

**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
 FEBRUARY 13, 2025
 5:30 PM**

AGENDA

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Approval of Agenda
- V. School Board Recognition
 - A. Minnesota School Board Recognition Month 4
- VI. Superintendent’s Report 6
- VII. Removal of Consent Items for Discussion
- VIII. Approval of Consent Items
 - A. Minutes of January 9, 2025 Policy Committee Meeting 21
 - B. Minutes of January 9, 2025 School Board Organizational Meeting 23
 - C. Minutes of January 9, 2025 Regular School Board Meeting 28
 - D. Minutes of January 23, 2025 School Board Work Session 33
 - E. Authorization of Payments, Transfers, and Investment Activity 35
 - F. Personnel
 - 1. Licia Sieracki, leave request beginning February 17, 2025 through February 27, 2025 as Special Education Assistant at Sunrise Elementary School
 - 2. Noah Axelsen, resignation effective May 30, 2025, as Assessment Support Secretary at North Branch Area Public Schools
 - 3. Robert Lacey, position change effective January 27, 2025, from Special Education Assistant to Behavior Interventionist at North Branch Area High School
 - 4. Gina Dufek, employment effective January 6, 2025, as Special Education Assistant at Sunrise River Elementary School
 - 5. Amanda Partridge, employment effective January 6, 2025, as Special Education Assistant at North Branch Area High School
 - 6. Tina Weinkauf, employment effective January 16, 2025, as Lunchroom/Playground Assistant at Sunrise River Elementary School
 - 7. 2024-25 Extracurricular Winter Coaching Positions
 - a. Duane Southworth, Class 6, Step 1, as Coach for the Middle School Boys Basketball
 - 8. 2024-25 Extracurricular Activity Advisor Positions
 - a. Pakou Lee, Class 8, Step 1, as (0.5FTE) All Culture Club Advisor
 - G. Approval of the Following Policies

1.	Policy 420 - Students and Employees with Sexually Transmitted Infections and Diseases and Certain Other Communicable Diseases and Infectious Conditions	36
2.	Policy 421 NB - Gifts to Employees and School Board Members	49
3.	Policy 423 - Employee-Student Relationships	51
4.	Policy 424 - License Status	54
5.	Policy 497-NB - VEBA Policy Providing the Option for Nonorganized Employees to Participate in a High Deductible Health Plan (HDHP), Coupled with a Health Care Arrangement Account	56
H.	Acceptance of Donations 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."	60
<p>Therefore, the Superintendent recommends the following resolution:</p> <p>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.</p>		
IX.	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.	
X.	Old Business	
A.	Consider Second Reading of the Following Policies	
1.	Policy 403 - Discipline, Suspension, and Dismissal of School District Employee revised 2022	61
2.	Policy 407 - Employee Rights to Know - Exposure to Hazardous Substances revised 10.13.16	65
3.	Policy 408 - Subpoena of a School District Employee revised 2022	67
4.	Policy 409 - Employee Publications, Instructional Materials, Inventions, and Creations Adopted 10.13.16	69
XI.	New Business	
A.	Consider the Updated AFROTC Terms and Conditions	
B.	Consider the Annual Resolution Directing the Administration to Make Recommendations for Reductions in Programs and Positions and Reasons Therefor	70
C.	Consider First Reading of the Following Policies	
1.	Policy 501 - School Weapons Policy	71
2.	Policy 502 - Search of Students Lockers, Desks, Personal Possessions, and Student's Person	76
XII.	Addendum	

- A. Stefan Lund, position change from 0.57 to 1.0 FTE effective January 21, 2025 through 2024-2025 school year
- XIII. Information
- XIV. Board Requests
- XV. Committee Reports
- XVI. Dates to Remember
 - A. February 27, 2025 at 5:30 PM - School Board Work Session, HS Media Glass Classroom
 - B. March 6, 2025 at 4:30 PM - Policy Committee Meeting, Education Center - DO Conference Room B122
 - C. March 6, 2025 at 5:30PM - Regular School Board Meeting, North Branch Area Education Center, Board Room C120
 - D. March 10, 2025 at 9:00 AM - 3:00 PM, MSBA/MASA Joint Day at the Capitol, Radisson Hotel St. Paul Downtown and Minnesota State Capital
 - E. March 27, 2025 at 5:30 PM - School Board Work Session, North Branch Area Middle School, Media Center
- XVII. Adjournment



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

Honoring Our North Branch Area Public Schools Board Members

At North Branch Area Public Schools (NBAPS), our purpose is clear: to partner in supporting each student to reach their greatest potential. Achieving this requires shared leadership, where alignment of governance and administration work provides each student with the opportunity to be at their best. Across the state of Minnesota it is School Board Recognition Week. It is a privilege to share gratitude for our NBAPS board members: Chair Tim MacMillan, Vice Chair Sarah Grovender, Secretary Heather Naegele, Treasurer Jesse LaValla, and Directors Shelly Johnson and Adam Trampe. Their governance keeps students at the center of every decision we make.

