write letters and notes of appreciation or to give small tokens of gratitude as memorabilia.
- B. A violation of this policy occurs when any employee solicits, accepts, or receives, either by direct or indirect means, a gift from a student, parent, or other individual or organization of greater than nominal value.
- C. A violation of this policy occurs when any employee solicits, accepts, or receives a gift from a person or entity doing business with or seeking to do business with the school district. Employees may accept items of insignificant value of a promotional or public relations nature or a plaque with a resale value of \$5 or less with an inscription recognizing an individual for an accomplishment. The superintendent has discretion to determine what value is "insignificant."
- D. Staff may accept from publishers free samples of textbooks and related teaching materials.
- E. This policy applies only to gifts given to employees where the donor's relationship with the employee arises out of the employee's employment with the school district. It does not apply to gifts given to employees by personal friends, family members, other employees, or others unconnected to the employee's employment with the school district.
- F. An elected or appointed member of a school board, a school superintendent, a school principal, a district school officer or employee including the school business official, may not accept a gift from an interested person.
- G. Donations or gifts greater than nominal value given to or in honor of an employee may be accepted for the benefit of the school district upon compliance with Policy 706.

III. DEFINITIONS

- A. "Gift" means money, real or personal property, a service, a loan, a forbearance or forgiveness of indebtedness, or a promise of future employment that is given without something of equal or greater value being received in return.

North Branch Independent School District No. 138: Policy #421-NB

Adopted: October 11, 2007

Replaced:

Revised: April 14, 2011, February 11, 2016, November 8, 2018, January 9, 2020

Effective: October 11, 2007; April 14, 2011, February 11, 2016, November 8, 2018, January 9, 2020

EMPLOYEES/PERSONNEL

Gifts to Employees and School Board Members

421-NB

- B. "Interested person" means a person or a representative of a person or association that has a direct financial interest in a decision that a school board member, a superintendent, a school principal, or a district school officer or employee is authorized to make.
- C. "Financial interest" means any ownership or control in an asset which has the potential to produce a monetary return.

IV. PROCEDURES

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

V. VIOLATIONS

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

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

Cross References: NB Policy 209 (Code of Ethics)
NB Policy 210 (Conflict of Interest – School Board Members)

North Branch Independent School District No. 138: Policy #421-NB

Adopted: October 11, 2007

Replaced:

Revised: April 14, 2011, February 11, 2016, November 8, 2018, January 9, 2020

Effective: October 11, 2007; April 14, 2011, February 11, 2016, November 8, 2018, January 9, 2020

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

EMPLOYEES/PERSONNEL

Employee-Student Relationships

423

- H. School district employees will adhere to applicable standards of ethics and professional conduct in Minnesota law.

III. REPORTING AND INVESTIGATION

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

IV. SCHOOL DISTRICT ACTION

Upon receipt of a report, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. It also may include reporting to appropriate state or federal authorities, including the Minnesota Professional Educator Licensing and Standards Board or the appropriate licensing authority and appropriate agencies responsible for investigating reports of maltreatment of minors and/or vulnerable adults. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and school district policies.

V. SCOPE OF LIABILITY

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

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

EMPLOYEES/PERSONNEL

Employee-Student Relationships

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- Cross References:**
- NB Policy 103 (Complaints – Students, Employees, Parents, Other Persons)
 - NB Policy 211 (Criminal or Civil Action Against School District, School Board Member, Employee, or Student)
 - NB Policy 306 (Administrator Code of Ethics)
 - NB Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
 - NB Policy 413 (Harassment and Violence)
 - NB Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
 - NB Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
 - NB Policy 421 (Gifts to Employees and School Board Members)
 - NB Policy 507 (Corporal Punishment)

I. PURPOSE

The purpose of this policy is to ensure that qualified teachers are employed by the school district and to fulfill its duty to ascertain the licensure status of its teachers. A school board that employs a teacher who does not hold a valid teaching license or permit places itself at risk for a reduction in state aid. This policy does not negate a teacher's duty and responsibility to maintain a current and valid teaching license.

