



**Board Policy Committee**  
Monday, March 18, 2024 4:30 PM  
Location: District Office  
104 - 5th Avenue South  
South St Paul, Minnesota 55075

## **Agenda**

<b>I.</b>	<b>POLICY REVIEW</b>	
II.	#621 - The Read to Ensure Academic Development ACT - READ ACT (A. Winter)	2
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Adopted: \_\_\_\_\_

MSBA/MASA Model Policy 621  
Orig. 2023

Revised: \_\_\_\_\_

## **621 THE READ TO ENSURE ACADEMIC DEVELOPMENT ACT - READ ACT**

### **I. PURPOSE**

This policy aligns with Minnesota law established in the Read Act and on other topics related to reading.

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

The school district recognizes the centrality of reading in a student's educational experience.

### **III. DEFINITIONS**

- A. "Evidence-based" means the instruction or item described is based on reliable, trustworthy, and valid evidence and has demonstrated a record of success in increasing students' reading competency in the areas of phonological and phonemic awareness, phonics, vocabulary development, reading fluency, and reading comprehension. Evidence-based literacy instruction is explicit, systematic, and includes phonological and phonemic awareness, phonics and decoding, spelling, fluency, vocabulary, oral language, and comprehension that can be differentiated to meet the needs of individual students. Evidence-based instruction does not include the three-cueing system, as defined in subdivision 16.
- B. "Fluency" means the ability of students to read text accurately, automatically, and with proper expression.
- C. "Foundational reading skills" includes phonological and phonemic awareness, phonics and decoding, and fluency. Foundational reading skills appropriate to each grade level must be mastered in kindergarten, grade 1, grade 2, and grade 3. Struggling readers in grades 4 and above who do not demonstrate mastery of grade-level foundational reading skills must continue to receive explicit, systematic instruction to reach mastery.
- D. "Literacy specialist" means a person licensed by the Professional Educator Licensing and Standards Board as a teacher of reading, a special education teacher, or a kindergarten through grade 6 teacher, who has completed professional development approved by the Minnesota Department of Education (MDE) in structured literacy.
- E. "Literacy lead" means a literacy specialist with expertise in working with educators as adult learners. A district literacy lead must support the district's implementation of the Read Act; provide support to school-based coaches; support the implementation of structured literacy, interventions, curriculum delivery, and teacher training; assist with the development of personal learning plans; and train paraprofessionals and other support staff to support classroom literacy instruction. A literacy lead may be employed by one district, jointly by two or more districts, or may provide services to districts through a partnership with the regional service cooperatives or another district.
- F. "Multitiered system of support" or "MTSS" means a systemic, continuous improvement framework for ensuring positive social, emotional, behavioral, developmental, and academic outcomes for every student. The MTSS framework provides access to layered tiers of culturally and linguistically responsive, evidence-based practices and relies on the understanding and belief that every student can learn and thrive. Through a MTSS at the core (Tier 1), supplemental (Tier 2), and intensive (Tier 3)

levels, educators provide high quality, evidence-based instruction and intervention that is matched to a student's needs; progress is monitored to inform instruction and set goals and data is used for educational decision making.

- G. "Oral language," also called "spoken language," includes speaking and listening, and consists of five components: phonology, morphology, syntax, semantics, and pragmatics.
- H. "Phonemic awareness" means the ability to notice, think about, and manipulate individual sounds in spoken syllables and words.
- I. "Phonics instruction" means the explicit, systematic, and direct instruction of the relationships between letters and the sounds they represent and the application of this knowledge in reading and spelling.
- J. "Progress monitoring" means using data collected to inform whether interventions are working. Progress monitoring involves ongoing monitoring of progress that quantifies rates of improvement and informs instructional practice and the development of individualized programs using state-approved screening that is reliable and valid for the intended purpose.
- K. "Reading comprehension" means a function of word recognition skills and language comprehension skills. It is an active process that requires intentional thinking during which meaning is constructed through interactions between the text and reader. Comprehension skills are taught explicitly by demonstrating, explaining, modeling, and implementing specific cognitive strategies to help beginning readers derive meaning through intentional, problem-solving thinking processes.
- L. "Structured literacy" means an approach to reading instruction in which teachers carefully structure important literacy skills, concepts, and the sequence of instruction to facilitate children's literacy learning and progress. Structured literacy is characterized by the provision of systematic, explicit, sequential, and diagnostic instruction in phonemic awareness, phonics, fluency, vocabulary and oral language development, and reading comprehension.
- M. "Three-cueing system," also known as "meaning structure visual (MSV)," means a method that teaches students to use meaning, structure and syntax, and visual cues when attempting to read an unknown word.
- N. "Vocabulary development" means the process of acquiring new words. A robust vocabulary improves all areas of communication, including listening, speaking, reading, and writing. Vocabulary growth is directly related to school achievement and is a strong predictor for reading success.

