



South St. Paul School Board Meeting  
Monday, April 10, 2023 6:00 PM  
Location: CITY HALL  
125 THIRD AVENUE NORTH  
South St Paul, Minnesota 55075

## Agenda

<b>I.</b>	<b>ROLL CALL and PLEDGE OF ALLEGIANCE</b>	
<b>II.</b>	<b>APPROVAL OF MEETING AGENDA/MINUTES</b>	
	A. School Board Meeting Agenda, April 10, 2023	
	B. Committee-of-the-Whole and Regular Meeting Minutes, March 27, 2023	3
<b>III.</b>	<b>QUALITY-IN-ACTION and REPORTS</b>	
	A. <b>Quality-in-Action:</b> Activities Director Brady Krueger along with coaches and advisors will highlight the winter activities and athletic seasons.	
	B. <b>Report:</b> Chair John Raasch will highlight the Public Listening Session submissions. (J. Raasch)	6
	C. <b>Report:</b> School Board members will highlight items from the committee-of-the-whole meeting. (Board)	7
	D. <b>Report:</b> Superintendent Zambreno will provide highlights from around the District. (B. Zambreno)	8
<b>IV.</b>	<b>CONSENT ITEMS</b>	
	A. Financial Claims: Bills Payable	9
	B. Staffing: Appointments, Resignations, Transfers, Retirements, Abolishments, and Leaves	15
<b>V.</b>	<b>POLICY REVIEW</b>	
	A. Approval of the following policies that have been under review for three consecutive meetings:	18
	1. #201 - Legal Status of a School Board	19
	2. #202 - School Board Officers	22
	3. #208 - Development, Adoption & Implementation of Policy	26
	4. #522 - Title IX	29

VI. **BUSINESS ITEMS**

- A. Approval, for the South St. Paul School Board to approve the Resolution Proposing to Place Individuals with Continuing Contract Rights on UnRequested Leave of Absence. (J. Milteer) 48

VII. **INFORMATIONAL ITEMS**

- A. **Board Members' Reports/Committee Updates/Where Have You Seen a Passion:** Board members will report on recent educational activities/events in which they have participated as well as other informational items.

VIII. **ADJOURN**

**South St. Paul School Board  
Committee-of-the-Whole Meeting Minutes**

**March 27, 2023**

Vice Chair Monica Weber called the March 27, 2023, committee-of-the-whole meeting to order at 5:00 PM with five Board members present: Beermann, T. Felton, W. Felton, Laliberte, and Weber. Director Claflin and Chair Raasch were absent. Others present included Superintendent Brian Zambreno and several staff and community members.

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**Discontinuing and Reducing Educational Programs and Positions**

Human Resource Director Joel Milteer presented a resolution that reduces a number of positions as a result of declining enrollment and a restructure of the academic and student support teams. This resolution will go before the School Board for approval this evening.

**Non-Renewal of Probationary Teachers**

Each year the district must release a number of probationary teachers for various reasons, including student driven scheduling, changes in enrollment, budget reductions, curriculum changes, licensure issues, mid-year placements and performance issues. Director Milteer reviewed a resolution relating to the non-renewal of probationary teachers that is going before the School Board for approval this evening.

**Non-Renewal of Limited Contract/Long-Term Substitute Teachers**

In compliance with Minnesota statutes, the district is required to terminate the teaching contracts of the long-term/limited contract substitute teachers at the end of each school year. A long-term substitute by definition is one who worked all or part of the school year replacing a specific teacher who has return rights to his or her position. The contracts of the long-term substitutes must be terminated at the end of the school year. Failure to terminate these contracts could result in the district allocating two teachers in each affected position as the regular teachers exercise their right to return from leave. The resolution relating to the non-renewal of limited contract/long-term substitute teachers will go before the School Board for approval this evening.

**2022-2024 Office and Professional Employees Contract Agreement**

Director Milteer reviewed details related to the tentative Office and Professional Employees Contract Agreement that is going before the School Board for approval this evening.

**Fiscal Year 2023 Budget Revisions**

Finance Director Brady Hoffman walked the School Board through a series of FY23 budget adjustments being recommended to the board for approval this evening. These adjustments to the 2022-23 budget that was approved in June of 2022, are the result of enrollment changes, updated assumptions for revenues and expenditures, and official audit results.

**Committee Updates**

Board members provided updates to the various committees in which they serve.

The committee-of-the-whole meeting adjourned at 5:47 PM.

Respectfully submitted by:

Lisa Brandecker, Acting Secretary-Clerk  
South St. Paul Board of Education



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## SOUTH ST. PAUL PUBLIC SCHOOLS Special School District No. 6

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MARCH 27, 2023

The regular meeting of the School Board, Special School District No. 6, South St. Paul, was held in the city hall council chambers on Monday, March 27, 2023. Vice Chair Monica Weber called the meeting to order at 6:00 PM with five Board members present for roll call: Beermann, T. Felton, W. Felton, Laliberte, and Weber. Director Claflin and Chair Raasch were absent. Superintendent Dr. Brian Zambreno and several staff and community members were also present.

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### **PLEDGE OF ALLEGIANCE**

The pledge of allegiance was recited.

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### **MINUTES**

By Member Beermann

Seconded by Member Felton

That the South St. Paul School Board approves the March 27, 2023, School Board meeting agenda as well as minutes from the March 13, 2023, committee-of-the-whole and regular meetings.

Motion carried (5-0)

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### **REPORTS**

*Public Listening Session Report* – Vice Chair Weber reported there were no listening session submissions.

*Committee-of-the-Whole Report* – Vice Chair Weber provided a highlight of the School Board’s discussion at their committee-of-the-whole meeting this evening.

*Superintendent Report* – Superintendent Zambreno provided highlights from around the district.

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### **CONSENT ITEMS**

By Director Laliberte

Seconded by Director T. Felton

A. Financial Claims—Bills Payable

B. Staffing: Appointments, Resignations, Transfers, Retirements, Abolishments, and Leaves.

Motion carried (5-0)

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### **POLICY REVIEW**

Vice Chair Weber noted the following policies that are on the agenda for their second of three readings: #201 – Legal Status of a School Board, #202 – School Board Officers, #208 – Development, Adoption, & Implementation of Policy, and #522 – Title IX. These policies will go before the School Board for approval on April 10.

## **BUSINESS ITEMS**

By Director Laliberte  
Approval, for the South St. Paul School Board to approve the Fiscal Year 2023 Budget Revisions as presented.  
Motion carried (5-0)  
Seconded by Director W. Felton

By Director Laliberte  
Approval, for the South St. Paul School Board to approve the Discontinuing and Reducing Educational Programs and Positions Resolution.  
Motion carried 5 yeas – W. Felton, Laliberte, T. Felton, Beermann and Weber  
0 nays  
Seconded by Director Beermann

By Director W. Felton  
Approval, for the South St. Paul School Board to approve the agreement with the South St. Paul Office and Professional Employees International Union Local No. 12, for the contract period of July 1, 2022 to June 30, 2024.  
Motion carried (5-0)  
Seconded by Director Laliberte

By Director Beermann  
Approval, for the South St. Paul School Board to approve the Non-Renewal of Limited Contract/Long-Term Substitute Teachers Resolution.  
Motion carried 5 yeas – Laliberte, T. Felton, Beermann, W. Felton and Weber  
0 nays  
Seconded by Director Laliberte

By Director W. Felton  
Approval, for the South St. Paul School Board to approve the Non-Renewal of Probationary Teachers Resolution.  
Motion carried 5 yeas – T. Felton, Beermann, W. Felton, Laliberte and Weber  
0 nays  
Seconded by Director Laliberte

By Director Laliberte  
Approval, for the South St. Paul School Board to approve the Acceptance of Gifts Resolution.  
Motion carried 5 yeas – W. Felton, Laliberte, T. Felton, Beermann, and Weber  
0 nays  
Seconded by Director W. Felton

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## **INFORMATIONAL ITEMS**

School Board members reported on various educational activities/events in which they have participated as well as other informational items.

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## **ADJOURN**

By Director Beermann  
Approval, for the School Board to adjourn the March 27, 2023, meeting at 6:36 PM.  
Motion carried (5-0)  
Seconded by Director Laliberte

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Official Board Minutes are available in the  
District Office at 104 – 5<sup>th</sup> Ave. So. – So. St. Paul

Respectfully Submitted by:

Lisa Brandecker, Acting Secretary-Clerk  
Board of Education



## SOUTH ST. PAUL PUBLIC SCHOOLS

### School Board Agenda Item

**Meeting Date:** April 10, 2023

**Place on Agenda:** Regular Meeting Reports

**Action Requested:** None

**Attachment:** None

**Topic:** School Board Listening Session Report

**Presenter(s):** Board Chair

**Background:**

At the committee-of-the-whole and regular business meetings, the Board Chair will provide an overview of the listening session submissions.