II. GENERAL STATEMENT OF POLICY

- A. A qualified teacher is one holding a valid license to perform the particular service for which the teacher is employed by the school district.
- B. No person shall be a qualified teacher until the school district verifies, through the Minnesota education licensing system available on the Minnesota Professional Educator Licensing and Standards Board website, that the person is a qualified teacher consistent with state law.
- C. The school district has a duty to ascertain the licensure status of its teachers and ensure that the school district's teacher license files are up to date. The school district shall establish a procedure for annually reviewing its teacher license files to verify that every teacher's license is current and appropriate to the particular service for which the teacher is employed by the school district.
- D. The school district must annually report to the Professional Educator Licensing and Standards Board: (1) all new teacher hires and terminations, including layoffs, by race and ethnicity; and (2) the reasons for all teacher resignations and requested leaves of absence. The report must not include data that would personally identify individuals.

III. PROCEDURE

- A. The superintendent or the superintendent's designee shall establish a schedule for the annual review of teacher licenses.
- B. Where it is discovered that a teacher's license will expire within one year from the date of the annual review, the superintendent or the superintendent's designee will advise the teacher in writing of the approaching expiration and that the teacher must complete the renewal process and file the license with the superintendent prior to the expiration of the current license. However, failure to provide this notice does not relieve a teacher from his/her duty and responsibility of ensuring that his/her teaching license is valid, current and appropriate to his/her teaching assignment.
- C. If it is discovered that a teacher's license has expired, the superintendent will immediately investigate the circumstances surrounding the lack of license and will take appropriate action. The teacher shall be advised that the teacher's failure to have the license reinstated will constitute gross insubordination, inefficiency and willful neglect of duty which are grounds for immediate discharge from employment.

North Branch Independent School District No. 138: Policy #424

Adopted: 6/13/19

Replaced: Policy 4113 – Licenses: Teacher Responsibility

Revised: 11/2/23

Effective: 6/13/19, 11/2/23

EMPLOYEES/PERSONNEL

LICENSE STATUS

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- D. The duty and responsibility of maintaining a current and valid teaching license appropriate to the teaching assignment as required by this policy shall remain with the teacher, notwithstanding the superintendent's failure to discover a lapsed license or license that does not support the teaching assignment. A teacher's failure to comply with this policy may be grounds for the teacher's immediate discharge from employment.

Legal References: Minn. Stat. § 122A.16 (Qualified Teacher Defined)
Minn. Stat. § 122A.22 (District Verification of Teacher Licenses)
Minn. Stat. § 122A.40 (Employment; Contracts; Termination – Immediate Discharge)
Minn. Stat. § 127A.42 (Reduction of Aid for Violation of Law)
Vettleson v. Special Sch. Dist. No. 1, 361 N.W.2d 425 (Minn. App. 1985)
Lucio v. School Bd. of Independent Sch. Dist. No. 625, 574 N.W.2d 737 (Minn. App. 1998)
In the Matter of the Proposed Discharge of John R. Statz (Christine D. VerPloeg), June 8, 1992, *affirmed*, 1993 WL 129639 (Minn. App. 1993)

Cross References: None

EMPLOYEES/PERSONNEL

VEBA Policy Providing the Option for Nonorganized Employees to Participate in a High Deductible Health Plan (HDHP), Coupled with a Health Care Arrangement Account 497-NB

I. ESTABLISHMENT OF VEBA

The School District hereby establishes a Voluntary Employees' Beneficiary Association (VEBA) Plan under Section 501(c)(9) of the Internal Revenue Code. It is the purpose of this personnel policy to establish the VEBA Plan consisting of a High Deductible Health Plan (HDHP), coupled with a health reimbursement arrangement account which employees may use to pay medical expenses, including deductibles, co-pays and co-insurance under the HDHP.