With a School Board committed to student success, we get better, faster. A valuable way our School Board strengthens our district is through acknowledgement of milestones and outcomes as well as thoughtful and challenging questions that deepen impact. Perspective sharing forms the foundation of mutual accountability, supporting district leaders to make well-informed decisions that best serve our students. The Board's curiosity and commitment to continuous improvement sharpen our ability to lead effectively and ensure that NBAPS is serving our Viking students and families with clarity and purpose. We experience success when leadership is shared, strategic, and focused on continuous improvement. This shared leadership strengthens our district's ability to be responsive, forward-thinking, and dedicated to making decisions that drive meaningful change.

Our NBAPS School Board plays a vital role in making ongoing strategic adjustments to best allocate resources to district priorities. They recognize that a school district is a dynamic system, and staff across the district play a role to ensure that resources align with student learning, staff support, and operational needs. This requires ongoing monitoring and intentional action. Our NBAPS School Board thoughtfully provides perspectives, helping to balance short-term and long-term needs, ensuring that NBAPS thrives today while we plan for future success.

One example of this strategic and future-focused leadership is NBAPS's pioneering work in Registered Teacher Apprenticeships. Our School Board has been instrumental in supporting this innovative approach to teacher preparation, ensuring that we are investing in the future of our staff and addressing workforce challenges proactively. Through this model, aspiring educators can earn while they learn, gaining valuable classroom experience while completing their licensure. This program not only supports teacher recruitment and retention but also strengthens our commitment to growing and retaining high-quality educators who are deeply connected to our Viking community.

Taking care of our staff across positions is essential to creating a culture of excellence. Our School Board recognizes that when we invest in our staff, we create the conditions for student success. The NBAPS School Board's commitment to fostering a workplace where all employees feel valued, supported, and equipped to do their best work directly impacts the quality of education we provide.

Governance and leadership are strongest when they are aligned, and I am grateful to work alongside a School Board that prioritizes collaboration, accountability, and student success. Thank you, Board members MacMillan, Grovender, Johnson, Naegele, LaValla, and Trampe, for your unwavering dedication to our students, staff, and Viking community. Your work as a School



Board plays a crucial role in ensuring that NBAPS remains a place where every student can reach their greatest potential as we move forward together.

Superintendent Update

February 13, 2025

6



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: Mattias to compete on global stage



Second grader Mattias is competing at the 35th Annual World Championship Hoop Dance Contest in Phoenix, AZ 8 February 15-16.

His classmates surprised him with a send off this afternoon.

Good luck in Arizona Mattias!

We see you excelling!

NBAMS celebrated Honor Roll and "On a Roll" students this week.

- A total of 191 students made the A Honor Roll
- 208 students made the B Honor Roll
- 119 students earned "On a Roll" recognition.



FTC Robotics to state

NBAPS FTC Robotics is sending two teams to the state FTC Robotics Championships at Burnsville High School, February 14-15!

The two teams are as follows:

7288 (green shirts): RoboGlaciers

- Rylee Zarbok
- Ava Gardner
- Rosina Gilkerson
- Eliana Smit
- Tori White

8638 (red shirts): FIRE

- Moxy Schaal
- Reid Glover (Gracie)
- Lucas Meyer-MS
- Jamison Zarbok-MS
- Joey St. George-MS
- Karen Yang
- Lea Rehm-MS

Schedule for the event can be viewed [here](#).

SKOL! and good luck to all!



ProStart at the Four Seasons



The NBAHS ProStart Program was featured in the Star and Tribune in January!

- The event featured 14 Minnesota high school culinary teams, all part of ProStart
- In Minnesota, 70 schools and more than 13,000 students are enrolled in ProStart
- Pictured is William Warner, and Adyson Schloe assembling smoked salmon crostinis



NBAPS ALL CULTURE CLUB



Are you interested in exploring new cultures and celebrating what makes each culture unique? If so, **the NBAPS Culture Club** is the place for YOU!

The Culture Club is a vibrant community of students from all backgrounds who come together to discover new cultures through food, music, art, and language. Celebrate cultural holidays and traditions. Share your personal heritage and learn about others. Organize fun events, activities, and cultural showcases.

Whether you have a rich cultural background to share or are simply interested in learning about others, this club is open to ALL high school students.

We invite all High School Students to NBAPS All Culture Club Kick-Off Meeting on Thursday, January 30, 2025

NBAHS Media Center

2:45 PM – 3:45 PM



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

Hmong Family Night



Celebrate Hmong Culture

HMONG FAMILY NIGHT



Monday, February 24
North Branch Area High School
- Media Center
5:00 PM - 6:30 PM
Dinner provided!