The South St. Paul School Board provides the following opportunities for community members to address the board:

- **In-Person** on the first meeting date of each month according to the schedule listed on the [district's website](#). Public listening sessions are held at City Hall (125 – 3<sup>rd</sup> Avenue North) beginning at 4:15 PM.
- **Electronic form submissions** are accepted on all meeting dates listed on the [district's website](#). Click [here](#) to submit a Public Listening Session comment.
  - Form submissions will be acknowledged by Board Chair and/or Superintendent on-air during the regular business meeting. The Board Chair and/or Superintendent will also follow-up personally with the individuals submitting a Public Listening Session form.



## SOUTH ST. PAUL PUBLIC SCHOOLS

### School Board Agenda Item

**Meeting Date:** April 10, 2023

**Place on Agenda:** Reports

**Action Requested:** None

**Attachment:** None

<b>Topic:</b> Committee-of-the-Whole Meeting Update
<b>Presenter(s):</b> Board
<b>Background:</b>  School Board members will highlight items from the committee-of-the-whole meeting.
<b>Recommendation:</b>  N/A
<b>Alternatives:</b>  N/A



## SOUTH ST. PAUL PUBLIC SCHOOLS

### School Board Agenda Item

**Meeting Date:** April 10, 2023

**Place on Agenda:** Reports

**Action Requested:** None

**Attachment:** None

<b>Topic:</b> Superintendent's Update
<b>Presenter(s):</b> Dr. Brian Zambreno, Superintendent
<b>Background:</b>  Superintendent Zambreno will provide highlights from around the District.
<b>Recommendation:</b>  N/A
<b>Alternatives:</b>  N/A



## SOUTH ST. PAUL PUBLIC SCHOOLS

### School Board Agenda Item

**Meeting Date:** April 10, 2023

**Place on Agenda:** Consent Items

**Action Requested:** Approval

**Attachment:** Financials – Bills Payable

<b>Topic:</b> Financials – Bills Payable
<b>Presenter(s):</b> Chair
<b>Background:</b>  It is the policy of the school district to maintain its records so that they will be available for inspection by members of the general public and to provide for the publication of its official proceedings in compliance with law.
<b>Recommendation:</b>  Approve financial statement
<b>Alternatives:</b>  N/A

CHECK NUMBER	AMOUNT	CHECK DATE	VENDOR
202484	388.79	03/30/2023	DS ERICKSON & ASSOCI
202485	415.50	03/30/2023	LOCAL #70
202486	230.24	03/30/2023	MIDWEST RESALE SPECI
202487	1,680.90	03/30/2023	MINNESOTA CHLD SUPP
202488	112.00	03/30/2023	NCPERS GROUP LIFE IN
202489	250.50	03/30/2023	OFFICE AND PROF EMPL
202490	11,537.64	03/30/2023	SOUTH ST PAUL TEACHE
202491	5.00	03/30/2023	SOUTH ST PAUL OPEN F
202492	60.00	03/30/2023	SOUTH ST PAUL EDUCAT
202493	792.59	03/30/2023	SSP EASRP
202494	750.00	03/30/2023	BACKUPIFY
202495	774.48	03/30/2023	BLICK ART MATERIALS
202496	2,295.00	03/30/2023	BUCK HILL
202497	23,882.58	03/30/2023	CITY OF SOUTH ST PAU
202498	150.00	03/30/2023	DEWALD, RINA
202499	40.32	03/30/2023	FRED WELLS TENNIS AN
202500	297.00	03/30/2023	GOSTRENGTHS INC
202501	65,812.43	03/30/2023	HEALTH PARTNERS
202502	15.01	03/30/2023	INNOVATIVE OFFICE SO
202503	1,295.83	03/30/2023	JOHNSON, CHRISTINE
202504	672.40	03/30/2023	LAKESHORE LEARNING M
202505	214.06	03/30/2023	LINK INTERPRET
202506	90.00	03/30/2023	LISOWSKI, ANNA
202507	608.71	03/30/2023	MACKIN EDUCATIONAL R
202508	123.99	03/30/2023	MENDEZ, ANGELA
202509	335.00	03/30/2023	MN SCHOOL BOARDS ASS
202510	11,205.00	03/30/2023	NORTHLINE TRANSPORTA
202511	15.39	03/30/2023	PIEKARSKI, DIAN
202512	111.00	03/30/2023	PITNEY BOWES, INC
202513	150.00	03/30/2023	POW WOW GROUNDS LLC
202514	12,892.68	03/30/2023	RUPP, ANDERSON, SQUI
202515	735.93	03/30/2023	SAM'S CLUB
202516	55.50	03/30/2023	SCHOOL SPECIALTY, LL
202517	3,021.00	03/30/2023	SCHOOL TECHNOLOGY AS
202518	23,046.32	03/30/2023	SHI INTERNATIONAL CO
202519	156.86	03/30/2023	SPRINT
202520	9,177.16	03/30/2023	STANDARD INSURANCE C
202521	13,229.61	03/30/2023	TEACHERS ON CALL
202522	795.00	03/30/2023	TRICKSTER TACOS LLC
202523	849.27	03/30/2023	UNITED REFRIGERATION
202524	36,328.01	03/30/2023	UPPER LAKES FOODS
202525	1,848.61	03/30/2023	VISTA HIGHER LEARNIN
202526	160.00	04/03/2023	MINNESOTA TRUE TEAM
202527	180.00	04/03/2023	ST CROIX LUTHERAN AC
202528	975.00	04/06/2023	A+ DRIVING SCHOOL
202529	195.00	04/06/2023	ABRAKADOODLE
202530	126.50	04/06/2023	ACE HARDWARE & PAINT
202531	1,123.97	04/06/2023	ALLSTREAM
202532	116.22	04/06/2023	AMAZON CAPITAL SERVI
202533	4,390.12	04/06/2023	ARVIG
202534	16.14	04/06/2023	BLICK ART MATERIALS
202535	210.00	04/06/2023	CANNON FALLS HIGH SC
202536	460.24	04/06/2023	CAPITAL ONE TRADE CR
202537	149.99	04/06/2023	CATALYST SOURCING SO
202538	13.67	04/06/2023	CINTAS
202539	419.90	04/06/2023	COLLINS SPORTS MEDIC

CHECK NUMBER	AMOUNT	DATE	CHECK VENDOR
202540	9,392.90	04/06/2023	CONVERGINT TECHNOLOG
202541	180.78	04/06/2023	DAVIS, MAXWELL
202542	1,068.63	04/06/2023	DEMCO
202543	175.00	04/06/2023	DEWALD, RINA
202544	400.36	04/06/2023	EDUCATORS BENEFIT CO
202545	2,420.00	04/06/2023	EGAN
202546	360.00	04/06/2023	EXCEL AV GROUP LLC
202547	14.48	04/06/2023	FIRST SUPPLY LLC - T
202548	502.89	04/06/2023	GOODIN COMPANY
202549	727.76	04/06/2023	GRAINGER, INC
202550	2,757.97	04/06/2023	HORIZON COMMERCIAL P
202551	177,272.77	04/06/2023	INDEPENDENT SCHOOL D
202552	75,409.85	04/06/2023	INDEPENDENT SCHOOL D
202553	539.36	04/06/2023	JOHNSTONE SUPPLY
202554	816.74	04/06/2023	KWIK TRIP EXTENDED N
202555	149.94	04/06/2023	LEPPLE, MIN
202556	419.87	04/06/2023	LIGHTNING DISPOSAL,
202557	1,693.36	04/06/2023	LINK INTERPRET
202558	502.96	04/06/2023	MARK'S PLUMBING PART
202559	340.00	04/06/2023	MARTINEK, MIKE
202560	421.50	04/06/2023	MCMASTER-CARR SUPPLY
202561	1,376.00	04/06/2023	MEDICINE LAKE TOURS
202562	1,504.79	04/06/2023	MEI TOTAL ELEVATOR S
202563	2,655.00	04/06/2023	MERIDIAN CONSULTING
202564	9.75	04/06/2023	MINNESOTA LOCKS
202565	100.00	04/06/2023	MN DEPT OF LABOR & I
202566	722.50	04/06/2023	MOBILE ED PRODUCTION
202566	-722.50	04/06/2023	MOBILE ED PRODUCTION
202567	30.00	04/06/2023	MSHSL REGION 4AA
202568	898.32	04/06/2023	NAPA AUTO PARTS
202569	1,350.82	04/06/2023	NETWORK SERVICES COM
202570	137.16	04/06/2023	OPD BUSINESS SOLUTIO
202571	3,470.39	04/06/2023	PETERSON BROS. ROOFI
202572	2,146.97	04/06/2023	POSTMASTER, SOUTH ST
202573	85.80	04/06/2023	READ NATURALLY
202574	74,256.13	04/06/2023	SAFEWAY WISCONSIN, I
202575	50.00	04/06/2023	SCHNEIDER, NANCY
202576	269.13	04/06/2023	SOUTH ST PAUL OPEN F
202577	259.62	04/06/2023	STATE SUPPLY COMPANY
202578	1,956.00	04/06/2023	T-MOBILE
202579	23,853.97	04/06/2023	TEACHERS ON CALL
202580	788.85	04/06/2023	TWIN CITY JANITOR SU
202581	96.52	04/06/2023	UNITED REFRIGERATION
202582	35,654.28	04/06/2023	WIDE AREA TRANSPORTA
202583	6,101.12	04/06/2023	XCEL ENERGY
202584	75.00	04/06/2023	INFINITE HEALTH COLL
202585	647.50	04/06/2023	MOBILE ED PRODUCTION
202200325	129,049.09	03/27/2023	HEALTH PARTNERS
202200332	42,460.99	03/30/2023	MINNESOTA PAYROLL TA
202200333	259,547.20	03/30/2023	FEDERAL PAYROLL TAXE
202200334	653.49	03/30/2023	MN DEPT OF REVENUE
202200335	46,101.83	03/30/2023	PERA
202200336	52,990.75	03/30/2023	TSA/ACH DEDUCTION
202200337	128,644.20	03/30/2023	TEACHER RETIREMENT A
202200338	0.00	03/30/2023	MINNESOTA PAYROLL TA
202200339	0.00	03/30/2023	FEDERAL PAYROLL TAXE