#### **IV. READING SCREENER; PARENT NOTIFICATION AND INVOLVEMENT**

- A. The school district must administer an approved evidence-based reading screener to students in kindergarten through grade 3 within the first six weeks of the school year, and again within the last six weeks of the school year. The screener must be one of the screening tools approved by the Minnesota Department of Education (MDE).
- B. The school district must identify any screener it uses in the district's annual literacy plan
- C. The school will administer screeners biannually. After the screener, the school will communicate to the parents for each student who is not reading at or above grade level. The communication will be parent-friendly and include the following information:

1. the student's reading proficiency as measured by a screener approved by MDE;
  2. reading-related services currently being provided to the student and the student's progress; and
  3. strategies for parents to use at home in helping their student succeed in becoming grade-level proficient in reading in English and in their native language.
- D. The school district may not use this section to deny a student's right to a special education evaluation.

## **V. IDENTIFICATION AND REPORT**

- A. Students enrolled in kindergarten, grade 1, grade 2, and grade 3, including multilingual learners and students receiving special education services, must be universally screened for mastery of foundational reading skills, including phonemic awareness, phonics, decoding, fluency, oral language, and for characteristics of dyslexia as measured by a screening tool approved by MDE. The screening for characteristics of dyslexia may be integrated with universal screening for mastery of foundational skills and oral language.
- B. The school district must submit data on student performance in kindergarten, grade 1, grade 2, and grade 3 on foundational reading skills, including phonemic awareness, phonics, decoding, fluency, and oral language to MDE in the annual local literacy plan submission
- C. Students in grades 4 and above, including multilingual learners and students receiving special education services, who do not demonstrate mastery of foundational reading skills, including phonemic awareness, phonics, decoding, fluency, and oral language, must be screened using a screening tool approved by MDE for characteristics of dyslexia and must continue to receive evidence-based instruction, interventions, and progress monitoring until the students achieve grade-level proficiency. A parent, in consultation with the school, may opt a student out of the literacy screener if the team decides that continuing to screen would not be beneficial to the student. In such limited cases, the student must continue to receive progress monitoring and literacy interventions.
- D. Reading screeners in English, and in the predominant languages of school district students where practicable, must identify and evaluate students' areas of academic need related to literacy. The school district also must monitor the progress and provide reading instruction appropriate to the specific needs of multilingual learners. The school district must use an approved, developmentally appropriate, and culturally responsive screener and annually report summary screener results to the MDE Commissioner
- E. The school district must include in its literacy plan a summary of the district's efforts to screen, identify, and provide interventions to students who demonstrate characteristics of dyslexia as measured by a screening tool approved by MDE. With respect to students screened or identified under paragraph (a), the report must include:
1. a summary of the school district's efforts to screen for dyslexia;
  2. the number of students universally screened for that reporting year;
  3. the number of students demonstrating characteristics of dyslexia for that year; and

4. an explanation of how students identified under this subdivision are provided with alternate instruction and interventions under Minnesota Statutes, section 125A.56, subdivision 1.

## **VI. INTERVENTION**

- A. For each student identified under the screening identification process, the school district shall provide reading intervention to accelerate student growth and reach the goal of reading at or above grade level by the end of the current grade and school year.
- B. The school district must implement progress monitoring, as defined in Minnesota Statutes, section 120B.1118, for a student not reading at grade level.
- C. The school district must use evidence-based curriculum and intervention materials at each grade level that are designed to ensure student mastery of phonemic awareness, phonics, vocabulary development, reading fluency, and reading comprehension.
- D. If a student does not read at or above grade level by the end of the current school year, the school district must continue to provide reading intervention until the student reads at grade level. School district intervention methods shall encourage family engagement and, where possible, collaboration with appropriate school and community programs that specialize in evidence-based instructional practices and measure mastery of foundational reading skills, including phonemic awareness, phonics, decoding, fluency, and oral language.
- E. By the 2025-2026 school year, intervention programs must be taught by an intervention teacher or special education teacher who has successfully completed training in evidence-based reading instruction approved by MDE. Intervention may include but is not limited to requiring student attendance in summer school, intensified reading instruction that may require that the student be removed from the regular classroom for part of the school day, extended-day programs, or programs that strengthen students' cultural connections.
- F. The school district must determine the format of the personal learning plan in collaboration with the student's educators and other appropriate professionals. The school must develop the learning plan in consultation with the student's parent or guardian. The personal learning plan must include targeted instruction that is evidence-based and ongoing progress monitoring, and address knowledge gaps and skill deficiencies through strategies such as specific exercises and practices during and outside of the regular school day, group interventions, periodic assessments or screeners, and reasonable timelines. The personal learning plan may include grade retention, if it is in the student's best interest; a student may not be retained solely due to delays in literacy or not demonstrating grade-level proficiency. A school must maintain and regularly update and modify the personal learning plan until the student reads at grade level. This paragraph does not apply to a student under an individualized education program.