Please Scan code to RSVP



NBAEF distributes \$29k in grants



Monday, the North Branch Area Education Foundation awarded 15 grants to staff members!

- Roughly \$29,000 in value augmented by:
 - \$10,000 from ECMC Foundation (Educational Credit Management Corporation)
 - \$5,000 private donation



Grants include a trip to the Ordway, an author4visit, student team building, a Gaga ball pit, an Intro to Foods class, Letters for Littles, science equipment improvement, engagement for striving readers, a playground communication board, new student banners, sensory activities, Outdoor Adventures field trip, safety updates, flexible seating, and a portable sound system.



We are incredibly grateful to the NBAEF for their unwavering commitment to our students' success!

NBAPS Facilities Study Underway



Providing safe, supportive, and innovative learning environments for all students is at the forefront of our mission.

To ensure we're prepared for the years ahead, we are reviewing usage of our facilities and identifying potential shifts needed to accommodate growth.

15

As we assess how our buildings and spaces align with the needs of our growing community, from classroom capacity to program and infrastructure needs, this process will guide our decisions as we plan for the future.



Power Outage Response

Many factors went into making the decision to cancel school stemming from the electrical outage

- Getting systems back up and running
- Bussing logistics and more.

We made the best decision with the information we had under significant time constraints

16

We met with East Central Energy's CEO Justin Jahnz

- Shared our perspective on complexities that come with a power outage
- Identified proactive communication plan moving forward



Updated Financial Forecast

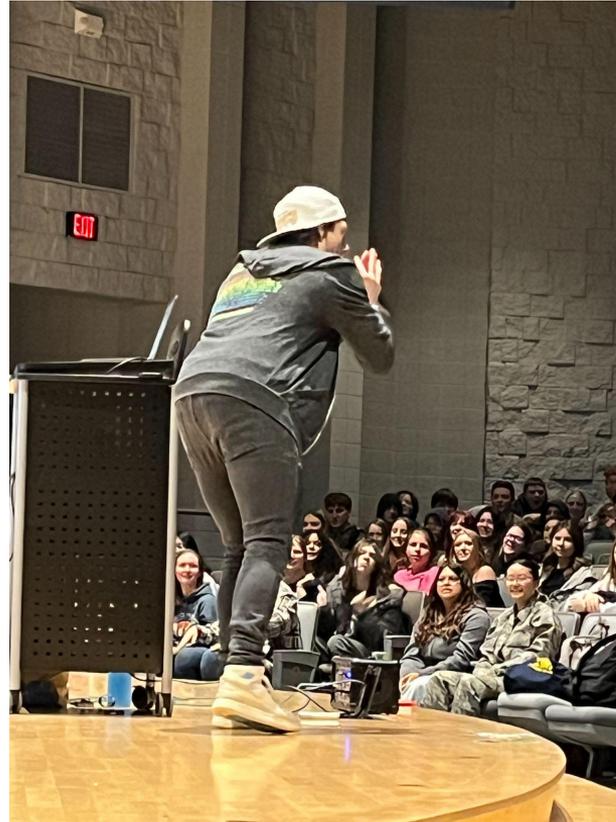
- As part of our annual budget process, at the January work session, we discussed the budget forecast for the current year and into the future.
- Board discussion around the financial forecast signaled caution regarding our projected budget based on the state budget forecast.¹⁷
- Basic formula increases for year 3 and 4 were modified to reflect 0% increases and that appears to be in line with recent state projections.
- The recorded budget forecast presentation shared with staff included this updated projection.

Prioritizing Human Connection

Come Engage with Joe Beckman

www.till360.com
COMMUNITY EVENT - ALL ARE WELCOME!
YOU'RE INVITED
FREE EVENT!
**THURSDAY
FEBRUARY 20
6-7:15 PM**
NORTH BRANCH AREA HIGH SCHOOL AUDITORIUM
Free meal provided from 5:15-6 PM
Experience humor, heart, and wisdom as Joe shares powerful lessons on:
Self-worth (Love YOU)
Resilience (Push Through)
Confidence (Fail On)
Joy (Yeah Toast!)
Connection (Just Look Up)
JOE BECKMAN
Co-founder of TILL360, Speaker, Author
RECLAIM HUMAN CONNECTION





Celebrating Viking Student-Athletes



- Tuesday, February 25th
- Half time of Boys Basketball game
- Recognizing some of the outstanding achievements of our student-athletes.
- Celebrating their dedication, teamwork, and success





NORTH BRANCH INDEPENDENT SCHOOL DISTRICT NO. 138
NORTH BRANCH AREA EDUCATION CENTER, ROOM B122
POLICY COMMITTEE MEETING
January 9, 2025

The Policy Committee met on Thursday, January 9, 2025 at 4:30 p.m. in Room B122 at the North Branch Area Education Center.