CHECK NUMBER	AMOUNT	CHECK DATE	VENDOR
202200340	74,983.31	04/03/2023	HEALTH PARTNERS
202200341	364,096.88	03/31/2023	US BANK
202200350	25,184.07	03/31/2023	MEDSURETY
222300264	90.00	03/28/2023	ANDERSON, CHAD
222300265	79.08	03/28/2023	ANDERSON, CONRAD
222300266	90.00	03/28/2023	BERCHTOLD, JAMIE
222300267	90.00	03/28/2023	BOCK, SHAUNA
222300268	90.00	03/28/2023	BOURG, LEAH
222300269	42.97	03/28/2023	BOWEN-JEREZ, TERANIQ
222300270	90.00	03/28/2023	BRANDECKER, LISA
222300271	45.00	03/28/2023	BRASHEAR, PAUL
222300272	195.83	03/28/2023	BRETOI, TERRENCE
222300273	25.00	03/28/2023	BURK, IAN
222300274	240.00	03/28/2023	CHILDS, DANETTE
222300275	32.15	03/28/2023	CORNELL, JANE
222300276	90.00	03/28/2023	EDLEFSEN, DEANNE
222300277	90.00	03/28/2023	FENTON, MARK
222300278	31.75	03/28/2023	FLORES, MARTA
222300279	275.23	03/28/2023	GAMEZ, LESLY
222300280	90.00	03/28/2023	HOFFMAN, BRADY
222300281	477.03	03/28/2023	HOLSEN, ERIC
222300282	45.00	03/28/2023	JACOBS-BUSE, LINDA
222300283	247.02	03/28/2023	KIRSCHT, LINDEN
222300284	90.00	03/28/2023	KRUEGER, BRADY
222300285	45.00	03/28/2023	LENTSCH, PETER
222300286	45.00	03/28/2023	LOUGH, LAWRENCE
222300287	90.00	03/28/2023	MILTEER, JOEL
222300288	20.60	03/28/2023	NICHOLSON, SUSAN
222300289	49.98	03/28/2023	NYGAARD, LINDA
222300290	90.00	03/28/2023	OCHOCKI, CHARLES
222300291	45.00	03/28/2023	OSTER, PATRICK
222300292	45.00	03/28/2023	PENMAN, MICHELLE
222300293	90.00	03/28/2023	PETERSON, LORI
222300294	50.00	03/28/2023	PRESSNALL, KATHRYN
222300295	90.00	03/28/2023	SCHMIDT, CHAD
222300296	90.00	03/28/2023	SCHWAB, ROBIN
222300297	90.00	03/28/2023	STANKE, JULIAN
222300298	90.00	03/28/2023	TAYLOR MINER, MELANE
222300299	193.05	03/28/2023	THAO, GER
222300300	367.97	03/28/2023	THOMPSON, KRISTINE
222300301	45.00	03/28/2023	VANDERBILT, TONY
222300302	90.00	03/28/2023	WELLS, TRAVIS
222300303	8.52	03/28/2023	WINTER, ALLYSON
222300304	90.00	03/28/2023	ZAMBRENO, BRIAN
222300305	90.00	03/28/2023	ZEHNDER, JEAN

1,796,397.29 Totals for checks

FUND SUMMARY

<u>FUND</u>	<u>DESCRIPTION</u>	<u>BALANCE SHEET</u>	<u>REVENUE</u>	<u>EXPENSE</u>	<u>TOTAL</u>
01	GENERAL	791,496.79	269.13	248,028.66	1,039,794.58
02	FOOD SERVICE	8,875.05	0.00	37,329.61	46,204.66
04	COMMUNITY EDUCATION	277,674.89	0.00	4,094.24	281,769.13
05	CAPITAL	777.73	0.00	399,461.20	400,238.93
08	TRUST FUND	0.00	0.00	25,184.07	25,184.07
50	ACTIVITY ACCOUNT	3,205.92	0.00	0.00	3,205.92
***	Fund Summary Totals ***	1,082,030.38	269.13	714,097.78	1,796,397.29

\*\*\*\*\* End of report \*\*\*\*\*

**CHECKRUNS**

<b><u>FUND</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>March 24, 2023 - April 6, 2023</u></b>
1	GENERAL	\$1,039,794.58
2	FOOD SERVICE	\$46,204.66
4	COMMUNITY EDUCATION	\$281,769.13
5	CAPITAL	\$400,238.93
7	DEBT SERVICE	\$0.00
8	TRUST FUND/FLEX	\$25,184.07
50	ACTIVITY ACCOUNTS	\$3,205.92
	<b>TOTAL</b>	<b><u>\$1,796,397.29</u></b>

Checks 202484 - 202585

Employee ACH 222300264-222300305

Wire Payments 202200325-202200350

**PAYROLL**

**3/30/23**

Payroll Direct Deposit	900088516-900089035	\$765,238.97
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## SOUTH ST. PAUL PUBLIC SCHOOLS

### School Board Agenda Item

**Meeting Date:** April 10, 2023

**Place on Agenda:** Consent Items

**Action Requested:** Approval

**Attachment:** Staffing

<b>Topic:</b> Staffing
<b>Presenter(s):</b> Chair
<b>Background:</b>  The staffing report includes the Appointments, Resignations, Transfers, Retirements, Abolishments and Leaves being recommended to the School Board for approval.
<b>Recommendation:</b>  Administration recommends approval of the proposed staffing and supplemental staffing as presented.
<b>Alternatives:</b>  Amend the motion to remove a certain appointment, resignation, transfer, retirement, abolishment, or leave. Provide administration with directions for next steps.

**VII.A.1 Staff Appointments, Resignations, Retirements, Terminations  
and Leaves (Joel Milteer)**

**4-10-23**

**Certified**

**A. Appointments/Reassignments**

1. Joquan Williams – 1.0 FTE School Social Worker, Middle School, BA00, Step 2, effective August 21, 2023.
2. Dmitri Shakhov – 1.0 FTE EL/ESL Teacher, High School, MA15, Step 19, effective August 21, 2023.

**2022-23 ECA**

**TRACK**

Additional Coach Bjorklund, Randy\* \$3,000 (Booster Club)  
(Correction – previously approved at \$2,000)

\*indicates a non-district employee

\*\* indicates a returning non-district employee

**B. Resignations/Retirements/Leaves/Reductions/Other**

1. Andrew Doran – Resignation, 1.0 FTE Peer Coach (TOSA), District, effective April 28, 2023.
2. Andrew Doran – Resignation, Varsity & Sophomore Coach, Girls' Basketball, effective April 28, 2023.
3. Tom Fields – Resignation, Head Coach, Robotics, Secondary Building, effective April 1, 2023.
4. Beth Johnson – Retirement, 1.0 FTE Special Education Teacher, High School, effective June 12, 2023.
5. Beth Johnson – Leave of absence (.5 FTE), 1.0 FTE Special Education Teacher, High School, effective April 10, 2023, through May 12, 2023.
6. Kristin Lefferts – Retirement, 1.0 FTE Licensed School Nurse, Secondary Building, effective June 12, 2023.

