

## **Policy Committee Meeting**

Tuesday, April 23, 2024 4:30 PM

Davis Center, 1250 West Broadway Avenue, Minneapolis, Minnesota 55411

1) **Call to Order and Roll Call**

2) **Adoption of Agenda**

3) **Acceptance of Minutes**

3)a. March 26, 2024

4) **Reports and Discussion**

4)a. Site Council Policy Implementation Update

4)b. MSBA Policy Audit Review of 3000 Chapter  
Recommendations

5) **New Business**

5)a. Adoption of Policy 5025: Gender Inclusion  
(2024-0022)

6) **Adjournment**

**OFFICIAL MINUTES  
MINNEAPOLIS BOARD OF EDUCATION**

**POLICY COMMITTEE MEETING  
MARCH 26, 2024**

**CALL TO ORDER**

Chair Lori Norvell called the meeting to order at 4:32 p.m., a quorum being present.

**ROLL CALL**

Present: Directors Sharon El-Amin, Collin Beachy, Lori Norvell (3)

Absent: Directors Adriana Cerrillo, Faheema Feerayarre (2)

**APPROVAL OF AGENDA**

Beachy moved to approve the agenda.

On a voice vote, the motion was adopted unanimously.

**APPROVAL OF MINUTES**

Beachy moved to approve the minutes from the February 20, 2024 meeting.

On a voice vote, the motion was adopted unanimously.

**REPORTS AND DISCUSSION**

**Regular Policy Reviews**

**Review Policy 5635 (Mandated Reporting Of Child Neglect Or Physical Or Sexual Abuse)**

Staff provided a review of Policy 5635 on Mandated Reporting Of Child Neglect Or Physical Or Sexual Abuse. The administration did not recommend any revisions.

**Review Policy 5637 (Mandated Reporting Of Maltreatment Of Vulnerable Adults)**

Staff provided a review of Policy 5637 on Mandated Reporting Of Maltreatment Of Vulnerable Adults. The administration did not recommend any revisions.

**Equity and Diversity Impact Assessment (EDIA) Progress Monitoring Update**

Staff provided an update on the Equity and Diversity Impact Assessment (EDIA) process progress monitoring on the recent EDIA conducted on transportation.

**Draft Gender Inclusion Policy Review**

At the request of the committee, staff provided a draft gender inclusion policy for feedback in alignment with the committee's desire to have a policy adopted prior to the 2024-2025 school year.

### **ADJOURNMENT**

Without objection, Chair Norvell adjourned the meeting at 5:17 p.m.

Minutes submitted by Ryan Strack, Assistant to the Superintendent and Board.

Meeting materials: <https://meetings.boardbook.org/Public/Agenda/1807?meeting=627719>

DRAFT

## **Policy 1692: School Site Councils**

[Español](#) | [Soomaali](#) | [Hmoob](#)

### **1. GENERAL STATEMENT OF POLICY**

- a. Each district governed school shall establish a representative School Site Council for the purposes of implementing this policy.
- b. The School Site Council shall operate on the basis of a set of protocols in the regulation. The set of protocols in the regulation must conform to this and other appropriate district policies.
- c. The Superintendent is authorized to provide a set of protocols in the regulation to guide the implementation of site councils.
- d. Unless a governance matter is specifically delegated to a school site council by law, the Board of Directors or the Superintendent, governance of the school shall reside with the Superintendent or the Superintendent's designee.
- e. Schools granted additional autonomies by the Superintendent shall be governed according to the written agreement made between the Superintendent and the School Site Council.

### **2. SCHOOL SITE COUNCIL MEMBERSHIP AND SELECTION PROCESSES**

- a. The Principal or Site Administrator shall be a member of the School Site Council.
- b. In Pre-K- Grade 8 schools site council membership shall include:
  - i. Parents/caregivers that reflect the racial, ethnic, and cultural, language and ability diversity of the student body.
  - ii. Licensed employees that represent the various bands of grades within a school, (e.g. primary, intermediate and middle grades), special education and English Language instruction as well as the racial, ethnic and cultural diversity of the staff.
  - iii. Unlicensed employees that represent the racial, ethnic and cultural diversity of the staff.
  - iv. At least one local community member who resides near the school or whose business is in the school neighborhood.
- c. In Pre-K – Grade 8 schools students may be included on the school site council.

- d. In High Schools the site council membership shall include:
  - i. Parents/caregivers that reflect the racial, ethnic, language, ability and cultural diversity of the student body.
  - ii. Licensed employees that represent the various content areas, special education, English Language instruction within the school, as well as the racial, ethnic and cultural diversity of the licensed staff.
  - iii. Unlicensed employees that represent the racial, ethnic and cultural diversity of the unlicensed staff.
  - iv. At least one local community member who resides near the school or whose business is in the school neighborhood.
  - v. Students that reflect the racial, ethnic, language, ability, and cultural diversity of the student body.
- e. In Pre-kindergarten – Grade 8 school site councils school staff shall constitute no more than fifty percent (50%). In High School sites school staff shall constitute no more than fifty percent (50%) and shall endeavor to create a balanced representation between parents, students and staff.
- f. The process for selection of members for each representative group shall be consistent, and may be different for each category of council membership. Processes chosen by the school site shall be those most likely to result in the representative characteristic of the council.

### **3. DUTIES OF SCHOOL SITE COUNCIL**

- a. Unless otherwise delegated authority by board policy, superintendent regulation or written autonomy agreement, the duty of the site council is to include parents/caregivers and students when advising the school site administrator or principal on school-based decisions in the areas listed below:
  - i. Student academic growth and and culture and climate at the site based on disaggregated data for established subgroups in the school for the purposes of advising school staff on the contents of the School Improvement Plan (SIP).
  - ii. Use of compensatory education revenue, as that term is defined in applicable Minnesota Law, allocated to the school in the preparation of the annual budget.
  - iii. Use of the school budget allocation to support the goals established in the SIP.

- iv. Use of the school budget so that resources are targeted to those uses and activities which will result in improved student achievement as provided for in the SIP.
  - v. Issues surrounding school operations and local school rules.
- b. At least once per academic year, the School Site Council shall host a meeting for all school stakeholders for the purpose of receiving advice and comment regarding the level of student achievement and culture and climate at the site and inform how to improve it, the site operations for students and parents/caregivers and other issues regarding the school important to them.
  - c. The School Site Council does not have the authority to make decisions that are not specifically delegated to it, nor may it make decisions that are contrary to the goals and the policies of the Board of Directors or the Superintendent's regulations or priorities.
  - d. Consistent with Minnesota law, the Board of Directors, not the School Site Council, remains responsible for legally entering into contracts and for the expenditure of all revenue received by the District or any of its schools consistent with District procedures.

#### **4. DUTIES OF SCHOOL SITE COUNCIL MEMBERS**

- a. Each member of the school site council is representative of a category of school stakeholders, and is accountable to that category of school stakeholder to represent the concerns of that category as a whole.
- b. Each member of the school site council shall regularly communicate with the category of the school stakeholders that the member represents to gain advice, input and to gather concerns that need to be considered by the council.
- c. Each member of the school site council shall regularly communicate with the category of the school stakeholders that the member represents about school site council decisions and school-based decision making.
- d. Each member of the school site council shall commit to acting in the best interests of all students enrolled in the school.

#### **5. RESPONSIBILITIES**

- a. The Superintendent is authorized to promulgate regulations to implement this policy.

- b. The principal or, where no principal is assigned, the site administrator of each school site is responsible for assuring that all school-based decisions are consistent with Board of Directors policies and the priorities of the Superintendent.
- c. The Superintendent shall initiate a method of accountability for the implementation of this policy.
- d. The Superintendent shall provide the Board with written reports regarding the implementation of this policy which shall include the demographics of district site council membership.

**Original Adoption:**

02/25/1992

**Revision Dates:**

06/04/2002, 3/10/2015, 11/15/2022

**Legal References:**

- Minn. Stat. §123B.04 (Site Decision Making; Individualized Learning Agreement; Other Agreements)
- Minn. Stat. §126C.15 (Basic Skills Revenue; Compensatory Education Revenue)

**MPS Policy Cross References:**

- Policy 4200 (Personnel Data)
- Policy 5690 (Student Data)
- Policy 1150 (Media Relations)
- Policy 1310 (Parent-Teacher Association...and Other School-Community Organizations)
- Policy 1450 (Volunteers)
- Policies 3000-3004 (Code of Ethics)
- Policy 2100 (Superintendent: Roles and Responsibilities)
- Policy 3005 (Budget)
- Policy 5460 (Dress)
- Policy 6000 (Mission of the Educational Program)
- Policy 6110 (Academic Goals)

- Policy 7960 (Naming Schools and District Property)

HISTORY

Amended by Res. [2022-0057](#) on 11/15/2022



Minneapolis Public Schools

April 2024

Chapter 3000 Policies Proposed Revisions

MSBA is grateful for the opportunity to work with the Minneapolis Public Schools (MPS) Board of Education as it examines and considers revisions to the district's policies.

The Chapter 3000 policies were identified as a good starting point for this project. MSBA reviewed each MPS policy to check the policy's alignment with current federal and state law, rules, and regulations. When applicable, each MPS policy was compared to an equivalent MSBA Model Policy. This process resulted in a **Policy Audit Chart** that offers recommendations to the Board on how it might proceed on each MPS policy.

MSBA produced a **set of proposed policies** for the Board's consideration:

- For many existing MPS Chapter 3000 policies, MSBA's recommendation is to maintain the policy with minor formatting or similar revisions.
- For some MPS Chapter 3000 policies, MSBA's recommendation is to rescind the existing policy because it does not serve the purpose or function of a district policy.
- For some MPS Chapter 3000 policies, MSBA's recommendation is to combine several MPS policies into a single policy.
- For some MPS Chapter 3000 policies, MSBA's recommendation is to incorporate MPS-specific provisions in a current MSBA Model Policy: these policies have titles that include an MSBA designation [such as *MPS 3001 Gifts to Personnel (MSBA 421)*]. In these policies, the MPS-specific provisions are identified in redlined text.

I look forward to our discussion of these recommendations.

Thank you,

A handwritten signature in black ink, appearing to read 'Terry Morrow', is written over a white background.

Terry Morrow  
Director of Legal and Policy Services

## Minneapolis Public Schools Chapter 3000 Policies Proposal

Minneapolis Public Schools Policy		Chapter	Proposed Action
3000	Conflicts of Interest and Fiduciary Duty	Business	Update
3001	Gifts to Personnel	Personnel	Update
3002	Outside Employment, Copyright, and Royalties	Personnel	Update
3003	Nepotism	Personnel	Update
3004	Employee Use of District Property	Personnel	Update
3005	Budget	Business	Update with embedded language
3142	Internal Service Funds		Embed in 3005
3170	Capital Planning	Business	Update
3179	Equipment Replacement		Embed in 3005

Revise

Incorporate into another policy and rescind.

Rescind

## Minneapolis Public Schools Chapter 3000 Policies Proposal

	Minneapolis Public Schools Policy	Chapter	Proposed Action
3200	Local Funds		Rescind
3220	Federal, State, and Local Funds		Rescind
3240	Tuition Revenue	Business	MPS review on whether policy is necessary*
3260	Advertising and Selling Merchandise in Schools		Rescind
3261	Vending Machines	Business	Update
3265	Obsolete Materials	Business	Update
3270	Sales and Leases of Real Property		Rescind
3280	Gifts, Bequests, Grants	Business	Update
3290	Debt	Business	Update

Revise

Incorporate into another policy and rescind.

Rescind

## Minneapolis Public Schools Chapter 3000 Policies Proposal



	Minneapolis Public Schools Policy	Chapter	Proposed Action
3294	Bond Ratings		Rescind
3295	Cash Flow		Rescind
3296	Investment	Business	Update
3300	Purchasing		Embed in 3323
3310	Business Partner Diversity		Embed in 3323
3312	Bidding Requirements		Embed in 3323
3313	Vendor Relations		Embed in 3323
3314	Prevailing Wages		Embed in 3323
3321	Purchase Requisitions		Rescind

Revise

Incorporate into another policy and rescind.

Rescind

## Minneapolis Public Schools Chapter 3000 Policies Proposal



Minneapolis Public Schools Policy		Chapter	Proposed Action
3323	Evaluation of Bids	Business	Adopt new version that covers bids, procurement, and compensation
3326	Receipt and Payment		Rescind
3327	Payment for Food	Business	Update
3330	Travel Expense, Employees		MPS will review whether policy is needed*
3331	Travel Expense, Non-Employees	Business	Adopt new version that covers board members and nonemployees
3400	Banking		Rescind
3405	Accounting	Business	Update
3432	Expenditure Reporting		Rescind; See 3142
3434	Periodic Audit	Business	Adopt new version on annual audit

Revise

Incorporate into another policy and rescind.

Rescind

## Minneapolis Public Schools Chapter 3000 Policies Proposal



	Minneapolis Public Schools Policy	Chapter	Proposed Action
3440	Inventories	Business	Embed in 3323
3445	Property and Equipment	Business	Adopt new version on fixed assets
3470	Trust Account Investment	Business	MPS staff should review and determine whether the policy is needed or required (See the Investment Policy 3296 to consider whether it is sufficient or whether provisions from this policy should be inserted in 3296)
3500	Records Retention		Rescind policy and review MPS Retention Schedule
3504	Government Data Requests	Business	Maintain
3508	Electronic Signatures		Guidance sought from MDE
3515	Telephones		Rescind and place language in employee handbook
3517	Operation, Maintenance and Security of Buildings and Grounds		Rescind
3520	Energy Use	Business	Update

Revise

Incorporate into another policy and rescind.

Rescind

## Minneapolis Public Schools Chapter 3000 Policies Proposal



	Minneapolis Public Schools Policy	Chapter	Proposed Action
3530	Fixed Charges		Rescind
3545	Transportation of District Students	Business	Update

Revise

Incorporate into another policy and rescind.

Rescind

## Minneapolis Public Schools Chapter 3000 Policies Proposal

Minneapolis Public Schools Policy		Chapter	Proposed Action
3545.5	Nonpublic Student Transportation		New: transfers nonpublic student provisions from MPS 3545
3546	Student Transportation Equipment, Drivers, and Safety	Business	Update; embed 3548
3548	Bus Safety	Business	Embed in 3546

Revise

Incorporate into another policy and rescind.

Rescind

## Minneapolis Public Schools Chapter 3000 Policies Proposal



	Minneapolis Public Schools Policy	MSBA Equivalent	Original	Latest Version	Chapter	Comments
3550	Nutrition Services				5000 Students	Revise to reflect Minnesota free meals program?
3600	Self-Insured Program					Should MS 471.982 be included?
<b>3700</b>	Fund Balance				Business	Significant overlap with Model Policy 714 (but MPS policy needs to be updated) <b>Adopt new version aligned with MSBA model policy on fund balance</b>

Revise  
Incorporate into another policy and rescind.  
Rescind

## Minneapolis Public Schools Policy 3003

**Orig.** 11/12/1991 (as *Code of Ethics*)

**Rev.** 04/14/1992

02/27/2007

01/14/2014

### Policy 3000: Conflicts of Interest and Fiduciary Duty

#### I. PURPOSE

The proper operation of democratic government requires that school board members and District employees be independent, impartial, and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

In recognition of these goals, the ~~Board of Directors~~ school board adopts policies related to conflicts of interest and fiduciary duty for school board members and District employees. The purpose of this policy is to establish ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interest of the Minneapolis Public Schools and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the Minneapolis Public Schools.

#### II. GENERAL STATEMENT OF POLICY

This policy establishes minimum standards of conduct for school board members, ~~employees and other~~ and District personnel. Failure to meet these standards shall subject the actor to disciplinary action.

#### III. RESPONSIBILITIES AND DUTIES

##### A. Responsibilities

School board members and employees are agents of public purpose and hold office for the benefit of the public. Their conduct in both their official and private affairs should be above reproach. They must avoid misconduct, apparent or real. They are bound to:

1. uphold the Constitution of the United States and the Minnesota Constitution;
2. carry out impartially the laws of the nation, state, and school District; and
3. discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern.

##### B. Dedicated Service and Fiduciary Duty

1. All school board members shall be loyal to the District and its mission and goals, and the programs developed to attain those objectives.
2. All employees of the District shall be loyal to the District, its mission and goals, and the program developed to attain those objectives.

3. Appointed officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.
4. School board members, employees, and other District personnel may not exceed their authority or break the law or ask others to do so, and they should work in full cooperation with other school board members and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.
5. School board members and employees and other District personnel shall not disclose any confidential or private, nonpublic, educational or employee data during their term of appointment, election or employment and shall likewise refrain from disclosing any private educational or employee data after their term of election or appointment, or employment has ended unless permitted by law.
6. School board members, employees, and other District personnel shall not disclose or use any confidential, private, nonpublic, privileged or proprietary information gained by reason of their employment, election or appointment by or to the District other than in the course of their duties. Such a prohibition shall continue after the term of their election, appointment or employment ends.
7. School board members and District employees shall manage the assets both real and personal of the District with highest integrity, and exercise any discretionary powers they may have for the benefit of the District with the care a reasonably prudent person would do.
8. Employees must accept employment with the District as their primary employment, unless otherwise agreed to at the time of their hiring, and shall prefer the needs of their employment with the District over the needs of any additional employment they may have. Further, employees shall not engage in any work, paid or unpaid, incompatible with their employment at the District.

C. Fair and Equal Treatment

1. No public official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.
2. Schools, programs and departments may enter into partnerships with corporate or business citizens to promote civic engagement, sponsorship of District activities or support of academic programs. Such partnerships shall not imply preference or endorsement of or for the services or products of those corporate or business partners. Any such partnerships are subject to the terms of this policy.

D. Conflicts of Interest

1. No public official or employee shall engage in any business or transaction or shall have a financial or personal interest, direct or indirect, which is

incompatible with the proper discharge of his or her official duties in the public interest or would tend to impair his or her independence of judgment or action in the performance of his or her official duties.

2. "Personal interest" may be defined as an interest arising from:
  - a. blood or marriage relationships;
  - b. domestic partnerships;
  - c. status of dependent of the person;
  - d. membership in the same household;
  - e. close business or political associates.
  
3. Conflicts of interest include but are not limited to:
  - a. Use of confidential information, obtained as a result of public position, for personal gain.
  - b. Any use of official position for personal gain.
  - c. Holding (possession) investments which interfere, or tend to interfere, with the proper discharge of public duty.
  - d. Representation by school board members or employees of private interests before the Minneapolis Board of Education or departments and participation in the profits from such representation.
  - e. Participation in transactions as a public representative with a business entity in which the public official or employee has a direct or indirect financial or other personal interest.
  - f. Personal interest in legislation to the extent that private interest takes precedence over public interest and public duty.
  - g. Entry by the District into contracts or other conduct of business for profit with a business in which a public official or employee has substantial or controlling interest, when the public official or employee can influence such contract or business because of his or her public position.
  
4. Use of Position for Influence
  - a. Recommendations
    - i. School personnel shall not make recommendations for a provider of professional services. School personnel may be asked by parents to recommend providers; this is particularly true of health care staff, who may be asked to recommend a physician, a dentist, or an optometrist. School personnel shall not make such recommendations.
    - ii. Employees may prepare and distribute lists of professional organizations or providers of professional services available in the region for the purposes of informing parents, but shall

make no evaluation of the services or organizations, and shall not indicate a preference for any of them.

- iii. Persons making requests for referrals to providers should be directed to the proper professional association for advice.

b. Politics

The District recognizes and encourages the rights of its employees, as citizens, to engage in political activity, with the following restrictions:

- i. No employee of the District shall solicit support of any political candidate, partisan or non-partisan, during regular work hours or on school property.
- ii. No employee of the District shall solicit support of any referendum issue not directly related to public education, during regular work hours, or on school property.
- iii. No employee may use the name of the District, or any school, department or program to support any political candidate, ballot proposition or referendum.
- iv. No resources of the District may be used to support any political candidate, partisan or non-partisan, or any ballot proposition or referendum not directly related to public education.

**IV. APPLICABILITY**

A. This policy applies to all Minneapolis Public Schools

- 1. officials,
- 2. employees,
- 3. contractors on District premises,
- 4. council and advisory council members, and
- 5. site based council members.

B. This policy applies to all persons, whether

- 1. elected, appointed, employed, or supplying goods or services to the District under contract,
- 2. paid or unpaid,
- 3. engaged in any activity on behalf of the Minneapolis School District including activities at every school, department or program of the District.

- C. When a public official or employee has doubt as to the applicability of a provision of this policy to a particular situation, he or she should submit the question to the General Counsel's Office for review and determination of applicability. Questions may be made anonymously, in which case the General Counsel shall make such answer available to the appropriate persons subject to this policy. The General Counsel may make any question and response or guidance public.

## **V. REPORTING SUSPECTED VIOLATIONS**

- A. All employees, contractors, school board members, or council members have a duty and obligation to report what they believe to be a violation of this policy.
- B. The report must be made to their supervisor or manager of the department or building concerned.
- C. ~~In those instances in which~~If the an employee's immediate supervisor is involved in the alleged violation, the report should be made to the person at the next highest supervisory level.
- D. In those instances which the complainant feels uncomfortable reporting the suspected violation to any of the aforementioned persons, that person may make a direct report to the District's General Counsel.
- E. Supervisors, Department Managers, Principals and Site Administrators will forward suspected violations of this policy to the General Counsel's Office. Any employee may also make a report to the General Counsel's Office.
- V.F. Suspected violations submitted in good faith and in an appropriate manner, whether or not further investigation substantiates the claim, will be free from retaliation in any form. The identity of complainants will be protected, within legal limits, and any public official, employee or other District personnel who retaliate against them will be disciplined.

## **VI. INVESTIGATION AND RESOLUTION OF SUSPECTED VIOLATIONS**

- A. The District's General Counsel will promptly investigate alleged violations.
- B. Those accused of suspected violations will be given an opportunity to respond.
- C. The District's General Counsel will prepare a report of the investigation.
- D. If the investigation concerns the actions of an employee the report will be submitted to the manager or supervisor and Employee Relations with a copy to the Superintendent.
- E. If the investigation concerns the actions of a non-employee or contractor, the report will be submitted to the appropriate supervisor of the person's activities with a copy to the Superintendent.
- F. Any discipline of an employee shall follow District policies, contracts and procedures, up to and including termination of employment.
- G. Any discipline of a contractor may include termination of the contract.

- H. Any discipline of an appointee to an advisory board or site council may include termination of the appointment.

**V. REFRAINING FROM ABUSE**

Any complainant or witness who abuses the enforcement procedure by knowingly submitting false reports, claims, testimony, or evidence will be subject to disciplinary action up to and including termination.

**VII. RESPONSIBILITY**

- A. The Superintendent shall take the necessary steps to assure that all individuals are in compliance.
- B. The Superintendent is authorized to promulgate regulations to implement this policy.

**Legal References**

Minnesota Rules 3512.5200 (Code of Ethics for School Administrators)  
Minnesota Rules ~~8700.7500~~ 8710.2100 (Code of Ethics for Minnesota Teachers)

**MPS Policy Cross References:**

- Policy 4200 (Personnel Data)
- Policy 5690 (Student Data)
- Policy 1100 (Advertising in the Schools)
- Policy 1050 (Media Relations)
- Policy 1301 (Community Partners)
- Policy 1302 (Corporate Involvement in Schools)
- Policy 1320 (Board of Directors Advisory Committees)
- Policy 1450 (Volunteers)
- Policy 1692 (Shared Leadership for Continuous Improvement)
- Policy 2305 (Superintendent Advisories)
- Policy 3313 (Vendor Relations)
- Policy 3327 (Payment for Food and Drink)
- Policy 3330 (Travel Expense: Employee)
- Policy 3331 (Travel Expense: Non-employee)
- Policy 4000 (Equal Employment Opportunity)
- Policy 8505 (Director Travel)
- Policy 8510 (Conflict of Interest)

**Minneapolis Public Schools Policy 3001**

**Orig.** 04/25/1967 (as Policy 1560)

**Rev.** 10/12/1971

01/30/1973

01/14/2014

**3001 GIFTS TO EMPLOYEES AND SCHOOL BOARD MEMBERS**

Redlined language is from MPS policy.

**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.~~

The purpose of this policy is to establish ethical standards of conduct for all district personnel regarding gifts from individuals, organizations, or businesses, and to avoid the appearance of impropriety or conflict of interest on the part of district personnel.

**II. GENERAL STATEMENT OF POLICY**

A. ~~The school district recognizes that students, parents, and others may wish to show appreciation to school district employees.~~

Many parents and students with a sincere wish to honor or express appreciation to their teachers, administrators, and other school personnel want to give gifts or solicit donations in order to purchase gifts for school 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. Teachers 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, or a district school officer, including the school business official, may not accept a gift from an interested person.

H. Volunteer chaperones who are district personnel may accept contributions toward the cost of a district sanctioned field trip up to the full cost of the trip if the sponsor of the trip knows of the gift in advance and advises the parents of the students on the trip that such a

**Commented [TM1]:** Volunteers are not employees, but MPS may choose to keep this provision

gift has been received.

### 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.
- 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 is authorized to make.
- C. "Financial interest" means any ownership or control in an asset which has the potential to produce a monetary return.

**Commented [TM2]:** MPS policy had definition that are covered in Minnesota Statutes and incorporated in the MSBA text; such definitions are not added here.

### 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

Policy 3000 (Conflict of Interest)  
Policy 3327 (Payment for Food and Drink)  
Regulation 3327 A (Food and Meal Expense Procedures and Limitations)  
MSBA/MASA Model Policy 209 (Code of Ethics)  
MSBA/MASA Model Policy 210 (Conflict of Interest – School Board Members)  
MSBA/MASA Model Policy 306 (Administrator Code of Ethics)

**Minneapolis Public Schools Policy 3002**

**Orig.** 08/31/1999 (as Policy 4035)

**Rev.** 01/14/2014

**Policy 3002: Outside Employment, Copyright, and Royalties**

**I. PURPOSE**

The purpose of this policy is set forth limitations on outside employment and to identify and reserve the District's proprietary rights to certain publications, instructional materials, inventions, and creations which employees may develop or create, or assist in developing or creating, while employed by the District.

**Commented [TM1]:** This paragraph is from MSBA Model Policy 409

**II. GENERAL STATEMENT OF POLICY**

The public is due that propriety and dedication of service of the District's employees that fosters confidence in the delivery of services and advancement of District goals. Individual employees have the right during their non-duty hours to such employment as does not conflict with or appear to conflict with the District's interests. The purpose of this policy is to balance these two rights in favor of the District's public purpose.

**III. OUTSIDE EMPLOYMENT**

- A. District employees, whether salaried or hourly, shall not accept employment, enter into a contract with another, or pursue a self-employment business interest that:
  - 1. Interferes with the proper execution of his or her employment with the District; or
  - 2. Creates or appears to create a conflict of interest that would materially impair the ability of the employee to serve the District.
- B. District employees, whether salaried or hourly, shall not accept employment, enter ~~into~~a contract with another or pursue a self-employment business interest to:
  - 1. participate as an employee, principal or manager on a pending or existing District contract if the employee was involved in the negotiation, development, awarding, or management of that contract.
  - 2. participate in the negotiation or development on behalf of the outside employer of a pending contract with the District.
- C. District employees, whether salaried or hourly, shall not accept employment, enter ~~into~~ a contract with another, or pursue a self-employment business interest to provide services that would bring the District into disrepute.
  - 1. Employees accepting outside employment are required to inform their immediate supervisor of the employment including the name of the employer, the type of work to be done, and the expected hours of employment.
  - 2. Subject to the above, hourly employees may accept outside employment limited to the employee's non-duty hours. Hourly employees may accept

employment, enter ~~into~~ a contract with another or pursue a self-employment business interest during the employee's approved vacations, earned compensatory time or non-duty release days but not during a medical leave from employment with the District.