II. ADOPTION OF MINNESOTA SERVICES COOPERATIVE VEBA PLAN AND TRUST AGREEMENT

Effective October 1, 2007, the School District shall adopt the Minnesota Service Cooperatives VEBA Plan and the Employee Benefits Trust Agreement for the benefit of eligible employees as defined in this personnel policy. It is intended that this arrangement constitutes a voluntary employees' beneficiary association under Section 501(c)(9) of the Internal Revenue Code

III. ELIGIBILITY

Eligible employees for the purpose of this personnel policy shall consist of all School District administrative, licensed, and nonlicensed employees who are not members of a collective bargaining unit and who are full-time employees. Part-time employees who are employed an average of at least 20 hours per week and 150 days in a school year shall be eligible for partial benefits proportional to the extent of their employment. Employees employed less than an average of 20 hours per week and/or less than 150 days in a school year are not eligible for the benefits of this policy. Eligibility is also subject to any limitations contained in the contract between the insurance carrier and the School District. Benefits will be prorated on 2,080 hours per fiscal year.

IV. SCHOOL DISTRICT CONTRIBUTIONS

The School District shall provide contributions toward the VEBA plan for the HDHP and the health reimbursement arrangement account to active eligible employees as follows:

- A. VEBA Health Reimbursement Arrangement Account. The School District will contribute to the VEBA Health Reimbursement Arrangement Account for eligible employees' individual VEBA accounts the full amount for single or family deductible. Such contribution will be available to the employee as outlined in the VEBA plan and trust agreement.
- B. Health and Hospitalization Insurance.
 - 1. Total Contribution. The School District will determine and contribute a total sum for those employees choosing single coverage and those employees choosing family coverage consisting of its contribution for both the HDHP insurance plan, as well as the VEBA Health

North Branch Independent School District No. 138: Policy #497-NB

Adopted: September 13, 2007

Replaces:

Revised: June 11, 2009, November 8, 2018

Effective: June 11, 2009, November 8, 2018

EMPLOYEES/PERSONNEL

VEBA Policy Providing the Option for Nonorganized Employees to Participate in a High Deductible Health Plan (HDHP), Coupled with a Health Care Arrangement Account 497-NB

Reimbursement Account Arrangement. The total contribution sum will be determined by the School District in policies and/or individual contracts covering the nonorganized employees of the School District.

2. The School District will contribute toward the HDHP insurance plan for single and family participants in an amount represented by the total contribution as provided in Paragraph 1 hereof minus the contribution for the VEBA Health Reimbursement Arrangement as provided in Section A hereof.
- C. Exclusions. Casual employees, substitute employees, and employees who do not qualify as "public employees" under PELRA shall not be eligible to receive any contribution as provided in this policy.
- D. Basis. All contributions to eligible employees as provided herein shall be made on a monthly basis (12 months per year).
- E. Participation. To be eligible for participation in the Health Reimbursement Arrangement Account, an employee must be enrolled in the High Deductible Health Plan (HDHP).

V. PAYMENT OF ADMINISTRATIVE FEE

Administrative fees allocable to individual accounts of active employees shall be paid by the School District. Administrative fees allocable to the individual accounts of former employees, including retirees, shall be paid from individual accounts. Administrative fees shall be paid from individual accounts of all participants in the event the VEBA Plan is terminated.

VI. NEW EMPLOYEE

If an eligible employee enters the VEBA Plan as a participant on a date after the first day of the VEBA Plan year, the School District will prorate the amount of the School District contribution to reflect the late entry.

VII. TERMINATION OF EMPLOYMENT

All contributions on behalf of an eligible VEBA Plan participant shall cease on the date the participant is no longer employed by the School District.

VIII. HDHP

The HDHP adopted by the School District is known as Minnesota Services Coop VEBA Plan 832.