VII.A.2 Staff Appointments, Resignations, Retirements, Terminations  
and Leaves (Joel Milteer)

4-10-23

Classified

A. Appointments/Reassignments

1. Nicole Lindorfer – Nutrition Services Assistant, Secondary Building, \$16.88 per hour, 20 hours per week, effective April 3, 2023.
2. Margaret Smith – Kids’ Choice Summer Program Assistant, Lincoln Center, \$18.86 per hour, 5.5 hours per day, up to 8 hours on field trip days, effective June 1, 2023, through August 25, 2023.
3. Lori Trandem – Part-Time Cleaner, Lincoln Center, \$16.68 per hour, 20 hours per week, effective April 10, 2023.
4. Peyton Wagner – Early Childhood Special Education Assistant, Lincoln Center, \$20.16 per hour, 32.5 hours per week, effective April 3, 2023.
5. **Brandon Willcox – K-12 Instructional Coordinator with Focus on Literacy, District Office, effective July 1, 2023.**

Change of Assignment – effective April 3, 2023

Amber Gay – Change from Early Childhood Special Education Assistant, Lincoln Center, to Special Education Assistant, High School

B. Resignations/Retirements/Leaves/Reductions/Other

1. Thomas Banaszewski – Retirement, Maintenance Specialist, Service Building, effective May 31, 2023.
2. Lawrence Lough – Leave of absence, Head Engineer-Elementary, Lincoln Center, effective March 28, 2023, through approximately May 9, 2023.
3. **Tamara Meyer – Resignation, Student Supervisor, Lincoln Center, effective April 21, 2023.**
4. **Tamara Meyer – Resignation, Part-Time Cleaner, Lincoln Center, effective April 21, 2023.**



## SOUTH ST. PAUL PUBLIC SCHOOLS

### School Board Agenda Item

**Meeting Date:** April 10, 2023

**Place on Agenda:** Regular Agenda

**Action Requested:** Approval – Third Reading

**Attachment:** Revise Policies: 201, 202, 208 and 522

<b>Topic:</b> Policy Review
<b>Presenter(s):</b> Board Policy Committee
<b>Background:</b>  School district policy #208 requires policies under review to be placed on two consecutive School Board meeting agendas for review and comment by board members, staff and community members. On the third and subsequent meeting, the policies will go before the School Board for approval.  The attached policies were reviewed by the board policy committee on March 6 and placed on the March 13 and 27 School Board meeting agendas for review and comment. These policies are up for approval at tonight's School Board meeting.
<b>Recommendation:</b>  Approval
<b>Alternatives:</b>  Remove a policy or policies from the agenda for further review.



*Adopted: April 17, 1996*

*MSBA/MASA Model Policy 201*

*Orig. 1995*

*Revised: 5/10/04; 10/27/08; 4/13/15; 3/27/17  
4/13/20; 4/10/23*

*Rev. 2009*

## **201 LEGAL STATUS OF THE SCHOOL BOARD**

### **I. PURPOSE**

The care, management and control of the schools is vested by statutory and constitutional authority in the school board. The school board shall carry out the mission of the school district with diligence, prudence, and dedication to the ideals of providing the finest public education. The purpose of this policy is to define the authority, duties and powers of the school board in carrying out its mission.

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

- A. The school board is the governing body of the school district. As such, the school board has responsibility for the care, management, and control over public schools in the school district.
- B. Generally, elected members of the school board have binding authority only when acting as a school board legally in session, except where specific authority is provided to school board members or officers individually. Generally, the school board is not bound by an action or statement on the part of an individual school board member unless the action is specifically directed or authorized by the school board.

### **III. DEFINITION**

- A. “School board” means the governing body of the school district.

### **IV. ORGANIZATION AND MEMBERSHIP**

- A. The membership of the school board consists of seven elected directors. The term of office is four years.
- B. There may be other ex officio members of the school board as provided by law. The superintendent is an ex officio member.
- C. A majority of voting members constitutes a quorum. The act of the majority of a quorum is the act of the school board.

## V. POWERS AND DUTIES

- A. The school board has powers and duties specified by statute. The school board's authority includes implied powers in addition to specific powers granted by the legislature.
- B. The school board exercises administrative functions. It also has certain powers of a legislative character and other powers of a quasi-judicial character.
- C. The school board shall superintend and manage the schools of the school district; adopt rules for their organization, government, and instruction; and prescribe textbooks and courses of study and make authorize contracts.
- D. The school board shall have the general charge of the business of the school district, its facilities and property, and of the interest of the schools.
- E. The school board, among other duties, shall perform the following in accordance with applicable law:
  - 1. provide by levy of tax, necessary funds for the conduct of schools, the payment of indebtedness, and all proper expenses of the school district;
  - 2. conduct the business of the schools and pay indebtedness and proper expenses;
  - 3. employ and contract with necessary qualified teachers and discharge the same for cause;
  - 4. provide services to promote the health of its pupils;
  - 5. provide school buildings and erect needed buildings;
  - 6. purchase, sell, and exchange school district property and equipment as deemed necessary by the school board for school purposes;
  - 7. provide for payment of claims against the school district, and prosecute and defend actions by or against the school district, in all proper cases;
  - 8. employ and discharge necessary employees and contract for other services;
  - 9. provide for transportation of pupils to and from school, as governed by statute; and
  - 10. procure insurance against liability of the school district, its officers and employees.

- F. The school board, at its discretion, may perform the following:
1. provide library facilities, public evening schools, adult and continuing education programs, summer school programs and intersession classes of flexible school year programs;
  2. furnish school lunches for pupils and teachers on such terms as the school board determines;
  3. enter into agreements with one or more other independent school districts to provide for agreed upon educational services;
  4. lease rooms or buildings for school purposes;
  5. authorize the use of school facilities for community purposes that will not interfere with their use for school purposes;
  6. authorize cocurricular and extracurricular activities;
  7. receive, for the benefit of the school district, bequests, donations, or gifts for any proper purpose; and
  8. perform other acts as the school board shall deem to be reasonably necessary or required for the governance of the schools.

***Legal References:***

Minn. Stat. § 123A.22 (Cooperative Centers for Vocational Education)  
Minn. Stat. § 123B.02 (General Powers of Independent School Districts)  
Minn. Stat. § 123B.09 (Boards of Independent School Districts)  
Minn. Stat. § 123B.14 (Officers of Independent School Districts)  
Minn. Stat. § 123B.23 (Liability Insurance; Officers and Employees)  
Minn. Stat. § 123B.49 (Extracurricular Activities; Insurance)  
Minn. Stat. § 123B.51 (Schoolhouses and Sites; Uses for School and Nonschool Purposes)  
Minn. Stat. § 123B.85 (Definitions)  
*Jensen v. Indep. Consol. Sch. Dist. No. 85*, 160 Minn. 233, 199 N.W. 911 (1924)

***Cross References:***

MSBA/MASA Model Policy 101 (Legal Status of the School District)  
MSBA/MASA Model Policy 202 (School Board Officers)  
MSBA/MASA Model Policy 203 (Operation of the School Board-Governing Rules)  
MSBA/MASA Model Policy 205 (Open Meetings and Closed Meetings)



*Adopted: April 17, 1996*

*MSBA/MASA Model Policy 202*

*Revised: 5/10/04; 4/13/15; 4/24/17; 4/13/20  
4/10/23*

*Orig. 1995*

*Rev. 2022*

## **202 SCHOOL BOARD OFFICERS**

### **I. PURPOSE**

School board officers are charged with the duty of carrying out the responsibilities entrusted to them for the care, management, and control of the public schools of the school district. The purpose of this policy is to delineate those responsibilities.

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

- A. The school board shall meet annually and organize by selecting a chair, a vice-chair, a clerk, a treasurer and such other officers as determined by the school board.
- B. The school board shall appoint a superintendent who shall be an ex officio, nonvoting member of the school board.

### **III. ORGANIZATION**

- A. The school board shall meet annually on the first Monday in January, or as soon thereafter as practicable, and organize by selecting a chair, a clerk, a treasurer, and such other officers as determined by the school board. These officers shall hold office for two years and until their successors are elected and qualify.
- B. The persons who perform the duties of clerk and treasurer need not be members of the school board.
- C. The school board by resolution may combine the duties of the offices of clerk and treasurer in a single person in the Finance office.

### **IV. OFFICER'S RESPONSIBILITIES**

- A. Chair
  - 1. The chair when present shall preside at all meetings of the school board, countersign all orders upon the treasurer for claims allowed by the school board, represent the school district in all actions and perform all duties a chair usually performs.