Members in Attendance: Sarah Grovender, Heather Naegele, Pakou Lee, Tim MacMillan, Superintendent Paul, Taylor Swanson, and Todd Tetzlaff

Absent: David Treichel

Policies Discussed for February Board Consent Agenda

Policy 420 - Students and Employees with Sexually Transmitted Infections and Diseases and Certain Other Communicable Diseases and Infectious Conditions
Policy 420 was reviewed and will move to February 13, 2025 regular school board meeting consent agenda for approval.

Policy 421 NB - Gifts to Employees and School Board Members
Policy 421 NB was reviewed and will move to February 13, 2025 regular school board meeting consent agenda for approval.

Policy 423 - Employee-Student Relationships
Policy 423 was reviewed and will move to February 13, 2025 regular school board meeting consent agenda for approval.

Policy 424 - License Status
Policy 424 was reviewed and will move to February 13, 2025 regular school board meeting consent agenda for approval.

Policy 497-NB - VEBA Policy Providing the Option for Non-organized Employees to Participate in a High Deductible Health Plan (HDHP), Coupled with a Health Care Arrangement Account
Policy 497 NB was reviewed and will move to February 13, 2025 regular school board meeting consent agenda for approval.

Policy 498 NB - Employment of Non-Exempt Employees for the Supervision and Management of Extracurricular Functions
Policy 498 NB was reviewed and will not move to February 13, 2025 board consent agenda. Policy 498 NB needs further review by committee.

Policy 498 NB FORM - Employment of Non-Exempt Employees for the Supervision and Management of Extracurricular Functions
Policy 498 NB Form was reviewed and will not move to the February 13, 2025 board consent agenda. Policy 498 NB Form needs further review by committee.

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

Policy 499 NB - Classified Substitute Pay

Policy 499 NB was reviewed following the regular review process and will not move to a first reading at the February 13, 2025 regular school board meeting. Policy 499 NB needs further review by committee.

Policy 501 - School Weapons Policy

Policy 501 was reviewed following the regular review process and will move to a first reading at the February 13, 2025 regular school board meeting.

Policy 502 - Search of Students Lockers, Desks, Personal Possessions, and Student's Person

Policy 499 NB was reviewed following the regular review process and will move to a first reading at the February 13, 2025 regular school board meeting.

The meeting concluded at 5:18 p.m.

Heather Naegele, Clerk

**NORTH BRANCH INDEPENDENT SCHOOL DISTRICT NO. 138
ORGANIZATIONAL SCHOOL BOARD MEETING
NORTH BRANCH AREA EDUCATION CENTER, BOARDROOM
January 9, 2025**

The School Board of North Branch Independent School District 138 held its Organizational Meeting on Thursday, January 9, 2025 at 5:30 p.m. in the Boardroom at the North Branch Area Education Center.

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

Absent: None

Others in Attendance

Jeff Andres, Rachel Kytonen, Pakou Lee, Denise Martin, Todd Tetzlaff, and Molly Whelan

The Pledge of Allegiance was said by all.

Office of Oath for School Board Members:

The Oath of Office was read and re-elected school board members Heather Naegele, Shelly Johnson and Tim MacMillan were seated at the board table.

Proclamation of the School Board Code of Ethics

Motion by Grovender, seconded by LaValla to accept the Proclamation of the School Board Code of Ethics, Policy 209 NB.

Nomination of Officers

Chair

Motion by Naegele, seconded by Grovender to nominate Tim MacMillan as Chair. After a call for more nominations and none being received, Tim MacMillan was elected as Chair unanimously.

Vice Chair

Motion by MacMillan, seconded by LaValla to nominate Sarah Grovender as Vice Chair. After a call for more nominations and none being received, Sarah Grovender was elected as Vice Chair unanimously.

Clerk

Motion by Grovender, seconded by Trampe to nominate Heather Naegele as Clerk. After a call for more nominations and none being received, Heather Naegele was elected as Clerk unanimously.

Treasurer

Motion by Naegele, seconded by Grovender to nominate Jesse LaValla as Treasurer. After a call for more nominations and none being received, Jesse LaValla was elected as Treasurer unanimously.

Setting of Board Salary

Moved by Trampe, seconded by Grovender and carried unanimously to keep the current reimbursement of \$60 per meeting under four hours and \$125 for all day meetings lasting more than four hours and to keep the current reimbursement for officers at the following amount: Chair at \$800 annually, Vice Chair and Clerk at \$500 annually and Treasurer at \$300 annually.

Designation of Official Newspaper

Moved by Grovender, seconded by LaValla and carried unanimously to designate County News Review as the official newspaper.