EMPLOYEES/PERSONNEL

VEBA Policy Providing the Option for Nonorganized Employees to Participate in a High Deductible Health Plan (HDHP), Coupled with a Health Care Arrangement Account 497-NB

IX. FLEX SPENDING ACCOUNT

The School District maintains a Section 125 Cafeteria Plan with a health flexible spending account. The parties agree that this Plan will remain in effect and that eligible health expenses will be paid from the FSA account first, until an employee's FSA account is exhausted and thereafter from the VEBA plan.

X. COORDINATION

The provisions of this agreement are subject to the provisions of relevant state and federal law and the VEBA Plan and the Employee Benefits Trust Agreement.

XI. EMPLOYEE OPTIONS

Employees who elect not to participate in the VEBA HDHP plan as provided herein may participate in a conventional plan through one of the several conventional health care plans offered by the School District through the Minnesota Services Cooperative. The contribution to such plan shall be determined by the School District pursuant to terms and conditions for nonorganized employees as provided by personnel policy and/or individual contracts.

XII. EFFECT

This policy supercedes and revokes all previous policies regarding this matter including, to the extent applicable, other written or oral statements of policy and procedures that address health care benefits. This policy may be amended from time to time in the discretion of the School Board.

XIII. RETIREES

Effective July 1, 2009, eligible employees, as defined in Article III hereof, who retire and who meet the eligibility requirements of this policy, may participate in the VEBA Plan pursuant to the provisions of this policy subject to the following:

- A. Eligibility. To be eligible for participation in the VEBA Plan, subject to the provisions of this policy for School District contribution, the employee must be entitled to a School District contribution pursuant to the personnel policy and/or individual contract establishing the employee's terms and conditions of employment and be participating in the health insurance program of the School District prior to the date of retirement.
- B. Contribution. Contribution of the School District for an eligible retiree shall be as described in the employee's personnel policy and/or individual contract establishing the employee's terms and conditions of employment and the provisions of this policy.
- C. Duration of Contribution. The duration of participation and School District contribution as

North Branch Independent School District No. 138: Policy #497-NB

Adopted: September 13, 2007

Replaces:

Revised: June 11, 2009, November 8, 2018

Effective: June 11, 2009, November 8, 2018

EMPLOYEES/PERSONNEL

VEBA Policy Providing the Option for Nonorganized Employees to Participate in a High Deductible Health Plan (HDHP), Coupled with a Health Care Arrangement Account 497-NB

described herein shall be governed by the personnel policy and/or individual contract governing the employee's terms and conditions of employment.

North Branch Independent School District No. 138: Policy #497-NB

Adopted: September 13, 2007

Replaces:

Revised: June 11, 2009, November 8, 2018

Effective: June 11, 2009, November 8, 2018

EMPLOYEES/PERSONNEL

Employment of Non Exempt Employees for the Supervision and Management of Extracurricular Functions

498-NB

Personnel Policy providing for the occasional employment of nonexempt employees for the supervision and management of extracurricular functions

1. The School District hereby adopts this policy to provide coverage and supervision of student extracurricular activities in the School District on an as-needed basis by the use of occasional volunteers who are otherwise employed by the School District involving different duties.
2. The collective bargaining agreement between the School District and its teaching employees provides a number of stipends for the supervision and coordination of extracurricular activities in the School District which occur primarily in the late afternoon or evening.
3. Teachers regularly fulfill many of the needs of such supervision and coordination but, on a regular basis, additional volunteers are needed to cover such activities.
4. Other School District employees from other nonexempt groups of employees frequently find it rewarding for civic, charitable or community service reasons to volunteer for such activities with nominal compensation for the services rendered.
5. The School District finds such participation to be beneficial to the volunteer, the students, and the community and wishes to accommodate such volunteer activities, but at the same time needs to ensure that such practice does not violate the letter or spirit of state and federal wage and hour laws.
6. Accordingly, the School District, by this policy, provides that such volunteer nonexempt personnel may be utilized by the School District for the occasional supervision and coordination of extracurricular activities, and those who choose to voluntarily participate will be compensated on the same stipend basis as is provided in the collective bargaining agreement between the School District and the teachers' group.
7. Such nonexempt employees are to participate on a voluntary basis only, and the School District will not directly or indirectly pressure or coerce nonexempt employees to participate in such activities against their will.
8. At least annually, the School District will require participating nonexempt employees to sign a statement acknowledging that they are volunteering for such activities, consistent with the provisions of this policy.