3. Subject to the above, salaried employees may accept outside employment, enter into a contract with another, or pursue a self-employment business interest scheduled outside of the employee's regularly scheduled work hours with the knowledge and consent of their supervisor, however
  - a. outside employment may not be allowed to conflict with the scheduled and unscheduled time demands of the individual's District employment;
  - b. effect of the outside employment on the ability of the employee to perform their duties to the District shall be monitored, and adverse effects on the District employment may lead to withdrawal of permission for outside employment.

- D. Employees who accept outside employment, enter ~~into~~ a contract with another, ~~or~~ pursue a self-employment business interest may not employ any District resource in the pursuit of that employment, contract, or business interest. District resources include, but are not limited to, use of District supplies, devices, equipment, facilities, mailboxes, list-serves, directories, intellectual property, brands, or vehicles.

~~Use of the internet access, or computers;~~  
~~Use of telephones, whether stationary or mobile;~~  
~~Use of copying, faxing or scanning machines;~~  
~~Use of office supplies or equipment~~  
~~Use of a issued email address;~~  
~~Use of created list-serves, distribution lists, or directories;~~  
~~Use of mailboxes or mailing services;~~  
~~Use of facilities, except as under an appropriately requested and granted permit under the community use of facilities program;~~  
~~Use of vehicles, except under a negotiated contract for their use;~~  
~~Use of the brand, or that of any of its schools, facilities or programs;~~  
~~Use of any intellectual property developed while an employee of the unless specific written permission is granted by the Superintendent or Superintendent's designee.~~

- E. Work assignments and schedules will not be changed to accommodate outside employment.
- F. Employees shall not share, use, or reveal private, non-public information or proprietary materials, techniques learned while a District employee with any other employer, contractor or in their self-employed business interest.

#### **IV. COPYRIGHT AND ROYALTIES**

- A. The District claims copyright on any and all intellectual property created or developed by the employee that pertains to his or her employment with the District unless the employee and the Superintendent or Superintendent's designee enter into a written agreement granting copyright of the material to the employee, or to the employee and the District jointly.

- B. ~~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 [school District should select time] 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.~~
- C. Any royalties or other benefits accrued based on intellectual property work done while an employee of the District shall be the property of the District unless royalties are assigned to the employee or to the District and the employee in shares according to a written agreement between the Superintendent or Superintendent's designee and the employee.

**Commented [TM2]:** This paragraph is from MSBA Model Policy 409

#### V. RESPONSIBILITY

- A. This policy applies to all District employees ~~of the~~—whether full or part time, seasonal or year-round, salaried or hourly.
- B. District principals and other managers are responsible for monitoring the outside employment affects on the employee's job performance. If the employee's job performance is adversely affected, the principal or manager will take appropriate disciplinary action including but not limited to, counseling, warning, or requiring the employee to choose one job or the other.
- C. Failure to disclose outside employment or failure to follow this policy may result in discipline of the employee up to and including termination.
- D. Questions regarding the compatibility of outside employment with ~~the~~District employment shall be referred to the Office of the General Counsel, which shall make the final determination of compatibility.
- E. The Superintendent is authorized to promulgate regulations to implement this policy.

#### Legal References

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

#### **Cross References**

Policy 3000 (Conflicts of Interest and Fiduciary Duty)

## **Minneapolis Public Schools Policy 3003**

**Orig.** 08/31/1999 (as Policy 4035)

**Rev.** 01/14/2014

02/25/2024

### **POLICY 3003: NEPOTISM**

#### **I. PURPOSE**

As a public entity, the District must be held to high standards to deserve the public trust. Nepotism, or the appearance of nepotism, diminishes the integrity of the District in the public's eye and should be avoided at all times. Employing persons who are related to each other, or who reside with each other, but whose work assignments do not bring them into supervisory work relationships, and whose employment was not influenced by the other does not constitute nepotism. Balancing the District's ability to attract and keep the best employees for the public purposes of the District with a prohibition against nepotism requires the disclosure of potential conflicts with this policy and District action to prevent and arrange placement of related persons within the District to avoid valid claims of nepotism.

#### **II. GENERAL STATEMENT OF POLICY**

- A. No individual shall be assigned, reassigned, permanently or temporarily employed, or issued an independent contract in a department, program, location, or school where a related person will have administrative or supervisory responsibility over that individual.
- B. No District employee shall be part of the interviewing, hiring, or contracting process for a related person.
- C. No District employee shall influence or attempt to influence the hiring, transfer, suspension, promotion, discharge, reward, discipline, or adjustment of grievances of a related person. If the District employee has been granted an exception to have a related person under their administrative or supervisory responsibility, any transfer, suspension, promotion, discharge, reward, discipline, or adjustment of grievances for the excepted related person shall be handled by the supervisor's superior.
- D. Related persons may work in the same department, location, or school so long as the relationship is disclosed and approved by both party's supervisors.
- E. Potential employees are required to disclose their relationship to a District employee who is a related person during the application process.
- F. Employees shall disclose any potential conflict with this policy due to a proposed reassignment, transfer, promotion, or demotion, to their supervisor.
- G. Unique circumstances may allow an exception to this policy. Requests for exceptions must be made in writing with sufficient documentation to justify the exception. Exceptions for circumstances that do not involve a relationship to or with the Superintendent shall be determined by the Superintendent, or Superintendent's designee. Exceptions for circumstances that involve a relationship with the Superintendent shall be determined by the Board of Education upon a recommendation of the chief officer of the Division or department affected by the employment or contract.
- H. Willful breaches of this policy may result in employee discipline up to and including

reassignment or termination of employment.

- I. This policy does not apply generally to situations where students enroll in or are assigned to classes taught by related persons. In such cases, the related person shall notify the Principal of the relationship and the Principal may make reassignments. ~~In the event that~~ If no reassignment is made, the related person shall be responsible for making those academic decisions normally incident to their instructional duties.

### **III. RESPONSIBILITY**

- A. The Superintendent is authorized to promulgate regulations to implement this policy.
- B. All employees and all persons under an independent contract with the District or any of its subdivisions are responsible to comply with this policy.

#### **Legal References:**

Minneapolis Code of Ordinances, Title 2, Chapter 15, Article II, § 15.160

#### **MPS Policy Cross References:**

Policy 3000 (Conflicts of Interest and Fiduciary Duty)  
Regulations 3003 A (Definitions)  
Regulations 3003 B (Reporting, Investigation and Action)

**POLICY 3004: EMPLOYEE USE OF DISTRICT PROPERTY**

**I. PURPOSE**

This policy establishes the circumstances upon which District employees may use District property.

**II. GENERAL STATEMENT OF POLICY**

As custodians of the public trust, the District is responsible for the appropriate use of all and material acquired for the District. Employees have access due to their employment to such equipment and material. The purpose of this policy is to establish when employees may use equipment or material owned by the District.

**III. USE OF DISTRICT PROPERTY**

- A. Employees may have specific equipment or material assigned for their use by their supervisor, or supervisor's designee.
- B. Employees are responsible for the care, appropriate use and security of equipment and material provided for the performance of his or her duties.
  - 1. Employees shall use equipment and material assigned to them for the purposes for which the equipment or material has been assigned.
  - 2. Employees shall only use equipment and material assigned to them, or generally available to all employees, for appropriate uses to discharge their duties.
  - 3. Employees shall take reasonable and prudent steps to secure equipment or materials assigned to them in the course of their employment.
  - 4. Employees shall surrender all equipment and material assigned to them as required by their supervisor.
- C. Borrowing District equipment or material for personal uses is not allowed.
- D. Removal of District equipment from its usual location is permitted if the removal is for the purposes of executing the employee's duties.
- E. Equipment and material assigned to school-year employees may be checked out and removed from their usual location for the summer months, if requested in writing by the employee and required for the proper execution of the employee's duties for the District. Any equipment checked out or removed from a school or department under this section must be approved in advance by the employee's supervisor.
- F. Employees may apply to use District premises, equipment or material for personal purposes through the permit process that is available to all persons on the same basis as any applicant.

#### **IV. RESPONSIBILITY**

- A. The Superintendent is authorized to promulgate regulations for the implementation of this policy.
- B. Employees who lose or damage District equipment or materials due to their gross neglect may be required to pay the replacement cost of the equipment or materials lost or damaged. Normal wear and tear of use shall not be considered damage to District equipment.
- C. Employees who damage District equipment or materials by intentional acts shall be required to pay the replacement cost of the equipment or material.
- D. Principals, Site Administrators and Department Heads are responsible for the supervision of the equipment and material assigned to their location, and to their employees. Principals, Site Administrators and Department Heads are required to properly account for all equipment and material assigned to their location or to their employees. Reports of loss or damage shall be made by the principal, site administrator or department head to their supervisor and to the appropriate District department in charge of distribution of the lost or damaged equipment or material.

#### **Legal References**

##### **MPS Policy Cross References:**

Policy 3179 (Equipment Replacement)

Policy 3265 (Obsolete and Excess Materials, Equipment and Supplies)

Policy 3440 (Inventories)

Policy 3445 (Property and Equipment)

**Minneapolis Public Schools Policy 3005**

**Orig.** 04/25/1967 (as Policy 3000)

**Rev.** 10/09/1973  
02/26/1991  
12/08/2020  
02/25/2024

**3005 ESTABLISHMENT AND ADOPTION OF SCHOOL DISTRICT BUDGET**

*[Note: The provisions of this policy substantially reflect the requirements of Minnesota Statutes.]*

**I. PURPOSE**

The purpose of this policy is to establish lines of authority and procedures for the establishment of the school District's revenue and expenditure budgets in accordance with applicable law.

**II. GENERAL STATEMENT OF POLICY**

The District's budget expresses how the school board's values, goals, and priorities will be implemented within given financial and legal parameters. The budget also shows how public resources are responsibly and strategically used to advance the District's mission and vision.

**III. REQUIREMENTS**

- A. The Superintendent or such other school official as designated by the Superintendent or the school board shall each year prepare preliminary revenue and expenditure budgets for review by the school board or its designated committee or committees. The preliminary budgets shall be accompanied by such written commentary as may be necessary for them to be clearly understood by the school board and the public. The school board shall review the projected revenues and expenditures for the District for the next fiscal year and make such adjustments in the expenditure budget as necessary to carry out the education program within the revenues projected. The Superintendent or the Superintendent's designee shall present regular monthly reports comparing actual revenues and expenditures to the budgeted amount.
- B. The District must maintain separate accounts to identify revenues and expenditures for each building. Expenditures shall be reported in compliance with Minnesota Statutes, section 123B.76.
- C. Prior to July 1 of each year, the school board shall approve and adopt its initial revenue and expenditure budgets for the next school year. The adopted expenditure budget document shall be considered the school board's expenditure authorization for that school year. No funds may be expended for any purpose in any school year prior to the adoption of the budget document which authorizes that expenditure for that year, or prior to the adoption of an amendment to that budget document by the school board to authorize that expenditure for that year.
- D. Each year, the District shall publish its adopted revenue and expenditure budgets for the current year, the actual revenues, expenditures, and fund balances for the prior year, and the projected fund balances for the current year in the form prescribed by the Commissioner of the Minnesota Department of Education (MDE) within one week of the acceptance of the final audit by the school board, or November 30, whichever is earlier. A statement shall be included in the publication that the complete budget in detail may be inspected by any District resident upon request to the Superintendent. A summary of this information and the address of the District's official website where the information can be

found must be published in a newspaper of general circulation in the District. At the same time as this publication, the District shall publish the other information required by Minnesota Statutes, section 123B.10.

- E. At the public hearing on the adoption of the District's proposed property tax levy, the school board shall review its current budget and the proposed property taxes payable in the following calendar year.

- F. The school board shall, as soon as practicable after the close of each fiscal year, cause to be printed, published, and distributed a report of the condition of the public school program under its charge, and of all the property under its control, with full and accurate account of all receipts and of all expenditures of the school district during the preceding year including operating and maintenance expenses as well as all expenses for capital outlay and building site improvement. The report shall also include a full listing of the salary schedules for all school personnel, certificated and noncertificated in effect during the preceding year.

**Commented [TM1]:** Required under MS 128D.06 (Board's Annual Report and Budgets)

Not later than the 15th day of the last month of each fiscal year the board shall adopt and cause to be published two separate budgets, an operating budget and a capital budget for the subsequent fiscal year.

The board shall adopt and publish standards governing the content of its budgets and of its annual report.

- G. The District must also post the materials specified in Paragraph III.D. above on the District's official website, including a link to the District's school report card on the MDE website, and publish a summary of information and the address of the District's website where the information can be found in a qualified newspaper of general circulation in the District.

- H. The District will estimate its revenues by an objective analytical process and will project revenue for the next three years and update this projection annually. Each existing and potential revenue source will be reexamined annually. Each year, the District will update expenditure projections for its Internal Services Funds for the next three years. The District will project its equipment replacement and maintenance needs and will update the projections each year.

#### **IV. IMPLEMENTATION**

- A. The school board places the responsibility for administering the adopted budget with the Superintendent. The Superintendent may delegate duties related thereto to other school officials, but the Superintendent maintains the ultimate responsibility for this function.
- B. The program-oriented budgeting system will be supported by a program-oriented accounting structure organized and operated on a fund basis as provided for in Minnesota statutes through the Uniform Financial Accounting and Reporting Standards for Minnesota School Districts (UFARS).
- C. The Superintendent or the Superintendent's designee is authorized to make payments of claims or salaries authorized by the adopted or amended budget prior to school board approval.
- D. Supplies and capital equipment can be ordered prior to budget adoption only by authority of the school board. If additional personnel are provided in the proposed budget, actual hiring may not occur until the budget is adopted unless otherwise approved by the school board. Other funds to be expended in a subsequent school year may not be encumbered prior to budget adoption unless specifically approved by the school board.

- E. The District shall make such reports to the Minnesota Commissioner as required relating to initial allocations of revenue, reallocations of revenue, and expenditures of funds.

**Legal References**

Minn. Stat. § 123B.10 (Publication of Financial Information)  
Minn. Stat. § 123B.76 (Expenditures; Reporting)  
Minn. Stat. § 123B.77 (Accounting, Budgeting, and Reporting Requirements)  
[Minn. Stat. § 128D.06 \(Board's Annual Report and Budgets\)](#)

**Cross References**

MSBA/MASA Model Policy 701.1 (Modification of School District Budget)  
MSBA/MASA Model Policy 702 (Accounting)

**Minneapolis Public Schools Policy 3170**

**Orig.** 10/30/1990

**Rev.** 04/14/2020 (Replaces former policies 3170, 3172, 3174, 3176, 3178)

**Policy 3170: Capital Planning and Budgeting**

**I. PURPOSE**

The Board of Education supports capital improvement to District facilities through the use of bonds. Improvements to schools are made to support District priorities and educational and safety needs of the students, staff and visitors.

**II. GENERAL STATEMENT OF POLICY**

- A. Superintendent or Superintendent’s designee shall prepare the following plans annually:
  - 1. A rolling, multi-year capital plan covering a minimum of three (3) years; and
  - 2. A rolling, long-term maintenance and repair plan covering ten (10) years.
- B. These plans will be completed by March 1st of each year and presented to the Board of Education at the April Board business meeting for adoption.
- C. The Superintendent or Superintendent’s designee will use the annual plans to prepare an annual capital improvement budget which will be presented for adoption to the Board of Education at the same time as the General Budget.
- D. The Superintendent or Superintendent’s designee shall coordinate development of the capital improvement budget with the development of the operating budget. Future operating costs associated with new capital improvements shall be projected and provided for operating budget forecasts and preparations.

**III. MULTI-YEAR CAPITAL PLAN**

- A. The multi-year capital plan shall provide specific facility improvements being recommended for funding through bonding.
- B. The plan will include the facility name, the general nature of the capital improvement, the estimated cost for the improvement and the year the improvement will be funded.

**IV. COMPREHENSIVE LONG-RANGE BUILDING PLAN**

- A. The District shall develop a comprehensive long-range building plan to project forward school needs at any given time for at least the next five years, such plan to include the needs of the district in connection with school sites, new schools and additions to existing buildings, retiring of obsolete facilities, and rehabilitating, remodeling, and equipping existing school buildings.
- B. The plan shall be reviewed and updated by the school staff and the board yearly.
- C. The plan shall be submitted by the board to the city planning commission for its review and recommendations.

**IV. LONG-TERM FACILITIES MAINTENANCE PLAN**

- A. The long-term facilities maintenance plan will be prepared using the Minnesota Department of Education (MDE) approved forms.
- B. The plan will be submitted to the MDE as required.

**Legal References**

Minn. Stat. § 123B (School District Powers and Duties)  
[Minn. Stat. § 128D.07 \(Comprehensive Long-Range Building Plan\)](#)  
Minn. Stat. § 575.5 2 (Bond Issues: Purposes)

**MPS Policy Cross References**



**Minneapolis Public Schools Policy 3170**

**Orig.** 04/25/1967

**Rev.** 02/29/1972, 10/09/1973, 09/09/1975, 10/30/1990, 03/27/2012

**Policy 3240: Tuition Revenue and Tuition for Nonschool Day Programs**

**I. PURPOSE**

The purpose of this policy is to set forth the situations in which the District charges tuition for certain educational programs.

**II. GENERAL STATEMENT OF POLICY**

Minneapolis Public Schools provides a free public school education to all resident or open- enrolled students. No student is denied an education because of an economic inability to furnish educational books and supplies necessary to complete the requirements for graduation. In accordance with Minnesota law, Minneapolis Public Schools does charge tuition for certain of its educational programs as well as non-school day programs. The purpose of this policy is to establish when Minneapolis Public Schools shall require the payment of tuition for non-school day programs, and any exceptions to those requirements.

**III. DEFINITIONS**

- A. "Area learning center programs" are those programs offered for academic acceleration and support or credit recovery primarily for students who are not performing academically at grade level or who are behind the normal credit acquisition schedule for graduation.
- B. "Non-school day programs" are those programs offered
  - 1. outside of the defined school day; or
  - 2. during the defined school day to persons who are not enrolled as a student in a Minneapolis Public School, including adults, or pre-school aged children;
  - 3. as school-aged child-care programs; or
  - 4. not offered for academic credit.

**IV. GENERAL STATEMENT OF POLICY**

- A. Participants who enroll in adult enrichment activities offered by Minneapolis Community Services may be charged tuition and supply fees for such activities.
- B. Participants who enroll in youth enrichment activities offered by Minneapolis Community Services may be charged tuition and fees for such activities.
- C. Participants in school-age care programs offered by Minneapolis

Community Services shall be charged tuition for such programs.

- D. Participants in pre-school aged school readiness programs offered by Minneapolis Community Services shall be charged tuition for such programs.
- E. Area learning center programs shall be at no charge to enrolled students.
- F. Tuition fees charged and received shall be deposited in the appropriate district accounts.

**V. ACCOUNTABILITY**

- A. The Superintendent is authorized to waive the payment of tuition fees due under this policy when necessary to assure full accessibility to programs for the resident students of Minneapolis.
- B. The Superintendent may establish such regulations as are necessary to implement this policy.

**Legal References**

Minn. Stat. § 120A.20 (Compulsory Instruction)

Minn. Stat. § 124D. 19 (Community Education Programs)

**MPS Policy Cross References**

Policy 5290 (Tuition for School Day Programs)

Policy 6222 (Online Learning)

**Minneapolis Public Schools Policy 3261**

**Orig.** 06/26/2001

**Rev.** 02/25/24

**3261 VENDING MACHINES**

Redlined language is from MPS Policy.

**I. PURPOSE**

The purpose of this policy is to establish procedures to govern vending machines installed in District facilities.

**II. GENERAL STATEMENT OF POLICY**

It is the policy of the school district to contract for, supervise, maintain and account for the revenue from vending machines located in school facilities in a manner that is fair; allows revenues to be included as a resource to the site in which they are generated; establishes controls to avoid fraud, theft or the appearance of impropriety; complies with the Board Policy regarding Corporate Involvement in Schools; does not increase the level of advertisement of the products; provides information to students regarding possible health related results from frequent use of certain vending machine products; and, offers a wide range of products to allow healthy choices by students. The Superintendent shall advertise, accept bids and award contract(s) for the vending machines in the district. The Superintendent shall also develop procedures requiring sites to offer a wide variety of choices of beverages and will also provide health-related information for students to be posted near vending machines.

**III. AUTHORIZATION**

A. Automatic vending machines for dispensing food, beverages, or other approved items are authorized in any school facility in the District, provided that all contracts for such vending machines must be approved by the school board as provided in this policy.

B. High school sites are authorized to have vending machines that provide a balanced assortment of beverages for students including milk, flavored milk, fruit juices, vegetable juices, bottled water and soda pop.

C. Middle and Elementary school sites are authorized to have vending machines that provide an assortment of beverages for students including mild, flavored mild, fruit juices, vegetable juices and bottled water but shall not provide soda pop.

D. Any site is authorized to have vending machines in teacher's lounges that include an assortment of beverages including soda pop.

E. Vending machines shall be operated consistent with the federal child nutrition regulations;

F. Vending machines shall not have advertising other than a name(s) or logo(s) of the contents of the machine; and,

G. Sites shall provide information next to or near beverage machines that include soda pop, which informs students of the health-related risks of excessive consumption of soda pop.

***[Note: These provisions can be narrowed to apply only to specific facilities.]***

**IV. SUPERVISION; APPROVAL; LOCATION**

- A. All vending machines shall be under the supervision of the school principal or other person in charge of the facility in which the machine is located. That administrator shall be responsible to supervise the machine in compliance with this policy and any applicable laws.
- B. The items to be dispensed from a vending machine located in a school facility shall be approved by the principal or other person in charge of that facility. All food, beverages, or other items approved shall be appropriate to the school setting. Machines dispensing cigarettes or tobacco products are not authorized under any circumstances. In the event a written complaint is filed with the superintendent regarding the approval or disapproval of any item, the school board, after proper review, shall make the final determination.
- C. Vending machines may be approved that will dispense items only during certain hours, through the use of timers or otherwise. Vending machines should not be operated in competition with the school cafeteria or food service. The principal or other person in charge of the school facility may regulate the hours of operation of any machine.
- D. Vending machines shall be located to meet any applicable building, fire, or life/safety codes and to provide convenience of operation, accessibility, and ease of maintenance. The principal or other person in charge of the facility shall review the location of each machine with appropriate maintenance and food service staff.

**V. CONTRACT APPROVAL**

- A. All contracts for the purchase or rental of vending machines shall be considered by the school board on a facility-by-facility basis.

***[Note: These provisions may need to be amended if the school board determines to contract for vending machine services on an exclusive and district-wide basis.]***

- B. If the estimated aggregate receipts from all vending machines located in a school facility will be \$10,000 or more in a fiscal year, the contract for any vending machine in that facility must be awarded after the receipt of sealed bids and compliance with Minnesota Statutes, section 123B.52.

***[Note: This dollar figure is lower than the \$175,000 statutory requirement for sealed bids but is recommended to protect the interests of the public.]***

- C. If the estimated aggregate receipts from all vending machines located in a school facility will be less than \$10,000 in a fiscal year, the contract for any vending machine in that facility may be awarded after the receipt of two or more quotations after taking into consideration conformity with the specifications, terms of delivery, other conditions imposed in the call for quotations, and compliance with Minnesota Statutes, section 123B.52.

***[Note: This dollar figure is lower than the \$25,000 statutory requirement for quotations but is recommended to protect the interests of the public.]***

- D. The contracting process shall be conducted in compliance with Minnesota Statutes section 123B.52. A copy of this policy shall be included in any specifications or request for proposals or quotations. A record shall be kept of all bids or quotations received with the names, amounts, and successful bidder indicated. All bids and quotations shall be kept on file as a public record for a period of at least one year after their receipt.
- E. Any bid or quotation must specify all commissions to be paid from the machine and any other noncommission amounts to be paid as a result of the award of the contract. The noncommission amounts include, but are not limited to, cash payments, in-kind payments, equipment donations, scholarship contributions, bonus payments, or other payments or contributions of any kind or nature. The noncommission amounts shall be reduced to a cash equivalency and shall be specified on the bid or quotation as an additional amount to be paid for the award of the contract.
- F. If a contract contains a provision allowing exclusivity, such as all machines in the building carrying only a certain manufacturer's brand of pop, that provision must be reviewed by the administration prior to requesting bids or quotations to ensure that it does not conflict with other contracts of the school district.
- G. All contracts for vending machines must be approved by the school board. Any contract not made in compliance with this policy shall be void. Any district employee signing an unauthorized contract may be subject to personal liability thereon and may be disciplined for said action.
- H. All vending machines are to be installed at the expense of the facility in which located. All financial responsibility for the maintenance and repair of machines shall remain with the individual facility in which located to the extent not addressed in the contract.
- I. No teacher, administrator, school district employee, or school board member shall be interested, directly or indirectly, in a vending machine contract with the school district or personally benefit financially therefrom.

## **VI. ACCOUNTING**

- A. Proceeds from vending machine sales and contracts shall be under the control of the school board, shall be accounted for in one of the regular school district funds, and must be accounted for and reported in compliance with UFARS.
- B. An amount equal to the amount of the proceeds from the machines in each facility shall be included in the budget of the facility in which the proceeds are generated. That amount may be expended in accordance with established expenditure procedures.
- C. Pursuant to the vending machine contract or otherwise, proper auditing and inventory control procedures shall be established to ensure that commissions are being correctly calculated and paid. These controls must include daily, weekly, or other periodic inventories and written reconciliations of variances between inventory and cash. Each time cash is removed from, or inventory is added to a machine, a written reconciliation between cash and inventory must be performed by the person taking the cash from the machine and must be signed by the principal or other person in charge of the facility. The original written reconciliation reports shall be filed with the business office monthly and a copy shall be retained by the principal's office.

### **Legal References**

- Minn. Stat. § 123B.20 (Dealing in School Supplies)
- Minn. Stat. § 123B.52 (Contracts)

Minn. Stat. § 471.345 (Uniform Municipal Contracting Law)  
Minn. Stat. § 471.87 (Public Officers, Interest in Contract; Penalty)

**Cross References**

MSBA/MASA Model Policy 210 (Conflict of Interest – School Board Members)  
MSBA/MASA Model Policy 702 (Accounting)

## Minneapolis Public Schools Policy 3265

Orig. 10/09/1973

Rev. 08/13/1985

10/30/1990

03/27/2012

### 3265 DISPOSITION OF OBSOLETE EQUIPMENT AND MATERIAL

Redlined language is from MPS Policy

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

#### I. PURPOSE

The purpose of this policy is to provide guidelines for the superintendent to assist in timely disposition of obsolete equipment and material.

#### II. GENERAL STATEMENT OF POLICY

Effective use of school building space, and consideration for safety of personnel, will at times require disposal of obsolete equipment and material.

Materials, equipment, and supplies purchased with public funds are to be used for public purposes. From time to time these items may become obsolete and no longer appropriate for District purposes. Additionally other changes within the District may create excess numbers of materials, equipment or supplies. The purpose of this policy is to establish how and when such materials, equipment and supplies shall be declared obsolete or excess and their disposition managed to conform to requirements for the use of publicly funded items. It is the intention of the District to use efficiency and common sense in the disposition of these items in ways that work for the public good.