Appointment of Law Firm – Kennedy & Graven, Chartered and other legal support as needed

Moved by Grovender, seconded by Trampe and carried unanimously to appoint Kennedy & Graven, Chartered as the district law firm, and other legal support as needed.

Designation of Official Depositories – Wells Fargo Bank, Associated Bank, MN Trust Bank, and Neighborhood National Bank

Moved by Trampe, seconded by LaValla and carried unanimously to designate Wells Fargo Bank, Associated Bank, MN Trust Bank, and Neighborhood National Bank as the official depositories.

Delegation of Authority to Make Electronic Funds Transfers on Behalf of the School District. Designate Todd Tetzlaff, Jenna Battaglia, Jennifer Thompson, Christine Lundgren, and Angela Nelson

Moved by Naegele, seconded by LaValla and carried unanimously to designate Todd Tetzlaff, Jenna Battaglia, Jennifer Thompson, Christine Lundberg, and Angela Nelson the authority to make electronic funds transfers on behalf of the school district.

Setting Board Meeting Dates for 2025

After a review of the purposed board meeting dates for 2025 by school board members, it was discovered that one of the dates was incorrect. Member MacMillan motioned to amend the March 13, 2025 meeting date to March 6, 2025.

Moved by Trampe, seconded by Grovender, to amend the March 13, 2025 meeting date to March 6, 2025.

Voted for: Johnson, MacMillan, Naegele and LaValla

Voted Against: None

Motion passed.

The meeting dates for 2025 are as follows:

2025 SCHOOL BOARD MEETING SCHEDULE	
January 9, 2025	Regular School Board Meeting
January 23, 2025	Work Session
February 13, 2025	Regular School Board Meeting
February 27, 2025	Work Session
March 13, 2025 March 6, 2025	Regular School Board Meeting
March 27, 2025	Work Session
April 10, 2025	Regular School Board Meeting
April 24, 2025	Work Session
May 8, 2025	Regular School Board Meeting
May 22, 2025	Work Session
June 12, 2025	Regular School Board Meeting
July 10, 2025	Regular School Board Meeting
July 24, 2025	Work Session
August 14, 2025	Regular School Board Meeting
August 28, 2025	Work Session
September 11, 2025	Regular School Board Meeting
September 25, 2025	Work Session
October 9, 2025	Regular School Board Meeting
October 23, 2025	Work Session
November 6, 2025	Work Session
November 13, 2025	Regular School Board Meeting
December 11, 2025	Regular School Board Meeting

Meetings will be held at 5:30 pm.

Appointment of Board Committee Representatives

Moved by Grovender, second by Trampe and carried unanimously to approve the following committee assignments for 2025.

COMMITTEE	2025 SCHOOL BOARD MEMBER APPOINTEE(S)
Personnel Committee (Chair & V. Chair)	Grovender, MacMillan
Custodian	Grovender, LaValla, Trampe
Nine-month Classified	Grovender, MacMillan, Trampe
Twelve-month Classified	Grovender, MacMillan, Trampe

Twelve-month Classified Salary	Grovender, MacMillan, Trampe
Directors	Grovender, MacMillan, Naegele
Administrators	Grovender, MacMillan, Naegele
Teachers	Grovender, MacMillan, Naegele
Community Ed	LaValla
District Staff Development	Johnson
ECMECC	Superintendent
Legislative Liaison	Naegele (Alternate – Trampe)
MSBA Legislative	Naegele (Alternate – Grovender)
MSHSL	Superintendent
Native American Parent Advisory Committee	MacMillan (Alternate – LaValla)
OPEB	MacMillan, Trampe
Policy Committee	Grovender, MacMillan, Naegele
SCRED	Grovender (Alternate - LaValla)
SEE	MacMillan (Alternate – Naegele)
Strategic Planning Advisory Committee	LaValla, Johnson, Naegele

Authorization to use current check signer plate until new plate is processed

Officers remained the same so a new check signer plate is not needed.

Approval of Resolution Providing Limited Authorization for the Superintendent and Director of Finance and Human Resources to Sign Contracts

Member Naegele introduced the following resolution and moved its adoption:

RESOLUTION PROVIDING LIMITED AUTHORIZATION FOR THE SUPERINTENDENT AND DIRECTOR OF FINANCE AND HUMAN RESOURCES TO SIGN CONTRACTS

WHEREAS, Independent School District No. 138, North Branch, Minnesota (the “School District”) is an independent school district duly formed and organized pursuant to Minnesota law; and

WHEREAS, Minn. Stat. § 123B.52, subd. 2 allows a school board of an independent school district to authorize the superintendent and business manager to sign contracts within the school district's adopted budget, and

WHEREAS, Minn. Stat. § 123B.52, subd. 1 stipulates that contracts made without compliance with that statute shall be void.