## **VII. LOCAL LITERACY PLAN**

- A. The school district must adopt a local literacy plan to have every child reading at or above grade level every year beginning in kindergarten and to support multilingual learners and students receiving special education services in achieving their individualized reading goals. The school district must update and submit the plan to the Commissioner of MDE. The plan must be consistent with the Read Act, and include the following:

1. a process to assess students' foundational reading skills, oral language, and level of reading proficiency and the screeners used, by school site and grade level, under Minnesota Statutes, section 120B.123;
  2. a process to notify and involve parents;
  3. a description of how schools in the school district will determine the targeted reading instruction that is evidence-based and includes an intervention strategy for a student and the process for intensifying or modifying the reading strategy in order to obtain measurable reading progress;
  4. evidence-based intervention methods for students who are not reading at or above grade level and progress monitoring to provide information on the effectiveness of the intervention;
  5. identification of staff development needs, including a plan to meet those needs;
  6. the curricula used by school site and grade level;
  7. a statement of whether the school district has adopted a MTSS framework;
  8. student data using the measures of foundational literacy skills and mastery identified by MDE for the following students:
    - a. students in kindergarten through grade 3;
    - b. students who demonstrate characteristics of dyslexia; and
    - c. students in grades 4 to 12 who are identified as not reading at grade level; and
  9. the number of teachers and other staff that have completed training approved by the department.
- B. The school district must post its literacy plan on the official school district website and submit it to the Commissioner of MDE using the template developed by the Commissioner beginning June 15, 2024.

### **VIII. STAFF TRAINING**

- A. Beginning July 1, 2024, a school district must provide access to the training required under Minnesota Statutes, section 120B.123, subdivision 5, to:
1. intervention teachers working with students in kindergarten through grade 12;
  2. all classroom teachers of students in kindergarten through grade 3 and children in prekindergarten programs;
  3. special education teachers;
  4. curriculum directors;
  5. instructional support staff who provide reading instruction; and
  6. employees who select literacy instructional materials for a district.

- B. The school district must provide training in an approved evidence-based training program to all reading intervention teachers, literacy specialists, and other teachers and staff identified in Minnesota Statutes, section 120B.12, subdivision 1, paragraph (b), by July 1, 2025; and by July 1, 2027, to other teachers in the school district, prioritizing teachers who work with students with disabilities, English learners, and students who qualify for the graduation incentives program under Minnesota Statutes, section 124D.68. The Commissioner of MDE may grant a school district an extension to these deadlines.
- C. By August 30, 2025, the school district must employ or contract with a literacy lead, or be actively supporting a designated literacy specialist through the process of becoming a literacy lead. The school board may satisfy the requirements of this subdivision by contracting with another school board or cooperative unit under Minnesota Statutes, section 123A.24 for the services of a literacy lead by August 30, 2025. The school district literacy lead must collaborate with school district administrators and staff to support the school district's implementation of requirements under the Read Act.

## **IX. STAFF DEVELOPMENT**

- A. The school district must provide training programs on evidence-based reading instruction to teachers and instructional staff in accordance with subdivision 1, paragraph (b). The training must include teaching in the areas of phonemic awareness, phonics, vocabulary development, reading fluency, reading comprehension, and culturally and linguistically responsive pedagogy.
- B. The school district shall use the data under Article V. above to identify the staff development needs so that:
  1. elementary teachers are able to implement explicit, systematic, evidence-based instruction in the five reading areas of phonemic awareness, phonics, fluency, vocabulary, and comprehension with emphasis on mastery of foundational reading skills as defined in Minnesota Statutes, section 120B.1118 and other literacy-related areas including writing until the student achieves grade-level reading and writing proficiency;
  2. elementary teachers have sufficient training to provide students with evidence-based reading and oral language instruction that meets students' developmental, linguistic, and literacy needs using the intervention methods or programs selected by the school district for the identified students;
  3. licensed teachers employed by the school district have regular opportunities to improve reading and writing instruction;
  4. licensed teachers recognize students' diverse needs in cross-cultural settings and are able to serve the oral language and linguistic needs of students who are multilingual learners by maximizing strengths in their native languages in order to cultivate students' English language development, including oral academic language development, and build academic literacy; and
  5. licensed teachers are well trained in culturally responsive pedagogy that enables students to master content, develop skills to access content, and build relationships.
- C. The school district must provide staff in early childhood programs sufficient training to provide children in early childhood programs with explicit, systematic instruction in phonological and phonemic awareness; oral language, including listening comprehension; vocabulary; and letter-sound correspondence.