#### III. DEFINITIONS

- A. "Contract" means an agreement entered by the District for the sale of supplies, materials, or equipment.
- B. "Official newspaper" is a regular issue of a qualified legal newspaper.

#### IV. MANNER OF DISPOSITION

##### A. Authorization

The superintendent shall be authorized to dispose of obsolete equipment and materials by selling it at a fair price consistent with the procedures outlined in this policy. Any sale exceeding the minimum amount for which bids are required must first be specifically authorized by the school board. The superintendent ~~is shall be~~ authorized to properly dispose of used books, materials, and equipment deemed to be obsolete, unusable, or to have little or no value to the District.

##### B. Contracts Over \$175,000

- 1. If the value of the equipment or materials is estimated to exceed \$175,000, sealed bids shall be solicited by two weeks' published notice in the official

newspaper. This notice shall state the time and place of receiving bids and contain a brief description of the subject matter. Additional publication in the official newspaper or elsewhere may be made as the school board shall deem necessary.

2. The sale shall be awarded to the highest responsible bidder, be duly executed in writing, and be otherwise conditioned as required by law.
3. A record shall be kept of all bids, with names of bidders and amounts of bids, and an indication of the successful bid. A bid containing an alteration or erasure of any price contained in the bid which is used in determining the highest responsible bid shall be rejected unless the alteration or erasure is corrected by being crossed out and the correction printed in ink or typewritten adjacent thereto and initialed in ink by the person signing the bid.
4. In the case of identical high bids from two or more bidders, the school board may, at its discretion, utilize negotiated procurement methods with the tied high bidders so long as the price paid does not go below the high tied bid price. In the case where only a single bid is received, the school board may, at its discretion, negotiate a mutually agreeable contract with the bidder so long as the price paid does not fall below the original bid. If no satisfactory bid is received, the board may readvertise.
5. All bids obtained shall be kept on file for a period of at least one year after their receipt. Every contract made without compliance with the foregoing provisions shall be void.
6. Data submitted by a business to a school in response to a request for bids are private until opened. Once opened, the name of the bidder and the dollar amount specified become public; all other data are private until completion of the selection process, meaning the school has completed its evaluation and ranked the responses. After completion of the selection process, all data submitted by all bidders are public except trade secret data. If all responses are rejected prior to completion of the selection process, all data remain private, except the name of the bidder and the dollar amount specified which were made public at the bid opening for one year from the proposed opening date or until resolicitation results in completion of the selection process or until a determination is made to abandon the purchase, whichever occurs sooner, at which point the remaining data becomes public. Data created or maintained by the [District](#) as part of the selection or evaluation process are protected as nonpublic data until completion of the selection or evaluation process. At that time, the data are public with the exception of trade secret data.

C. Contracts From \$25,000 to \$175,000

If the amount of the sale is estimated to exceed \$25,000 but not to exceed \$175,000, the contract may be made either upon sealed bids in the manner directed above or by direct negotiation, by obtaining two or more quotations for the purchase or sale when possible, and without advertising for bids or otherwise complying with the requirements of competitive bidding notice. All quotations obtained shall be kept on file for a period of at least one year after receipt.

D. Contracts \$25,000 or Less

If the amount of the sale is estimated to be \$25,000 or less, the contract may be made either upon quotation or in the open market, in the discretion of the school board. The sale in the open market may be by auction. If the contract is made on quotation, it shall be based, so far as practicable, on at least two quotations which shall be kept on file for a period of at least one year after receipt.

E. Electronic Sale of Surplus Supplies, Materials, and Equipment

Notwithstanding the other procedural requirements of this policy, the District may contract to sell supplies, materials, and equipment which is surplus, obsolete, or unused through an electronic selling process in which purchasers compete to purchase the supplies, materials, or equipment at the highest purchase price in an open and interactive environment.

F. Notice of Quotation

Notice of procedures to receive quotations shall be given by publication or other means as appropriate to provide reasonable notice to the public.

G. Offer to Other Schools in the District

Before District materials, equipment, or supplies are sold, disposed of, or donated, the materials, equipment, or supplies shall be offered to other schools or units in the District pursuant to a process created and maintained by the Superintendent or the Superintendent's designee.

H. Sales to Employees

No officer or employee of the District shall sell or procure for sale or possess or control for sale to any other officer or employee of the District any property or materials owned by the District unless the property and materials are not needed for public purposes and are sold to a District employee after reasonable public notice, at a public auction or by sealed response, if the employee is not directly involved in the auction or sale process. Reasonable notice shall include at least one week's published or posted notice. A District employee may purchase no more than one motor vehicle from the District at any one auction. This section shall not apply to the sale of property or materials acquired or produced by the District for sale to the public in the ordinary course of business. Nothing in this section shall prohibit an employee of the District from selling or possessing for sale public property if the sale or possession for sale is in the ordinary course of business or the normal course of the employee's duties.

I. Exceptions for Surplus School Computers

1. At the Superintendent's discretion, the District may bypass the requirements for competitive bidding and is not subject to any other laws relating to school ~~district~~District contracts if it is disposing of surplus school computer and related equipment, including a tablet device, by conveying the property and title to:
  - a. another school district;

- b. the state department of corrections;
  - c. the board of trustees of Minnesota State Colleges and Universities;
  - d. the family of a student residing in the [District](#) whose total family income meets the federal definition of poverty; or
  - e. a charitable organization under section 501(c)(3) of the Internal Revenue Code that is registered with the attorney general's office for educational use.
2. If surplus school computers are not disposed of as described in Paragraph 1., upon adoption of a written resolution of the school board, when updating or replacing school computers, including tablet devices, used primarily by students, the [District](#) may sell or give used computers or tablets to qualifying students at the price specified in the written resolution. A student is eligible to apply to the school board for a computer or tablet under this subdivision if the student is currently enrolled in the school and intends to enroll in the school in the year following the receipt of the computer or tablet. If more students apply for computers or tablets than are available, the school must first qualify students whose families are eligible for free or reduced-price meals and then dispose of the remaining computers or tablets by lottery.

### **Legal References**

Minn. Stat. § 13.591 (Business Data)  
Minn. Stat. § 15.054 (Sale or Purchase of State Property; Penalty)  
[Minn. Stat. § 16B.2975 \(Surplus Property Acquisition, Distribution, and Disposal\)](#)  
Minn. Stat. § 123B.29 (Sale at Auction)  
Minn. Stat. § 123B.52 (Contracts)  
Minn. Stat. § 471.345 (Uniform Municipal Contracting Law)  
[Minn. Stat. § 471.85 \(Property Transfer; Public Corporations\)](#)  
Minn. Stat. § 645.11 (Published Notice)

### **Cross References**

[Policy 3310 \(Business Partner Diversity\)](#)  
[Policy 3312 \(Bidding Procedures\)](#)  
[Policy 3313 \(Vendor Relations\)](#)  
[Policy 3323 \(Evaluation of Bids and Requests for Proposals\)](#)  
[Policy 3400 \(System of Accounts\)](#)  
[Policy 3405 \(Classification of Accounts\)](#)  
[Policy 3440 \(Inventories\)](#)  
[Policy 3445 \(Property and Equipment\)](#)  
[Policy 6010 \(Autonomous Schools\)](#)  
[Policy 6411 \(Learning Materials and Resources\)](#)  
[Regulation 6411 B \(Review Committee and Procedures\)](#)

MSBA School Law Bulletin "F" (School [District](#) Contract and Bidding Procedures)

## Minneapolis Public Schools Policy 3280

Orig. 04/25/1967

Rev. 10/09/1973

09/09/1975

11/27/2012

02/25/2024

### 3280 ACCEPTANCE OF GIFTS, BEQUESTS, AND GRANTS

Redlined language is from MPS Policy

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

#### I. PURPOSE

The purpose of this policy is to provide guidelines for the acceptance of gifts by the school board. It is the policy of this school district to accept gifts only in compliance with state law.

#### II. GENERAL STATEMENT OF POLICY

The District has benefited from the generosity of our community. Persons and organizations may wish to make gifts, bequests or unsolicited grants to the District or any of its schools, programs or departments. These gifts may be in the form of money or property.

#### III. ACCEPTANCE OF GIFTS GENERALLY

The school board may receive, for the benefit of the District, bequests, donations or gifts for any proper purpose. The school board shall have the sole authority to determine whether any gift or any precondition, condition, or limitation on use included in a proposed gift furthers the interests of or benefits the District and whether it should be accepted or rejected.

Any District employee or other personnel offered a gift, bequest or unsolicited grant shall follow the established procedures and criteria for evaluation and acceptance of offers. Failure by employees to do so shall subject them to discipline.

#### IV. GIFTS OF REAL OR PERSONAL PROPERTY

The school board may accept a gift, grant or devise of real or personal property only by the adoption of a resolution approved by two-thirds of its members. The resolution must fully describe any conditions placed on the gift. The real or personal property so accepted may not be used for religious or sectarian purposes.

***[Note: This voting requirement and gift use provision is specified by Minnesota Statutes, section 465.03.]***

#### V. ADMINISTRATION IN ACCORDANCE WITH TERMS

If the school board agrees to accept a bequest, donation, gift, grant or devise which contains preconditions, conditions or limitations on use, the school board shall administer it in accordance with those terms. Once accepted, a gift shall be the property of the District unless otherwise provided in the agreed upon terms.

#### Legal References

Minn. Stat. § 123B.02, Subd. 6 (General Powers of Independent School Boards)

Minn. Stat. § 465.03 (Gifts to Municipalities)

## **Cross References**

Policy 1100 (Advertising in the Schools)

Policy 1560 (Gifts to School Personnel)

Policy 1720 (External Funds)

Policy 3440 (Inventories)

Policy 3445 (Property and Equipment)

Policy 3517 (Operation, Maintenance and Security of Buildings and Grounds)

Policy 5550 (Gifts to Schools from Students or Classes)

Policy 7000 (Gardens on School Property)

## Minneapolis Public Schools Policy 3290

Orig. 04/25/1967

Rev. 10/09/1973

02/26/1991

09/20/2011

### Policy 3290: Debt Purposes and Limitations

#### I. PURPOSE

The purpose of this policy is to establish ~~under what the~~ circumstances ~~under which~~ debt may be incurred, the type of debt that is appropriate for specific purposes, the appropriate debt load of the ~~d~~District, the repayment schedule for debt, and how the Board will respond to emergency financial circumstances.

#### II. GENERAL STATEMENT OF POLICY

To provide a fiscally responsible capital cost management system and promote financial stability the district may be required to incur debt. It is incumbent upon the Board of Directors to govern the issue of debt to provide for ~~the District needs of the district~~, to act as reliable stewards of public funds and trust, and to respond appropriately to emergency circumstances that affect the District's finances.

#### III. DEBT AND BORROWING

- A. Upon approval from the Board of Directors and subject to the limitations below the District may incur debt to accomplish district purposes. Such purposes include financing capital projects, real property acquisitions, operating capital and other debt permitted by law.
- B. The District shall incur debt only in compliance with applicable law.
- C. Total district annual debt payment shall not exceed twenty percent (20%) of the district total operating revenue. Each fiscal year the Board of Directors shall review the financial needs of the district to set an operating target at or less than the twenty percent limit. Refinancing shall not be included in the 20% calculation.
- D. Each fiscal year the Board of Directors shall approve a debt repayment schedule that provides that seventy percent (70 %) of current debt shall be repaid within ten (10 years).
- E. In response to emergency circumstances, the Board of Directors may by resolution temporarily suspend the approved debt to revenue ratio and the debt repayment schedule. Such a resolution shall specify the terms of such suspension, the temporarily approved debt to revenue ratio if applicable, and the temporarily approved debt repayment schedule if applicable.
- F. The District shall avoid using variable rate debt instruments. The Board of Directors may set a limit on the percentage of variable rate debt instruments permissible.
- G. The District shall avoid debt instruments that require a balloon repayment or that are back-loaded.
- H. The District shall avoid action that could reasonably be expected to negatively affect

the District's credit rating.

- I. All debt shall be issued through a competitive bidding process.
- J. The Superintendent is authorized to seek independent debt counsel. Any contracted debt counsel shall comply with all required disclosure and reporting rules.
- K. Instruments of debt may be reissued if doing so will benefit the district.

**IV. SCHOOL DISTRICT BONDS**

**Commented [TM1]:** This new Article IV is taken from M.S. 128D.11

A. Definitions

- 1. "Project" shall mean any proposed new or enlarged school building site, any proposed new school building, or any proposed new addition to a school building.
- 2. "Undertaking" shall mean any other purpose for which bonds may be issued as authorized in this Article.

B. Election

Subject to the limitations of Paragraphs G through I, the District may issue and sell bonds with the approval of 53 percent of the electors voting on the question at a general District election or at a District election held at the same time and place within the District as a state general or primary election, as determined by the board of education.

C. No Election

Subject to the provisions of Paragraphs G through I, the District may also by a two-thirds majority vote of all the members of its board of education and without any election by the voters of the District, issue and sell in each calendar year District general obligation bonds in an amount not to exceed 5-1/10 per cent of the net tax capacity of the taxable property in the District (plus, for calendar years 1990 to 2003, an amount not to exceed \$7,500,000, and for calendar year 2004 and later, an amount not to exceed \$15,000,000; with an additional provision that any amount of bonds so authorized for sale in a specific year and not sold can be carried forward and sold in the year immediately following).

D. 30-year Term

All District bonds shall be payable in not more than 30 years.

E. Use of Proceeds

The sale proceeds of the bonds shall be used only for the rehabilitating, remodeling, expanding, and equipping of existing District school buildings and for the acquisition of sites, construction, and equipping of new school buildings, and for acquisition and betterment purposes.

F. This Article Prevails

The provisions of this Article shall apply to the issuance and sale of the bonds and to the purposes for which the bonds may be issued notwithstanding any provisions to the contrary in any other existing law relating thereto.

G. Limits on Bonded Debt

The District shall not be subject to any charter limitations with respect to bonded indebtedness but shall be subject only to the limits on bonded indebtedness of independent school districts under Minnesota Statutes, section 475.53, subdivision 4, and to the additional limitations in paragraphs H and I.

H. Net Debt Limit

The District shall not be subject to a net debt in excess of 144 percent of the net tax capacity of all taxable property therein.

The District's net debt for the purposes of this limitation is the amount of bonds less the amount of all money and the face value of all securities then held as a sinking fund for the payment of such bonds, and shall not include school aid and tax anticipation certificates of indebtedness not in default or bonds issued to pay pension fund liabilities under Minnesota Statutes, section 475.52, subdivision 6.

I. City Planning Commission Approval; Exceptions

The district shall comply with the requirements set forth in Minnesota Statutes, section 128D.11, subdivision 10 as applicable to District issuance of bonds.

V. **LONG TERM DEBT**

- A. Long term debt may only be issued for capital projects, acquisitions or other long-term debt permitted by law.
- B. Long term debt shall not be used to capitalize expenses.
- C. Long term debt used for capital projects may not extend past the expected useful life of the project.
- D. Proposals to incur long-term debt must include, at minimum, the following information:
  - 1. Intended purpose,
  - 2. Proposed term,
  - 3. Principal cost,
  - 4. Estimated interest cost and rate range,
  - 5. Estimated issuance cost,
  - 6. Statutory or other authorization,
  - 7. Status of outstanding debt and impact of new issuance.

**Commented [TM2]:** The board should consider whether Article V is necessary in light of the new Article IV

VI. **SHORT TERM DEBT**

- A. Tax Anticipation Certificates  
The school board may borrow money upon negotiable promissory notes or certificates of indebtedness, in the manner and subject to the limitations set forth in Minnesota

**Commented [TM3]:** This language appears in MS 128D.16, subdivisions 1 and 2

Statutes, section 128D.16, subdivision 1, for the purpose of anticipating general taxes theretofore levied by the school district for school purposes. the aggregate of such borrowing remaining unpaid at any time shall never exceed 50 percent of such taxes which are due and payable and remaining unpaid in the calendar year the borrowing is made, and as to which no penalty for nonpayment or delinquency has attached.

B. Aid Anticipation Certificates

The school board may borrow money in the manner and subject to the limitations hereinafter set forth in anticipation of receipt of state aid for schools and of federal school aids to be distributed by or through the Minnesota Department of Education (MDE), but the aggregate of such borrowings remaining unpaid at any time shall never exceed 75 percent of such aids which are receivable by said school district in the calendar school year (from July 1 to the following June 30) in which the money is borrowed, as estimated and certified by the MDE Commissioner.

Short term debt may be issued to provide operating capital in anticipation of receipt of taxes, Federal or State aid, or the sale of bonds.

C. Board Resolution

Upon the passage of a resolution adopted by a vote of at least two-thirds of its members, which resolution specifies the amount and purposes for which it deems such borrowing is necessary, the board may authorize and effect such borrowing as provided for in paragraphs A and B, and may issue certificates of indebtedness for the same. The board shall fix the amount, date, maturity, form, denomination, and other details of such certificates, not inconsistent herewith, and shall fix the date and place for receipt of bids for the purchase thereof and direct the clerk to give notice thereof.

D. Not Net Debt

Tax anticipation and aid anticipation certificates not in default shall not be deemed net debt under any law limiting indebtedness.

E. Pay from Receipts

The proceeds of the current tax levies and future state aid receipts or other school funds which may become available shall be applied to the extent necessary to repay such certificates.

F. Full Faith and Credit Pledge

The full faith and credit of the District shall be pledged to their payment.

G. Maturity

Tax anticipation and aid anticipation certificates shall mature not later than the anticipated date of receipt in full of school taxes for the current year or of the aids so anticipated as estimated by the MDE commissioner, but in no event shall tax anticipation certificates mature later than three months after the close of the calendar year or school aid anticipation certificates later than three months after the close of the school year in which they are issued, respectively.

H. Sold at not less than Par

Certificates shall be sold at not less than par.

I. Interest

Certificates shall bear interest after maturity until paid at the rate they bore before maturity, and any interest accruing before or after maturity shall be paid from school funds as is provided for in paragraphs A and B.

J. Sale Procedures

The board clerk shall give notice of the proposed sale, calling for bids thereon at the time and place so specified, by at least one publication in a daily newspaper published in the District, at least three days before such date of sale. At the time and place so fixed, such certificates may be sold by the board officers designated in the resolution to the bidder who will agree to purchase the same on terms deemed most favorable to the District. Such certificates shall be signed in behalf of the District by the chair and clerk and countersigned by the treasurer and delivered by the treasurer upon receipt of the purchase price thereof.

K. Use of Proceeds; Purchasers not Liable

The moneys so received shall be disbursed solely for the purposes for which such taxes are levied or aids are receivable. The purchaser of such certificates shall not be obligated to see to such application of the proceeds.

L. Proposals to incur short-term debt must include, at minimum, the following information:

1. Intended purpose,
2. Proposed term,
3. Principal cost,
4. Estimated interest cost and rate range,
5. Estimated issuance cost,
6. Statutory or other authorization,
7. Status of outstanding debt and impact of new issuance.

**Commented [TM4]:** The board should consider whether Paragraph L is necessary in light of paragraphs A through K.

**VII. RESPONSIBILITIES**

- A. The Board of Directors shall annually review the debt portfolio of the district to assess the impact of district debt on taxpayers, and to determine that:
1. the risk level to the district is appropriate,
  2. the correct type of debt is used for the stated purposes,
  3. the correct debt to expense ratio is established, and
  4. the debt repayment schedule is appropriate.
- B. The Superintendent shall provide the Board of Directors with such financial reports

as are necessary and prudent to inform the Board of District needs, the current status of District debt, and supporting information regarding any proposed change in District debt.

- C. No less than annually, the Superintendent shall provide a report on the debt repayment schedule. The Superintendent shall include a report on debt in the annual budget report.

**Legal References**

Minn. Stat. § 128D.11, Subd. 4 (School District Bonds-~~30-year term~~)  
Minn. Stat. § 128D. 16 (Short-Term Borrowing)

**Commented [TM5]:** Does the board wish to include the other provisions of this statute?

**MPS Policy Cross References**

Policy 3005 (Budget)  
Policy 7420 (Bond Indebtedness)

**Minneapolis Public Schools Policy 3296**

**Orig.** 10/09/1973  
**Rev.** 10/30/1990  
11/12/2013  
02/25/2024

**3296 INVESTMENTS**

Redlined language is from MPS Policy

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

**I. PURPOSE**

The purpose of this policy is to establish guidelines for the investment of District funds.

**II. GENERAL STATEMENT OF POLICY**

The District's policy is to comply with all state laws relating to investments and to guarantee that investments meet certain primary criteria.

**III. SCOPE**

This policy applies to all investments of the District's surplus funds, regardless of the fund accounts in which they are maintained, unless certain investments are specifically exempted by the school board through formal action.

**IV. AUTHORITY; OBJECTIVES**

- A. The school board may invest any funds not currently needed by the District in bonds of the state of Minnesota, or in bonds of any county, city, home rule charter or statutory city, or school District in Minnesota, or in bonds of the United States, or in United States Treasury bills, certificates of indebtedness, or Treasury notes, all of which must mature within one year from the date of purchase.
- B. The funds of the District shall be deposited or invested in accordance with this policy, Minnesota Statutes, chapter 118A, and any other applicable law or written administrative procedures.
- C. The primary criteria for the investment of the funds of the District, in priority order, are as follows
  - 1. Safety and Security. Safety of principal is the first priority. District investments shall be undertaken in a manner that seeks to ensure the preservation of the capital in the overall investment portfolio.
  - 2. Liquidity. The funds shall be invested to assure that funds are available to meet immediate payment requirements, including payroll, accounts payable, and debt service.
  - 3. Return and Yield. The investments shall be managed in a manner to attain a market rate of return through various economic and budgetary cycles, while preserving and protecting the capital in the investment portfolio and taking into account constraints on risk and cash flow requirements.

**V. DELEGATION OF AUTHORITY**

- A. The \_\_\_\_\_ of the District is designated as the District investment officer and is responsible for investment decisions and activities under the direction of the school board. The investment officer shall operate the District's investment program consistent with this policy. The investment officer may delegate certain duties to a designee or designees but shall remain responsible for the operation of the program.
- B. All officials and employees who are a part of the investment process shall act professionally and responsibly as custodians of the public trust and shall refrain from personal business activity that could conflict with the investment program or which could reasonably cause others to question the process and integrity of the investment program. The investment officer shall avoid any transaction that could impair public confidence in the District.

**VI. STANDARD OF CONDUCT**

The standard of conduct regarding District investments to be applied by the investment officer shall be the "prudent person standard." Under this standard, the investment officer shall exercise that degree of judgment and care, under the circumstances then prevailing, that persons of prudence, discretion, and intelligence would exercise in the management of their own affairs, investing not for speculation and considering the probable safety of their capital as well as the probable investment return to be derived from their assets. The prudent person standard shall be applied in the context of managing the overall District investment portfolio. The investment officer, acting in accordance with this policy and exercising due diligence, judgment, and care commensurate with the risk, shall not be held personally responsible for a specific security's performance or for market price changes. Deviations from expectations shall be reported in a timely manner and appropriate actions shall be taken to control adverse developments.

**VII. MONITORING AND ADJUSTING INVESTMENTS**

The investment officer shall routinely monitor existing investments and the contents of the District's investment portfolio, the available markets, and the relative value of competing investment instruments.

**VIII. INTERNAL CONTROLS**

The investment officer shall establish a system of internal controls which shall be documented in writing. The internal controls shall be reviewed by the school board and shall be annually reviewed for compliance by the District's independent auditors. The internal controls shall be designed to prevent and control losses of public funds due to fraud, error, misrepresentation, unanticipated market changes, or imprudent actions by officers, employees, or others. The internal controls may include, but shall not be limited to, provisions relating to controlling collusion, separating functions, separating transaction authority from accounting and record keeping, custodial safekeeping, avoiding bearer form securities, clearly delegating authority to applicable staff members, limiting securities losses and remedial action, confirming telephone transactions in writing, supervising and controlling employee actions, minimizing the number of authorized investment officials, and documenting transactions and strategies.

**IX. PERMISSIBLE INVESTMENT INSTRUMENTS**

The District may invest its available funds in those instruments specified in Minnesota Statutes, sections 118A.04, ~~and 118A.05,~~ and 128D.17, as these sections may be amended from time to time, or any other law governing the investment of District funds. The assets of an other postemployment benefits (OPEB) trust or trust account established pursuant to Minnesota Statutes, section 471.6175 to pay postemployment benefits to employees or officers after their termination of service, with a trust administrator other than the Public Employees Retirement Association, may be invested in instruments

authorized under Minnesota Statutes, chapter 118A or Minnesota Statutes, section 356A.06, subdivision 7. Investment of funds in an OPEB trust account under Minnesota Statutes, section 356A.06, subdivision 7, as well as the overall asset allocation strategy for OPEB investments, shall be governed by an OPEB Investment Policy Statement (IPS) developed between the investment officer, as designed herein, and the trust administrator.

**X. PORTFOLIO DIVERSIFICATION; MATURITIES**

- A. Limitations on instruments, diversification, and maturity scheduling shall depend on whether the funds being invested are considered short-term or long-term funds. All funds shall normally be considered short-term except those reserved for building construction projects or specific future projects and any unreserved funds used to provide financial-related managerial flexibility for future fiscal years.
- B. The District shall diversify its investments to avoid incurring unreasonable risks inherent in over-investing in specific instruments, individual financial institutions or maturities.
  - 1. The investment officer shall prepare and present a table to the school board for review and approval. The table shall specify the maximum percentage of the District's investment portfolio that may be invested in a single type of investment instrument, such as U.S. Treasury Obligations, certificates of deposit, repurchase agreements, banker's acceptances, commercial paper, etc. The approved table shall be attached as an exhibit to this policy and shall be incorporated herein by reference.
  - 2. The investment officer shall prepare and present to the school board for its review and approval a recommendation as to the maximum percentage of the total investment portfolio that may be held in any one depository. The approved recommendation shall be attached as an exhibit or part of an exhibit to this policy and shall be incorporated herein by reference.
  - 3. Investment maturities shall be scheduled to coincide with projected District cash flow needs, taking into account large routine or scheduled expenditures, as well as anticipated receipt dates of anticipated revenues. Maturities for short-term and long-term investments shall be timed according to anticipated need. Within these parameters, portfolio maturities shall be staggered to avoid undue concentration of assets and a specific maturity sector. The maturities selected shall provide for stability of income and reasonable liquidity.

**XI. COMPETITIVE SELECTION OF INVESTMENT INSTRUMENTS**

Before the District invests any surplus funds in a specific investment instrument, a competitive bid or quotation process shall be utilized. If a specific maturity date is required, either for cash flow purposes or for conformance to maturity guidelines, quotations or bids shall be requested for instruments which meet the maturity requirement. If no specific maturity is required, a market trend analysis, which includes a yield curve, will normally be used to determine which maturities would be most advantageous. Quotations or bids shall be requested for various options with regard to term and instrument. The District will accept the quotation or bid which provides the highest rate of return within the maturity required and within the limits of this policy. Generally, all quotations or bids will be computed on a consistent basis, i.e., a 360-day or a 365-day yield. Records will be kept of the quotations or bids received, the quotations or bids accepted, and a brief explanation of the decision that was made regarding the investment. If the District contracts with an investment advisor, bids are not required in those circumstances specified in the contract with the advisor.