2. In case of absence, inability, or refusal of the clerk to draw orders for the payment of money authorized by a vote of the majority of the school board to be paid, the chair may draw the orders, or the office of the clerk may be declared vacant by the chair and treasurer and filled by appointment.
3. The chair will provide leadership in carrying out the powers of duties of the school board and act as spokesperson for the school board unless this responsibility has been delegated to others. The chair shall have completed MSBA Phase I, II, III, and IV training prior to serving as chair to ensure governance norms and protocols. If the school board determines there is not a member who qualifies, this policy may be waived upon majority vote.
4. The chair will oversee all school board members' appointments to committees and outside organizations and bring such appointments to the school board for approval.
5. Other duties may be prescribed to the chair by law or school board action.

B. Treasurer

1. The treasurer shall deposit the funds of the school district in the official depository.
2. The treasurer shall make all reports which may be called for by the school board and perform all duties a treasurer usually performs.
3. In the event there are insufficient funds on hand to pay valid orders presented to the treasurer, the treasurer shall receive, endorse, and process the orders in accordance with Minnesota Statutes section 123B.12.

C. Clerk

1. The clerk shall keep a record of all meetings in the books provided.
2. Within three days after an election, the clerk shall notify all persons elected of their election.
3. On or before September 15 of each year, the clerk shall:
  - a) file with the school board a report of the revenues, expenditures and balances in each fund for the preceding fiscal year.
  - b) make and transmit to the Commissioner of the Minnesota Department of Education (Commissioner) certified reports, showing:
    - (1) revenues and expenditures in detail, and such other financial information required by law, rule, or as may be called for by the Commissioner

- (2) length of school term and enrollment and attendance by grades; and
    - (3) other items of information as called for by the Commissioner.
  4. The clerk shall enter into the clerk's record book copies of all reports and of the teachers' term reports, and of the proceedings of any meeting, and keep an itemized account of all expenses of the school district.
  5. The clerk shall furnish to the county auditor, on or before September 30, an attested copy of the clerk's record, showing the amount of money voted by the school district or the school board for school purposes.
  6. The clerk shall draw and sign all orders upon the treasurer for the payment of money for bills allowed by the school board for salaries of officers and for teachers' wages and all claims, to be countersigned by the chair.
  7. The clerk shall perform such duties as required by the Minnesota Election Law or other applicable laws relating to the conduct of elections.
  8. The clerk shall perform such duties of the chair in the event of the chair's and vice-chair's temporary absence.
- D. Vice-Chair
1. The vice-chair shall perform the duties of the chair in the event of the chair's temporary absence.
- E. Superintendent
1. The superintendent shall be an ex officio, nonvoting member of the school board.
  2. The superintendent shall perform the following:
    - a) visit and supervise the schools in the school district, report and make recommendations about their condition when advisable or on request by the school board;
    - b) recommend to the school board employment and dismissal of teachers;
    - c) annually evaluate each school principal assigned responsibility for supervising a school building within the district.
    - d) superintend school grading practices and examinations for promotions;

- e) make reports required by the commissioner; and
- f) perform other duties prescribed by the school board.

***Legal References:***

Minn. Stat. § 123B.12 (Insufficient Funds to Pay Orders)  
Minn. Stat. § 123B.14 (Officers of Independent School Districts)  
Minn. Stat. § 126C.17 (Referendum Revenue)  
Minn. Stat. Ch. 205A (School District Elections)

***Cross References:***

MSBA/MASA Model Policy 101 (Legal Status of the School District)  
MSBA/MASA Model Policy 201 (Legal Status of the School Board)  
MSBA/MASA Model Policy 203 (Operation of the School Board – Governing Rules)  
MSBA Service Manual, Chapter 1, School District Governance, Powers and Duties



Adopted: May 10, 2004

MSBA/MASA Model Policy 208

Orig. 1995

Revised: 6/14/05; 8/14/06; 1/11/10; 9/9/13  
7/27/15; 4/9/18; 9/10/18; 4/10/23

Rev. 2022

## **208 DEVELOPMENT, ADOPTION, & IMPLEMENTATION OF POLICIES**

### **I. PURPOSE**

The purpose of this policy is to emphasize the importance of the policy-making role of the school board and provide the means for it to continue to be an ongoing effort.

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

Formal guidelines are necessary to ensure the school community that the school system responds to its mission and operates in an effective, efficient and consistent manner. A set of written policy statements shall be maintained and modified as needed. Policies should define the desire and intent of the school board and should be in a form, which is sufficiently explicit to guide administrative action.

### **III. DEVELOPMENT OF POLICY**

- A. The school board has jurisdiction to legislate policy for the school district with the force and effect of law. School board policy provides the general direction as to what the school board wishes to accomplish while delegating implementation of policy to the administration.
- B. The school board's written policies provide guidelines and goals to the school community. The policies shall be the basis for the formulation of guidelines and directives by the administration. The school board shall determine the effectiveness of the policies by evaluating periodic reports from the administration.
- C. Policies may be proposed by a school board member, employee, student or resident of the school district. Proposed policies or ideas shall be submitted to the superintendent for review prior to possible placement on the school board agenda.

### **IV. ADOPTION OF POLICY**

- A. The school board shall give notice of proposed policy changes or adoption of new policies by placing the item on the agenda of two school board meetings. The proposals shall be distributed and public comment will be allowed at both meetings prior to final school board action.

- B. The final action taken to adopt the proposed policy shall be approved by a simple majority vote of the school board at a subsequent meeting after the meetings at which public input was received. The policy will be effective on the later of the date of passage or the date stated in the motion.
- C. In the case of an emergency, a new or modified policy may be adopted by a majority vote of a quorum of the school board. A statement regarding the emergency and the need for immediate adoption of the policy shall be included in the minutes. The emergency policy shall expire within one year following the emergency action unless the policy adoption procedure stated above is followed and the policy is reaffirmed. The school board shall have discretion to determine what constitutes an emergency situation.
- D. If a policy is modified with minor changes that do not affect the substance of the policy or because of a legal change over which the school board has no control, the modified policy may be approved at one meeting at the discretion of the school board.

## **V. IMPLEMENTATION OF POLICY**

- A. The superintendent shall be responsible for implementing school board policies and developing administrative guidelines and directives to provide greater specificity and consistency in the process of implementation. These guidelines and directives, including employee and student handbooks, shall be subject to annual review and approval by the school board.
- B. Each school board member shall have access to this policy manual. Manuals shall be available in the central office and made available for reference purposes to other interested persons. Policies are also publicly available on the district website.
- C. The superintendent, employees designated by the superintendent, and individual school board members shall be responsible for keeping the policy manuals current.
- D. The school board shall review policies at least once every three years. The superintendent shall be responsible for developing a system of periodic review, addressing approximately one fifth of the policies annually. In addition, the school board shall review the following policies annually: 506 Student Discipline and 806 Crisis Management Policy.
- E. When no school board policy exists to provide guidance on a matter, the superintendent is authorized to act appropriately under the circumstances keeping in mind the educational philosophy and financial condition of the school district. Under such circumstances, the superintendent shall advise the school board of the

need for a policy and present a recommended policy to the school board for approval.

***Legal References:*** Minn. Stat. § 123B.02, Subd. 1 (School District Powers)  
Minn. Stat. § 123B.09, Subd. 1 (School Board Powers)

***Cross References:*** MSBA/MASA Policy 305 (Policy Implementation)



*Adopted:* October 25, 2004

*MSBA/MASA Model Policy 522*

*Orig. 1995*

*Revised:* 6/26/06; 7/25/16; 9/11/17; 6/10/19  
5/26/20; 8/24/20; 6/14/21; 6/27/22; 4/10/23

*Rev. 2022*

**522 TITLE IX NONDISCRIMINATION POLICY, GRIEVANCE PROCEDURE AND PROCESS**

**I. GENERAL STATEMENT OF POLICY**

- A. The school district does not discriminate on the basis of sex in its education programs or activities, and it is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The school district is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.
- B. The school district prohibits sexual harassment that occurs within its education programs and activities. When the school district has actual knowledge of sexual harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.
- C. This policy applies to sexual harassment that occurs within the school district's education programs and activities and that is committed by a school district employee, student, or other members of the school community. This policy does not apply to sexual harassment that occurs off school grounds, in a private setting, and outside the scope of the school district's education programs and activities. This policy does not apply to sexual harassment that occurs outside the geographic boundaries of the United States, even if the sexual harassment occurs in the school district's education programs or activities.
- D. Any student, parent, or guardian having questions regarding the application of Title IX and its regulations and/or this policy and grievance process should discuss them with the Title IX Coordinator. The school district's Title IX Coordinator(s) is/are:

Title IX Coordinator  
Human Resource Director  
104 – 5<sup>th</sup> Avenue South, South St. Paul, MN 55075  
(651) 457-9473

Alternate Title IX Coordinator  
Activities Director  
700 North Second Street, South St. Paul, MN 55075  
(651)- 457-9408

Questions relating solely to Title IX and its regulations may be referred to the Title IX Coordinator(s), the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

- E. The effective date of this policy is August 14, 2020 and applies to alleged violations of this policy occurring on or after August 14, 2020.