North Branch Independent School District No. 138: Policy #498-NB

Adopted: January 11, 2007

Replaces:

Revised: November 8, 2018

Effective: January 11, 2007, November 8, 2018

**ACKNOWLEDGMENT OF ACCEPTANCE
OF VOLUNTEER ACTIVITIES PURSUANT
TO THE TERMS OF SCHOOL DISTRICT POLICY NO. 498-NB**

1. I, _____, hereby acknowledge that I have volunteered for the coordination and supervision of an extracurricular activity outside of my regular employment duties at the School District and that such volunteer activity is different from my regular duties.
2. I acknowledge that I have undertaken this activity voluntarily and without coercion or pressure from any School District official or employee, pursuant to the terms of School District Policy No. 498-NB.
3. I acknowledge that I will receive nominal compensation in the form of a stipend as provided in the collective bargaining agreement between the School District and the Teachers Association or by other School District policies.

Date

Signature of Employee

Form for Policy 498-NB: Employment of Non Exempt Employees for the Supervision and Management of Extracurricular Functions

EMPLOYEES/PERSONNEL

Classified Substitute Pay

499-NB

- A. Substitute pay will be broken into three steps.
- | | | |
|--------|--|----------------------------|
| Step 1 | Base pay on appropriate salary schedule | Entry level step |
| Step 2 | Former successful employee
(one who had completed probationary period) | One step above entry level |
| Step 3 | Retired successful employee
(one who had completed 10 years of service) | Step five |
- B. Substitutes who are brought in for an extended term for the same employee (in excess of 31 days) may be placed on the salary schedule based the substitute's qualification at the discretion of the principal or director.
- C. Bus driver substitutes will receive a meal allowance when they are driving extra trips as determined by the administration. The district will pay for the physical required for re-licensure if the driver has driven for the district one or more school years and is currently an active substitute.
- D. The substitute salary schedule will be established and implemented annually by administrative procedure.

STUDENTS

School Weapons Policy

501

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

III. DEFINITIONS

A. "Weapon"

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

B. "School Location" includes any school building or grounds, whether leased, rented, owned or controlled by the school, locations of school activities or trips, bus stops, school buses or school vehicles, school-contracted vehicles, the area of entrance or departure from school premises or events, all locations where school-related functions are conducted, and anywhere students are under the jurisdiction of the school district.

C. "Possession" means having a weapon on one's person or in an area subject to one's control in a school location.

D. "Dangerous Weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, any combustible or flammable liquid or other device or instrumentality that, in the manner it is used or intended to be used, is

North Branch Independent School District No. 138: Policy #501

Adopted: 2/12/98

Replaced: Policy #5143 Gun-Free Schools, Weapons, Violence Prevention and Discipline (Student)

Last Reviewed: 6/10/21

Revised: 6/12/03, 7/10/14, 2/11/16, 4/14/22

Effective: 2/12/98, 6/12/03, 7/10/14, 2/11/16, 4/14/22

STUDENTS

School Weapons Policy

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calculated or likely to produce death or great bodily harm, or any fire that is used to produce death or great bodily harm. As used in this definition, "flammable liquid" means any liquid having a flash point below 100 degrees Fahrenheit and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100 degrees Fahrenheit but does not include intoxicating liquor. As used in this subdivision, "combustible liquid" is a liquid having a flash point at or above 100 degrees Fahrenheit.