**XII. QUALIFIED INSTITUTIONS AND BROKER-DEALERS**

A. The District shall maintain a list of the financial institutions that are approved for investment purposes. Such brokers and institutions must be:

1. Primary and regional dealers that qualify under Securities and Exchange Commission Rules;
2. Capitalized no less than Ten Million Dollars (\$10,000,000.00);
3. Registered as a dealer under the Securities Exchange Act of 1934;
4. Member of the Financial Industry Regulatory Authority (FINRA);
5. Registered to sell securities in the State of Minnesota; and
6. Must as a firm, and as the assigned broker, have been engaged in the business of transacting in U.S. government and agency obligations for at least five (5) consecutive years prior to engagement by the district.

**Commented [TM1]:** These requirements are listed in MPS Policy 3296. The board can determine whether to revise or retain.

B. Prior to completing an initial transaction with a broker, the District shall provide to the broker a written statement of investment restrictions which shall include a provision that all future investments are to be made in accordance with Minnesota statutes governing the investment of public funds. The broker must annually acknowledge receipt of the statement of investment restrictions and agree to handle the District's account in accordance with these restrictions. The District may not enter into a transaction with a broker until the broker has provided this annual written agreement to the District. The notification form to be used shall be that prepared by the State Auditor. A copy of this investment policy, including any amendments thereto, shall be provided to each such broker.

### **XIII. SAFEKEEPING AND COLLATERALIZATION**

- A. All investment securities purchased by the District shall be held in third-party safekeeping by an institution designated as custodial agent. The custodial agent may be any Federal Reserve Bank, any bank authorized under the laws of the United States or any state to exercise corporate trust powers, a primary reporting dealer in United States Government securities to the Federal Reserve Bank of New York, or a securities broker-dealer defined in Minnesota Statutes, section 118A.06. The institution or dealer shall issue a safekeeping receipt to the District listing the specific instrument, the name of the issuer, the name in which the security is held, the rate, the maturity, serial numbers and other distinguishing marks, and other pertinent information.
- B. Deposit-type securities shall be collateralized as required by Minnesota Statutes, section 118A.03 for any amount exceeding FDIC, SAIF, BIF, FCUA, or other federal deposit coverage.
- C. Repurchase agreements shall be secured by the physical delivery or transfer against payment of the collateral securities to a third party or custodial agent for safekeeping. The District may accept a safekeeping receipt instead of requiring physical delivery or third-party safekeeping of collateral on overnight repurchase agreements of less than \$1,000,000.

### **XIV. REPORTING REQUIREMENTS**

- A. The investment officer shall generate daily and monthly transaction reports for management purposes. In addition, the school board shall be provided a monthly report that shall include data on investment instruments being held as well as any narrative necessary for clarification.
- B. The investment officer shall prepare and submit to the school board a quarterly investment report that summarizes recent market conditions, economic developments, and anticipated investment conditions. The report shall summarize the investment strategies employed in the most recent

quarter and describe the investment portfolio in terms of investment securities, maturities, risk characteristics, and other features. The report shall summarize changes in investment instruments and asset allocation strategy approved by the investment officer for an OPEB trust in the most recent quarter. The report shall explain the quarter's total investment return and compare the return with budgetary expectations. The report shall include an appendix that discloses all transactions during the past quarter. Each quarterly report shall indicate any areas of policy concern and suggested or planned revisions of investment strategies. Copies of the report shall be provided to the District's auditor.

- C. Within ninety (90) days after the end of each fiscal year of the District, the investment officer shall prepare and submit to the school board a comprehensive annual report on the investment program and investment activity of the District for that fiscal year. The annual report shall include 12-month and separate quarterly comparisons of return and shall suggest revisions and improvements that might be made in the investment program.
- D. If necessary, the investment officer shall establish systems and procedures to comply with applicable federal laws and regulations governing the investment of bond proceeds and funds in a debt service account for a bond issue. The record keeping system shall be reviewed annually by the independent auditor or by another party contracted or designated to review investments for arbitrage rebate or penalty calculation purposes.

#### **XV. DEPOSITORIES**

The school board shall annually designate one or more official depositories for District funds. The treasurer or the chief financial officer of the District may also exercise the power of the school board to designate a depository. The school board shall be provided notice of any such designation by its next regular meeting. The District and the depository shall each comply with the provisions of Minnesota Statutes, section 118A.03 and any other applicable law, including any provisions relating to designation of a depository, qualifying institutions, depository bonds, and approval, deposit, assignment, substitution, addition, and withdrawal of collateral.

#### **XVI. ELECTRONIC FUNDS TRANSFER OF FUNDS FOR INVESTMENT**

The District may make electronic fund transfers for investments of excess funds upon compliance with Minnesota Statutes, section 471.38.

#### **Legal References**

Minn. Stat. § 118A.01 (Definitions)  
Minn. Stat. § 118A.02 (Depositaries; Investing; Sales, Proceeds, Immunity)  
Minn. Stat. § 118A.03 (When and What Collateral Required)  
Minn. Stat. § 118A.04 (Investments)  
Minn. Stat. § 118A.05 (Contracts and Agreements)  
Minn. Stat. § 118A.06 (Safekeeping; Acknowledgements)  
Minn. Stat. § 128D.17 (Investments)  
Minn. Stat. § 356A.06, Subd. 7 (Investments; Additional Duties)  
Minn. Stat. § 471.38 (Claims)  
Minn. Stat. § 471.6175 (Trust for Postemployment Benefits)  
15 U.S.C. § 78a, et. seq. (Securities Exchange Act of 1934)

#### **Cross References**

Policy 3000 ([Conflicts of Interest and Fiduciary Duty](#)~~Code of Ethics~~)  
Policy 3400 (Banking)  
Policy 3434 (Periodic Audit)

Policy 3470 (Trust Account Investment)

MSBA/MASA Model Policy 703 (Annual Audit)

Minnesota Legal Compliance Audit Guide for School Districts Prepared by the Office of the State Auditor

**Minneapolis Public Schools Policy 3323**

**Orig.** 04/25/1967

**Rev.** 11/09/1971

02/09/2010

02/29/2024

INCORPORATES MPS 3300, 3310, 3312, 3313, 3314, 3440

**3323 BIDS, PROCUREMENT, AND COMPENSATION**

Redlined language is from MPS Policy

***[Note: School districts are required by the federal Uniform Grant Guidance regulations, 2 Code of Federal Regulations Part 200, to have the policies that establish uniform administrative requirements, cost principles, and audit requirements for federal awards to non-federal entities including school districts. In June 2018, the United States Office of Management and Budget increased the threshold dollar amounts for both simplified acquisition costs (\$250,000) and micro-purchases (\$10,000).]***

**I. PURPOSE**

The purpose of this policy is to ensure compliance with the requirements of the federal Uniform Grant Guidance regulations by establishing uniform administrative requirements, cost principles, and audit requirements for federal grant awards received by the District.

**II. DEFINITIONS**

A. Grants

1. "State-administered grants" are those grants that pass through a state agency such as the Minnesota Department of Education (MDE).
2. "Direct grants" are those grants that do not pass through another agency such as MDE and are awarded directly by the federal awarding agency to the grantee organization. These grants are usually discretionary grants that are awarded by the U.S. Department of Education (DOE) or by another federal awarding agency.

***[Note: All of the requirements outlined in this policy apply to both direct grants and state-administered grants.]***

B. "Non-federal entity" means a state, local government, Indian tribe, institution of higher education, or nonprofit organization that carries out a federal award as a recipient or subrecipient.

C. "Federal award" has the meaning, depending on the context, in either paragraph 1. or 2. of this definition:

1. a. The federal financial assistance that a non-federal entity receives directly from a federal awarding agency or indirectly from a pass-through entity, as described in 2 Code of Federal Regulations, section 200.101 (Applicability); or
- b. The cost-reimbursement contract under the federal Acquisition Regulations that a non-federal entity receives directly from a federal awarding agency or indirectly from a pass-through entity, as described in 2 Code of Federal Regulations, section 200.101 (Applicability).

2. The instrument setting forth the terms and conditions. The instrument is the grant agreement, cooperative agreement, other agreement for assistance covered in paragraph (b) of 2 Code of Federal Regulations, section 200.40 (Federal Financial Assistance), or the cost-reimbursement contract awarded under the federal Acquisition Regulations.
  3. "Federal award" does not include other contracts that a federal agency uses to buy goods or services from a contractor or a contract to operate federal-government-owned, contractor-operated facilities.
- D. "Contract" means a legal instrument by which a non-federal entity purchases property or services needed to carry out the project or program under a federal award. The term, as used in 2 Code of Federal Regulations Part 200, does not include a legal instrument, even if the non-federal entity considers it a contract, when the substance of the transaction meets the definition of a federal award or subaward.
- E. Procurement Methods
1. "Procurement by micro-purchase" is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (generally \$10,000, except as otherwise discussed in 48 Code of Federal Regulations, Subpart 2.1 or as periodically adjusted for inflation).
 

**[Note: Minnesota school districts may choose to increase their federal micro-purchase threshold to \$25,000, which would align with the Minnesota limit. School districts choosing to adopt this increase must annually certify the higher threshold and the justification for using the higher threshold. Acceptable reasons for justification must meet *one* of the following criteria: (1) a qualification as a low-risk auditee, in accordance with the criteria established in 2 Code of Federal Regulations, section 200.520; (2) an annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or (3) a higher threshold consistent with state law.]**
  2. "Procurement by small purchase procedures" are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than \$250,000 (periodically adjusted for inflation).
  3. "Procurement by sealed bids (formal advertising)" is a publicly solicited and a firm, fixed-price contract (lump sum or unit price) awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price.
  4. "Procurement by competitive proposals" is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. Competitive proposals are generally used when conditions are not appropriate for the use of sealed bids.
  5. "Procurement by noncompetitive proposals" is procurement through solicitation of a proposal from only one source.
- F. "Equipment" means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which exceeds the lesser of the capitalization level established by the non-federal entity for financial statement purposes, or \$5,000.
- G. "Compensation for personal services" includes all remuneration, paid currently or accrued, for services of employees rendered during the period of performance under the

**Commented [TM1]:** The board should review the purchase level amounts in MPS Policy 3312 and decide whether to adjust the amounts in this draft policy

federal award, including, but not necessarily limited to, wages and salaries. Compensation for personal services may also include fringe benefits which are addressed in 2 Code of Federal Regulations, section 200.431 (Compensation - Fringe Benefits).

- H. "Post-retirement health plans" refer to costs of health insurance or health services not included in a pension plan covered by 2 Code of Federal Regulations, section 200.431(g) for retirees and their spouses, dependents, and survivors.
- I. "Severance pay" is a payment in addition to regular salaries and wages by the non-federal entities to workers whose employment is being terminated.
- J. "Direct costs" are those costs that can be identified specifically with a particular final cost objective, such as a federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.
- K. "Relocation costs" are costs incident to the permanent change of duty assignment (for an indefinite period or for a stated period not less than 12 months) of an existing employee or upon recruitment of a new employee.
- L. "Travel costs" are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the District.

### III. **CONFLICT OF INTEREST**

#### A. Employee Conflict of Interest

No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The employees, officers, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, the District may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by employees, officers, or agents of the District.

#### B. Organizational Conflicts of Interest

The District is unable or appears to be unable to be impartial in conducting a procurement action involving the related organization because of relationships with a parent company, affiliate, or subsidiary organization.

#### C. Disclosing Conflicts of Interest.

The District must disclose in writing any potential conflict of interest to MDE in accordance with applicable federal awarding agency policy.

**Commented [TM2]:** The board can consider whether it wishes to retain a separate Conflicts of Interest policy or to incorporate it into this policy.

### IV. **ACCEPTABLE METHODS OF PROCUREMENT**

#### A. General Procurement Standards

The District must use its own documented procurement procedures that reflect applicable state laws, provided that the procurements conform to the applicable federal law and the standards identified in the Uniform Grant Guidance.

- B. The District must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
- C. The District's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives and any other appropriate analysis to determine the most economical approach.
- D. The District must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.
- E. The District must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement; selection of the contract type; contractor selection or rejection; and the basis for the contract price.
- F. The District alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the District of any contractual responsibilities under its contracts.

G. Business Partner Diversity

The District must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. ~~The District shall promote the participation of businesses owned and operated by minorities, women and diverse communities in District procurement and contracts for goods and services.~~

~~The Superintendent shall provide quarterly business diversity reports to the Board of Directors demonstrating participation of minority, women and diverse community participation in District contracts for goods and services.~~

~~The District shall encourage all of its contractors and their subcontractors to take action to achieve and maintain levels of minority and female employment.~~

~~All contract suppliers must certify their compliance with applicable laws prohibiting discrimination as to all aspects of employment because of race, color, religion, gender, age, disability, sexual orientation or national origin, and that they are equal opportunity employers. All contract suppliers must certify their compliance with applicable District Policies on equal opportunity and prohibition of harassment and violence.~~

- H. ~~The Superintendent or the Superintendent's designee shall supervise the purchase of materials, supplies, equipment, and services.~~

- I. ~~As a tax-exempt entity, the District does not pay sales tax on its purchases. Reimbursement for sales tax paid by an employee, except for reimbursable meals, costs of transportation, lodging and district goods or materials purchased due to district~~

**Commented [TM3]:** Red text is from MPS Policy 3310. The board may choose to revise or delete all or part of this text.

**Commented [TM4]:** See MPS Policy 3300---could be deleted.

travel, shall not be made unless there exists a contract between the District and the individual that states otherwise.

\*. Vendor Relations

1. The Superintendent may designate a District department to serve as the District's representative for and negotiator with third party vendors.
2. To assure compliance with Minneapolis Public Schools' Code of Ethics, all vendor communication during the sourcing process, which includes, but is not limited to the bid letting, issuance of a Request for Proposals (RFPs) requests for source information, evaluation of bids, Requests for Proposals (RFPs), or source proposals and a recommendation or negotiation of contract, shall be conducted by or through the District Department designated by the Superintendent.
3. All employees who are contacted by vendors seeking a contractual relationship with the District shall refer that vendor to the District Department designated by the Superintendent.
4. All employees who are contacted by diverse vendors who have not previously done business with the District shall encourage those businesses to register as a diverse business entity with the District.

**Commented [TM5]:** See MPS Policy 3313 Vendor Relations

J. Methods of Procurement

The District must use one of the following methods of procurement:

1. Procurement by micro-purchases. To the extent practicable, the District must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the District considers the price to be reasonable.
2. Procurement by small purchase procedures. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.
3. Procurement by sealed bids (formal advertising).
4. Procurement by competitive proposals. If this method is used, the following requirements apply:
  - a. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
  - b. Proposals must be solicited from an adequate number of qualified sources;
  - c. The District must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
  - d. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
  - e. The District may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most

qualified competitor is selected, subject to negotiation of fair and reasonable compensation.

It is the policy of Minneapolis Public Schools that wages of laborers, workers, and mechanics on projects financed in whole or in part by school district funds should be comparable to wages paid for similar work in the community as a whole.

The method where price is not used as a selection factor can only be used in procurement of A/E professional services; it cannot be used to purchase other types of services, though A/E firms are a potential source to perform the proposed effort.

The District shall adhere to the prevailing wage schedule established and published by the Minnesota Department of Labor and Industry for all project contracts or work under a contract within the limits set forth below:

i. The estimated total cost of completing the project is \$2,500.00 (Two Thousand Five Hundred Dollars) or more and only one trade or occupation is required to complete it; or

ii. The estimated total cost of completing the project is \$25,000.00 (Twenty-five Thousand Dollars) or more.

5. Procurement by noncompetitive proposals. Procurement by noncompetitive proposals may be used only when one or more of the following circumstances apply:
  - a. The item is available only from a single source;
  - b. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
  - c. The DOE or MDE expressly authorizes noncompetitive proposals in response to a written request from the District; or
  - d. After solicitation of a number of sources, competition is determined inadequate.

K. Competition

The District must have written procedures for procurement transactions. These procedures must ensure that all solicitations:

1. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When making a clear and accurate description of the technical requirements is impractical or uneconomical, a "brand name or equivalent" description may be used as a means to define the performance or

**Commented [TM6]:** See MPS Policy 3313: Prevailing Wages. The board may choose to review the prevailing wage provision and the dollar amounts under (i) and (ii). MPS policy cites MS 177.41 (State Projects) for prevailing wage language.

other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and

2. Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.
- L. The District must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the District must not preclude potential bidders from qualifying during the solicitation period.
- M. Non-federal entities are prohibited from contracting with or making subawards under "covered transactions" to parties that are suspended or debarred or whose principals are suspended or debarred. "Covered transactions" include procurement contracts for goods and services awarded under a grant or cooperative agreement that are expected to equal or exceed \$25,000.
- N. All nonprocurement transactions entered into by a recipient (i.e., subawards to subrecipients), irrespective of award amount, are considered covered transactions, unless they are exempt as provided in 2 Code of Federal Regulations section 180.215.

#### **V. MANAGING EQUIPMENT AND SAFEGUARDING ASSETS**

##### **A. Property Standards**

The District must, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired or improved with federal funds as provided to property owned by the non-federal entity. Federally owned property need not be insured unless required by the terms and conditions of the federal award.

The District must adhere to the requirements concerning real property, equipment, supplies, and intangible property set forth in 2 Code of Federal Regulations, sections 200.311, 200.314, and 200.315.

##### **B. Equipment**

Management requirements. Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part under a federal award, until disposition takes place will, at a minimum, meet the following requirements:

1. Property records must be maintained that include a description of the property; a serial number or other identification number; the source of the funding for the property (including the federal award identification number (FAIN)); who holds title; the acquisition date; the cost of the property; the percentage of the federal participation in the project costs for the federal award under which the property was acquired; the location, use, and condition of the property; and any ultimate disposition data, including the date of disposition and sale price of the property.
2. A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.
3. A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft must be investigated.
4. Adequate maintenance procedures must be developed to keep property in good condition.

5. If the District is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

C. Supplies

The District shall maintain an inventory of supplies and shall annually update the stock records of the District's supply inventory. The accounting system for supplies shall be operated in compliance with the Uniform Financial Accounting and Reporting Standards for Minnesota School Districts (UFARS).

**Commented [TM7]:** This language is from MPS 3440. District business office should be consulted on whether this language is necessary and accurate.

**VI. FINANCIAL MANAGEMENT REQUIREMENTS**

A. Financial Management.

The District's financial management systems, including records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the federal statutes, regulations, and the terms and conditions of the federal award.

B. Payment.

The District must be paid in advance, provided it maintains or demonstrates the willingness to maintain both written procedures that minimize the time elapsing between the transfer of funds and disbursement between the District and the financial management systems that meet the standards for fund control.

Advance payments to a District must be limited to the minimum amounts needed and timed to be in accordance with the actual, immediate cash requirements of the District in carrying out the purpose of the approved program or project. The timing and amount of advance payments must be as close as is administratively feasible to the actual disbursements by the non-federal entity for direct program or project costs and the proportionate share of any allowable indirect costs. The District must make timely payment to contractors in accordance with the contract provisions.

C. Internal Controls.

The District must establish and maintain effective internal control over the federal award that provides reasonable assurance that the District is managing the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal award. These internal controls should be in compliance with guidance in "Standards for Internal Control in the Federal Government," issued by the Comptroller General of the United States, or the "Internal Control Integrated Framework," issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

The District must comply with federal statutes, regulations, and the terms and conditions of the federal award.

The District must also evaluate and monitor the District's compliance with statutes, regulations, and the terms and conditions of the federal award.

The District must also take prompt action when instances of noncompliance are identified, including noncompliance identified in audit findings.

The District must take reasonable measures to safeguard protected personally identifiable information considered sensitive consistent with applicable federal and state laws regarding privacy and obligations of confidentiality.

## VII. ALLOWABLE USE OF FUNDS AND COST PRINCIPLES

### A. Allowable Use of Funds

The District administration and board will enforce appropriate procedures and penalties for program, compliance, and accounting staff responsible for the allocation of federal grant costs based on their allowability and their conformity with federal cost principles to determine the allowability of costs.

### B. Definitions

1. "Allowable cost" means a cost that complies with all legal requirements that apply to a particular federal education program, including statutes, regulations, guidance, applications, and approved grant awards.
2. "Education Department General Administrative Regulations (EDGAR)" means a compilation of regulations that apply to federal education programs. These regulations contain important rules governing the administration of federal education programs and include rules affecting the allowable use of federal funds (including rules regarding allowable costs, the period of availability of federal awards, documentation requirements, and grants management requirements). EDGAR can be accessed at: <http://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html>.
3. "Omni Circular" or "2 Code of Federal Regulations Part 200s" or "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" means federal cost principles that provide standards for determining whether costs may be charged to federal grants.
4. "Advance payment" means a payment that a federal awarding agency or passthrough entity makes by any appropriate payment mechanism, including a predetermined payment schedule, before the non-federal entity disburses the funds for program purposes.

### C. Allowable Costs

The following items are costs that may be allowable under the 2 Code of Federal Regulations, Part 200s under specific conditions:

1. Advisory councils;
2. Audit costs and related services;
3. Bonding costs;
4. Communication costs;
5. Compensation for personal services;
6. Depreciation and use allowances;
7. Employee morale, health, and welfare costs;
8. Equipment and other capital expenditures;
9. Gains and losses on disposition of depreciable property and other capital assets and substantial relocation of federal programs;
10. Insurance and indemnification;

11. Maintenance, operations, and repairs;
12. Materials and supplies costs;
13. Meetings and conferences;
14. Memberships, subscriptions, and professional activity costs;
15. Security costs;
16. Professional service costs;
17. Proposal costs;
18. Publication and printing costs;
19. Rearrangement and alteration costs;
20. Rental costs of building and equipment;
21. Training costs; and
22. Travel costs.

D. Costs Forbidden by Federal Law

2 Code of Federal Regulations Part 200s and EDGAR identify certain costs that may never be paid with federal funds. The following list provides examples of such costs. If a cost is on this list, it may not be supported with federal funds. The fact that a cost is not on this list does not mean it is necessarily permissible. Other important restrictions apply to federal funds, such as those items detailed in the 2 Code of Federal Regulations, Part 200s; thus, the following list is not exhaustive:

1. Advertising and public relations costs (with limited exceptions), including promotional items and memorabilia, models, gifts, and souvenirs;
2. Alcoholic beverages;
3. Bad debts;
4. Contingency provisions (with limited exceptions);
5. Fundraising and investment management costs (with limited exceptions);
6. Donations;
7. Contributions;
8. Entertainment (amusement, diversion, and social activities and any associated costs);
9. Fines and penalties;
10. General government expenses (with limited exceptions pertaining to Indian tribal governments and Councils of Government (COGs));
11. Goods or services for personal use;
12. Interest, except interest specifically stated in 2 Code of Federal Regulations, section 200.441 as allowable;
13. Religious use;

14. The acquisition of real property (unless specifically permitted by programmatic statute or regulations, which is very rare in federal education programs);
15. Construction (unless specifically permitted by programmatic statute or regulations, which is very rare in federal education programs); and
16. Tuition charged or fees collected from students applied toward meeting matching, cost sharing, or maintenance of effort requirements of a program.

E. Program Allowability

1. Any cost paid with federal education funds must be permissible under the federal program that would support the cost.
2. Many federal education programs detail specific required and/or allowable uses of funds for that program. Issues such as eligibility, program beneficiaries, caps or restrictions on certain types of program expenses, other program expenses, and other program specific requirements must be considered when performing the programmatic analysis.
3. The two largest federal K-12 programs, Title I, Part A, and the Individuals with Disabilities Education Act (IDEA), do not contain a use of funds section delineating the allowable uses of funds under those programs. In those cases, costs must be consistent with the purposes of the program in order to be allowable.

F. Federal Cost Principles

1. The Omni Circular defines the parameters for the permissible uses of federal funds. While many requirements are contained in the Omni Circular, it includes five core principles that serve as an important guide for effective grant management. These core principles require all costs to be:
  - a. Necessary for the proper and efficient performance or administration of the program.
  - b. Reasonable. An outside observer should clearly understand why a decision to spend money on a specific cost made sense in light of the cost, needs, and requirements of the program.
  - c. Allocable to the federal program that paid for the cost. A program must benefit in proportion to the amount charged to the federal program – for example, if a teacher is paid 50% with Title I funds, the teacher must work with the Title I program/students at least 50% of the time. Recipients also need to be able to track items or services purchased with federal funds so they can prove they were used for federal program purposes.
  - d. Authorized under state and local rules. All actions carried out with federal funds must be authorized and not prohibited by state and local laws and policies.
  - e. Adequately documented. A recipient must maintain proper documentation so as to provide evidence to monitors, auditors, or other oversight entities of how the funds were spent over the lifecycle of the grant.

G. Program Specific Fiscal Rules

The Omni Circular also contains specific rules on selected items of costs. Costs must comply with these rules in order to be paid with federal funds.

1. All federal education programs have certain program specific fiscal rules that apply. Determining which rules apply depends on the program; however, rules such as supplement, not supplant, maintenance of effort, comparability, caps on certain uses of funds, etc., have an important impact when analyzing whether a particular cost is permissible.
2. Many state-administered programs require local education agencies (LEAs) to use federal program funds to supplement the amount of state, local, and, in some cases, other federal funds they spend on education costs and not to supplant (or replace) those funds. Generally, the "supplement, not supplant" provision means that federal funds must be used to supplement the level of funds from non-federal sources by providing additional services, staff, programs, or materials. In other words, federal funds normally cannot be used to pay for things that would otherwise be paid for with state or local funds (and, in some cases, with other federal funds).
3. Auditors generally presume supplanting has occurred in three situations:
  - a. The District uses federal funds to provide services that the school District is required to make available under other federal, state, or local laws.
  - b. The District uses federal funds to provide services that the school District provided with state or local funds in the prior year.
  - c. The District uses Title I, Part A, or Migrant Education Program funds to provide the same services to Title I or Migrant students that the District provides with state or local funds to nonparticipating students.
4. These presumptions apply differently in different federal programs and also in schoolwide program schools. Staff should be familiar with the supplement not supplant provisions applicable to their program.

H. Approved Plans, Budgets, and Special Conditions

1. As required by the Omni Circular, all costs must be consistent with approved program plans and budgets.
2. Costs must also be consistent with all terms and conditions of federal awards, including any special conditions imposed on the District's grants.

I. Training

1. The District will provide training on the allowable use of federal funds to all staff involved in federal programs.
2. The District will promote coordination between all staff involved in federal programs through activities, such as routine staff meetings and training sessions.

J. Employee Sanctions

Any District employee who violates this policy will be subject to discipline, as appropriate, up to and including the termination of employment.

**VIII. COMPENSATION – PERSONAL SERVICES EXPENSES AND REPORTING**

A. Compensation – Personal Services

Costs of compensation are allowable to the extent that they satisfy the specific requirements of the Uniform Grant Guidance and that the total compensation for individual employees:

1. Is reasonable for the services rendered and conforms to the established written policy of the District consistently applied to both federal and non-federal activities; and
2. Follows an appointment made in accordance with a District's written policies and meets the requirements of federal statute, where applicable.

Unless an arrangement is specifically authorized by a federal awarding agency, a District must follow its written non-federal, entity-wide policies and practices concerning the permissible extent of professional services that can be provided outside the District for non-organizational compensation.