## **X. LITERACY INCENTIVE AID USES**

The school district must use its literacy incentive aid to support implementation of evidence-based reading instruction. The following are eligible uses of literacy incentive aid:

1. training for kindergarten through grade 3 teachers, early childhood educators, special education teachers, reading intervention teachers working with students in kindergarten through grade 12, curriculum directors, and instructional support staff that provide reading instruction, on using evidence-based screening and progress monitoring tools;
2. evidence-based training using a training program approved by MDE;
3. employing or contracting with a literacy lead, as defined in Minnesota Statutes, section 120B.1118;
4. materials, training, and ongoing coaching to ensure reading interventions under Minnesota Statutes, section 125A.56, subdivision 1, are evidence-based; and costs of substitute teachers to allow teachers to complete required training during the teachers' contract day.

**Legal References:** Minn. Stat. § 120B.1118 (Read Act Definitions)  
Minn. Stat. § 120B.12 (Read Act Goal and Interventions)  
Minn. Stat. § 120B.123 (Read Act Implementation)  
Minn. Stat. § 123A.24 (Withdrawing from a Cooperative Unit; Appealing Denial of Membership)  
Minn. Stat. §124D.68 (Graduation Incentives Program)  
Minn. Stat. § 124D.98 (Literacy Incentive Aid)  
Minn. Stat. § 125A.56 (Alternate Instruction Required before Assessment Referral)

**Cross References:** None

*Adopted: March 13, 1974*

*MSBA/MASA Model Policy 902*

*Orig. 1995*

*Revised: 9/11/74, 9/7/77, 6/30/81, 8/18/81, 3/16/82,  
5/4/82, 10/4/83, 4/9/85, 1/7/86, 6/5/90,  
5/19/92, 3/15/95, 1/10/05, 12/10/07; 4/25/11  
7/25/16; 2/10/20; 6/28/23*

*Rev. 2012*

## **902 USE OF SCHOOL DISTRICT FACILITIES AND EQUIPMENT**

### **I. PURPOSE**

The purpose of this policy is to provide guidelines for community use of school facilities and equipment.

### **H. GENERAL STATEMENT OF POLICY**

The school board encourages maximum use of school facilities and equipment for community purposes if, in its judgment, that use will not interfere with use for school purposes. Facilities are available to the community on an equitable basis and are to be used in a manner consistent with district policies and regulations as noted in the appendix.

### **III. SCHEDULED COMMUNITY EDUCATION CLASSES AND ACTIVITIES**

- A. The school district administration shall be charged with the process of scheduling rooms and special areas for community education classes and activities planned to be offered during each session.
- B. Procedures for providing publicity, registration, and collection of fees shall be the responsibility of the school district administration and/or designee.
- C. Registration fees may be structured to include a pro-rata portion of costs for custodial and/or supervisory services that may be needed.

### **IV. GENERAL COMMUNITY USE OF SCHOOL FACILITIES AND EQUIPMENT**

- A. The school board may authorize the use of school facilities by community groups or individuals. It may impose reasonable regulations and conditions upon the use of school facilities as it deems appropriate.
- B. Requests for use of school facilities by community groups or individuals shall be made through the school district community education office. The administration will present recommended procedures for the processing and review of requests to the school board. Upon approval by the school board, such procedures shall be an addendum to this policy.
- C. The school board may require a rental fee for the use of school facilities. Such fee may include the cost of custodial and supervisory service if deemed necessary. It may also require a deposit or surety bond for the proper use and repair of damage

to school facilities. A rental fee schedule, deposit or surety bond schedule, and payment procedure shall be presented for review and approval by the school board.

D. When emergencies or unusual circumstances arise that necessitate rescheduling the use of school facilities, every effort will be made to find acceptable alternative meeting space.