NOW, THEREFORE, BE IT RESOLVED by the School Board that the Superintendent and Director of Finance and Human Resources shall have the authority to execute and deliver contracts within the School District's adopted budget, as approved by the School Board. Any transaction in an amount exceeding the minimum for which bids are required must first be specifically authorized by the School Board and must fulfill all other applicable requirements.

The motion for the adoption of the foregoing resolution was duly seconded by Member LaValla and upon vote being taken thereon, the following voted in favor thereof: Grovender, Johnson, MacMillan and Trampe

and the following voted against: None

whereupon said resolution was declared duly passed and adopted.

Adoption of School Board Policy Book

Moved by Grovender, seconded by Naegele and carried unanimously to adopt the School Board Policy Book.

Adjournment

Moved by Grovender seconded by Naegele and carried unanimously following to adjourn the Organizational Meeting at 5:51 PM to go into the Regular School Board Meeting

Heather Naegele, Clerk

**NORTH BRANCH INDEPENDENT SCHOOL DISTRICT NO. 138
REGULAR SCHOOL BOARD MEETING
NORTH BRANCH AREA EDUCATION CENTER, BOARDROOM
January 9, 2025**

The School Board of Independent School District 138 met in regular session on Thursday, January 9, 2025 at 5:52 p.m. in the Boardroom at the North Branch Area Education Center.

Chair MacMillan called the meeting to order.

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

Absent: None

Others in Attendance:

Molly Whelan, Todd Tetzlaff, Pakou Lee, Jeff Andres, Denise Martin and Rachel Kytönen

The Pledge of Allegiance was skipped as it was already said by all during the School Board Organizational meeting.

Approval of Agenda:

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

SUPERINTENDENT'S REPORT

Superintendent Paul gave a Viking Spotlight on Mitch Savage, 2001 MBAHS Alumnus. She also shared her updates on NBAPS partnership approach and collaboration, North Branch Area Education Center's new murals, upcoming kindergarten event, Winter ECFE classes, upcoming engagement date with speaker Joe Beckman and upcoming Chisago County collaboration event.

REMOVAL OF CONSENT ITEMS FOR DISCUSSION

None

CONSENT ITEMS

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

- A. Minutes of December 12, 2024 Policy Committee Meeting
- B. Minutes of December 12, 2024 Regular School Board Meeting

C. Minutes of December 16, 2024, 2024 OPEB Trust Meeting

D. Authorization of Payments, Transfers, and Investment Activity

- Accounts Payable, Bank 07 – \$996,499.52
- Auxiliary, Bank 12 - \$8,353.78
- Payroll, Bank 13 - \$2,468,823.12
- Scholarship, Bank 18 - \$7,500.00
- High School Student Activities, Bank 31 - \$9,740.79
- Middle School Student Activities, Bank 32 - \$47.95

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
 - 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
- 2. Policy 303 - Superintendent Selection revised 2022
- 3. Policy 304 - Superintendent Contract, Duties, and Evaluation revised 2022
- 4. Policy 305 - Policy Implementation revised 2022

G. Acceptance of Donations

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
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

OPEN MIC

No one signed up for open mic.

OLD BUSINESS

A. Approval of Second Reading of the Following Policies

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

1. Policy 402 - Disability Nondiscrimination Policy (Annual review Only – No MSBA changes)
2. Policy 414 - Mandated Reporting of Child Neglect or Physical or Sexual Abuse (Annual review Only - No MSBA changes)
3. Policy 415 - Mandated Reporting of Maltreatment of Vulnerable Adults (Annual review Only - No MSBA changes)

NEW BUSINESS

A. Approval of the First Reading of the Following Policies

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

1. Policy 403 - Discipline, Suspension, and Dismissal of School District Employee revised 2022
2. Policy 407 - Employee Rights to Know - Exposure to Hazardous Substances revised 10.13.16
3. Policy 408 - Subpoena of a School District Employee revised 2022
4. Policy 409 - Employee Publications, Instructional Materials, Inventions, and Creations Adopted 10.13.16

Addendum

None

INFORMATION

Member Naegele reminded members that the MSBA Leadership Conference is coming up on January 16-17, 2025 at the Minneapolis Convention Center.

BOARD REQUESTS

Member Trampe requested to review the Staff Survey results at the Monday, January 13, 2025 Board Retreat Meeting

COMMITTEE REPORTS

None

DATES TO REMEMBER

- A. January 13, 2025 at 6:00 PM - School Board Retreat, North Branch Area High School, Media Center – Glass Classroom

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 Center

Adjournment

Moved by Grovender, seconded by LaValla and carried unanimously to adjourn the regular meeting at 6:13 PM.