B. Compensation – Fringe Benefits

1. During leave.  
The costs of fringe benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as for annual leave, family-related leave, sick leave, holidays, court leave, military leave, administrative leave, and other similar benefits, are allowable if all of the following criteria are met:
  - a. They are provided under established written leave policies;
  - b. The costs are equitably allocated to all related activities, including federal awards; and
  - c. The accounting basis (cash or accrual) selected for costing each type of leave is consistently followed by the District.
2. The costs of fringe benefits in the form of employer contributions or expenses for social security; employee life, health, unemployment, and worker's compensation insurance (except as indicated in 2 Code of Federal Regulations section 200.447(d)); pension plan costs; and other similar benefits are allowable, provided such benefits are granted under established written policies. Such benefits must be allocated to federal awards and all other activities in a manner consistent with the pattern of benefits attributable to the individuals or group(s) of employees whose salaries and wages are chargeable to such federal awards and other activities and charged as direct or indirect costs in accordance with the District's accounting practices.
3. Actual claims paid to or on behalf of employees or former employees for workers' compensation, unemployment compensation, severance pay, and similar employee benefits (e.g., post-retirement health benefits) are allowable in the year of payment provided that the District follows a consistent costing policy.
4. Pension plan costs may be computed using a pay-as-you-go method or an acceptable actuarial cost method in accordance with the written policies of the District.
5. Post-retirement costs may be computed using a pay-as-you-go method or an acceptable actuarial cost method in accordance with established written policies of the District.

6. Costs of severance pay are allowable only to the extent that, in each case, severance pay is required by law; employer-employee agreement; established policy that constitutes, in effect, an implied agreement on the District's part; or circumstances of the particular employment.

C. Insurance and Indemnification

Types and extent and cost of coverage are in accordance with the District's policy and sound business practice.

D. Recruiting Costs

Short-term, travel visa costs (as opposed to longer-term, immigration visas) may be directly charged to a federal award, so long as they are:

1. Critical and necessary for the conduct of the project;
2. Allowable under the cost principles set forth in the Uniform Grant Guidance;
3. Consistent with the District's cost accounting practices and District policy; and
4. Meeting the definition of "direct cost" in the applicable cost principles of the Uniform Grant Guidance.

E. Relocation Costs of Employees

Relocation costs are allowable, subject to the limitations described below, provided that reimbursement to the employee is in accordance with the District's reimbursement policy.

F. Travel Costs

Travel costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those normally allowed in like circumstances in the District's non-federally funded activities and in accordance with the District's reimbursement policies.

Costs incurred by employees and officers for travel, including costs of lodging, other subsistence, and incidental expenses, must be considered reasonable and otherwise allowable only to the extent such costs do not exceed charges normally allowed by the District in its regular operations according to the District's written reimbursement and/or travel policies.

In addition, when costs are charged directly to the federal award, documentation must justify the following:

1. Participation of the individual is necessary to the federal award; and
2. The costs are reasonable and consistent with the District's established travel policy.

Temporary dependent care costs above and beyond regular dependent care that directly results from travel to conferences is allowable provided the costs are:

1. A direct result of the individual's travel for the federal award;

2. Consistent with the school District's documented travel policy for all District travel; and
3. Only temporary during the travel period.

***[Note: Noncompliance. If a District fails to comply with federal statutes, regulations, or the terms and conditions of a federal award, the DOE or MDE may impose additional conditions, as described in 2 Code of Federal Regulations, section 200.208 (Specific Conditions). If the DOE or MDE determines that noncompliance cannot be remedied by imposing additional conditions, the DOE or MDE may take one or more of the following actions, as appropriate under the circumstances: 1) Temporarily withhold cash payments pending correction of the deficiency by the District or more severe enforcement action by the DOE or MDE; 2) Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance; 3) Wholly or partly suspend or terminate the federal award; 4) Initiate suspension or debarment proceedings as authorized under 2 Code of Federal Regulations Part 180 and DOE regulations (or, in the case of MDE, recommend such a proceeding be initiated by the DOE); 5) Withhold further federal awards for the project or program; and/or 6) Take other remedies that may be legally available.]***

#### **Legal References**

2 C.F.R. § 200.1 (Definitions: Capital Assets)  
 2 C.F.R. § 200.112 (Conflict of Interest)  
 2 C.F.R. § 200.113 (Mandatory Disclosures)  
 2 C.F.R. § 200.205(d) (Federal Awarding Agency Review of Risk Posed by Applicants)  
 2 C.F.R. § 200.214 (Suspension and Debarment)  
 2 C.F.R. § 200.300(b) (Statutory and National Policy Requirements)  
 2 C.F.R. § 200.302 (Financial Management)  
 2 C.F.R. § 200.303 (Internal Controls)  
 2 C.F.R. § 200.305(b)(1) (Federal Payment)  
 2 C.F.R. § 200.310 (Insurance Coverage)  
 2 C.F.R. § 200.311 (Federally-owned and Exempt Property)  
 2 C.F.R. § 200.313(d) (Equipment)  
 2 C.F.R. § 200.314 (Supplies)  
 2 C.F.R. § 200.315 (Intangible Property)  
 2 C.F.R. § 200.318 (General Procurement Standards)  
 2 C.F.R. § 200.319(c) (Competition)  
 2 C.F.R. § 200.320 (Methods of Procurement to be Followed)  
 2 C.F.R. § 200.321 (Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms)  
 2 C.F.R. § 200.328 (Financial Reporting)  
 2 C.F.R. § 200.339 (Remedies for Noncompliance)  
 2 C.F.R. § 200.403(c) (Factors Affecting Allowability of Costs)  
 2 C.F.R. § 200.430 (Compensation – Personal Services)  
 2 C.F.R. § 200.431 (Compensation – Fringe Benefits)  
 2 C.F.R. § 200.447 (Insurance and Indemnification)  
 2 C.F.R. § 200.463 (Recruiting Costs)  
 2 C.F.R. § 200.464 (Relocation Costs of Employees)  
 2 C.F.R. § 200.474 (Transportation Costs)  
 2 C.F.R. § 200.475 (Travel Costs)  
[Minn. Stat. § 16C.16 \(Designation of Procurement from Small Business\)](#)  
[Minn. Stat. § 16C.28, Subd. 1\(a\)\(2\) and Subd. 1\(c\) \(Contracts; Award\)](#)  
[Minn. Stat. § 123B.52 \(Contracts\)](#)  
[Minn. Stat. § 471.345 \(Uniform Municipal Contracting Law\)](#)

**Cross References**

MSBA/MASA Model Policy 208 (Development, Adoption, and Implementation of Policies)  
MSBA/MASA Model Policy 210 (Conflict of Interest – School Board Members)  
MSBA/MASA Model Policy 210.1 (Conflict of Interest – Charter School Board Members)  
MSBA/MASA Model Policy 412 (Expense Reimbursement)  
MSBA/MASA Model Policy 701 (Establishment and Adoption of School District Budget)  
MSBA/MASA Model Policy 701.1 (Modification of School District Budget)  
MSBA/MASA Model Policy 702 (Accounting)  
MSBA/MASA Model Policy 703 (Annual Audit)

## **Minneapolis Public Schools Policy 3001**

**Orig.** 05/28/2002

**Rev.** 04/14/2009

11/29/2011

08/13/2019

### **Policy 3327 Payment for Food and Drink**

#### **I. PURPOSE**

The purpose of this policy is to establish the parameters for purchase of and payment for food and drink for events using District funds.

#### **II. GENERAL STATEMENT OF POLICY**

- A. The District does not on a regular basis use District funds for the purchase of food and drink consumed by employees of the District or its guests. However, the Board of Education recognizes that it is sometimes necessary to provide refreshments at District sponsored functions. Such expenditures are permitted at meetings when the Superintendent, or the Superintendent's designee, determines that expenditures of funds for this purpose serve a district purpose or as otherwise permitted by this policy and any rules promulgated by the Superintendent.
- B. Nothing in this policy prohibits employees from providing refreshments at their own expense at other meetings, training sessions or similar functions.
- C. The preferred method of procurement of food and drink for permissible purposes is the general requisition and purchase order process. In some situations, a District purchasing card, or reimbursement may be used to pay for food and drink. Reimbursement is not the preferred method and may be strictly limited by the Superintendent. Persons who regularly purchase food and drink for District involved events should use the general requisition process.
- D. Employees who appropriate District funds, whether from school, department, or grant funds, for non-permissible expenditures for food and beverages shall be held personally responsible for these expenses. Employees who appropriate District funds, whether from school, department or grant funds for non-permissible expenditures for food and beverages may be subject to disciplinary actions consistent with the terms of any employment contract, plan or collective bargaining unit contract to which the employee is a party.
- E. Only commercially prepared food and beverages may be purchased with district funds.

#### **III. PERMISSIBLE EXPENDITURES**

School, department, or grant funds may be used to pay the expenses for food and beverages

- 1. served at District sponsored meetings where the primary audience is employees according to regulations established by the Superintendent.
- 2. served at District sponsored events whose primary audience is parents or community members. Meals may be provided for the students attending with their parents at these events.
- 3. for students and their employee chaperones participating in student government activities held during regular meal times.
- 4. for students and their employee chaperones participating in school sponsored activities occurring outside of the regular school day held during generally scheduled meal times.

#### **IV. RESPONSIBILITIES**

- A. The Superintendent may promulgate regulations necessary to implement this policy.
- B. The Superintendent or Superintendent's designee shall communicate this policy and any regulations to appropriate district employees.

#### **Legal References**

Minnesota Constitution, article XI, § 2  
Minnesota Constitution, article XII, § 1  
*Visina v. Freeman*, 252 Minn. 177, 184, 89 N.W.2d 635, 643 (1958)

#### **MPS Policy Cross References**

Policy 3300 (Purchasing)  
Policy 3326 (Receipt and Payment for Goods and Services)  
Policy 3330 (Travel Expense: Employee)  
Policy 3331 (Travel Expense: Non-Employee)  
Policy 6690 (Wellness)

**Minneapolis Public Schools Policy 3331**

**Orig.** 09/20/2011

**Rev.** 02/29/2024

**3331 TRAVEL BY SCHOOL BOARD MEMBERS AND NONEMPLOYEES**

Redlined language is from MPS Policy

**[Note: School districts are required by statute to adopt a policy addressing this issue.]**

**I. PURPOSE**

The purpose of this policy is to control out-of-state travel by school board members and nonemployees as required by law.

**II. GENERAL STATEMENT OF POLICY**

School board members have an obligation to become informed on the proper duties and functions of a school board member, to become familiar with issues that may affect the school district, to acquire a basic understanding of school finance and budgeting, and to acquire sufficient knowledge to comply with federal, state, and local laws, rules, regulations, and school district policies that relate to their functions as school board members. Occasionally, it may be appropriate for school board members to travel out of state to fulfill their obligations.

Occasions arise when other nonemployees are asked to travel on behalf of the District. The District is also required to facilitate travel for nonpublic schools in Minneapolis when their personnel are traveling using Federal funds for which the District is the responsible entity. The purpose of this policy is to establish the rules for arranging and paying for such travel expenses incurred by nonemployees.

**Commented [TM1]:** The District can confirm the provision about travel for nonpublic schools in Minneapolis.

**III. APPROPRIATE SCHOOL BOARD MEMBER TRAVEL**

Travel by school board members is appropriate when the school board finds it proper for school board members to acquire knowledge and information necessary to allow them to carry out their responsibilities as school board members. Travel to out-of-state meetings for which the member intends to seek reimbursement from the school district should be preapproved by the school board.

**IV. REIMBURSABLE EXPENSES**

Actual and necessary expenses to be reimbursed for school board members and which are requested by nonpublic schools for their personnel to travel using Federal funds may include transportation, meals, lodging, registration fees, required materials, parking fees, tips, and other reasonable and necessary school district-related expenses.

Nonemployee travel that is included in the contract of a consultant or other person under contract with the District is subject to this policy only if the contract specifies that travel arrangements for the contractor will be made by the District or if the contract is silent on responsibility for travel arrangements.

All airfare, hotel accommodations and rental cars used in district travel shall be arranged by District employees on behalf of non-employee travelers using the District's designated vendor.

All credits or benefits issued by any airline, hotel or rental car company for travel arranged under this policy shall accrue to the District's benefit.

**[INSERT NONEMPLOYEE APPROVAL PROCESS? IS IT NEEDED IN THE POLICY?]**

**V. REIMBURSEMENT**

- A. Requests for reimbursement must be itemized on the official District form and are to be submitted to the designated administrator. Receipts for lodging, commercial transportation, registration, and other reasonable and necessary expenses must be attached to the reimbursement form.
- B. Automobile travel shall be reimbursed at the mileage rate set by the school board. Commercial transportation shall reflect economy fares and shall be reimbursed only for the actual cost of the trip.
- C. Amounts to be reimbursed shall be within the school board's approved budget allocations, including attendance at workshops and conventions.

**VI. ESTABLISHMENT OF DIRECTIVES AND GUIDELINES**

The Superintendent shall develop a schedule of reimbursement rates for school district business expenses, including those expenses requiring advance approval and specific rates of reimbursement. The superintendent shall also develop directives and guidelines to address methods and times for submission of requests for reimbursement.

**Legal References**

Minn. Stat. § 123B.09, Subd. 2 (Boards of Independent School Districts)  
Minn. Stat. § 471.661 (Out-of-State Travel)  
Minn. Stat. § 471.665 (Mileage Allowances)  
Minn. Op. Atty. Gen. 1035 (Aug. 23, 1999) (Retreat Expenses)  
Minn. Op. Atty. Gen. 161b-12 (Aug. 4, 1997) (Transportation Expenses)

**Cross References**

MSBA/MASA Model Policy 212 (School Board Member Development)  
MSBA/MASA Model Policy 412 (Expense Reimbursement)

## **Minneapolis Public Schools Policy 3405**

**Orig.** 10/30/1990

**Rev.** 09/11/2012

02/25/2024

### **3405 ACCOUNTING**

Redlined language is from MPS Policy

***[Note: The provisions of this policy reflect the applicable statutes and are not discretionary in nature.]***

#### **I. PURPOSE**

The purpose of this policy is to adopt the Uniform Financial Accounting and Reporting Standards for Minnesota School Districts (UFARS) provided for in guidelines adopted by the Minnesota Department of Education.

#### **II. GENERAL STATEMENT OF POLICY**

It is the District's policy to comply with the Uniform Financial Accounting and Reporting Standards for Minnesota School Districts.

#### **III. MAINTENANCE OF BOOKS AND ACCOUNTS**

A. The District shall maintain its books and records and do its accounting in compliance with the Uniform Accounting and Reporting Standards for Minnesota School Districts (UFARS) provided for in the guidelines adopted by the Minnesota Department of Education and in compliance with applicable state laws and rules relating to reporting of revenues and expenditures.

B. District schools or sites may not maintain a petty cash fund. All funds generated at a school or program site must be deposited according to rules established by the Superintendent or Superintendent's designee.

#### **IV. PERMANENT FUND TRANSFERS**

Unless otherwise authorized pursuant to Minnesota Statutes, section 123B.80, as amended, or any other law, fund transfers shall be made in compliance with UFARS and permanent fund transfers shall only be made in compliance with Minnesota Statutes, section 123B.79, as amended, or other applicable statute.

#### **V. REPORTING**

The school board shall provide for an annual audit of the books and records of the school district to assure compliance of its records with UFARS. Each year, the District shall also provide for the publication of the financial information specified in Minnesota Statutes, section, 123B.10 in the manner specified therein.

#### **Legal References**

Minn. Stat. § 123B.02 (General Powers of Independent School Districts)

Minn. Stat. § 123B.09 (Boards of Independent School Districts)

Minn. Stat. § 123B.10 (Publication of Financial Information)

Minn. Stat. § 123B.14, Subd. 7 (Officers of Independent School Districts)

Minn. Stat. § 123B.75 (Revenue; Reporting)

Minn. Stat. § 123B.76 (Expenditures; Reporting)

Minn. Stat. § 123B.77 (Accounting, Budgeting and Reporting Requirements)

Minn. Stat. § 123B.78 (Cash Flow; School District Revenues; Borrowing for Current Operating Costs; Capital Expenditure Deficits)

Minn. Stat. § 123B.79 (Permanent Fund Transfers)

Minn. Stat. § 123B.80 (Exceptions for Permanent Fund Transfers)

**Cross References**

Policy 3400 (Banking)

MSBA/MASA Model Policy 703 (Annual Audit)

## **Minneapolis Public Schools Policy 3406**

**Orig.** 10/30/1990 (as part of Policy 3405)

**Rev.** 02/25/2024

### **3406 STUDENT ACTIVITY ACCOUNTING**

#### **I. PURPOSE**

The school board recognizes the need to provide alternative paths to learning, skill development for its students, and activities for student enjoyment. It also understands its commitment to and obligation for assuring maximum accountability for public funds and student activity funds. For these reasons, the school board will assume control over and/or oversee funds for student activities as set forth in this policy.

#### **II. GENERAL STATEMENT OF POLICY**

##### **A. Curricular and Cocurricular Activities**

The school board shall take charge of, control over, and account for all student activity funds that relate to curricular and cocurricular activities.

***[Note: The school board is required by Minnesota Statutes section 123B.49, subdivision 2, to take charge of and control over all cocurricular activities, including all money received for such activities.]***

##### **B. Extracurricular Activities**

The school board shall take charge of and control over all student activity accounting that relates to extracurricular activities.

***[Note: The school board is required by Minnesota Statutes section 123B.49, Subd. 4, to take charge of and control over all extracurricular activities, including all money received for such activities.]***

##### **C. Non-Student Activities**

In overseeing student activity accounts under this policy, the school board shall not maintain or account for funds generated by non-students including, but not limited to, convenience funds of staff members, booster club funds, parent-teacher organization or association funds, or funds donated to the District for specified purposes other than student activities.

#### **III. DEFINITIONS**

##### **A. Cocurricular Activity**

A "cocurricular activity" means those portions of the school-sponsored and directed activities designed to provide opportunities for students to participate in such experiences on an individual basis or in groups, at school and at public events, for improvement of skills (i.e., interscholastic sports, band, etc.). Cocurricular activities are not offered for school credit, cannot be counted toward graduation, and have *one or more* of the following characteristics:

1. They are conducted at regular and uniform times during school hours, or at times established by school authorities;

2. They are directed or supervised by instructional staff in a learning environment similar to that found in courses offered for credit; and
3. They are partially, primarily, or totally funded by public moneys for general instructional purposes under direction and control of the school board.

B. Curricular Activity

A "curricular activity" means those portions of the school program for which credit is granted, whether the activity is part of a required or elective program.

C. Extracurricular (Noncurricular/Supplementary) Activity

An "extracurricular (noncurricular/supplementary) activity" means all direct and personal services for students for their enjoyment that are managed and operated under the guidance of an adult or staff member. Extracurricular activities have *all* of the following characteristics:

1. They are not offered for school credit nor required for graduation;
2. They generally are conducted outside school hours or, if partly during school hours, at times agreed by the participants and approved by school authorities;
3. The content of the activities is determined primarily by the student participants under the guidance of a staff member or other adult.

D. Public Purpose Expenditure

A "public purpose expenditure" is one which benefits the community as a whole, is directly related to the functions of the District and does not have as its primary objective the benefit of private interest.

**IV. MANAGEMENT AND CONTROL OF ACTIVITY FUNDS**

A. Curricular and Cocurricular Activities

1. All money received on account of cocurricular activities shall be turned over to the treasurer, who shall deposit such funds in the general fund, to be disbursed for expenses and salaries connected with the activities, or otherwise, by the school board upon properly allowed itemized claims.
2. The treasurer shall account for all revenues and expenditures related to curricular and cocurricular activities in accordance with the Uniform Financial Accounting and Reporting Standards (UFARS) and District policies and procedures.

B. Extracurricular Activities

1. Any and all costs of extracurricular activities may be provided from school revenues.
2. All money received or expended for extracurricular activities shall be recorded in the same manner as other revenues and expenditures of the District and shall be turned over to the treasurer, who shall deposit such funds in the general fund, to be disbursed for expenses and salaries connected with the activities, or otherwise, by the school board upon properly allowed itemized claims.

3. The treasurer shall account for all revenues and expenditures related to extracurricular activities in accordance with UFARS and District policies and procedures.
4. All student activity funds will be collected and expended:
  - a. in compliance with District policies and procedures;
  - b. under the general direction of the principal and with the participation of students and faculty members who are responsible for generating the revenue;
  - c. in a manner which does not produce a deficit or an unreasonably large accumulation of money to a particular student activity fund;
  - d. for activities which directly benefit the majority of those students making the contributions in the year the contributions were made whenever possible; and
  - e. in a manner which meets a public purpose.
5. Activity accounts of a graduated class will be terminated prior to the start of the school year following graduation. Any residual money from a graduating class activity fund will remain in the general fund and may be used for any District purpose. Prior to depositing such accounts, all donations or gifts accepted for the specific purpose of the student activity account shall be administered in accordance with the terms of the gift or donation and District policy.

## V. DEMONSTRATION OF ACCOUNTABILITY

### A. Annual External Audit

The school board shall direct its independent certified public accountants to audit, examine, and report upon student activity accounts as part of its annual District audit in accordance with state law.

### B. Fundraiser Report

The administration will prepare a fundraising report semi-annually which will be reviewed by the school board in May and November. The report will list the activity, type of fundraisers, timing, purpose, and results.

***[Note: The school board should conduct periodic reviews of student fundraising. The manner in which such reviews are conducted is in the discretion of the school board.]***

## Legal References

Minn. Stat. § 123B.02, Subd. 6 (General Powers of Independent School Districts)  
 Minn. Stat. § 123B.09 (Boards of Independent School Districts)  
 Minn. Stat. § 123B.14, Subd. 7 (Officers of Independent School Districts)  
 Minn. Stat. § 123B.35 (General Policy)  
 Minn. Stat. § 123B.36 (Authorized Fees)  
 Minn. Stat. § 123B.37 (Prohibited Fees)  
 Minn. Stat. § 123B.38 (Hearing)  
 Minn. Stat. § 123B.49 (Extracurricular Activities; Insurance)  
 Minn. Stat. § 123B.52 (Contracts)

Minn. Stat. § 123B.75 (Revenue; Reporting)  
Minn. Stat. § 123B.76 (Expenditures; Reporting)  
Minn. Stat. § 123B.77 (Accounting, Budgeting, and Reporting Requirement)  
Minn. Rules Part 3500.1050 (Definitions for Pupil Fees)  
*Visina v. Freeman*, 252 Minn. 177, 89 N.W.2d 635 (1958)  
Minn. Op. Atty. Gen. 159a-16 (May 10, 1966)

### **Cross References**

Policy 3400 (Banking)  
Uniform Financial Accounting and Reporting Standards (UFARS)  
MSBA/MASA Model Policy 510 (School Activities)  
MSBA/MASA Model Policy 511 (Student Fundraising)  
MSBA/MASA Model Policy 701 (Establishment and Adoption of School District Budget)  
MSBA/MASA Model Policy 701.1 (Modification of School District Budget)  
MSBA/MASA Model Policy 702 (Accounting)  
MSBA/MASA Model Policy 703 (Annual Audit)  
MSBA/MASA Model Policy 704 (Development and Maintenance of an Inventory of Fixed Assets and a Fixed Asset Accounting System)  
MSBA/MASA Model Policy 706 (Acceptance of Gifts)

**Minneapolis Public Schools Policy 3434**

**Orig.** 04/25/1967

**Rev.** 10/30/1990

02/28/2024

**3434 ANNUAL AUDIT**

***[Note: The provisions of this policy reflect the applicable statutes and are not discretionary in nature.]***

**I. PURPOSE**

The purpose of this policy is to provide for an annual audit of the District's books and records in order to comply with law, to provide a permanent record of the District's financial position, and to provide guidance to the District to correct any errors and discrepancies in its practices.

**II. GENERAL STATEMENT OF POLICY**

The District's policy is to comply with all laws relating to the annual audit of the District's books and records.

**III. REQUIREMENT**

- A. The school board shall appoint independent certified public accountants to audit, examine, and report upon the books and records of the school district. The school board may enter into a contract with a person or firm to provide the agreed upon services.
- B. After the close of each fiscal year, the District's books, records, and accounts shall be audited by said independent certified public accountants in accordance with applicable standards and legal requirements. The superintendent and members of the administration shall cooperate with the auditors.
- C. The District shall, prior to September 15 of each year, submit unaudited financial data for the preceding year to the Commissioner of the Minnesota Department of Education (Commissioner) on forms prescribed by the Commissioner. The report shall also include those items required by Minnesota Statutes, section 123B.14, subdivision 7.
- D. The District shall, prior to November 30 of each year, provide to the Commissioner audited financial data for the preceding fiscal year. The District shall, prior to December 31 of each year, provide to the Commissioner and the State Auditor an audited financial statement in a form that will allow comparison with and correction of material differences in the unaudited data. The audited financial statement must also provide a statement of assurance pertaining to compliance with uniform financial accounting and reporting standards and a copy of the management letter submitted to the District by its auditor.
- E. The audit must be conducted in compliance with generally accepted governmental auditing standards, the Federal Single Audit Act, and the Minnesota Legal Compliance Audit Guide for School Districts issued by the Office of the State Auditor.
- F. The school board must approve the audit report by resolution or require a further or amended report.
- G. The administration shall report to the school board regarding any actions necessary to correct any deficiencies or exceptions noted in the audit.

- H. The District's accounts and records shall also be subject to audit and inspection by the State Auditor to the extent provided in Minnesota Statutes, chapter 6.

**Legal References**

Minn. Stat. Ch. 6 (State Auditor)

Minn. Stat. § 123B.02 (General Powers of Independent School Districts)

Minn. Stat. § 123B.09 (Boards of Independent School Districts)

Minn. Stat. § 123B.14, Subd. 7 (Officers of Independent School Districts)

Minn. Stat. § 123B.77, Subds. 2 and 3 (Accounting, Budgeting, and Reporting Requirement)

**Cross References**

**Minneapolis Public Schools Policy 3445**

**Orig.** 09/10/1991

**Rev.** 02/26/2024

**3445 DEVELOPMENT AND MAINTENANCE OF AN INVENTORY OF FIXED ASSETS AND A FIXED ASSET ACCOUNTING SYSTEM**

**I. PURPOSE**

The purpose of this policy is to provide for development and maintenance of an inventory of the District's fixed assets and establishment and maintenance of a fixed asset accounting system.

**II. GENERAL STATEMENT OF POLICY**

The District's policy is that a fixed asset accounting system and an inventory of fixed assets shall be developed and maintained.

**III. DEVELOPMENT OF INVENTORY AND ACCOUNTING SYSTEM**

The Superintendent or such other school official as designated by the Superintendent or the school board shall be responsible for the development and maintenance of an inventory of the fixed assets of the school district and for the establishment and maintenance of a formal fixed asset accounting system. The accounting system shall be operated in compliance with the applicable provisions of the Uniform Financial Accounting and Reporting Standards for Minnesota School Districts (UFARS). In addition, the inventory shall specify the location of all continued abstracts showing the conveyance of the property to the school district; certificates of title showing title to the property in the school district; title insurance policies; surveys; and other property records relating to the real property of the school district.

**IV. REPORT**

The administration shall annually update the property records of the school district and provide an inventory of the fixed assets of the school district to the school board.