~~A. The school board may require a rental fee for the use of school facilities. Such fees may include the cost of custodial, technical and supervisory services if deemed necessary. It may also require a deposit or a surety bond for the proper use and repair of damage to school facilities. A rental fee schedule, deposit or surety bond schedule and payment and payment procedure shall be presented for review and approval by the school board annually under a separate resolution.~~

## V. USE OF SCHOOL EQUIPMENT

The district administration will annually review and provide via district website a rental list including types of equipment that is available for use on district property, the extent to which it may be utilized, and the manner by which it may be scheduled for use and any charges to be made relating thereto.

## VI-III. RULES FOR USE OF FACILITIES AND EQUIPMENT

~~B. The school board expects members of the community who use facilities and equipment to do so with respect for school district property and an understanding of proper use. Individuals and groups shall be responsible for damage to facilities and equipment. The school district reserves the right to cancel or refuse rentals from individuals or groups who do not adhere to the district's facilities use procedure, or who fail to show said respect of school district property and understanding of proper use.~~ A certificate of insurance ~~may be~~ **is** required by the school district to ensure payment of these damages and any liability for injuries.

*Legal References:* Minn. Stat. § 123B.51 (Schoolhouses and Sites; **Uses For School and Non school Purposes; Closings**) ~~Access for Noncurricular Purposes~~

*Cross References:* MSBA/MASA Model Policy 801 (Equal Access to **School** Facilities ~~of Secondary Schools~~)  
MSBA/MASA Model Policy 901 (Community Education)



# Facility Use Permit Application

*Complete form, sign and date ~ Submit to CE Facility Use ~  
Certification of Liability Insurance is required.*

Requestor Information				
Organization Name:			Date of Application:	
Contact person/adult responsible (21 years or over):		Phone 1: home/cell/work	Phone 2: home/cell/work	
Address:	City:	State:	Zip:	Email:
Certificate of Liability Insurance Rec'd	Liability Insurance Carrier:	Liability Insurance #:		

Event Information		
Activity/Event (describe how you will be using the facility space):		Organization type: <input type="checkbox"/> Youth <input type="checkbox"/> Adult <input type="checkbox"/> Both <input type="checkbox"/> Senior Citizens
What percentage of participants are residents/students of South St. Paul Special School District 6? <input type="checkbox"/> 90% or more <input type="checkbox"/> less than 90%		
Number Attending:	Is there a charge/fee for participants?	List equipment, food and refreshments being <b>brought in</b> for activity/event: <del>rec police</del>

Location Information				
Building:		Doors used to access bldg:	Location/Room(s):	
*Note: Use of Kitchen(s) or High School Auditorium may require additional approvals and fees for staff/technical support				
Day	Date(s)	Time group will enter the building	Time group will leave the building	Brief description of set up:
Equipment Needs:		Technical Needs:		
<input type="checkbox"/> Tables: <input type="checkbox"/> (qty)		<input type="checkbox"/> AV:		
<input type="checkbox"/> Chairs: <input type="checkbox"/> (qty)				
Other:				
Other:				

**Agreement**

(NAME OF FACILITY USER) does covenant and agree to defend, indemnify and hold harmless the Special School District No. 6 from and against any and all liability, loss, damages, claims or action (including costs and attorney’s fees) for bodily injury and/or property damage, to the extent permissible by law, arising out of or in any way connected with the actual or proposed use of Special School District 6 property, facilities and/or services, including but not limited to bodily injury to any employee, invitee, guest, contractor or subcontractor of (FACILITY USER).

(FACILITY USER) understands and agrees that its use of Special School District 6 property and facilities includes, but is not limited to, all areas identified in the application and/or permit and sidewalks, walkways, parking lots, entrances, stairs, and all other areas incidenta to and/or connected with the use of the premises (hereinafter referred to as “incidental areas”). FACILITY USER agrees that its indemnity and insurance obligations extend to the areas identified in the application and/or permit and any and all incidental areas.

**(FACILITY USER) All activities must be under responsible adult supervision with an overall site supervisor identified prior to the start of the event use.**

We agree to abide by the Facility Use Policy of South St. Paul Special School District 6. Major items regarding this policy appear on the back of this form or as an email attachment. Users are responsible for adhering to Policy 902 in its entirety; copy available on district website or by calling Community Education, 651-306-3632.