Heather Naegele, Clerk

**NORTH BRANCH INDEPENDENT SCHOOL DISTRICT NO. 138
NORTH BRANCH AREA EDUCATION CENTER, BOARDROOM
SCHOOL BOARD WORKING SESSION
January 23, 2025**

The School Board of Independent School District 138 met in a Working Session on Thursday, January 23, 2025, at 5:30 p.m. in the Boardroom at the North Branch Area Education Center.

Board members called the meeting to order.

Roll Call: Shelly Johnson, Jesse LaValla, Tim MacMillan Heather Naegele, and Superintendent Paul

Absent: Sarah Grovender and Adam Trampe

Others in Attendance: David Treichel, Pat Tepoorten and Todd Tetzlaff

The Pledge of Allegiance was led by students and said by all.

Superintendent's Report

Superintendent Paul shared highlights from the MSBA Leadership Conference, student Ella Kuhlman scoring her 2000th career point, David Treichel's lessons from Germany, student Vince Crudo's completion of the Ford Ace Program, NBAPS Robotics team thriving with three teams ranking in the top 25 in Minnesota, NBAPS All Culture Club is back, NBAPS Gymnastics, and facilities updates.

Dates to remember:

- Winter ECFE Classes started January 6, 2025
- Kindergarten Information Night on February 4, 2025
- Bringing Joy to Life on February 13, 2025
- Human Connection with Joe Beckman on February 20, 2025

Work Session Topics

Board members had the opportunity to observe Community Education and Early Learning in person, lead by Principal Erica Bjerketvedt, with student demonstrations in a classroom setting.

Todd Tezlaff, Director of Finance and Human Resource gave a brief update on the 2025-26 budget forecast. Budget forecast will be shared with staff.

Superintendent Paul shared valuable feedback from the Staff Survey.

Board members adjourned the meeting at 7:2pm.

Heather Naegele, Clerk

ELECTRONIC FUND TRANSFERS
January 2025

Direct Dep Cks	\$1,043,445.97		
ACHS	<u>\$9,981.36</u>		
	\$1,053,427.33		
Associated Debt Service Payments:		1/28/2025	\$4,522,129.13
Other Electronic Fund Transfers:			
Federal/FICA Taxes		1/13/2025	\$65,846.74
(Also reflected in P/R info)		1/13/2025	\$102,439.83
		1/27/2025	\$68,664.76
		1/27/2025	<u>\$105,439.55</u>
			\$342,390.88
Minnesota Withholding Taxes		1/13/2025	\$107.11
(Also reflected in P/R info)		1/14/2025	\$9,966.45
		1/14/2025	\$18,144.87
		1/28/2025	\$10,678.13
		1/28/2025	<u>\$18,490.58</u>
			\$57,387.14
Economic Service (EBC)		1/13/2025	\$12,081.77
(Also reflected in P/R info)		1/13/2025	\$22,607.25
		1/27/2025	\$12,147.54
		1/27/2025	<u>\$22,607.28</u>
			\$69,443.84
MII LIFE-F S A	PEIP	1/3/2025	\$31.69
	PEIP	1/13/2025	\$140.00
	PEIP	1/14/2025	\$5.80
	PEIP	1/14/2025	\$208.18
	PEIP	1/14/2025	\$336.00
	PEIP	1/22/2025	\$75.42
	PEIP Admin Inv	1/24/2025	\$392.00
	PEIP	1/31/2025	<u>\$18.50</u>
			\$1,207.59
MII LIFE-M S A		1/13/2025	\$733.18
		1/13/2025	\$7,246.53
		1/27/2025	\$733.18
		1/27/2025	<u>\$7,246.53</u>
			\$15,959.42
Minnesota Teachers Retirement		1/10/2025	\$10,740.49
		1/10/2025	\$78,110.50
		1/24/2025	\$9,898.16
		1/24/2025	<u>\$79,580.93</u>
			\$178,330.08
PERA		1/10/2025	\$34,026.56
		1/24/2025	<u>\$37,370.95</u>
			\$71,397.51
Delta Dental Plan		1/22/2025	\$21,606.46
MN Sales Tax		1/17/2025	\$86.00

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

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, 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 Commissioners of Health and Education, implement a program to prevent and reduce the risk of sexually transmitted diseases in accordance with Minnesota Statutes section 121A.23 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 (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 Act)
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 (Bloodborne Pathogens)
Kohl by Kohl v. Woodhaven Learning Center, 865 F.2d 930 (8th Cir.), *cert. denied*, 493 U.S. 892 (1989)
School Board of Nassau County, Fla. v. Arline, 480 U.S. 273 (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)

EMPLOYEES/PERSONNEL

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

420

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.

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, 2022

Effective: June 12, 2002, November 10, 2016, 2022

EMPLOYEES/PERSONNEL

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

420

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 official, 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.