**Legal References**

Minn. Stat. § 123B.02 (General Powers of Independent School Districts)

Minn. Stat. § 123B.09 (Boards of Independent School Districts)

Minn. Stat. § 123B.51 (Schoolhouse and Sites; Uses for School and Nonschool Purposes; Closings)

**Cross References**

## **Minneapolis Public Schools Policy 3504**

**Orig.** 08/10/2021

**Rev.** 10/10/2023

### **3504 PUBLIC DATA AND DATA SUBJECT REQUESTS**

***[Note: Districts are required by statute to establish procedures consistent with the Minnesota Government Data Practices Act for public data requests and data subject requests.]***

#### **I. PURPOSE**

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

#### **II. GENERAL STATEMENT OF POLICY**

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

#### **III. DEFINITIONS**

A. Confidential Data on Individuals

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

B. Data on Individuals

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

C. Data Practices Compliance Officer

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

D. Government Data

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

E. Individual

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

F. Inspection

“Inspection” means the visual inspection of paper and similar types of government data. Inspection does not include printing copies by the District, unless printing a copy is the only method to provide for inspection of the data. For data stored in electronic form and made available in electronic form on a remote access basis to the public by the District, inspection includes remote access to the data by the public and the ability to print copies of or download the data on the public’s own computer equipment.

G. Not Public Data

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

H. Nonpublic Data

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

I. Private Data on Individuals

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

J. Protected Nonpublic Data

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

K. Public Data

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

L. Public Data Not on Individuals

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

M. Public Data on Individuals

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

N. Responsible Authority

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

O. Summary Data

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

#### **IV. REQUESTS FOR PUBLIC DATA**

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

2. The District's response time may be affected by the size and complexity of the particular request, including necessary redactions of the data, and also by the number of requests made within a particular period of time.
3. The District will provide an explanation of technical terminology, abbreviations, or acronyms contained in the responsive data on request.
4. The District is not required by the MGDPA to create or collect new data in response to a data request, or to provide responsive data in a specific form or arrangement if the District does not keep the data in that form or arrangement.
5. The District is not required to respond to questions that are not about a particular data request or requests for data in general.

## **V. REQUEST FOR SUMMARY DATA**

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

## **VI. DATA BY AN INDIVIDUAL DATA SUBJECT**

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

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

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

- A. All requests for individual subject data must be made in writing directed to the responsible authority.
- B. A request for individual subject data must include the following information:
  1. Statement that one is making a request as a data subject for data about the individual or about a student for whom the individual is the parent or guardian;
  2. Date the request is made;
  3. A clear description of the data requested;
  4. Proof that the individual is the data subject or the data subject's parent or guardian;

5. Identification of the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and
  6. Method to contact the requestor (such as phone number, address, or email address).
- C. The identity of the requestor of private data is private.
- D. The responsible authority may seek clarification from the requestor if the request is not clear before providing a response to the data request.
- E. District Policy 515 (Protection and Privacy of Pupil Records) addresses requests of students or their parents for educational records and data.

## VIII. COSTS

### A. Public Data

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

**[Note: the district should identify the payment methods that it will accept.]**

### B. Summary Data

1. Any costs incurred in the preparation of summary data shall be paid by the requestor prior to preparing or supplying the summary data.
2. The District may assess costs associated with the preparation of summary data as follows:
  - a. The cost of materials, including paper, the cost of the labor required to prepare the copies, any schedule of standard copying charges established by the District, any special costs necessary to produce such copies from a machine-based record-keeping system, including computers and microfilm systems;
  - b. The District may consider the reasonable value of the summary data prepared and, where appropriate, reduce the costs assessed to the requestor.

C. Data Belonging to an Individual Subject

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

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

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

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

**IX. Annual Review and Posting**

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

**Data Practices Contacts**

**Responsible Authority:**

[Name]  
[Location]  
[Phone number; email address]

**Data Practices Compliance Official:**

[Name]  
[Location]  
[Phone number; email address]

**Data Practices Designee(s):**

[Name]  
[Location]  
[Phone number; email address]

**Legal References**

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 13.01 (Government Data)  
Minn. Stat. § 13.02 (Definitions)  
Minn. Stat. § 13.025 (Government Entity Obligation)  
Minn. Stat. § 13.03 (Access to Government Data)  
Minn. Stat. § 13.04 (Rights of Subjects to Data)  
Minn. Stat. § 13.05 (Duties of Responsible Authority)  
Minn. Stat. § 13.32 (Educational Data)

Minn. Rules Part 1205.0300 (Access to Public Data)  
Minn. Rules Part 1205.0400 (Access to Private Data)

**Cross References**

## **Minneapolis Public Schools Policy 3520**

**Orig.** 04/14/2009

**Rev.**

### **Policy 3520: Energy Use**

#### **I. PURPOSE**

#### **II. GENERAL STATEMENT OF PURPOSE**

The District recognizes the necessity of energy conservation and acknowledges that the successful implementation of an energy use policy is the joint responsibility of board members, administrators, teachers, and staff, and requires the cooperation of students, parents and community members who use our facilities. Energy conservation measures may include capital improvement investments with financial returns in the form of energy utilization savings, use of alternative sources of energy, system types or operation of current energy systems with optimum efficiency and advancements in technology. The District will not compromise the safety or indoor air quality of our students and staff when implementing our fiscal and environmental responsibilities.

#### **III. ENERGY CONSERVATION MEASURES**

- A. The District, through its staff and students, will practice responsible behavior which inspires learning and cooperation to reduce or conserve energy on a daily basis.
- B. Minneapolis Public Schools will include the concepts of energy conservation and development of alternative energy sources in its curriculum.
- C. District Staff will adhere to regulatory requirements established by the Superintendent.
- D. Non-staff users of District facilities will be informed of energy use and conservation requirements through the facilities reservation and permit process.
- E. District staff shall consider energy conservation in any construction or renovation projects entered into by the District on any of its facilities.
- F. District staff shall provide for recycling materials wherever appropriate.

#### **IV. RESPONSIBILITY**

- A. The Superintendent shall promulgate regulations to implement this policy.
- B. All staff members are responsible for compliance with this policy.
- C. Staff members who work with members of the public who use our facilities are responsible for informing users of District policies and regulations regarding energy use and conservation.

#### **Legal References**

Minn. Stat. § 123B.65 (Energy-Efficiency Projects)

#### **Cross References**

Policy 3517 (Operation, Maintenance and Security of Buildings and Grounds)

**Minneapolis Public Schools Policy 3545**

**Orig.** 04/25/1967  
**Rev.** 11/09/1971  
10/09/1973  
09/09/1975  
02/11/2014

**3545 TRANSPORTATION OF DISTRICT STUDENTS**

Redlined language is from MPS Policy

***[Note: The obligations stated in this policy are largely governed by statute. The district may choose to add obligations to the model policy.]***

**I. PURPOSE**

An appropriate District service offered to students who meet certain criteria is access to quality, safe and reliable transportation to and from school each day. The purpose of this policy is to establish the District policy regarding provision of transportation to students.

**II. GENERAL STATEMENT OF POLICY**

- A. The District’s policy is to provide for the transportation of students in a manner that will protect their health, welfare, and safety.
- B. The District recognizes that transportation is an essential part of the District services to students and parents but further recognizes that transportation by school bus is a privilege and not a right for an eligible student.

**III. DEFINITIONS**

- A. “Child with a disability” includes every child identified under federal and state special education law as deaf or hard of hearing, blind or visually impaired, deafblind, or having a speech or language impairment, a physical impairment, other health disability, developmental cognitive disability, an emotional or behavioral disorder, specific learning disability, autism spectrum disorder, traumatic brain injury, or severe multiple impairments, and who needs special education and related services, as determined by the rules of the Commissioner of the Minnesota Department of Education (“Commissioner”). A licensed physician, an advanced practice nurse, a physician assistant, or a licensed psychologist is qualified to make a diagnosis and determination of attention deficit disorder or attention deficit hyperactivity disorder for purposes of identifying a child with a disability. In addition, every child under age three, and at the District’s discretion from age three to seven, who needs special instruction and services, as determined by the rules of the Commissioner, because the child has a substantial delay or has an identifiable physical or mental condition known to hinder normal development is a child with a disability. A child with a short-term or temporary physical or emotional illness or disability, as determined by the rules of the Commissioner, is not a child with a disability.
- B. “Home” is the legal residence of the child. In the discretion of the District, “home” also may be defined as a licensed day care facility, school day care facility, a respite care facility, the residence of a relative, or the residence of a person chosen by the student’s parent or guardian as the home of a student for part or all of the day, if requested by the student’s parent or guardian, or an afterschool program for children operated by a political subdivision of the state, if the facility, residence, or program is within the

attendance area of the school the student attends. Unless otherwise specifically provided by law, a homeless student is a resident of the District if enrolled in the District.

- C. "Homeless student" means a student, including a migratory student, who lacks a fixed, regular, and adequate nighttime residence and includes: students who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; are awaiting foster care placement; have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings, and migratory children who qualify as homeless because they are living in any of the preceding listed circumstances.
- D. "Nonpublic school" means any school, church, or religious organization, or home school wherein a resident of Minnesota may legally fulfill the compulsory instruction requirements of Minnesota Statutes, section 120A.22, which is located within the state, and which meets the requirements of Title VI of the Civil Rights Act of 1964.
- E. "Nonresident student" is a student who attends school in the District and resides in another district, defined as the "nonresident district." In those instances when the divorced or legally separated parents or parents residing separately share joint physical custody of a student and the parents reside in different Districts, the student shall be a resident of the District designated by the student's parents. When parental rights have been terminated by court order, the legal residence of a student placed in a residential or foster facility for care and treatment is the district in which the student resides.
- F. "Pupil support services" are health, counseling, and guidance services provided by the public school in the same district where the nonpublic school is located.
- G. "School of origin," for purposes of determining the residence of a homeless student, is the school that the student attended when permanently housed or the school in which the student was last enrolled.
- H. "Shared time basis" is a program where students attend public school for part of the regular school day and who otherwise fulfill the requirements of Minnesota Statutes, section 120A.22 by attendance at a nonpublic school.
- I. "Student" means any student or child attending or required to attend any school as provided in Minnesota law and who is a resident or child of a resident of Minnesota.

#### IV. ELIGIBILITY

- A. Upon the request of a parent or guardian, the District shall provide transportation or the means of transportation to and from school, at the expense of the District, for all resident students who reside two miles or more from the school, except for those students whose transportation privileges have been revoked or have been voluntarily surrendered by the student's parent or guardian.
- B. The District may, in its discretion, also provide transportation to any student to and from school, at the expense of the District, for any other purpose deemed appropriate by the school board.

**Commented [TM1]:** Confirm with District that no minimum distance requirement exists (and, if so, delete the highlighted language).

***[Note: In this section, Districts may wish to outline those discretionary areas where they intend to provide transportation. For example, some Districts may provide that transportation shall be provided for all resident elementary students who reside one mile or more from the school.]***

- C. In the discretion of the District, transportation along regular school bus routes may also be provided, where space is available, to any person where such use of a bus does not interfere with the transportation of students. The cost of providing such transportation must be paid by those individuals using these services or some third-party payor. Bus transportation also may be provided along school bus routes when space is available for participants in early childhood family education programs and school readiness programs if these services do not result in an increase in the District's expenditures for transportation
- D. For purposes of stabilizing enrollment and reducing mobility, the District may, in its discretion, establish a full-service school zone and may provide transportation for students attending a school in that full-service school zone. A full-service school zone may be established for a school that is located in an area with higher than average crime or other social and economic challenges and that provides education, health or human services, or other parental support in collaboration with a city, county, state, or nonprofit agency.

**V. TRANSPORTATION OF NONRESIDENT STUDENTS**

- A. If requested by the parent of a nonresident student, the District shall provide transportation to a nonresident student within its borders at the same level of service that is provided to resident students.
- B. If the District decides to transport a nonresident student within the student's resident district, the District will notify the student's resident district of its decision, in writing, prior to providing transportation.
- C. When divorced or legally separated parents or parents residing separately reside in different Districts and share physical custody of a student, the parents shall be responsible for the transportation of the student to the border of the District during those times when the student is residing with the parent in the nonresident District.
- D. The District may provide transportation to allow a student who attends a high-need English language learner program and who resides within the transportation attendance area of the program to continue in the program until the student completes the highest grade level offered by the program.

**VI. TRANSPORTATION OF RESIDENT STUDENTS TO NONDISTRICT SCHOOLS**

- A. In general, the District shall not provide transportation between a resident student's home and the border of a nonresident district where the student attends school under the Enrollment Options Program. A parent may be reimbursed by the nonresident district for the costs of transportation from the pupil's residence to the border of the nonresident district if the student is from a family whose income is at or below the poverty level, as determined by the federal government. The reimbursement may not exceed the pupil's actual cost of transportation or 15 cents per mile traveled, whichever is less. Reimbursement may not be paid for more than 250 miles per week. (Minnesota Statutes, section 124D.03, subdivision 8)

- B. Resident students shall be eligible for transportation to and from a nonresident district at the expense of the District, if in the discretion of the District, inadequate room, distance to school, unfavorable road conditions, or other facts or conditions make attendance in the resident student's own district unreasonably difficult or impracticable. The District, in its discretion, may also provide for transportation of resident students to schools in other districts for grades and departments not maintained in the District, including high school, for the whole or a part of the year or for resident students who attend school in a building rented or leased by the District in an adjacent district.
- C. In general, the District is not responsible for transportation for any resident student attending school in an adjoining state under a reciprocity agreement but may provide such transportation services at its discretion.
- D. The Superintendent may establish parameters and rules to allow the transportation of children of enrolled students between the student's home and a child care provider for the student's child on all regularly scheduled days of general school transportation.

**VII. SPECIAL EDUCATION STUDENTS/STUDENTS WITH A DISABILITY/ STUDENTS WITH TEMPORARY DISABILITIES**

- A. Upon a request of a parent or guardian, the District must provide necessary transportation, consistent with Minnesota Statutes section 123B.92, subdivision 1(b)(4), for a resident child with a disability not yet enrolled in kindergarten for the provision of special instruction and services. Special instruction and services for a child with a disability not yet enrolled in kindergarten include an individualized education program (IEP) team placement in an early childhood program when that placement is necessary to address the child's level of functioning and needs.
- B. Resident students with a disability whose disabling conditions are such that the student cannot be safely transported on the regular school bus and/or school bus route and/or when the student is transported on a special route for the purpose of attending an approved special education program shall be entitled to special transportation at the expense of the District or the day training and habilitation program attended by the student. The District shall determine the type of vehicle used to transport students with a disability on the basis of the disabling condition and applicable laws. This provision shall not be applicable to parents who transport their own child under a contract with the District.
- C. Resident students with a disability who are boarded and lodged at Minnesota state academies for educational purposes, but who also are enrolled in a public school within the District, shall be provided transportation, by the District to and from said board and lodging facilities, at the expense of the District.
- D. If a resident student with a disability attends a public school located in a contiguous district and the district of attendance does not provide special instruction and services, the District shall provide necessary transportation for the student between the District boundary and the educational facility where special instruction and services are provided within the district. The District may provide necessary transportation of the student between its boundary and the school attended in the contiguous district, but shall not pay the cost of transportation provided outside the District boundary.
- E. When a student with a disability or a student with a short-term or temporary disability is temporarily placed for care and treatment in a day program outside of the City of Minneapolis but within twenty- five (25) miles of 1250 Broadway Avenue West,

Minneapolis, Minnesota and the student continues to live within the District during the care and treatment, the District shall provide the transportation, at the expense of the District, to that student. If a Minnesota court orders the District to transport such a student beyond the twenty-five (25) mile radius from 1250 Broadway Avenue West, the District shall comply with such an order.

The District may establish reasonable restrictions on transportation, except if a Minnesota court or agency orders the child placed at a day care and treatment program and the District receives a copy of the order, then the District must provide transportation to and from the program unless the court or agency orders otherwise. Transportation shall only be provided by the District during regular operating hours of the District.

- F. When a nonresident student with a disability or a student with a short-term or temporary disability is temporarily placed in a residential program within the District, including correctional facilities operated on a fee-for-service basis and state institutions, for care and treatment, the District shall provide the necessary transportation at the expense of the District. Where a joint powers entity enters into a contract with a privately owned and operated residential facility for the provision of education programs for special education students, the joint powers entity shall provide the necessary transportation.
- G. Each driver and aide assigned to a vehicle transporting students with a disability will be provided with appropriate training for the students in their care, will assist students with their safe ingress and egress from the bus, will ensure the proper use of protective safety devices, and will be provided with access to emergency health care information as required by law.
- H. Any parent of a student with a disability who believes that the transportation services provided for that child are not in compliance with the applicable law may utilize the alternative dispute resolution and due process procedures provided for in Minnesota Statutes, chapter 125A.

#### **VIII. HOMELESS STUDENTS**

- A. Homeless students shall be provided with transportation services comparable to other students in the District.
- B. Upon request by the student's parent, guardian, or homeless education liaison, the District shall provide transportation for a homeless student as follows:
  - 1. A resident student who becomes homeless and is residing in a public or private shelter location or has other non-shelter living arrangements within the District shall be provided transportation to and from the student's school of origin and the shelter or other non-shelter location on the same basis as transportation services are provided to other students in the District.
  - 2. A resident student who becomes homeless and is residing in a public or private shelter location or has other non-shelter living arrangements outside of the District shall be provided transportation to and from the student's school of origin and the shelter or other non-shelter location on the same basis as transportation services are provided to other students in the District, unless the District and the District in which the student is temporarily placed agree that the District in which the student is temporarily placed shall provide transportation.

3. If a nonresident student is homeless and is residing in a public or private homeless shelter or has other non-shelter living arrangements within the District, the District may provide transportation services between the shelter or non-shelter location and the student's school of origin outside of the District upon agreement with the District in which the school of origin is located.
4. A homeless nonresident student enrolled under Minnesota Statutes, section 124D.08, subdivision 2a, must be provided transportation from the student's district of residence to and from the school of enrollment.

#### **IX. AVAILABILITY OF SERVICES**

Transportation shall be provided on all regularly scheduled school days according to the adopted school calendar or make-up days scheduled by the District due to cancellations of days within the adopted school calendar. If the Superintendent, Governor of the State of Minnesota, or any other public official with the power to cancel school days in whole or in part, cancels school on the basis of weather or other conditions, transportation will be provided only to the extent that students already at school will be transported home.

Transportation will not be provided during the summer school break. Transportation may be provided for summer instructional programs for students with a disability or in conjunction with a learning year program. Transportation between home and school may also be provided, in the discretion of the District, on staff development days.

#### **X. MANNER OF TRANSPORTATION**

The scheduling of routes, establishment of the location of bus stops, manner and method of transportation, control and discipline of school children, the determination of fees, and any other matter relating thereto shall be within the sole discretion, control, and management of the Superintendent or the Superintendent's designee. The District may, in its discretion, provide room and board, in lieu of transportation, to a student who may be more economically and conveniently provided for by that means.

#### **XI. RESTRICTIONS**

Transportation by the District is a privilege and not a right for an eligible student. A student's eligibility to ride a school bus may be revoked for a violation of school bus safety or conduct policies, or violation of any other law governing student conduct on a school bus pursuant to the District's discipline policy. Revocation of a student's bus riding privilege is not an exclusion, expulsion, or suspension under the Pupil Fair Dismissal Act. Revocation procedures for a student who is an individual with a disability under 20 United States Code, section 1415 (Individuals with Disabilities Act), 29 United States Code, section 794 (the Rehabilitation Act), and 42 United States Code, section 12132, (Americans with Disabilities Act) are governed by these provisions.

#### **XII. FEES**

A. In its discretion, the District may charge fees for transportation of students to and from extracurricular activities conducted at locations other than school when student attendance is optional.

B. The District may provide a means for secondary students not otherwise entitled to transportation to acquire public transit fare cards for a reduced cost. The provision of this opportunity does not imply eligibility for District-provided transportation.

- C. The District may charge fees for transportation of students to and from school when authorized by law. If the District charges fees for transportation of students to and from school, guidelines shall be established for that transportation to ensure that no student is denied transportation solely because of inability to pay. The District also may waive fees for transportation if the student's parent is serving in, or within the past year has served in, active military service as defined in Minnesota Statutes, section 190.05.
- D. Resident students enrolled in post-secondary institutions under the post-secondary enrollment options program are not eligible for District-provided transportation to those post-secondary institutions except as such transportation is through means of use of a public transit fare card issued to accomplish transportation to and from the District school of enrollment.
- E. Where, in its discretion, the District provides transportation to and from an instructional community-based employment station that is part of an approved occupational experience vocational program, the District may require the payment of reasonable fees for transportation from students who receive remuneration for their participation in these programs.

#### Legal References

Minn. Stat. § 120A.22 (Compulsory Instruction)  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.59 (Bus Transportation a Privilege Not a Right)  
Minn. Stat. § 123B.36 (Authorized Fees)  
Minn. Stat. § 123B.41 (Definitions)  
Minn. Stat. § 123B.44 (Provision of Pupil Support Services)  
Minn. Stat. § 123B.84 – 87 (Equal Treatment in Transporting Students)  
Minn. Stat. § 123B.88 (Independent School Districts; Transportation)  
Minn. Stat. § 123B.92 (Transportation Aid Entitlement)  
Minn. Stat. § 124D.03 (Enrollment Options Program)  
Minn. Stat. § 124D.04 (Options for Enrolling in Adjoining States)  
Minn. Stat. § 124D.041 (Reciprocity with Adjoining States)  
Minn. Stat. § 124D.08 (School Board's Approval to Enroll in Nonresident District; Exceptions)  
Minn. Stat. Ch. 125A (Special Education and Special Programs)  
Minn. Stat. § 125A.02 (Children with a Disability Defined)  
Minn. Stat. § 125A.12 (Attendance in Another District)  
Minn. Stat. § 125A.15 (Placement in Another District; Responsibility)  
Minn. Stat. § 125A.51 (Placement of Children Without Disabilities; Education and Transportation)  
Minn. Stat. § 125A.515 (Placement of Students; Approval of Education Program)  
Minn. Stat. § 125A.65 (Attendance at Academies for the Deaf and Blind)  
Minn. Stat. § 126C.01 (Definitions)  
Minn. Stat. § 127A.47 (Payments to Resident and Nonresident Districts)  
Minn. Stat. § 190.05 (Definitions)  
Minn. Rules Part 7470.1600 (Transporting Pupils with Disability)  
Minn. Rules Part 7470.1700 (Drivers and Aides for Pupils with Disability)  
20 U.S.C. § 1415 (Individuals with Disabilities Education Act)  
29 U.S.C. § 794 (Rehabilitation Act of 1973, § 504)  
42 U.S.C. § 2000d (Prohibition against Exclusion from Participation in, Denial of Benefits of, and Discrimination under Federally Assisted Programs on Ground of Race, Color, or National Origin)  
42 U.S.C. § 11431 *et seq.* (McKinney-Vento Homeless Assistance Act of 2001)  
42 U.S.C. § 12132 *et seq.* (Americans with Disabilities Act)

## **Cross References**

Policy 3546 (Bus Equipment and Drivers)  
Policy 3548 (Bus Safety)  
Policy 4002 (Harassment and Violence Prohibition)  
Policy 4025 (Drug-Free and Weapons-Free Schools and Workplace)  
Policy 5200 (Behavior Standards and Code of Conduct)  
Policy 5201 (Hazing and Bullying Prohibition)  
Policy 5210 (Student Personal Electronic Devices)  
Policy 5220 (Tobacco Use, Student)  
Policy 5631 (Drug-Free Schools, Chemical Health, Chemical Use and Abuse)  
Policy 5680 (Search of Students, Lockers, Desks, Motor Vehicles)  
Policy 6131 (School Calendar)  
Policy 6132 (School Day)  
Policy 6230 (Field Trips)  
Policy 6450 (Pupil Fees)  
Policy 6680 (Safety, Security and Emergency Preparedness)  
Policy 6681 (Accident Prevention and Reporting)  
Policy 6682 (Emergency Health Care)  
Policy 6692 (Student Medication)  
Regulation 3548 B (Reporting Bus Accidents)

**Minneapolis Public Schools Policy 3545.5**

**Orig.** 04/25/1967

**Rev.**

**3545.5 TRANSPORTATION OF NONPUBLIC SCHOOL STUDENTS**

*[Note: The obligations stated in this policy are largely governed by statute. The District may choose to add obligations to the model policy.]*

**I. PURPOSE**

The purpose of this policy is to address transportation rights of nonpublic school students and to provide equality of treatment in transporting such students pursuant to law.

**II. GENERAL STATEMENT OF POLICY**

The District's policy is to recognize the rights of nonpublic school students and to provide equal transportation to those students as required by law.

**III. ELIGIBILITY**

- A. The District shall provide equal transportation within the District for all students to any school when transportation is deemed necessary by the school board because of distance or traffic conditions in like manner and form as provided in Minnesota Statutes, sections 123B.88 and 123B.92, when applicable.
- B. Upon the request of a parent or guardian, the District must provide school bus transportation to the District boundary for students residing in the District at least the same distance from a nonpublic school actually attended in another district as public school students are transported in the District. Such transportation must be provided whether or not there is another nonpublic school within the District, if the transportation is to schools maintaining grades or departments not maintained in the District or if the attendance of such students at school can more safely, economically, or conveniently be provided for by such means.
- C. The District may provide school bus transportation to a nonpublic school in another District for students residing in the District and attending that school, whether there is or is not another nonpublic school within the District, if the transportation is to schools maintaining grades or departments not maintained in the District or if the attendance of such students at school can more safely, economically, or conveniently be provided for by such means. If the District transports students to a nonpublic school located in another school district, the nonpublic school must pay the cost of such transportation provided outside the District boundaries.
- D. The District must provide the necessary transportation within District boundaries between the nonpublic school and a public school or neutral site for nonpublic school students who are provided pupil support services if the District elects to provide pupil support services at a site other than a nonpublic school.
- E. When transportation is provided, the scheduling of routes, manner and method of transportation, control and discipline of students, and any other matter relating thereto shall be within the District's sole discretion, control, and management. A nonpublic or charter school student transported by the District shall comply with District student bus conduct and student bus discipline policies.

**Commented [TM1]:** Check the MPS policy language that establishes a two mile minimum distance.

- F. The District and a nonpublic school may mutually agree to a written plan for the District to provide nonpublic pupil transportation to nonpublic school students. The District must report the number of nonpublic school students transported and the nonpublic pupil transportation expenditures incurred in the form and manner specified by the Commissioner of the Minnesota Department of Education.
- G. If the District provides pupil transportation through the school's employees, the District may transport nonpublic school students according to the plan and retain the nonpublic pupil transportation aid attributable to that plan. A nonpublic school may make a payment to the District to cover additional transportation services agreed to in the written plan for nonpublic pupil transportation services not required under Minnesota Statutes, sections 123B.84 to 123B.87.
- H. A school board that contracts for pupil transportation services may enter into a contractual arrangement with a school bus contractor according to the written plan adopted by the school board and the nonpublic school to transport nonpublic school students and retain the nonpublic pupil transportation aid attributable to that plan for the purposes of paying the school bus contractor. A nonpublic school may make a payment to the District to cover additional transportation services agreed to in the written plan for nonpublic pupil transportation services included in the contract that are not required under Minnesota Statutes, sections 123B.84 to 123B.87.
- I. Additional transportation to and from a nonpublic school may be provided at the District's expense when such services are provided in the District's discretion.
- J. Students enrolled in nonpublic schools receiving transportation through the District are subject to the rules for bus safety and bus conduct established by the District. Students enrolled in nonpublic schools receiving transportation through the District may have their transportation privileges suspended or revoked for violation of school bus safety or conduct rules, or violation of any other law governing student conduct on a school bus pursuant to District policies. Students enrolled in nonpublic schools may be subject to additional rules imposed by their schools of enrollment that exceed those of the District. District employees shall not be required to enforce, monitor for compliance, or report violations of rules imposed by the non-public school.
- K. Transportation provided under this paragraph shall only be available on the days when regular transportation is provided to students attending District schools.