*Community Education will bill for facility use. An estimate of user fees shall be made at the time of application. A final bill for facility use shall be sent within 5 business days after the event. Payment is due within 30 days. Applicants with outstanding bills will not receive approval for future applications. State Sales tax will be assessed as required by law.*

**Signature**

\_\_\_\_\_  
Signature of adult responsible

\_\_\_\_\_  
Date

***A Facility Contract will be sent to the applicant as confirmation of your Facility Use Permit.  
An estimate of fees will be listed on the contract.***

Copies of contract will be forwarded to: Building Principal, Building Custodian, Director of Buildings and Grounds and Activities Director; Classroom teacher, Technology and Nutrition Services when applicable.



*Adopted: March 13, 1974*

*Revised: 9/11/74, 9/7/77, 6/30/81, 8/18/81, 3/16/82, 5/4/82, 10/4/83, 4/9/85, 1/7/86,  
6/5/90, 5/19/92, 3/15/95, 1/10/05, 12/10/07; 4/25/11; 9/10/12; 7/25/16  
Abolished policy 902.2 on 2/10/20 and became Policy 902 - Appendix II  
6/28/21*

## **902 – Appendix II PROCEDURES FOR USING SCHOOL DISTRICT FACILITIES AND EQUIPMENT**

### **FACILITIES AVAILABLE**

Most school facilities are available for a variety of activities, as guided by school board policies. The following are the types of facilities that may be available for community use:

- Gymnasiums
- Athletic Fields/Stadiums (including Packer Activity Center)
- Auditoriums
- Meeting Rooms
- Media Centers
- Classrooms
- Cafeterias
- Pool Area
- Gymnastics Area
- Central Square Community Center

Facility rental hours may be granted according to the times listed on the District's website and/or when such use does not conflict with the school day and/or school activities. Additional days and times may be available upon request and are dependent on staffing availability.

### **SERVICES AVAILABLE**

The Community Education office serves as the operations and facilities service center for all community use of school facilities in the areas of scheduling, billing and supervision. Community Education staff coordinate requests for school equipment related to the activity (on-site-use only).

### **CLASSIFICATION OF ORGANIZATIONS AND PRIORITIES FOR USE OF FACILITIES**

Organizations using school facilities are grouped into one of four classes. A rental fee schedule has been established for facility usage for non-district organizations based on the nature and purpose of each group, agency or organization. All other requirements for use, such as application procedure, standards of conduct during use, supervision, etc., are constant for all user groups regardless of organizational differences.



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Classifications and priority of access to South St. Paul Public Schools (SSPPS) facilities are as follows:

**Class A (first priority)**

*School sponsored and support programs as defined below are to submit preliminary calendars to the Community Education office by June 30, with revisions taken through August 1. After August 1, schools may still request facilities, but should be done so with the understanding that other groups or organizations may have contracted for use of the facility or equipment.*

1. SSPPS sponsored activities, including all community education, athletic and extracurricular activities.
2. SSPPS support organizations meetings, including, but not limited to, PTA/PTO, SSP Educational Foundation and SSP booster club meetings and activities.
3. Special meetings sponsored by local civic and tax supported agencies which are of general interest, educational, open to the public and no administration fee is charged.

**Class B (second priority)**

*Applications for Class B organizations will be accepted on or after August 1*

1. Elections\*, local public hearings, local caucuses\* (except when required by state statute, in which case they will move to Class A)
2. Scouts, and 4-H when 90% of members are SSPPS residents/students
3. Community athletic associations and parks and recreation when 90% 75% of members are SSPPS residents/students.
4. Business meetings and recreational use held by non-profit community organizations and informal community groups when at least 90% of participants are SSPPS residents/students

**Class C (third priority)**

*Applications for Class C organizations will be accepted on or after September 30*

- ~~1. Community athletic associations and parks and recreation when 90% of members are SSPPS residents/students.~~
2. Business meetings and recreations use by non-profit and religious community organizations and informal community groups when fewer than 90% of participants are SSPPS residents/students



3. Activities, such as performances, fund-raisers and conferences by non-profit organizations and informal community groups and service organizations when fewer than 90% of participants are SSPPS residents/students.

**Class D (fourth priority)**

*Applications for Class D organizations will be accepted after Nov. 1*

1. Individuals, private agencies, companies or vendors
2. Religious organizations
3. For profit commercial and business organizations
4. Fund raising activities hosted or sponsored by religious organizations.

The Community Education office operates a centralized scheduling system coordinating all requests for the use of district spaces. Occasionally, a non-district-scheduled activity may conflict with a planned or rescheduled district activity or program. If a conflict occurs, the district activity or program has priority. Every effort will be made to find an alternate facility for the non-district organization or individual.

The class and rental schedule are determined by the district administration and school board on an annual basis. Additional modifications may be made with school board approval.