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, 2022

Effective: June 12, 2002, November 10, 2016, 2022

EMPLOYEES/PERSONNEL

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

420

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 Minnesota Statutes section 121A.23 that includes:

1. planning materials, guidelines, and other technically accurate and updated information;

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, 2022

Effective: June 12, 2002, November 10, 2016, 2022

EMPLOYEES/PERSONNEL

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

420

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.

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, 2022

Effective: June 12, 2002, November 10, 2016, 2022

EMPLOYEES/PERSONNEL

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

420

Legal References: Minn. Stat. § 121A.23 (Programs to Prevent and Reduce the Risks of Sexually Transmitted Infections and Diseases)
Minn. Stat. § 144.441 (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 Act)
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 (Bloodborne Pathogens)
Kohl by Kohl v. Woodhaven Learning Center, 865 F.2d 930 (8th Cir.), *cert. denied*, 493 U.S. 892(1989)
School Board of Nassau County, Fla. v. Arline, 480 U.S. 273(1987)
16 EHLR 712, OCR Staff Memo, April 5, 1990

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

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, 2022

Effective: June 12, 2002, November 10, 2016, 2022

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

423

- 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

424

- 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.

DATE	DONATION FROM	DONATION TO	AMOUNT	USE
1/2/25	Benevity-Anonymous Online Giving Co. Match	NBAPS	\$757.38	District Donation
1/3/25	Stacy Lent Fire Dept Relief Association, PO Box 123, Stacy, MN 55079	NBHS Athletics	\$1,000.00	FRC Robotics Program Donation
1/6/25	NB Area Hockey Association, PO Box 541, North Branch, MN 55056	NBHS Athletics	\$3,600.00	Hockey Bussing Donation
1/9/25	Robert & Kelly Doohen, 9283 301st Ave NE, North Branch, MN 55056	NBHS Scholarship A/C	\$500.00	Scholarship Donation
1/24/25	Cresco Process Systems, 10501 Wayzata Blvd, Ste. 104, Minnetonka, MN 55305	NBHS Athletics	\$1,500.00	FRC Robotics Program Donation
1/24/25	Jason & Stacy Endriss, 511 Owens St, Blacksburg, VA 24060	NBHS Scholarship A/C	\$1,000.00	Scholarship Donation
1/24/25	Gene Haas Foundation, 2800 Sturgis Rd, Oxnard, CA 93030	NBHS Athletics	\$2,000.00	FTC Robotics Program Donation
1/24/25	Stacy Lent Fire Dept Relief Assn, PO Box 123, Stacy, MN 55079	NBHS Scholarship A/C	\$10,000.00	Scholarship Donation
1/24/25	Vikings Quarterback Club, 36605 Kost Trail, North Branch, MN 55056	NBHS Scholarship A/C	\$1,000.00	Scholarship Donation
1/30/25	North Branch Lions Club, PO Box 172, North Branch, MN 55056	NBHS Scholarship A/C	\$3,000.00	Scholarship Donation
1/30/25	The Donaldson Foundation, PO Box 1299, Minneapolis, MN 55440	NBHS Athletics	\$1,000.00	FRC Robotics Program Donation
1/31/25	Scheuring Speed Sports, Inc., 401 N Erie, Aurora, MN 55705	NBHS	\$200.00	Classroom Donation
			\$25,557.38	
JAN	American Legion Women's Auxiliary, PO Box 87, North Branch, MN 55056	NBAPS		*Donated school supplies at all the schools across the district

EMPLOYEES/PERSONNEL

Discipline, Suspension, and Dismissal of School District Employees

403

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

403 Discipline, Suspension, and Dismissal of School District Employee, Page 1 of 4

EMPLOYEES/PERSONNEL

Discipline, Suspension, and Dismissal of School District Employees

403

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

Last Reviewed:

Revised: 2022

Effective: February 8, 2018

403 Discipline, Suspension, and Dismissal of School District Employee, Page 2 of 4

EMPLOYEES/PERSONNEL

Discipline, Suspension, and Dismissal of School District Employees

403

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.

EMPLOYEES/PERSONNEL

Discipline, Suspension, and Dismissal of School District Employees

403

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

407 Employees Right to Know – Exposure to Hazardous Substances, Page 1 of 2

EMPLOYEES/PERSONNEL

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

EMPLOYEES/PERSONNEL

Subpoena of a School District Employee

408

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

409

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:

Member _____ introduced the following resolution
and moved its adoption:

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

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

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

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

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

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

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

The motion for the adoption of the foregoing resolution was duly seconded by Member _____ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

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

501

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)

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

501

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

501

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

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

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

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

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

STUDENTS

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

502

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

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

STUDENTS

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

502

- 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)

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