Commented [TM2]: Check whether this provision is consistent with MS 123B.86

#### IV. STUDENTS WITH DISABILITIES

- A. If a resident student with a disability attends a nonpublic school located within the District, the District must provide necessary transportation for the student within the District between the nonpublic school and the educational facility where special instruction and services are provided on a shared-time basis. If a resident student with a disability attends a nonpublic school located in another district and if no agreement exists for the provision of special instruction and services on a shared time basis to that student by the District of attendance and where the special instruction and services are provided within the school district, the District shall provide necessary transportation for that student between the District boundary and the educational facility. The District may provide necessary transportation for that student between its boundary and the nonpublic school attended, but the nonpublic school shall pay the cost of transportation provided outside the District boundary. School districts may make agreements for who provides transportation. Parties serving students on a shared time basis have access to a due process hearing system as provided by law.

- B. When the disabling conditions of a student with a disability are such that the student cannot be safely transported on the regular school bus and/or school bus route and/or when the student is transported on a special route for the purpose of attending an approved special education program, the student shall be entitled to special transportation at the expense of the District or the day training and habilitation program attended by the student. The District shall determine the type of vehicle used to transport students with a disability on the basis of the disabling conditions and applicable laws. This section shall not be applicable to parents who transport their own child under a contract with the school district.
- C. Each driver and aide assigned to a vehicle transporting students with a disability must (1) be instructed in basic first aid and procedures for the students under their care; (2) within one month after the effective date of assignment, participate in a program of in-service training on the proper methods of dealing with the specific needs and problems of students with disabilities; (3) assist students with disabilities on and off the bus when necessary for their safe ingress and egress from the bus; and (4) ensure that proper safety devices are in use and fastened properly.
- D. Each driver and aide assigned to a vehicle transporting students with a disability shall have available to them the following information in hard copy or immediately accessible through a two-way communication system: (1) the student's name and address; (2) the nature of the student's disabilities; (3) emergency health care information; and (4) the names and telephone numbers of the student's physician, parents, guardians, or custodians, and some person other than the student's parents or custodians who can be contacted in case of an emergency.
- E. Any parent of a student with a disability who believes that the transportation services provided for that child are not in compliance with the applicable law may utilize the due process procedures provided for in Minnesota Statutes, chapter 125A.

#### **V. APPLICATION OF GENERAL POLICY**

The provisions of the District's policy on transportation of District students [*Policy 3545*] shall apply to the transportation of nonpublic school students except as specifically provided herein.

#### **Legal References**

Minn. Stat. § 123B.44 (Provision of Pupil Support Services)  
Minn. Stat. § 123B.84 (Policy)  
Minn. Stat. § 123B.86 (Equal Treatment)  
Minn. Stat. § 123B.88 (Independent School Districts, Transportation)  
Minn. Stat. § 123B.91, Subd. 1a (District Bus Safety Requirements)  
Minn. Stat. § 123B.92 (Transportation Aid Entitlement)  
Minn. Stat. Ch. 125A (Special Education and Special Programs)  
Minn. Stat. § 125A.18 (Special Instruction; Nonpublic Schools)  
Minn. Rules Part 7470.1600 (Transporting Pupils with Disability)  
Minn. Rules Part 7470.1700 (Drivers and Aides for Pupils with Disability)  
*Americans United, Inc. as Protestants and Other Am. United for Separation of Church and State, et al. v. Independent Sch. Dist. No. 622, et al.*, 288 Minn. 1996, 179 N.W.2d 146 (Minn. 1970)  
*Eldredge v. Independent Sch. Dist. No. 625*, 422 N.W.2d 319 (Minn. Ct. App. 1988)  
*Healy v. Independent Sch. Dist. No. 625*, 962 F.2d 1304 (8<sup>th</sup> Cir. 1992)  
Minn. Op. Atty. Gen. 166a-7 (June 3, 1983)  
Minn. Op. Atty. Gen. 166a-7 (Sept. 14, 1981)  
Minn. Op. Atty. Gen. 166a-7 (July 15, 1976)

Minn. Op. Atty. Gen. 166a-7 (July 17, 1970)  
Minn. Op. Atty. Gen. 166a-7 (Oct. 3, 1969)  
Minn. Op. Atty. Gen. 166a-7 (Sept. 12, 1969)

**Cross References**

**Minneapolis Public Schools Policy 3546 (incorporates MPS 3548)**

**Orig.** 04/25/1967  
**Rev.** 11/09/1971  
10/09/1973  
09/09/1975  
02/11/2014  
06/14/2022

**3546 STUDENT TRANSPORTATION EQUIPMENT, DRIVERS, AND SAFETY**

Redlined language is from MPS Policy

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

**I. PURPOSE**

The safety and security of students while being transported by District owned or a contracted busing service are primary concerns of the District. The purpose of this policy is to establish the commitment to safe buses for students and staff transported by the District and to educate students on safety issues and the responsibilities of school bus ridership.

**II. PLAN FOR STUDENT TRANSPORTATION SAFETY TRAINING**

A. School Bus Safety Week

The District may designate a school bus safety week. The National School Bus Safety Week is the third week in October.

B. Student School Bus Safety Training

1. The District shall provide students enrolled in grades kindergarten (K) through 10 with age-appropriate school bus safety training of the following concepts:
  - a. transportation by school bus is a privilege, not a right;
  - b. District policies for student conduct and school bus safety;
  - c. appropriate conduct while on the bus;
  - d. the danger zones surrounding a school bus;
  - e. procedures for safely boarding and leaving a school bus;
  - f. procedures for safe vehicle lane crossing; and
  - g. school bus evacuation and other emergency procedures.
2. All students in grades K through 6 who are transported by school bus and are enrolled during the first or second week of school must receive the school bus safety training by the end of the third week of school. All students in grades 7 through 10 who are transported by school bus and are enrolled during the first or second week of school must receive the school bus safety training or receive bus safety instructional materials by the end of the sixth week of school, if they have not previously received school bus training. Students in grades K through 10 who enroll in a school after the second week of school, are transported by school bus, and have not received training in their previous Districts shall undergo school bus safety training or receive bus safety instructional materials within 4 weeks of their first day of attendance.

3. The District and a nonpublic school with students transported by school bus at public expense must provide students enrolled in grades K through 3 school bus safety training twice during the school year.
4. Students taking driver's training instructional classes must receive training in the laws and proper procedures for operating a motor vehicle in the vicinity of a school bus as required by Minnesota Statutes, section 169.446, subdivision 2.
5. The District and a nonpublic school with students transported by school bus at public expense must conduct a school bus evacuation drill at least once during the school year.
6. The District will make reasonable accommodations in training for students known to speak English as a second language and students with disabilities.
7. The District may provide kindergarten students with school bus safety training before the first day of school.
8. The District shall adopt and make available for public review a curriculum for transportation safety education.
9. Nonpublic school students transported by the District will receive school bus safety training by their nonpublic school. The nonpublic schools may use the District's school transportation safety education curriculum. Upon request by the Superintendent, the nonpublic school must certify to the District's School Transportation Safety Director that all students enrolled in grades K through 10 have received the appropriate training.

C. Active Transportation Safety Training

1. Training required
  - a. The District must provide public school pupils enrolled in kindergarten through grade 3 with age-appropriate active transportation safety training. At a minimum, the training must include pedestrian safety, including crossing roads.
  - b. The District must provide pupils enrolled in grades 4 through 8 with age-appropriate active transportation safety training. At a minimum, the training must include:
    - (1) pedestrian safety, including crossing roads safely using the searching left, right, left for vehicles in traffic technique; and
    - (2) bicycle safety, including relevant traffic laws, use and proper fit of protective headgear, bicycle parts and safety features, and safe biking techniques.
2. Deadlines
  - a. Students under subdivision 1, paragraph (a), who are enrolled during the first or second week of school and have not previously received active transportation safety training specified in that paragraph must receive the safety training by the end of the third week of school.

- b. Students under subdivision 1, paragraph (b), who are enrolled during the first or second week of school and have not previously received active transportation safety training specified in that paragraph must receive the safety training by the end of the sixth week of school.
  - c. Students under subdivision 1, paragraph (a) or (b), who enroll in a school after the second week of school and have not received the appropriate active transportation safety training in their previous district must undergo the training or receive active transportation safety instructional materials within four weeks of the first day of attendance.
  - d. The District and a nonpublic school may provide kindergarten pupils with active transportation safety training before the first day of school.
3. Instruction
- a. The District may provide active transportation safety training through distance learning.
  - b. The District and a nonpublic school must make reasonable accommodations for the active transportation safety training of pupils known to speak English as a second language and pupils with disabilities.

### **III. CONDUCT ON SCHOOL BUSES AND CONSEQUENCES FOR MISBEHAVIOR**

- A. Riding the school bus is a privilege, not a right. The District 's general student behavior rules are in effect for all students on school buses, including nonpublic and charter school students.
- B. Consequences for school bus/bus stop misconduct will be imposed by the District under adopted administrative discipline procedures. In addition, all school bus/bus stop misconduct will be reported to the District 's Transportation Safety Director. Serious misconduct may be reported to local law enforcement.
  - 1. School Bus and Bus Stop Rules. The District school bus safety rules are to be posted on every bus. If these rules are broken, the District's discipline procedures are to be followed. In most circumstances, consequences are progressive and may include suspension of bus privileges. It is the school bus driver's responsibility to report unacceptable behavior to the District's Transportation Department.
  - 2. Rules at the Bus Stop
    - a. Get to your bus stop 5 minutes before your scheduled pick-up time. The school bus driver will not wait for late students.
    - b. Respect the property of others while waiting at your bus stop.
    - c. Keep your arms, legs, and belongings to yourself.
    - d. Use appropriate language.
    - e. Stay away from the street, road, or highway when waiting for the bus.

- f. Wait until the bus stops before approaching the bus.
  - g. After getting off the bus, move away from the bus.
  - h. If you must cross the street, always cross in front of the bus where the driver can see you. Wait for the driver to signal to you before crossing the street.
  - i. No fighting, harassment, intimidation, or horseplay.
  - j. No use of alcohol, tobacco, or drugs.
3. Rules on the Bus
- a. Immediately follow the directions of the driver.
  - b. Sit in your seat facing forward.
  - c. Talk quietly and use appropriate language.
  - d. Keep all parts of your body inside the bus.
  - e. Keep your arms, legs, and belongings to yourself.
  - f. No fighting, harassment, intimidation, or horseplay.
  - g. Do not throw any object.
  - h. No eating, drinking, or use of alcohol, tobacco, or drugs.
  - i. Do not bring any weapons or dangerous objects on the school bus.
  - j. Do not damage the bus.
4. Consequences
- a. Consequences for school bus/bus stop misconduct will apply to all regular and late routes. Decisions regarding a student's ability to ride the bus in connection with cocurricular and extracurricular events (for example, field trips or competitions) will be in the sole discretion of the District. Parents or guardians will be notified of any suspension of bus privileges.
    - (1) Elementary (K-6)
      - 1st offense - warning
      - 2nd offense - 3 school-day suspension from riding the bus
      - 3rd offense - 5 school-day suspension from riding the bus
      - 4th offense - 10 school-day suspension from riding the bus/meeting with parent
 Further offenses - individually considered. Students may be suspended for longer periods of time, including the remainder of the school year.
    - (2) Secondary (7-12)
      - 1st offense - warning
      - 2nd offense - 5 school-day suspension from riding the bus
      - 3rd offense - 10 school-day suspension from riding the bus
      - 4th offense - 20 school-day suspension from riding the bus/meeting with parent

5th offense – suspended from riding the bus for the remainder of the school year

Note: When any student goes 60 transportation days without a report, the student's consequences may start over at the first offense.

(3) Other Discipline

Based on the severity of a student's conduct, more serious consequences may be imposed at any time. Depending on the nature of the offense, consequences such as suspension or expulsion from school also may result from school bus/bus stop misconduct.

(4) Records

Records of school bus/bus stop misconduct will be forwarded to the individual school building and will be retained in the same manner as other student discipline records. Reports of student misbehavior on a school bus or in a bus-loading or unloading area that are reasonably believed to cause an immediate and substantial danger to the student or surrounding persons or property shall be provided by the District to local law enforcement and the Department of Public Safety in accordance with state and federal law.

(5) Vandalism/Bus Damage

Students damaging school buses will be responsible for the damages. Failure to pay such damages (or make arrangements to pay) within 2 weeks may result in the loss of bus privileges until damages are paid.

(6) Notice

School bus and bus stop rules and consequences for violations of these rules will be reviewed with students annually and copies of these rules will be made available to students. School bus rules are to be posted on each school bus.

(7) Criminal Conduct

In cases involving criminal conduct (for example, assault, weapons, drug possession, or vandalism), the appropriate District personnel and local law enforcement officials will be informed.

**IV. PARENT AND GUARDIAN INVOLVEMENT**

A. Parent and Guardian Notification

The District school bus and bus stop rules will be provided to each family. Parents and guardians are asked to review the rules with their children.

B. Parents/Guardians Responsibilities for Transportation Safety

Parents/Guardians are responsible to:

1. Become familiar with District rules, policies, regulations, and the principles of school bus safety, and thoroughly review them with their children;
2. Support safe riding and walking practices, and recognize that students are responsible for their actions;
3. Communicate safety concerns to their school administrators;
4. Monitor bus stops, if possible;
5. Have their children to the bus stop 5 minutes before the bus arrives;
6. Have their children properly dressed for the weather; and
7. Have a plan in case the bus is late.

**V. SCHOOL BUS DRIVER DUTIES AND RESPONSIBILITIES**

- A. School bus drivers shall have a valid Class A, B, or C Minnesota driver's license with a school bus endorsement. A person possessing a valid driver's license, without a school bus endorsement, may drive a type III vehicle set forth in Sections VII.B. and VII.C., below. Drivers with a valid Class D driver's license, without a school bus endorsement, may operate a "type A-I" school bus as set forth in Section VII.D., below.
- B. The District shall conduct mandatory drug and alcohol testing of all District bus drivers and bus driver applicants in accordance with state and federal law and District policy.
- C. A school bus driver, with the exception of a driver operating a type A-I school bus or type III vehicle, who has a commercial driver's license and who is convicted of a criminal offense, a serious traffic violation, or of violating any other state or local law relating to motor vehicle traffic control, other than a parking violation, in any type of motor vehicle in a state or jurisdiction other than Minnesota, shall notify the Minnesota Division of Driver and Vehicle Services (Division) of the conviction within 30 days of the conviction. For purposes of this paragraph, a "serious traffic violation" means a conviction of any of the following offenses:
  1. excessive speeding, involving any single offense for any speed of 15 miles per hour or more above the posted speed limit;
  2. reckless driving;
  3. improper or erratic traffic lane changes;
  4. following the vehicle ahead too closely;
  5. a violation of state or local law, relating to motor vehicle traffic control, arising in connection with a fatal accident;
  6. driving a commercial vehicle without obtaining a commercial driver's license or without having a commercial driver's license in the driver's possession;
  7. driving a commercial vehicle without the proper class of commercial driver's

license and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported;

8. a violation of a state or local law prohibiting texting while driving a commercial vehicle; and
  9. a violation of a state or local law prohibiting the use of a hand-held mobile telephone while driving a commercial vehicle.
- D. A school bus driver, with the exception of a driver operating a type A-I school bus or type III vehicle, who has a commercial driver's license and who is convicted of violating, in any type of motor vehicle, a Minnesota state or local law relating to motor vehicle traffic control, other than a parking violation, shall notify the person's employer of the conviction within 30 days of conviction. The notification shall be in writing and shall contain all the information set forth in Attachment A accompanying this policy.
- E. A school bus driver, with the exception of a driver operating a type A-I school bus or type III vehicle, who has a Minnesota commercial driver's license suspended, revoked, or cancelled by the state of Minnesota or any other state or jurisdiction and who loses the right to operate a commercial vehicle for any period or who is disqualified from operating a commercial motor vehicle for any period shall notify the person's employer of the suspension, revocation, cancellation, lost privilege, or disqualification. Such notification shall be made before the end of the business day following the day the employee received notice of the suspension, revocation, cancellation, lost privilege, or disqualification. The notification shall be in writing and shall contain all the information set forth in Attachment B accompanying this policy.
- F. A person who operates a type III vehicle and who sustains a conviction as described in Section VII.C.1.g. (i.e., driving while impaired offenses), VII.C.1.h. (i.e., felony, controlled substance, criminal sexual conduct offenses, or offenses for surreptitious observation, indecent exposure, use of minor in a sexual performance, or possession of child pornography or display of pornography to a minor), or VII.C.1.i. (multiple moving violations) while employed by the entity that owns, leases, or contracts for the school bus, shall report the conviction to the person's employer within 10 days of the date of the conviction. The notification shall be in writing and shall contain all the information set forth in Attachment C accompanying this policy.

## **VI. SCHOOL BUS DRIVER TRAINING**

- A. Training
1. All new school bus drivers shall be provided with pre-service training, including in-vehicle (actual driving) instruction, before transporting students and shall meet the competency testing specified in the Minnesota Department of Public Safety Model School Bus Driver Training Manual. All school bus drivers shall receive in-service training annually. For purposes of this section, "annually" means at least once every 380 days from the initial or previous evaluation and at least once every 380 days from the initial or previous license verification. The District shall retain on file an annual individual school bus driver "evaluation certification" form for each District driver as contained in the Model School Bus Driver Training Manual.

***[Note: The Model School Bus Driver Training Manual is available online through the Minnesota Department of Public Safety State Patrol web page.]***

2. All bus drivers operating a type III vehicle will be provided with annual training

and certification as set forth in Section VII.C.1.b., below, by either the District or the entity from whom such services are contracted by the District.

B. Evaluation

School bus drivers with a Class D license will be evaluated annually and all other bus drivers will be assessed periodically for the following competencies:

1. Safely operate the type of school bus the driver will be driving;
2. Understand student behavior, including issues relating to students with disabilities;
3. Ensure orderly conduct of students on the bus and handling incidents of misconduct appropriately;
4. Know and understand relevant laws, rules of the road, and local school bus safety policies;
5. Handle emergency situations; and
6. Safely load and unload students.

The evaluation must include completion of an individual "school bus driver evaluation form" (road test evaluation) as contained in the Model School Bus Driver Training Manual.

***[Note: The District may use alternative assessments rather than those set forth in the Model School Bus Driver Training Manual for bus driver training competencies with the approval of the Commissioner of Public Safety. A driver also may receive at least 8 hours of school bus in-service training in any year as an alternative to being assessed for bus driver competencies after the initial year of being assessed for bus driver competencies.]***

**VII. OPERATING RULES AND PROCEDURES**

A. General Operating Rules

1. School buses shall be operated in accordance with state traffic and school bus safety laws and the procedures contained in the Minnesota Department of Public Safety Model School Bus Driver Training Manual.

***[Note: The Model School Bus Driver Training Manual is available online through the Minnesota Department of Public Safety State Patrol web page.]***

2. Only students assigned to the school bus by the District shall be transported. The number of students or other authorized passengers transported in a school bus shall not be more than the legal capacity for the bus. No person shall be allowed to stand when the bus is in motion.
3. The parent/guardian may designate, pursuant to District policy, a day care facility, respite care facility, the residence of a relative, or the residence of a person chosen by the parent or guardian as the address of the student for transportation purposes. The address must be in the attendance area of the assigned school and meet all other eligibility requirements.
4. Bus drivers must minimize, to the extent practical, the idling of school bus

engines and exposure of children to diesel exhaust fumes.

5. To the extent practical, the District will designate school bus loading/unloading zones at a sufficient distance from school air-intake systems to avoid diesel fumes from being drawn into the systems.

***[Note: The District is not required to comply with Section VII.A.5. if the school board determines that alternative locations block traffic, impair student safety, or are not cost effective.]***

6. A bus driver may not operate a school bus while communicating over, or otherwise operating, a cellular phone for personal reasons, whether hand-held or hands free, when the vehicle is in motion or a part of traffic. For purposes of this paragraph, "school bus" has the meaning given in Minnesota Statutes, section 169.011, subdivision 71. In addition, "school bus" also includes type III vehicles when driven by employees or agents of the District. "Cellular phone" means a cellular, analog, wireless, or digital telephone capable of sending or receiving telephone or text messages without an access line for service.

B. Type III Vehicles

1. Type III vehicles are restricted to passenger cars, station wagons, vans, and buses having a maximum manufacturer's rated seating capacity of 10 or fewer people including the driver and a gross vehicle weight rating of 10,000 pounds or less. A van or bus converted to a seating capacity of 10 or fewer and placed in service on or after August 1, 1999, must have been originally manufactured to comply with the passenger safety standards.
2. Type III vehicles must be painted a color other than national school bus yellow.
3. Type III vehicles shall be state inspected in accordance with legal requirements.
4. Vehicles model year 2007 or older must not be used as type III vehicles to transport school children, except those vehicles that are manufactured to meet the structural requirements of federal motor vehicle safety standard 222, Code of Federal Regulations, title 49, part 571.
5. If a type III vehicle is District owned, the District name will be clearly marked on the side of the vehicle. The type III vehicle must not have the words "school bus" in any location on the exterior of the vehicle or in any interior location visible to a motorist.
6. A "type III vehicle" must not be outwardly equipped and identified as a type A, B, C, or D bus.
7. Eight-lamp warning systems and stop arms must not be installed or used on type III vehicles.
8. Type III vehicles must be equipped with mirrors as required by law.
9. Any type III vehicle may not stop traffic and may not load or unload before making a complete stop and disengaging gears by shifting into neutral or park. Any type III vehicle used to transport students must not load or unload so that a student has to cross the road, except where not possible or

impractical, then the driver or assistant must escort a student across the road. If the driver escorts the student across the road, then the motor must be stopped, the ignition key removed, the brakes set, and the vehicle otherwise rendered immobile.

10. Any type III vehicle used to transport students must carry emergency equipment including:
  - a. Fire extinguisher. A minimum of one 10BC rated dry chemical type fire extinguisher is required. The extinguisher must be mounted in a bracket and must be located in the driver's compartment and be readily accessible to the driver and passengers. A pressure indicator is required and must be easily read without removing the extinguisher from its mounted position.
  - b. First aid kit and body fluids cleanup kit. A minimum of a 10-unit first aid kit and a body fluids cleanup kit is required. They must be contained in removable, moisture- and dust-proof containers mounted in an accessible place within the driver's compartment and must be marked to indicate their identity and location.
  - c. Passenger cars and station wagons may carry a fire extinguisher, a first aid kit, and warning triangles in the trunk or trunk area of the vehicle if a label in the driver and front passenger area clearly indicates the location of these items.
11. Students will not be regularly transported in private vehicles that are not state inspected as type III vehicles. Only emergency, unscheduled transportation may be conducted in vehicles with a seating capacity of 10 or fewer without meeting the requirements for a type III vehicle. Also, parents may use a private vehicle to transport their own children under a contract with the district. The District has no system of inspection for private vehicles.
12. All drivers of type III vehicles will be licensed drivers and will be familiar with the use of required emergency equipment. The District will not knowingly allow a person to operate a type III vehicle if the person has been convicted of an offense that disqualifies the person from operating a school bus.
13. Type III vehicles will be equipped with child passenger restraints, and child passenger restraints will be utilized to the extent required by law.
14. The District generally transports special education students with treatment and out-of-district Special Education and Homeless and Highly Mobile students that cannot be incorporated into a regular route, a Type III vehicle. Students are also not generally transported by the district in privately owned Type III vehicles. Only emergency, unscheduled transportation of students may be conducted in vehicles with a seating capacity of ten or fewer without meeting the statutory requirements for a Type III vehicle. If transporting students a Type III vehicle driver shall load and unload students only from a parked position that does not require the student to cross a street, except where not possible or impractical, in which event the driver or an adult assistant must escort the student across the street.

Commented [TM1]: Typo appears in MPS policy 3546.

C. Type III Vehicle Driven by Employees with a Driver's License Without a School Bus Endorsement

1. The holder of a Class A, B, C, or D driver's license, without a school bus endorsement, may operate a type III vehicle, described above, under the following conditions:
  - a. The operator is an employee of the entity that owns, leases, or contracts for the school bus, which may include the District.
  - b. The operator's employer, which may include the District, has adopted and implemented a policy that provides for annual training and certification of the operator in:
    - (1) safe operation of a type III vehicle;
    - (2) understanding student behavior, including issues relating to students with disabilities;
    - (3) encouraging orderly conduct of students on the bus and handling incidents of misconduct appropriately;
    - (4) knowing and understanding relevant laws, rules of the road, and local school bus safety policies;
    - (5) handling emergency situations;
    - (6) proper use of seat belts and child safety restraints;
    - (7) performance of pretrip vehicle inspections;
    - (8) safe loading and unloading of students, including, but not limited to:
      - (a) utilizing a safe location for loading and unloading students at the curb, on the nontraffic side of the roadway, or at off-street loading areas, driveways, yards, and other areas to enable the student to avoid hazardous conditions;
      - (b) refraining from loading and unloading students in a vehicular traffic lane, on the shoulder, in a designated turn lane, or a lane adjacent to a designated turn lane;
      - (c) avoiding a loading or unloading location that would require a student to cross a road, or ensuring that the driver or an aide personally escort the student across the road if it is not reasonably feasible to avoid such a location;
      - (d) placing the type III vehicle in "park" during loading and unloading;
      - (e) escorting a student across the road under clause (c) only after the motor is stopped, the ignition key is removed, the brakes are set, and the vehicle is otherwise rendered immobile; and

- (9) compliance with paragraph V.F. concerning reporting convictions to the employer within 10 days of the date of conviction.
- c. A background check or background investigation of the operator has been conducted that meets the requirements under Minnesota Statutes, section 122A.18, subdivision 8, or Minnesota Statutes, section 123B.03 for District employees; Minnesota Statutes, section 144.057 or Minnesota Statutes, chapter 245C for day care employees; or Minnesota Statutes, section 171.321, subdivision 3, for all other persons operating a type III vehicle under this section.
- d. Operators shall submit to a physical examination as required by Minnesota Statutes, section 171.321, subdivision 2.
- e. The operator's employer requires preemployment drug testing of applicants for operator positions. Current operators must comply with the employer's policy under Minnesota Statutes, section 181.951, subdivisions 2, 4, and 5. Notwithstanding any law to the contrary, the operator's employer may use a breathalyzer or similar device to fulfill random alcohol testing requirements.
- f. The operator's driver's license is verified annually by the entity that owns, leases, or contracts for the type III vehicle as required by Minnesota Statutes section 171.321, subdivision 5.
- g. A person who sustains a conviction, as defined under Minnesota Statutes, 609.02, of violating Minnesota Statutes, section 169A.25, 169A.26, 169A.27 (driving while impaired offenses), or 169A.31 (alcohol-related school bus driver offenses), or whose driver's license is revoked under Minnesota Statutes, sections 169A.50 to 169A.53 of the implied consent law, or who is convicted of violating or whose driver's license is revoked under a similar statute or ordinance of another state, is precluded from operating a type III vehicle for 5 years from the date of conviction.
- h. A person who has ever been convicted of a disqualifying offense as defined in Minnesota Statutes, section 171.3215, subdivision 1(c), (i.e., felony, controlled substance, criminal sexual conduct offenses, or offenses for surreptitious observation, indecent exposure, use of minor in a sexual performance, or possession of child pornography or display of pornography to a minor) may not operate a type III vehicle.
- i. A person who sustains a conviction, as defined under Minnesota Statutes, section 609.02, of a moving offense in violation of Minnesota Statutes, chapter 169 within 3 years of the first of 3 other moving offenses is precluded from operating a type III vehicle for 1 year from the date of the last conviction.
- j. Students riding the type III vehicle must have training required under Minnesota Statutes, section 123B.90, Subd. 2 (See Section II.B., above).
- k. Documentation of meeting the requirements listed in this section must be maintained under separate file at the business location for each type III vehicle operator. The District or any other entity that owns, leases,

or contracts for the type III vehicle operating under this section is responsible for maintaining these files for inspection.