**INDEMNIFICATION AND PUBLIC LIABILITY INSURANCE**

SSPPS carries liability insurance to cover district negligence. The district will require users to provide additional insurance to cover personal injury and property damage arising out of the negligence of any member or guest of the user organization. SSPPS shall be named as an additional insured in the user's policy.

The user hereby agrees to name the District as an unrestricted additional insured on the user's policy

1. The policy naming the District as an additional insured shall:
  - a. be an insurance policy from an A.M. Best rated "secured" State licensed Insurer,
  - b. contain a 30-day notice of cancellation;
  - c. state that the organizations coverage shall be primary and noncontributory coverage for the District, its Board, employees and volunteers;
  - d. additional insured status shall be provided with ISO endorsement CG 20 26 or its equivalent.
2. The user agrees to indemnify the District for an applicable deductibles and self- insured



retentions.

3. Required Insurance: Commercial General Liability Insurance -\$1,000,000 per occurrence/\$2,000,000 aggregate.
4. User acknowledges that failure to obtain such insurance on behalf of the District constitutes a material breach of contract and subjects it to liability for damages, indemnification and all other legal remedies available to the District.
5. The user is to provide the District with a certificate of insurance and additional insured endorsement, evidencing the above requirements been met. The failure of the District to object to the contents of the certificate or the absences of same shall not be deemed a waiver of any and all rights held by the District.

## **PROCESS AND PROCEDURES FOR USE OF DISTRICT FACILITIES, GROUNDS AND EQUIPMENT**

A facility use permit (“permit”) process is used to secure the use of school facilities and grounds creating a centralized schedule for use and operations. The initial step in the process is the completion of the facility use permit application (Appendix I). An application must be completed to provide reservation information for requested facilities, equipment and special use

The use of school facilities must be in the public interest. Activities detrimental to the purpose of schools or for private gain will not be allowed in school facilities. The district reserves the right to refuse the use of facilities if deemed not appropriate or is destructive.

### **Facility Use Permit Application Process**

School activities and school organizations shall have priority use of school facilities. All other users will follow the priority listed above. No community use will be scheduled until Sept. 30 for the following school year and after the school activities calendar has been set.

1. Users must complete and return the facility use application form and pay any applicable fees to Community Education at least 10 school days prior to desired use. Reservations cannot be made beyond the current school year.
2. Community Education, Buildings and Grounds, and the Activities Director/office will consult on requests before the request is approved. Use of Competition Gym must be approved by the Activities Director.
3. The application for permit must be submitted by an authorized adult representative of the organization or individual applying for the use and must list the person responsible during the use. Class B and C applicants must be responsible adults residing in SSPPS.



4. A submitted application for a permit for district facilities use constitutes acceptance by the applicant of the responsibilities stated and the willingness to comply with all district policies, rules and regulations regarding the use of school facilities.
5. Each application for a permit for use of district facilities will state the general nature and purpose of the use. A permit will be issued only for the dates, hours, area and equipment specified.
6. If the application is approved, the district will issue a permit to the applicant. Facilities are not reserved until the user group receives a facility use permit distributed by the Community Education office.
7. Once a permit is granted to an organization or individual, facilities will be used strictly for purposes for which the space was requested. Permit holders must not transfer or sublet the permit to another organization or individual, doing so nullifies an approved permit.
8. The permit must be in the possession of the group leader upon entry for use of school district facilities to ensure that all details of the event are appropriate for the space being used.
9. District staff are allowed to request a copy of the permit from the organization or individual. If an approved permit cannot be verified, district staff may request the organization or individual to leave the facilities or grounds. Law enforcement will be contacted when a non-verified organization or individual fails to leave the facilities or grounds when requested to by the district representative.
10. A permit will not be granted for any use that in the judgment of the district administration (a) may conflict with the mission of the district, or (b) for which satisfactory sponsorship or adequate adult supervision is not provided.

### **Facility Use Fees and Billing**

Annually, the superintendent will recommend and receive school board approval for the school district facility and equipment use fees and personnel fees. **Refer to Appendix III for specific fees** Current district facilities use fees and personnel fees can be found on the SSP Community Education website under Facilities Tab, Facility Rental Fees and Charges. The following is additional information regarding the fee schedule.

1. Rental fees are calculated on a per hour basis and begin at the determined entry time and end at the projected completion of the event.
2. A service fee may be charged if an employee is not on regular duty, or if the intended use does not permit the employee to complete regularly assigned duties. Direct payment by the user to an employee for services is prohibited.