## **II. DEFINITIONS**

- A. “Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to the school district’s Title IX Coordinator or to any employee of the school district. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the school district with actual knowledge is the respondent.
- B. “Complainant” means a person who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. A Title IX Coordinator who signs a formal complaint is not a complainant unless the Title IX Coordinator is alleged to be the victim of the conduct described in the formal complaint.
- C. “Day” or “days” means, unless expressly stated otherwise, business days (i.e. day(s) that the school district office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).
- D. “Deliberately indifferent” means clearly unreasonable in light of the known circumstances. The school district is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.
- E. “Education program or activity” means locations, events, or circumstances for which the school district exercises substantial control over both the respondent and the context in which the sexual harassment occurs and includes school district education programs or activities that occur on or off of school district property.

- F. “Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school district investigate the allegation of sexual harassment.
1. A formal complaint filed by a complainant must be a physical document or an electronic submission. The formal complaint must contain the complainant’s physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint and must be submitted to the Title IX Coordinator in person, by mail, or by email.
  2. A formal complaint shall state that, at the time of filing the formal complaint, the complainant was participating in, or attempting to participate in, an education program or activity of the school district with which the formal complaint is filed.
- G. “Informal resolution” means options for resolving a formal complaint that do not involve a full investigation and adjudication. Informal resolution may encompass a broad range of conflict resolution strategies, including mediation or restorative justice.
- H. “Relevant questions” and “relevant evidence” are questions, documents, statements, or information that are related to the allegations raised in a formal complaint. Relevant evidence includes evidence that is both inculpatory and exculpatory. Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.
- I. “Remedies” means actions designed to restore or preserve the complainant’s equal access to education after a respondent is found responsible. Remedies may include the same individualized services that constitute supportive measures, but need not be non-punitive or non-disciplinary, nor must they avoid burdening the respondent.
- J. “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under Title IX.
- K. “Sexual harassment” means any of three types of misconduct on the basis of sex that occurs in a school district education program or activity and is committed against a person in the United States:

1. *Quid pro quo* harassment by a school district employee (conditioning the provision of an aid, benefit, or service of the school district on an individual's participation in unwelcome sexual conduct);
  2. Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or
  3. Any instance of sexual assault (as defined in the Clery Act, 20 United States Code section §1092(f)(6)A(v)), dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act, 34 United States Code section §12291).
- L. “Supportive measures” means individualized services provided to the complainant or respondent without fee or charge that are reasonably available, non-punitive, non-disciplinary, not unreasonably burdensome to the other party, and designed to ensure equal educational access, protect safety, and deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, alternative educational services as defined under Minnesota Statute section § 121A.41, as amended, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the school district buildings or property, and other similar measures.
- M. “Title IX Personnel” means any person who addresses, works on, or assists with the school district’s response to a report of sexual harassment or formal complaint, and includes persons who facilitate informal resolutions. The following are considered Title IX Personnel:
1. “Title IX Coordinator” means an employee of the school district that coordinates the school district’s efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator is responsible for acting as the primary contact for the parties and ensuring that the parties are provided with all notices, evidence, reports, and written determinations to which they are entitled under this policy and grievance process. The Title IX Coordinator is also responsible for effective implementation of any supportive measures or remedies. The Title IX Coordinator must be free from conflicts of interest and bias when administering the grievance process.
  2. “Investigator” means a person who investigates a formal complaint. The investigator of a formal complaint may not be the same person as the Decision-maker or the Appellate Decision-maker. The Investigator may be a school district employee, school district official, or a third party designated by the school district.

3. “Decision-maker” means a person who makes a determination regarding responsibility after the investigation has concluded. The Decision-maker cannot be the same person as the Title IX Coordinator, the Investigator, or the Appellate Decision-maker.
4. “Appellate Decision-maker” means a person who considers and decides appeals of determinations regarding responsibility and dismissals of formal complaints. The Appellate Decision-maker cannot be the same person as the Title IX Coordinator, Investigator, or Decision-maker. The Appellate Decision-maker may be a school district employee, or a third party designated by the school district.
5. The superintendent of the school district may delegate functions assigned to a specific school district employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, Investigator, Decision-maker, Appellate Decision-maker, and facilitator of informal resolution processes, to any suitably qualified individual and such delegation may be rescinded by the superintendent at any time. The school district may also, in its discretion, appoint suitably qualified persons who are not school district employees to fulfill any function under this policy, including, but not limited to, Investigator, Decision-maker, Appellate Decision-maker, and facilitator of informal resolution processes.

### **III. BASIC REQUIREMENTS FOR GRIEVANCE PROCESS**

#### **A. Equitable Treatment**

1. The school district shall treat complainants and respondents equitably. However, equality or parity with respect to supportive measures provided to complainants and respondents is not required.
2. The school district will not impose any disciplinary sanctions or take any other actions against a respondent that do not constitute supportive measures until it has completed this grievance process and the respondent has been found responsible.
3. The school district will provide appropriate remedies to the complainant any time a respondent is found responsible.

#### **B. Objective and Unbiased Evaluation of Complaints**

1. Title IX Personnel, including the Title IX Coordinator, Investigator, Decision-maker, and Appellate Decision-maker, shall be free from conflicts of interest or bias for or against complainants or respondents generally or a specific complainant or respondent.
2. Throughout the grievance process, Title IX Personnel will objectively evaluate all relevant evidence, inculpatory and exculpatory, and shall

avoid credibility determinations based solely on a person's status as a complainant, respondent, or witness.

- C. Title IX Personnel will presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- D. Confidentiality
1. The school district will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), 20 United States Code section § 1232g, or FERPA regulations, 34 Code of Federal Regulations part 99, Minnesota law under Minnesota Statutes section § 13.32, or as required by law, or to carry out the purposes of 34 Code of Federal Regulations part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the school district's obligation to maintain confidentiality shall not impair or otherwise affect the complainants and respondents receipt of the information to which they are entitled with respect to the investigative record and determination of responsibility).
- E. Right to an Advisor; Right to a Support Person
1. Complainants and respondents have the right, at their own expense, to be assisted by an advisor of their choice during all stages of any grievance proceeding, including all meetings and investigative interviews. The advisor may be, but is not required to be, an attorney. In general, an advisor is not permitted to speak for or on behalf of a complainant or respondent, appear in lieu of complainant or respondent, participate as a witness, or participate directly in any other manner during any phase of the grievance process.
  2. A complainant or respondent with a disability may be assisted by a support person throughout the grievance process, including all meetings and investigative interviews, if such accommodation is necessary. A support person may be a friend, family member, or any individual who is not otherwise a potential witness. The support person is not permitted to speak for or on behalf of a complainant or respondent, appear in lieu of complainant or respondent, participate as a witness, or participate directly in any other manner during any phase of the grievance process.

- F. Notice
1. The school district will send written notice of any investigative interviews or meetings to any party whose participation is invited or expected. The written notice will include the date, time, location, participants, and purpose of the meeting or interview, and will be provided to allow sufficient time for the party to prepare to participate.
- G. Consolidation
1. The school district may, in its discretion, consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.
- H. Evidence
1. During the grievance process, the school district will not require, allow, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
  2. The school district shall not access, consider, disclose, or otherwise use a party's medical, psychological, and similar treatment records unless the school district obtains the party's voluntary, written consent.
- I. Burden of Proof
1. The burden of gathering evidence and the burden of proof shall remain upon the school district and not upon the parties.
  2. The grievance process shall use a preponderance of the evidence standard (i.e. whether it is more likely than not that the respondent engaged in sexual harassment) for all formal complaints of sexual harassment, including when school district employees are respondents.
- J. Timelines
1. Any informal resolution process must be completed within thirty (30) calendar days following the parties' agreement to participate in such informal process.
  2. An appeal of a determination of responsibility or of a decision dismissing a formal complaint must be received by the school district within five (5) days of the date the determination of responsibility or dismissal was provided to the parties.

3. Any appeal of a determination of responsibility or of a dismissal will be decided within thirty (30) calendar days of the day the appeal was received by the School District.
4. The school district will seek to conclude the grievance process, including any appeal, within 120 calendar days of the date the formal complaint was received by the School District.
5. Although the school district strives to adhere to the timelines described above, in each case, the school district may extend the time frames for good cause. Good cause may include, without limitation: the complexity of the allegations; the severity and extent of the alleged misconduct; the number of parties, witnesses, and the types of other evidence (e.g., forensic evidence) involved; the availability of the parties, advisors, witnesses, and evidence (e.g., forensic evidence); concurrent law enforcement activity; intervening school district holidays, breaks, or other closures; the need for language assistance or accommodation of disabilities; and/or other unforeseen circumstances.