2. The Type III vehicle must bear a current certificate of inspection issued under Minnesota Statutes, section 169.451.
3. An employee of the District who is not employed for the sole purpose of operating a type III vehicle may, in the discretion of the District, be exempt from paragraphs VII.C.1.d. (physical examination) and VII.C.1.e. (drug testing), above.

D. Type A-I "Activity" Buses Driven by Employees with a Driver's License Without a School Bus Endorsement

1. The holder of a Class D driver's license, without a school bus endorsement, may operate a type A-I school bus or a Multifunction School Activity Bus (MFSAB) under the following conditions:
  - a. The operator is an employee of the District or an independent contractor with whom the District contracts for the school bus and is not solely hired to provide transportation services under this paragraph.
  - b. The operator drives the school bus only from points of origin to points of destination, not including home-to-school trips to pick up or drop off students.
  - c. The operator is prohibited from using the 8-light system if the vehicle is so equipped.
  - d. The operator has submitted to a background check and physical examination as required by Minnesota Statutes, section 171.321, subdivision 2.
  - e. The operator has a valid driver's license and has not sustained a conviction of a disqualifying offense as set forth in Minnesota Statutes, section 171.02, subdivisions 2a(h) - 2a(j).
  - f. The operator has been trained in the proper use of child safety restraints as set forth in the National Highway Traffic Safety Administration's "Guideline for the Safe Transportation of Pre- school Age Children in School Buses," if child safety restraints are used by passengers, in addition to the training required in Section VI., above.
  - g. The bus has a gross vehicle weight rating of 14,500 pounds or less and is designed to transport 15 or fewer passengers, including the driver.
2. The District shall maintain annual certification of the requirements listed in this section for each Class D license operator.
3. A school bus operated under this section must bear a current certificate of inspection.
4. The word "School" on the front and rear of the bus must be covered by a sign that reads "Activities" when the bus is being operated under authority of this

section.

#### VIII. DISTRICT EMERGENCY PROCEDURES

- A. If possible, school bus drivers or their supervisors shall call "911" or the local emergency phone number in the event of a serious emergency.
- B. School bus drivers shall meet the emergency training requirements contained in Unit III "Crash & Emergency Preparedness" of the Minnesota Department of Public Safety Model School Bus Driver Training Manual. This includes procedures in the event of a crash (accident).

***[Note: The Model School Bus Driver Training Manual is available online through the Minnesota Department of Public Safety State Patrol web page.]***

- C. School bus drivers and bus assistants for special education students requiring special transportation service because of their handicapping condition shall be trained in basic first aid procedures, shall within one (1) month after the effective date of assignment participate in a program of in-service training on the proper methods for dealing with the specific needs and problems of students with disabilities, assist students with disabilities on and off the bus when necessary for their safe ingress and egress from the bus; and ensure that protective safety devices are in use and fastened properly.
- D. Emergency Health Information shall be maintained on the school bus for students requiring special transportation service because of their handicapping condition. The information shall state:
  - 1. the student's name and address;
  - 2. the nature of the student's disabilities;
  - 3. emergency health care information; and
  - 4. the names and telephone numbers of the student's physician, parents, guardians, or custodians, and some person other than the student's parents or custodians who can be contacted in case of an emergency.

#### IX. DISTRICT VEHICLE MAINTENANCE STANDARDS

- A. All school vehicles shall be maintained in safe operating conditions through a systematic preventive maintenance and inspection program adopted or approved by the District.
- B. All school vehicles shall be state inspected in accordance with legal requirements.
- C. A copy of the current daily pre-trip inspection report must be carried in the bus. Daily pre-trip inspections shall be maintained on file in accordance with the District's record retention schedule. Prompt reports of defects to be immediately corrected will be submitted.
- D. Daily post-trip inspections shall be performed to check for any children or lost items remaining on the bus and for vandalism. Drivers shall follow Transportation Department rules regarding (1) security and reporting of children remaining on the bus after the run has been completed; (2) securing lost property found during post-trip inspections; and (3) reporting of vandalism discovered during inspections.

Commented [TM2]: Check whether such rules exist

## **X. SCHOOL TRANSPORTATION SAFETY DIRECTOR**

The school board has designated an individual to serve as the District's School Transportation Safety Director. The School Transportation Safety Director shall have day-to-day responsibility for student transportation safety, including transportation of nonpublic school children when provided by the District. The School Transportation Safety Director will ensure that this policy is periodically reviewed to ensure that it conforms to law. The School Transportation Safety Director shall certify annually to the school board that each school bus driver meets the school bus driver training competencies required Minnesota Statutes, section 171.321, subdivision 4. The School Transportation Safety Director also shall annually verify or ensure that the private contractor utilized by the District has verified the validity of the driver's license of each employee who regularly transports students for the District in a type A, B, C, or D school bus, type III vehicle, or MFSAB with the National Driver Register or the Department of Public Safety. Upon request of the Superintendent or the Superintendent's designee when nonpublic students are transported, the School Transportation Safety Director also shall certify to the superintendent that students have received school bus safety training in accordance with state law. The name, address and telephone number of the School Transportation Safety Director are on file in the District office. Any questions regarding student transportation or this policy may be addressed to the School Transportation Safety Director.

## **XI. STUDENT TRANSPORTATION SAFETY COMMITTEE**

The school board may establish a student transportation safety committee. The chair of the student transportation safety committee is the District's School Transportation Safety Director. The school board shall appoint the other members of the student transportation safety committee. Membership may include parents, school bus drivers, representatives of school bus companies, local law enforcement officials, other District staff, and representatives from other units of local government.

### **Legal References**

Minn. Stat. § 122A.18, Subd. 8 (Board to Issue Licenses)  
Minn. Stat. § 123B.03 (Background Check)  
Minn. Stat. § 123B.42 (Textbooks; Individual Instruction or Cooperative Learning Material; Standard Tests)  
Minn. Stat. § 123B.88 (Independent Districts; Transportation)  
Minn. Stat. § 123B.885 (Diesel School Buses; Operation of Engine; Parking)  
Minn. Stat. § 123B.90 (School Bus Safety Training)  
Minn. Stat. § 123B.91 (School District Bus Safety Responsibilities)  
Minn. Stat. § 123B.935 (Active Transportation Safety Training)  
Minn. Stat. § 144.057 (Background Studies on Licensees and Other Personnel)  
Minn. Stat. Ch. 169 (Traffic Regulations)  
Minn. Stat. § 169.011, Subds. 15, 16, and 71 (Definitions)  
Minn. Stat. § 169.02 (Scope)  
Minn. Stat. § 169.443 (Safety of School Children; Bus Driver's Duties)  
Minn. Stat. § 169.446, Subd. 2 (Safety of School Children; Training and Education Rules)  
Minn. Stat. § 169.451 (Inspecting School and Head Start Buses; Rules; Misdemeanor)  
Minn. Stat. § 169.454 (Type III Vehicle Standards)  
Minn. Stat. § 169.4582 (Reportable Offense on School Buses)  
Minn. Stat. §§ 169A.25-169A.27 (Driving While Impaired)  
Minn. Stat. § 169A.31 (Alcohol-Related School Bus or Head Start Bus Driving)  
Minn. Stat. §§ 169A.50-169A.53 (Implied Consent Law)  
Minn. Stat. § 171.02, Subds. 2, 2a, and 2b (Licenses; Types, Endorsements, Restrictions)  
Minn. Stat. § 171.168 (Notice of Violation by Commercial Driver)  
Minn. Stat. § 171.169 (Notice of Commercial License Suspension)  
Minn. Stat. § 171.321 (Qualifications of School Bus and Type III Vehicle Drivers)  
Minn. Stat. § 171.3215, Subd. 1(c) (Canceling Bus Endorsement for Certain Offenses)

Minn. Stat. § 181.951 (Authorized Drug and Alcohol Testing)  
Minn. Stat. Ch. 245C (Human Services Background Studies)  
Minn. Stat. § 609.02 (Definitions)  
Minn. Rules Parts 7470.1000-7470.1700 (School Bus Inspection)  
49 C.F.R. Part 383 (Commercial Driver's License Standards; Requirements and Penalties)  
49 C.F.R. § 383.31 (Notification of Convictions for Driver Violations)  
49 C.F.R. § 383.33 (Notification of Driver's License Suspensions)  
49 C.F.R. § 383.5 (Transportation Definitions)  
49 C.F.R. § 383.51 (Disqualification of Drivers)  
49 C.F.R. Part 571 (Federal Motor Vehicle Safety Standards)

#### **Cross References**

Policy 3545 (Transportation)  
Policy 4002 (Harassment and Violence Prohibition)  
Policy 4025 (Drug-Free and Weapons-Free Schools and Workplace)  
Policy 4026 (Transportation Employees: Drug and Alcohol Testing)  
Policy 4200 (Personnel Data)  
Policy 5200 (Behavior Standards and Code of Conduct)  
Policy 5201 (Hazing and Bullying Prohibition)  
Policy 5210 (Student Personal Electronic Devices)  
Policy 5220 (Tobacco Use, Student)  
Policy 5631 (Drug-Free Schools, Chemical Health, Chemical Use and Abuse)  
Policy 5680 (Search of Students, Lockers, Desks, Motor Vehicles)  
Policy 5690 (Student Data)  
Policy 6131 (School Calendar)  
Policy 6132 (School Day)  
Policy 6230 (Field Trips)  
Policy 6450 (Pupil Fees)  
Policy 6680 (Safety, Security and Emergency Preparedness)  
Policy 6681 (Accident Prevention and Reporting)  
Policy 6682 (Emergency Health Care)  
Policy 6692 (Student Medication)

## **Minneapolis Public Schools Policy 3700**

**Orig.** 10/30/1990

**Rev.** 06/28/2011

02/29/2024

### **3700 FUND BALANCES**

***[Note: The provisions of this policy include the provisions of Statement No. 54 of the Governmental Accounting Standards Board (GASB).]***

#### **I. PURPOSE**

The purpose of this policy is to create new fund balance classifications to allow for more useful fund balance reporting and for compliance with the reporting guidelines specified in Statement No. 54 of the Governmental Accounting Standards Board (GASB).

#### **II. GENERAL STATEMENT OF POLICY**

Sound financial record keeping and reporting is an essential element in maintaining the fiduciary duty of the school board to the public. The policy of this school District is to comply with GASB Statement No. 54. To the extent a specific conflict occurs between this policy and the provisions of GASB Statement No. 54, the GASB Statement shall prevail.

#### **III. DEFINITIONS**

- A. "Assigned" fund balance amounts are comprised of unrestricted funds constrained by the school District's intent that they be used for specific purposes, but that do not meet the criteria to be classified as restricted or committed. In funds other than the general fund, the assigned fund balance represents the remaining amount that is not restricted or committed. The assigned fund balance category will cover the portion of a fund balance that reflects the school District's intended use of those resources. The action to assign a fund balance may be taken after the end of the fiscal year. An assigned fund balance cannot be a negative number.
- B. "Committed" fund balance amounts are comprised of unrestricted funds used for specific purposes pursuant to constraints imposed by formal action of the school board and that remain binding unless removed by the school board by subsequent formal action. The formal action to commit a fund balance must occur prior to fiscal year end; however, the specific amounts actually committed can be determined in the subsequent fiscal year. A committed fund balance cannot be a negative number.
- C. "Enabling legislation" means legislation that authorizes a school District to assess, levy, charge, or otherwise mandate payment of resources from external providers and includes a legally enforceable requirement that those resources be used only for the specific purposes listed in the legislation.
- D. "Fund balance" means the arithmetic difference between the assets and liabilities reported in a school District fund.
- E. "Nonspendable" fund balance amounts are comprised of funds that cannot be spent because they are either not in spendable form or are legally or contractually required to be maintained intact. They include items that are inherently unspendable, such as, but not limited to, inventories, prepaid items, long-term receivables, non-financial assets held for resale, or the permanent principal of endowment funds.
- F. "Restricted" fund balance amounts are comprised of funds that have legally enforceable constraints placed on their use that either are externally imposed by resource providers or creditors (such as through debt covenants), grantors, contributors, voters, or laws

or regulations of other governments, or are imposed by law through constitutional provisions or enabling legislation.

- G. "Unassigned" fund balance amounts are the residual amounts in the general fund not reported in any other classification. Unassigned amounts in the general fund are technically available for expenditure for any purpose. The general fund is the only fund that can report a positive unassigned fund balance. Other funds would report a negative unassigned fund balance should the total of nonspendable, restricted, and committed fund balances exceed the total net resources of that fund.
- H. "Unrestricted" fund balance is the amount of fund balance left after determining both nonspendable and restricted net resources. This amount can be determined by adding the committed, assigned, and unassigned fund balances.

#### **IV. CLASSIFICATION OF FUND BALANCES**

The school District shall classify its fund balances in its various funds in one or more of the following five classifications: nonspendable, restricted, committed, assigned, and unassigned.

#### **V. MINIMUM FUND BALANCE**

The District will strive to maintain a minimum unassigned general fund balance of [ \_\_\_\_ percent of the annual budget.] [ \_\_\_\_ months of operating expenses.]

***[Note: School Districts need to select one of the bracketed choices above and fill in the blank. The other bracketed choice should be deleted. If a minimum fund balance is specified, a stabilization arrangement such as that specified in Part IX below that sets aside specific stabilization amounts may not be necessary.]***

#### **VI. ORDER OF RESOURCE USE**

If resources from more than one fund balance classification could be spent, the school District will strive to spend resources from fund balance classifications in the following order (first to last): restricted, committed, assigned, and unassigned.

***[Note: The school board determines this order.]***

#### **VII. COMMITTING FUND BALANCE**

A majority vote of the school board is required to commit a fund balance to a specific purpose and subsequently to remove or change any constraint so adopted by the board.

#### **VIII. ASSIGNING FUND BALANCE**

The school board, by majority vote, may assign fund balances to be used for specific purposes when appropriate. The board also delegates the power to assign fund balances to the following: \_\_\_\_\_. ***[Specify individual(s), such as the superintendent, business manager, etc., or an entity, such as the finance committee, authorized to make these assignments.]*** Assignments so made shall be reported to the school board on a monthly basis, either separately or as part of ongoing reporting by the assigning party if other than the school board.

An appropriation of an existing fund balance to eliminate a projected budgetary deficit in the subsequent year's budget in an amount no greater than the projected excess of expected expenditures over expected revenues satisfies the criteria to be classified as an assignment of fund balance.

**IX. STABILIZATION ARRANGEMENTS**

***[Note: If the school board has established any arrangement(s) for emergencies and other contingencies, the description(s) should be included in this section. The school board needs to specifically define the circumstances or conditions when these amounts may be used, which must be unanticipated adverse financial or economic circumstances. These circumstances or conditions cannot be situations that are expected to or which occur routinely. Stabilization arrangements should be reported as restricted or committed if they meet the criteria or, otherwise, should be reported as unassigned. They should not be reported as assigned. If the school board does not have any such arrangements, this section should be deleted.]***

**X. REVIEW**

The school board will conduct an annual review of the sufficiency of the minimum unassigned general fund balance level.

***[Note: The school board should determine the review period adequate for the District and change "an annual" to "a quarterly" or "a monthly" or some other time frame if appropriate.]***

**Legal References**

Statement No. 34 of the Governmental Accounting Standards Board  
Statement No. 54 of the Governmental Accounting Standards Board

**Cross References**

Policy 2100 (Superintendent Role and Functions)  
Policy 8110 (Purposes and Role of the Board)

**MINNEAPOLIS PUBLIC SCHOOLS  
RESOLUTION 2024-0022**

**RESOLUTION ADOPTING POLICY 5025**

**WHEREAS,** The Board’s Policy Committee has recommended the proposed new policy.

**NOW THEREFORE BE IT RESOLVED,** that the Board of Directors, Special School District No. 1 (Minneapolis Public Schools) adopts the changes as follows:

**SECTION 1:**            **ADOPTION** “Policy 5025: Gender Inclusion” of the Minneapolis Public Schools Policies & Regulations is hereby *added* as follows:

**ADOPTION**

Policy 5025: Gender Inclusion(*Added*)

**1. PURPOSE AND GENERAL STATEMENT OF POLICY**

The students and staff of Minneapolis Public Schools (MPS) deserve respectful and inclusive learning environments that value students’ gender identity and gender expression. MPS ("District") ensures that all students have access to programming and facilities in which they feel comfortable, supported, and safe. This policy addresses the inequities some students, including intersex, transgender, two-spirit, gender expansive, non-binary, and gender-questioning students, confront as they navigate a system designed using a gender binary model. This policy does not and cannot anticipate every situation that may occur, as every student is unique. The support for each student must be assessed and addressed individually based upon the student’s specific requests and needs.

**2. DEFINITIONS**

The definitions contained in this policy are not intended to label students, but rather to assist in understanding this policy and the legal obligations of district staff. It is recognized that students might or might not use these terms to describe themselves.

- a. “Gender” refers to the socially constructed roles, behaviors, activities, and attributes that a given society attaches to femininity or masculinity.
- b. “Gender Identity” is a person’s deeply held sense or psychological knowledge of their own gender. A person’s gender identity can be the same or different from the sex or gender assigned at birth.
- c. “Sex Assigned at Birth” refers to the sex designation recorded on an infant’s birth certificate should such a record be provided at birth.
- d. “Gender Expression” refers to the manner in which a person represents or expresses that person’s gender identity to others, often through behavior, clothing, hairstyles, activities, or mannerisms. Although transgender people

typically seek to make their gender expression match their gender identity, rather than their sex assigned at birth, gender expression may or may not conform to a person's gender identity.

- e. “Gender Expansive” is an umbrella term that is used to describe individuals whose gender expression, gender identity, or gender role is fluid and/or may differ from gender norms associated with their sex assigned at birth. This term also includes people who identify outside of traditional gender categories or identify as both or several genders. Other terms that can have a similar meaning include “gender diverse,” “gender non-conforming,” “genderqueer,” and “nonbinary.”
- f. “Transgender/Trans” describes people whose gender identity or expression is different from that traditionally associated with an assigned sex at birth. Transgender identity is not dependent on medical procedures or other physical changes.
- g. “Transition” refers to the process in which transgender individuals begin asserting the sex that corresponds to their gender identity instead of the sex they were assigned at birth.

### **3. PRIVACY**

- a. The privacy of student data is governed by MPS Policy 5690, which incorporates the Minnesota Government Data Practices Act and the Family Educational Rights and Privacy Act. Virtually all student data are private, including student gender identity and information relating to a student's transgender or gender expansive status. Private student data are accessible only to 1) the student who is the subject of the data, 2) their parent or guardian, 3) MPS employees, contractors, and volunteers whose work assignment reasonably requires access and who have a legitimate educational interest, and 4) other parties or entities as provided for in section 6 of MPS Policy 5690. The District cannot withhold any private student data requested by the student's parent or caregiver unless there exists a court order which specifically denies access to the data.
- b. It does not violate student data privacy to call a student by their updated name or refer to them by their updated pronouns, either orally or in writing. Nor does it violate student data privacy to share a student's updated name and pronouns with others, including MPS employees, contractors, volunteers, and students, for the purpose of ensuring that the appropriate name and pronouns are used when communicating with or about the student.
- c. A student may choose to openly discuss and express their gender identity and gender expression or they may choose not to do so. In the classroom and other group settings, it is the student's prerogative to broach the subject.
- d. All rights and protections given to parents under MPS Policy 5690 transfer to the student when he or she reaches eighteen (18) years of age or enrolls in an institution of post-secondary education. The student then becomes an “eligible student.” However, the parents of an eligible student who is also a “dependent student” are entitled to gain access to the education records of such student without first obtaining the consent of the student. In addition, parents of an

eligible student may be given access to education records in connection with a health or safety emergency if the disclosure meets the conditions of any provision set forth in 34 C.F.R. § 99.31(a).

#### **4. OFFICIAL SCHOOL RECORDS**

- a. The school district is required to maintain a mandatory and permanent student record (“official record”) that includes a student’s legal name and gender. The school district will change a student’s official record to reflect a change in legal name or gender upon receipt of documentation that such change has been made pursuant to a court order or other official government action.
- b. Pertaining to students of all grades: At the request of a transgender or gender expansive student, and/or their parent/guardian the District will use the student’s requested name, gender identity, and pronouns when referring to the student in education records.

#### **5. STUDENT NAMES, PRONOUNS, AND GENDER MARKERS**

- a. At the student’s and/or parent’s/guardian’s request, a transgender and/or gender expansive student in all grades has the right to be referred to at school by a name and pronouns that align with their gender identity. At the parent’s/guardian’s request, a transgender or gender expansive student in all grades has the right to be referred to at school by a name and pronouns that align with the student’s gender identity.

#### **6. GENDER-SEGREGATED FACILITIES**

All students shall have access to gendered facilities and school-sponsored programs that are consistent with the student’s gender identity. This includes, but is not limited to, multi-stalled gendered restrooms, locker rooms, and school programs, trips, and athletic programs.

##### a. Restroom Accessibility

Pursuant to Minn. Stat. 363A.13, subd. 1 (N.H. v. Anoka-Hennepin Sch. Dist. No. 11, 950 N.W.2d 553 (Minn. Ct. App. 2020)) students shall have access to the restroom that corresponds to their gender identity asserted at school:

- i. Any student who has a need or desire for increased privacy, regardless of the student’s gender identity or expression, and regardless of the underlying reason for the student’s need or desire for increased privacy, should be provided access to a single-user restroom.
- ii. No student shall be required to use a single-user restroom because they are transgender or gender expansive
- iii. The District shall work with each transgender and gender expansive student to determine which restrooms are most comfortable for the student.
- iv. In no case shall any student be required to use a restroom that conflicts with the student’s gender identity

##### b. Locker Room Accessibility

Pursuant to Minn. Stat. 363A.13, subd. 1 (N.H. v. Anoka-Hennepin Sch.

Dist. No. 11, 950 N.W.2d 553 (Minn. Ct. App. 2020)), the use of locker rooms by transgender and gender expansive students shall be assessed on an individualized basis with the goals of maximizing the student's social integration and equal opportunity to participate in physical education classes and sports and other school activities, ensuring the student's comfort, and minimizing stigmatization of the student.

- i. Unless the student requests otherwise, transgender and gender expansive students should have access to the locker room that corresponds to the student's gender identity asserted at school, like all other students.
- ii. Any student who has the need or desire for increased privacy, regardless of the student's gender identity or expression, and regardless of the underlying reason for the student's need or desire for increased privacy, should, if possible, be provided with a reasonable alternative changing area such as the use of a private area (e.g., a nearby restroom stall with a door, an area separated by a curtain, a physical education instructor's office in or near the locker room, or a nearby health office restroom), or with a separate changing schedule (e.g., using the locker room that corresponds to gender identity before or after other students).
- iii. Any alternative arrangement should be provided to protect the student's ability to keep the student's transgender or gender expansive status confidential.
- iv. The District shall work with each gender expansive student to determine which restrooms and locker room facilities are most comfortable for the student.
- v. In no case shall a transgender student be required to use a locker room that conflicts with the student's gender identity.

**7. PHYSICAL EDUCATION AND HEALTH EDUCATION CLASSES AND INTRAMURAL SPORTS**

- a. All students shall be permitted to participate in physical education classes, health education classes, and intramural sports and activities in a manner consistent with their gender identity.

**8. SCHOOL TRIPS**

- a. All students shall be permitted to participate in all school trips in a manner that corresponds with their gender identity. In planning school trips, staff is expected to assess the student's needs in collaboration with the student and/or the student's parent(s)/guardian(s) and make reasonable efforts to provide an acceptable accommodation to the student. Accommodations will be discussed in advance of the trip on a case-by-case basis.

**9. INTERSCHOLASTIC COMPETITIVE SPORTS TEAMS/ACTIVITIES**

- a. All students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity and in compliance with the applicable regulations of the Minnesota State High School League (MSHSL).

**10. OTHER GENDER-BASED ACTIVITIES, RULES, POLICIES AND**

## **PRACTICES**

- a. As a general matter, Minneapolis Public Schools will evaluate, on an ongoing basis, all gender-based activities, rules, policies, and practices, including but not limited to classroom activities, school ceremonies, yearbooks and school photos. Students will be permitted to participate in any such activities or conform to any such rule, guidelines, or practice consistent with their gender identity.

## **11. DISCRIMINATION/HARASSMENT/BULLYING**

- a. It is the policy of the District to maintain a safe and supporting learning and educational environment that is free from harassment, intimidation, violence, and/or bullying and free from discrimination on account of gender, gender identity, and gender expression.
- b. Complaints alleging discrimination or harassment based on a student's actual or perceived transgender status or gender expansive status generally are to be handled in the same manner as sex discrimination, harassment or bullying complaints. For information about the types of conduct that constitute a violation of the school district's policy on harassment and violence and the school district's procedures for addressing such complaints, refer to the school district's policy on harassment and violence (MPS Policy 4002). For information about the types of conduct that constitute a violation of the school district's policy on bullying and the school district's procedures for addressing such complaints, refer to the school district's policy on bullying (MPS Policy 5201).

## **12. RESPONSIBILITY**

- a. The Superintendent is authorized to promulgate regulations to implement this policy.
- b. The Superintendent or their designee shall provide regular training to district personnel on this policy.

### **Original Adoption:**

Date

### **Legal References:**

- Minn. Stat ch. 363A (Minnesota Human Rights Act)
- Minn. Stat. § 121A.031 (Safe and Supportive Minnesota Schools Act)
- Minn. Stat. § 121A.03, subd. 2 (Sexual, Religious and Racial Harassment and Violence Policy)
- Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)
- 20 U.S.C. § 1681 et seq. (Title IX)
- 20 U.S.C. § 1701 et seq. (Equal Educational Opportunities)

### **MPS Policy Cross References:**

- Policy 4002 (Harassment And Violence Prohibition Protected Classes)

- [Policy 5000 \(Equal Education Opportunity\)](#)
- [Policy 5201 \(Bullying And Hazing Prohibition\)](#)
- [Policy 5050 \(Title IX Non-Discrimination\)](#)
- [Policy 5051 \(Equal Opportunity In Athletics\)](#)
- [Policy 5690 \(Student Data\)](#)

PASSED AND ADOPTED BY THE MINNEAPOLIS PUBLIC SCHOOLS BOARD OF DIRECTORS \_\_\_\_\_.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Abdi	_____	_____	_____	_____
Beachy	_____	_____	_____	_____
Cerrillo	_____	_____	_____	_____
El-Amin	_____	_____	_____	_____
Ellison	_____	_____	_____	_____
Emerick	_____	_____	_____	_____
Feerayarre	_____	_____	_____	_____
Jourdain	_____	_____	_____	_____
Norvell	_____	_____	_____	_____

Presiding Officer

Attest

\_\_\_\_\_  
Collin Beachy, Chair, Minneapolis  
Public Schools

\_\_\_\_\_  
Lori Norvell, Clerk, Minneapolis  
Public Schools