IV. EXCEPTIONS

- A. A student who finds a weapon on the way to school or in a school location, or a student who discovers that he or she accidentally has a weapon in his or her possession, and takes the weapon immediately to the principal's office shall not be considered to possess a weapon. If it would be impractical or dangerous to take the weapon to the principal's office, a student shall not be considered to possess a weapon if he or she immediately turns the weapon over to an administrator, teacher or head coach or immediately notifies an administrator, teacher or head coach of the weapon's location.
- B. It shall not be a violation of this policy if a nonstudent (or student where specified) falls within one of the following categories:
1. active licensed peace officers;
 2. military personnel, or students or nonstudents participating in military training, who are on duty performing official duties;
 3. persons authorized to carry a pistol under Minnesota Statutes, section 624.714 while in a motor vehicle or outside of a motor vehicle for the purpose of directly placing a firearm in, or retrieving it from, the trunk or rear area of the vehicle;
 4. persons who keep or store in a motor vehicle pistols in accordance with Minnesota Statutes sections 624.714 or 624.715 or other firearms in accordance with Minnesota Statutes, section 97B.045;
 - a. Section 624.714 specifies procedures and standards for obtaining pistol permits and penalties for the failure to do so. Section 624.715 defines an exception to the pistol permit requirements for "antique firearms which are carried or possessed as curiosities or for their historical significance or value."
 - b. Section 97B.045 generally provides that a firearm may not be transported in a motor vehicle unless it is (1) unloaded and in a gun case without any portion of the firearm exposed; (2) unloaded and in the closed trunk; or (3) a handgun carried in compliance with Sections 624.714 and 624.715.
 5. firearm safety or marksmanship courses or activities for students or nonstudents

North Branch Independent School District No. 138: Policy #501

Adopted: 2/12/98

Replaced: Policy #5143 Gun-Free Schools, Weapons, Violence Prevention and Discipline (Student)

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Effective: 2/12/98, 6/12/03, 7/10/14, 2/11/16, 4/14/22

STUDENTS

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conducted on school property;

6. possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard;
7. a gun or knife show held on school property;
8. possession of dangerous weapons, BB guns, or replica firearms with written permission of the principal or other person having general control and supervision of the school or the director of a child care center; or
9. persons who are on unimproved property owned or leased by a child care center, school or school district unless the person knows that a student is currently present on the land for a school-related activity.

C. Policy Application to Instructional Equipment/Tools

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

D. Firearms in School Parking Lots and Parking Facilities

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

V. CONSEQUENCES FOR STUDENT WEAPON POSSESSION/USE/ DISTRIBUTION

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

North Branch Independent School District No. 138: Policy #501

Adopted: 2/12/98

Replaced: Policy #5143 Gun-Free Schools, Weapons, Violence Prevention and Discipline (Student)

Last Reviewed: 6/10/21

Revised: 6/12/03, 7/10/14, 2/11/16, 4/14/22

Effective: 2/12/98, 6/12/03, 7/10/14, 2/11/16, 4/14/22

STUDENTS

School Weapons Policy

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2. confiscation of the weapon;
 3. immediate notification of police;
 4. parent or guardian notification; and
 5. recommendation to the superintendent of dismissal for a period of time not to exceed one year.
- B. Pursuant to Minnesota law, a student who brings a firearm, as defined by federal law, to school will be expelled for at least one year. The school board may modify this requirement on a case-by-case basis.
- C. The building principal shall, as soon as practicable, refer to the criminal justice or juvenile delinquency system, as appropriate, a student who brings a firearm to school unlawfully.
- D. Administrative Discretion

While the school district does not allow the possession, use, or distribution of weapons by students, the superintendent may use discretion in determining whether, under the circumstances, a course of action other than the minimum consequences specified above is warranted. If so, other appropriate action may be taken, including consideration of a recommendation for lesser discipline.