**K. Potential Remedies and Disciplinary Sanctions**

1. The following is the range of possible remedies that the school district may provide a complainant and disciplinary sanctions that the school district might impose upon a respondent, following determination of responsibility: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual or unilateral restrictions on contact between the parties, changes in work locations, leaves of absence, monitoring of certain areas of the school district buildings or property, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge.
2. If the Decision-maker determines a student-respondent is responsible for violating this policy, the Decision-maker will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the superintendent of the recommended remedies, such that an authorized administrator can consider the recommendation(s) and implement appropriate remedies in compliance with MSBA Model Policy 506 – Student Discipline. The discipline of a student-respondent must comply with the applicable provisions of Minnesota Pupil Fair Dismissal Act, the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

**IV. REPORTING PROHIBITED CONDUCT**

- A. Any student who believes they have been the victim of unlawful sex discrimination or sexual harassment, or any person (including the parent of a

student) with actual knowledge of conduct which may constitute unlawful sex discrimination or sexual harassment toward a student should report the alleged acts as soon as possible to the Title IX Coordinator.

- B. Any employee of the school district who has experienced, has actual knowledge of, or has witnessed unlawful sex discrimination, including sexual harassment, or who otherwise becomes aware of unlawful sex discrimination, including sexual harassment, must promptly report the allegations to the Title IX Coordinator without screening or investigating the report or allegations.
- C. A report of unlawful sex discrimination or sexual harassment may be made at any time, including during non-business hours, and may be made in person, by mail, by telephone, or by e-mail using the Title IX Coordinator's contact information. A report may also be made by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.
- D. Sexual harassment may constitute both a violation of this policy and criminal law. To the extent the alleged conduct may constitute a crime, the School District may report the alleged conduct to law enforcement authorities. The school district encourages complainants to report criminal behavior to the police immediately.

#### **V. INITIAL RESPONSE AND ASSESSMENT BY THE TITLE IX COORDINATOR**

- A. When the Title IX Coordinator receives a report, the Title IX Coordinator shall promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
- B. The school district will offer supportive measures to the complainant whether or not the complainant decides to make a formal complaint. The school district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the school district's ability to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.
- C. If the complainant does not wish to file a formal complaint, the allegations will not be investigated by the school district unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the complainant's wishes is not clearly unreasonable in light of the known circumstances.

- D. Upon receipt of a formal complaint, the school district must provide written notice of the formal complaint to the known parties with sufficient time to prepare a response before any initial interview. This written notice must contain:
1. The allegations of sexual harassment, including sufficient details known at the time, the identities of the parties involved in the incident (if known), the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
  2. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
  3. A statement explaining that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
  4. A statement that the parties may inspect and review evidence gathered pursuant to this policy;
  5. A statement informing the parties of any code of conduct provision that prohibits knowingly making false statements or knowingly submitting false information; and
  6. A copy of this policy.

## **VI. STATUS OF RESPONDENT DURING PENDENCY OF FORMAL COMPLAINT**

### **A. Emergency Removal of a Student**

1. The school district may remove a student-respondent from an education program or activity of the school district on an emergency basis before a determination regarding responsibility is made if:
  - a) The school district undertakes an individualized safety and risk analysis;
  - b) The school district determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal of the student-respondent; and
  - c) The school district determines the student-respondent poses such a threat, it will so notify the student-respondent and the student-respondent will have an opportunity to challenge the decision immediately following the removal. In determining whether to impose emergency removal measures, the Title IX Coordinator shall consult related school district policies, including MSBA Model Policy 506 – Student Discipline. The school district must take into consideration applicable requirements of the Individuals

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with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973, prior to removing a special education student or Section 504 student on an emergency basis.

- B. Employee Administrative Leave  
The school district may place a non-student employee on administrative leave during the pendency of the grievance process of a formal complaint. Such leave will typically be paid leave unless circumstances justify unpaid leave in compliance with legal requirements. The school district must take into consideration applicable requirements of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prior to removing an individual with a qualifying disability.

## **VII. INFORMAL RESOLUTION OF A FORMAL COMPLAINT**

- A. At any time prior to reaching a determination of responsibility, informal resolution may be offered and facilitated by the school district at the school district's discretion, but only after a formal complaint has been received by the school district.
- B. The school district may not require as a condition of enrollment or continued enrollment, or of employment or continued employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment.
- C. The informal resolution process may not be used to resolve allegations that a school district employee sexually harassed a student.
- D. The school district will not facilitate an informal resolution process without both parties' agreement, and will obtain their voluntary, written consent. The school district will provide to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, the parties' right to withdraw from the informal resolution process, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
- E. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

## **VIII. DISMISSAL OF A FORMAL COMPLAINT**

- A. Under federal law, the school district must dismiss a Title IX complaint, or a portion thereof, if the conduct alleged in a formal complaint or a portion thereof:

1. Would not meet the definition of sexual harassment, even if proven;
  2. Did not occur in the school district's education program or activity; or
  3. Did not occur against a person in the United States.
- B. The school district may, in its discretion, dismiss a formal complaint or allegations therein if:
1. The complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein;
  2. The respondent is no longer enrolled or employed by the school district; or
  3. Specific circumstances prevent the school district from gathering sufficient evidence to reach a determination.
- C. The school district shall provide written notice to both parties of a dismissal. The notice must include the reasons for the dismissal.
- D. Dismissal of a formal complaint or a portion thereof does not preclude the school district from addressing the underlying conduct in any manner that the school district deems appropriate.

## **IX. INVESTIGATION OF A FORMAL COMPLAINT**

- A. If a formal complaint is received by the School District, the school district will assign or designate an Investigator to investigate the allegations set forth in the formal complaint.
- B. If during the course of the investigation the school district decides to investigate any allegations about the complainant or respondent that were not included in the written notice of a formal complaint provided to the parties, the school district must provide notice of the additional allegations to the known parties.
- C. When a party's participation is invited or expected in an investigative interview, the Investigator will coordinate with the Title IX Coordinator to provide written notice to the party of the date, time, location, participants, and purposes of the investigative interview with sufficient time for the party to prepare.
- D. During the investigation, the Investigator must provide the parties with an equal opportunity to present witnesses for interviews, including fact witnesses and expert witnesses, and other inculpatory and exculpatory evidence.

- E. Prior to the completion of the investigative report, the Investigator, through the Title IX Coordinator, will provide the parties and their advisors (if any) with an equal opportunity to inspect and review any evidence directly related to the allegations. The evidence shall be provided in electronic format or hard copy and shall include all relevant evidence, evidence upon which the school district does not intend to rely in reaching a determination regarding responsibility, and any inculpatory or exculpatory evidence whether obtained from a party or another source. The parties will have ten (10) days to submit a written response, which the Investigator will consider prior to completion of the investigative report.
- F. The Investigator will prepare a written investigative report that fairly summarizes the relevant evidence. The investigative report may include credibility determinations that are not based on a person's status as a complainant, respondent or witness. The school district will send the parties and their advisors (if any) a copy of the report in electronic format or hard copy, for their review and written response at least ten (10) days prior to a determination of responsibility.

**X. DETERMINATION REGARDING RESPONSIBILITY**

- A. After the school district has sent the investigative report to both parties and before the school district has reached a determination regarding responsibility, the Decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness.
- B. The Decision-maker must provide the relevant questions submitted by the parties to the other parties or witnesses to whom the questions are offered, and then provide each party with the answers, and allow for additional, limited follow-up questions from each party.
- C. The Decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant.
- D. When the exchange of questions and answers has concluded, the Decision-maker must issue a written determination regarding responsibility that applies the preponderance of the evidence standard to the facts and circumstances of the formal complaint. The written determination of responsibility must include the following:
  - 1. Identification of the allegations potentially constituting sexual harassment;
  - 2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
  - 3. Findings of fact supporting the determination;

4. Conclusions regarding the application of the school district's code of conduct to the facts;
  5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the school district to the complainant; and
  6. The school district's procedures and permissible bases for the complainant and respondent to appeal and the date by which an appeal must be made.
- E. In determining appropriate disciplinary sanctions, the Decision-maker should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incident occurred.
- F. The written determination of responsibility must be provided to the parties simultaneously.
- G. The Title IX Coordinator is responsible for the effective implementation of any remedies.
- H. The determination regarding responsibility becomes final either on the date that the school district provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

## **XI. APPEALS**

- A. The school district shall offer the parties an opportunity to appeal a determination regarding responsibility or the school district's dismissal of a formal complaint or any allegations therein, on the following bases:
1. A procedural irregularity that affected the outcome of the matter (e.g., a material deviation from established procedures);
  2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
  3. The Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

- B. If notice of an appeal is timely received by the school district, the school district will notify the parties in writing of the receipt of the appeal, assign or designate the Appellate Decision-maker, and give the parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.
- C. After reviewing the parties' written statements, the Appellate Decision-maker must issue a written decision describing the result of the appeal and the rationale for the result.
- D. The written decision describing the result of the appeal must be provided simultaneously to the parties.
- E. The decision of the Appellate Decision-maker is final. No further review beyond the appeal is permitted.