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

- A. Employees
1. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, or discharge as deemed appropriate by the school board.
 2. Sanctions against employees, including nonrenewal, suspension, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and school district policies.
 3. When an employee violates the weapons policy, law enforcement may be notified, as appropriate.
- B. Other Nonstudents
1. Any member of the public who violates this policy shall be informed of the policy and asked to leave the school location. Depending on the circumstances, the person may be barred from future entry to school locations. In addition, if the person is a student in another school district, that school district may be contacted concerning the policy

North Branch Independent School District No. 138: Policy #501

Adopted: 2/12/98

Replaced: Policy #5143 Gun-Free Schools, Weapons, Violence Prevention and Discipline (Student)

Last Reviewed: 6/10/21

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Effective: 2/12/98, 6/12/03, 7/10/14, 2/11/16, 4/14/22

violation.

2. If appropriate, law enforcement will be notified of the policy violation by the member of the public and may be asked to provide an escort to remove the member of the public from the school location.

VII. REPORTS OF DANGEROUS WEAPON INCIDENTS IN SCHOOL ZONES

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

Legal References:

Minn. Stat. § 97B.045 (Transportation of Firearms)
Minn. Stat. § 121A.05 (Referral to Police)
Minn. Stat. § 121A.06 (Reports of Dangerous Weapon Incidents in School Zones)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.44 (Expulsion for Possession of Firearm)
Minn. Stat. § 152.01, subd. 14(a) (Definition of a School Zone)
Minn. Stat. § 609.02, subd. 6 (Definition of Dangerous Weapon)
Minn. Stat. § 609.605 (Trespass)
Minn. Stat. § 609.66 (Dangerous Weapons)
Minn. Stat. § 624.714 (Carrying of Weapons without Permit; Penalties)
Minn. Stat. § 624.715 (Exemptions; Antiques and Ornaments)
18 U.S.C. § 921 (Definition of Firearm)
In re C.R.M., 611 N.W.2d 802 (Minn. 2000)
In re A.D., 883 N.W.2d 251 (Minn. 2016)

Cross References:

NB Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
NB Policy 506 (Student Discipline)
NB Policy 525 (Violence Prevention)
NB Policy 903 (Visitors to School District Buildings and Sites)

North Branch Independent School District No. 138: Policy #501

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STUDENTS

Search of Student Lockers, Desks, Personal Possessions, and Student's Person

502

I. PURPOSE

The purpose of this policy is to provide for a safe and healthful educational environment by enforcing the school district's policies against contraband.

II. GENERAL STATEMENT OF POLICY

A. Lockers and Personal Possessions Within a Locker

Pursuant to Minnesota statutes, school lockers are the property of the school district. At no time does the school district relinquish its exclusive control of lockers provided for the convenience of students. Inspection of the interior of lockers may be conducted by school officials, for any reason, at any time, without notice, without student consent, and without a search warrant. The personal possessions of students within a school locker may be searched only when school officials have a reasonable suspicion that the search will uncover evidence of a violation of law or school rules. As soon as practicable after the search of a student's personal possessions, the school officials must provide notice of the search to students whose lockers were searched unless disclosure would impede an ongoing investigation by police or school officials.

B. Desks

School desks are the property of the school district. At no time does the school district relinquish its exclusive control of desks provided for the convenience of students. Inspection of the interior of desks may be conducted by school officials for any reason at any time, without notice, without student consent, and without a search warrant.

C. Personal Possessions and Student's Person

The personal possessions of students and/or a student's person may be searched when school officials have a reasonable suspicion that the search will uncover a violation of law or school rules. The search will be reasonable in its scope and intrusiveness.

D. A violation of this policy occurs when students use lockers and desks for unauthorized purposes or to store contraband. A violation occurs when students carry contraband on their person or in their personal possessions.

III. DEFINITIONS

A. "Contraband" means any unauthorized item possession of which is prohibited by school district policy and/or law. It includes but is not limited to weapons and "look-alikes," "alcoholic

North Branch Independent School District No. 138: Policy #502

Adopted: 2/12/98

Replaced: Policy #5131.5 Locker Inspection (Student)

Last Reviewed:

Revised: 6/12/02, 7/10/14, 5/12/16, 6/10/21

Effective: 6/12/02, 7/10/14, 5/12/16, 6/10/21

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beverages", controlled substances and "look-alikes," overdue books and other materials belonging to the school district, and stolen property.

- B. "Personal possessions" includes but is not limited to purses, backpacks, bookbags, packages, and clothing.
- C. "Reasonable suspicion" means that a school official has grounds to believe that the search will result in evidence of a violation of school district policy, rules, and/or law. Reasonable suspicion may be based on a school official's personal observation, a report from a student, parent or staff member, a student's suspicious behavior, a student's age and past history or record of conduct both in and out of the school context, or other reliable sources of information.
- D. "Reasonable scope" means that the scope and/or intrusiveness of the search is reasonably related to the objectives of the search. Factors to consider in determining what is reasonable include the seriousness of the suspected infraction, the reliability of the information, the necessity of acting without delay, the existence of exigent circumstances necessitating an immediate search and further investigation (e.g. to prevent violence, serious and immediate risk of harm or destruction of evidence), and the age of the student.

IV. PROCEDURES

- A. School officials may inspect the interiors of lockers and desks for any reason at any time, without notice, without student consent, and without a search warrant.
- B. School officials may inspect the personal possessions of a student and/or a student's person based on a reasonable suspicion that the search will uncover a violation of law or school rules. A search of personal possessions of a student and/or a student's person will be reasonable in its scope and intrusiveness.
- C. As soon as practicable after a search of personal possessions within a locker pursuant to this policy, the school officials must provide notice of the search to students whose possessions were searched unless disclosure would impede an ongoing investigation by police or school officials.
- D. Whenever feasible, a search of a person shall be conducted in private by a school official of the same sex. A second school official of the same sex shall be present as an observer during the search of a person whenever feasible.
- E. A strip search is a search involving the removal of coverings or clothing from private areas. Mass strip searches, or body cavity searches, are prohibited. Strip searches will be conducted only in circumstances involving imminent danger.

North Branch Independent School District No. 138: Policy #502

Adopted: 2/12/98

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- F. A school official conducting any other search may determine when it is appropriate to have a second official present as an observer.
- G. A copy of this policy will be printed in the student handbook or disseminated in any other way which school officials deem appropriate. The school district shall provide a copy of this policy to a student when the student is given use of a locker.

V. DIRECTIVES AND GUIDELINES

School administration may establish reasonable directives and guidelines which address specific needs of the school district, such as use of tape in lockers, standards of cleanliness and care, posting of pin-ups and posters which may constitute sexual harassment, etc.

VI. SEIZURE OF CONTRABAND

If a search yields contraband, school officials will seize the item and, where appropriate, turn it over to legal officials for ultimate disposition.

VII. VIOLATIONS

A student found to have violated this policy and/or the directives and guidelines implementing it shall be subject to discipline in accordance with the school district's Student Discipline Policy, which may include suspension, exclusion, or expulsion, and the student may, when appropriate, be referred to legal officials.

Legal References: U. S. Const., amend. IV
Minn. Const., art. I, § 10
Minn. Stat. § 121A.72 (School Locker Policy)
New Jersey v. T.L.O., 469 U.S. 325, 105 S.Ct. 733, 83 L.Ed.2d 720 (1985)
G.C. v. Owensboro Public Schools, 711 F.3d 623 (6th Cir. 2013)

Cross Reference: NB Policy 417 (Chemical Use and Abuse)
NB Policy 418 (Drug-Free Workplace/Drug-Free School)
NB Policy 501 (School Weapons)
NB Policy 506 (Student Discipline)

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