## **XII. RETALIATION PROHIBITED**

- A. Neither the school district nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of sexual harassment, filing a formal complaint, or participating in an investigation, constitutes a violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.
- B. Any person may submit a report or formal complaint alleging retaliation in the manner described in this policy and it will be addressed in the same manner as other complaints of sexual harassment or sex discrimination.
- C. Charging an individual with violation of school district policies for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

### **XIII. APPLICATION OF LAWS OTHER THAN TITLE IX**

- A. If a formal complaint is dismissed because the allegations, if true, would not constitute sexual harassment as described above or if a Decision-maker or Appellate decision-maker makes a determination that a respondent is not responsible for sexual harassment under these procedures, the Title IX Coordinator will consider whether the alleged conduct may constitute a violation of one or both of the alternative definitions below. If an investigation has already been conducted, the Title IX Coordinator may review the investigation to determine whether prohibited sexual harassment has occurred. If the Title IX Coordinator concludes that it has, the Title IX Coordinator shall report those findings to the Decision-maker and the Decision-maker shall impose or recommend remedies. If no investigation has taken place, the complaint shall be investigated consistent with Policy 103.
- B. Alternative Definitions of Sexual Harassment
1. Minnesota Human Rights Act (Applicable to Employees and Students)  
"Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:
    - a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or education;
    - b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
    - c. that conduct or communication has the purpose or effect of substantially interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment, or educational environment.
  2. Title VII (Applicable to Employees)  
"Sexual harassment" mean unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
    - a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
    - b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
    - c. such conduct has the purpose or effect of unreasonably interfering

with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

#### **XIV. TRAINING**

- A. The school district shall ensure that Title IX Personnel receive appropriate training. The training shall include instruction on:
  - 1. The Title IX definition of sexual harassment;
  - 2. The scope of the school district's education program or activity;
  - 3. How to conduct an investigation and grievance process, appeals, and informal resolution processes, as applicable;
  - 4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
  - 5. For Decision-makers, training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's prior sexual behavior are not relevant; and
  - 6. For Investigators, training on issues of relevance, including the creation of an investigative report that fairly summarizes relevant evidence.
- B. The training materials will not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints.
- C. Materials used to train Title IX Personnel must be posted on the school district's website. If the school district does not have a website, it must make the training materials available for public inspection upon request.

#### **XV. DISSEMINATION OF POLICY**

- A. This policy shall be made available to all students, parents/guardians of students, school district employees, and employee unions.
- B. The school district shall conspicuously post the name of the Title IX Coordinator, including office address, telephone number, and work e-mail address on its website and in each handbook that it makes available to parents, employees, students, unions, or applicants.
- C. The school district must provide applicants for admission and employment, students, parents or legal guardians of secondary school students, employees, and all unions holding collective bargaining agreements with the school district, with the following:

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator;
2. Notice that the school district does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner;
3. A statement that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the United States Department of Education, or both; and
4. Notice of the school district's grievance procedures and grievance process contained in this policy, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the school district will respond.

## **XVI. RECORDKEEPING**

- A. The school district must create, and maintain for a period of seven calendar years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the school district must document:
  1. The basis for the school district's conclusion that its response to the report or formal complaint was not deliberately indifferent;
  2. The measures the school district has taken that are designed to restore or preserve equal access to the school district's education program or activity; and
  3. If the school district does not provide a complainant with supportive measures, then it must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. Such a record must be maintained for a period of seven years.
  4. The documentation of certain bases or measures does not limit the recipient in the future from providing additional explanations or detailing additional measures taken.
- B. The school district must also maintain for a period of seven calendar years records of:
  1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to

restore or preserve equal access to the recipient’s education program or activity;

2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. All materials used to train Title IX Personnel.

***Legal References:***

Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)  
Minn. Stat. §§ 121A.40 – 121A.575 (Minnesota Pupil Fair Dismissal Act)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments)  
34 C.F.R. Part 106 (Implementing Regulations of Title IX)  
20 U.S.C § 1400, *et seq.* (Individuals with Disabilities Education Act)  
29 U.S.C. § 794 (Section 504 of the Rehabilitation Act)  
42 U.S.C. § 12101, *et seq.* (Americans with Disabilities Act)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act of 1974)  
20 U.S.C. § 1092 *et seq.* (Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (“Clery Act”))

***Cross References:***

MSBA/MASA Model Policy 102 (Equal Educational Opportunity)  
MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)



## SOUTH ST. PAUL PUBLIC SCHOOLS

### School Board Agenda Item

**Meeting Date:** Monday, April 10, 2023

**Place on Agenda:** COW and Regular Agenda

**Action Requested:** Approval

**Attachment:** **Proposal to Place Individual with Continuing Contract Rights on Unrequested Leave of Absence**

**Topic:** Proposal to Place Individual with Continuing Contract Rights on Unrequested Leave of Absence (ULA)

**Presenter(s):** Joel Milteer, Human Resource Director

**Background:**

On March 27, 2023, the School Board approved a Resolution Discontinuing and Reducing Positions, which included the elimination of the IB Coordinator positions, which was approved in the budget adjustments. A result of this position elimination is the potential placement of a continuing contract teacher within that teacher's license area which may create the need to place the least senior teacher in that license area on an Unrequested Leave of Absence (ULA).

The attached resolution proposes to place one continuing contract teacher on Unrequested Leave of Absence (ULA). The individual proposed to be placed on ULA may request a hearing before the School Board, provided the request is submitted in writing within fourteen days of notice.

**Recommendation:**

Administration recommends approval of the resolution.

**Alternatives:**

Do not approve the resolution and direct administration with next steps.

**Special School District No. 6  
(South St. Paul Public Schools)  
State of Minnesota**

Member \_\_\_\_\_ introduced the following resolution and moved its adoption:

**RESOLUTION PROPOSING TO PLACE INDIVIDUALS WITH CONTINUING  
CONTRACT RIGHTS ON UNREQUESTED LEAVE OF ABSENCE**

BE IT RESOLVED by the School Board of Special School District No. 6, South St. Paul, as follows:

1. That it is proposed that the following individual, who is a teacher of said school district, be placed on unrequested leave of absence without pay or fringe benefits, effective at the end of the 2022-2023 school year on June 30, 2023, pursuant to Minnesota Statutes Section 122A.40, subdivision 10, and the collective bargaining agreement between the District and South St. Paul Teacher's Association:

Jesse Rock

2. That written notice be sent to said teacher regarding the proposed placement on unrequested leave of absence without pay or fringe benefits as provided by law and said notice shall be in substantially the following form:

**NOTICE OF PROPOSED PLACEMENT  
ON UNREQUESTED LEAVE OF ABSENCE**

Dear \_\_\_\_\_:

You are hereby notified that at the meeting of the School Board of Special School District No. 6 held on April 10, 2023, consideration was given to your placement on unrequested leave of absence without pay or fringe benefits as a teacher of Special School District No. 6, and a resolution was adopted by a majority vote of the Board, proposing your placement on unrequested leave of absence effective at the end of the 2022-2023 school year on June 30, 2023, pursuant to Minnesota Statutes, Section 122A.40, subdivision 10, upon the grounds described in said statute and which are specifically as follows:

Discontinuance of Position, Financial Limitations

Under the provisions of the law, more specifically Minnesota Statutes Section 122A.40, subdivision 7, you are entitled to a hearing before the School Board provided that you make a request in writing within fourteen (14) days after receipt of this notice. If no hearing is requested within such period, it shall be deemed acquiescence by you to the School Board's proposed action.

Yours very truly,

SCHOOL BOARD OF  
SPECIAL SCHOOL DISTRICT NO. 6

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Clerk of the School Board

3. That said proposed placement on unrequested leave of absence is not the result of the implementation of an education district agreement.
4. That each and all of the foregoing grounds of said notice are within the grounds for unrequested leave placement as set forth in Minnesota Statutes Section 122A.40, subdivision 10, and are hereby adopted as fully as though separately set forth and resolved herein.

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

and the following voted against the same:

Whereupon said resolution was declared duly passed and adopted.