3. Organizations and individuals will assume the cost of custodial service for the use of the school beyond regular custodial duty hours.
4. Any facility user may be assessed a custodial service fee if the use of a facility requires significant clean up. Organizations and individuals are expected to return the facility to its original state before leaving.
5. Facility users must supply and assume the cost of any special supervision required, such as security or parking supervision, as determined by the building administrator or designee.
6. Specific events (e.g., section athletic tournaments) may require a school district administrator or designee to assist with site supervision. The additional supervisor fee will be the responsibility of the facility user.
7. Facility rental fees associated with use of school facilities, deposits/down payments for use of facilities, support staff and special equipment are required for using specific facilities. Please see Appendix III for a Facilities Fee Schedule. Current district facilities use fees and personnel fees can be found on the the SSP Community Education website under Facilities Tab, Facility Rental Fees and Charges.
8. Community Education will bill for facility use. An estimate of user fees shall be made at the time of application. Payment is due within 30 days. Applicants with outstanding bills will not receive approval for future applications. State Sales tax will be assessed as required by law.
9. A \$500 damage deposit may be required if the size or activity of the user group increases the potential for property damage. The deposit will be requested prior to use and applied to user fee if no damage is incurred. If no user fee is assessed, the damage deposit will be returned.
10. Organizations may be billed a service fee in the event they or one of their participants causes a false alarm during their rental time
11. Individuals or organizations may give proceeds/monetary gifts to the school district or departments and clubs within the district. However, only the District may pay employees for services involving the use of school facilities.
12. Facilities uses may require additional supervision as determined by the building administrator or designee. Cost will be at current rate.

#### **Changes or Cancellations of Facility Use Permits**



1. Cancellations and request changes will be accepted by telephone; changes must be confirmed in writing by the applicant within three days of telephone notice - a \$10 change fee will be assessed to the user. Cancellations must be made to Community Education 48 hours prior to scheduled rental or applicant will be billed the full rental fee and a minimum of two-hours custodial and building attendant fees.
2. SSPPS reserves the right to cancel or modify community reservations if the need arises.
3. An approved permit will not be considered by the applicant as a lease, and the building administrator or designee reserves the right to cancel or revoke any permit at any time. Reasons that the school district may cancel a facility permit include, but are not limited to:
  - a. Inadequate group supervision as determined by the building administrator or designee.
  - b. Misuse of equipment or facilities.
  - c. Group conduct of an inappropriate or unacceptable nature as determined by the building administrator or designee.
  - d. Emergency situations, including weather conditions or school building site limitations (e.g., water, heat, electrical). The decision to close the school will be made by the superintendent or designee. On days when school is closed, the decision on cancellation or postponement of school district co- curricular events and all other events scheduled in school district facilities will be made by the building administrator or designee.
  - e. Violation of any district policies and failure to comply with district policy.
4. District administration may cancel a permit effective immediately, if, in its judgment continuation would be potentially harmful, dangerous, or the program or participants' actions are not of a moral standard equivalent to that generally accepted by the community.
5. The district reserves the right to cancel or withhold use privileges if rules and regulations are violated.
6. In the event of the cancellation or revocation of a permit, there will be no claim or right to damages or compensation on account of any loss, damage or expenses whatsoever.

### **Site/Activity Supervision**

The user organization is fully responsible for the safety and supervision of the specific space that they are using and will assume full liability for any damages keeping in mind the following additional regulations:

1. All activities must be under **competent and** responsible adult supervision **(as defined as a high school graduate, 18 years old or older)** with an overall site supervisor identified prior to the start of the event use.



2. Admittance to the designated area is not permitted until the adult supervisor is present. District personnel on duty will supervise the operation of facilities but are not required to supervise the group or its activities.
3. The organization's site supervisor should be the first to arrive and the last to leave the premises at the conclusion of each event.
4. If deemed necessary by the school district, building and/or police supervision may be required and charged to the user.
5. When adult supervision is not adequate, it is the responsibility of the district personnel to report this information to the director of Community Education or designee and take immediate action as appropriate.
6. Responsibility for loss, breakage or repair of any school property rests solely with the organization using the facility or leader in charge of the group.

## **RULES AND PROCEDURES FOR USE OF DISTRICT FACILITIES AND EQUIPMENT**

All district policies, local ordinances, and state and federal laws pertaining to the use of public buildings must be observed.

### **Prohibited Activities**

The following types of activities are prohibited by permit holders:

1. Promulgating any theory or doctrine subversive to the laws of the United States or any political subdivision thereof advocating governmental change by violence.
2. Any activity that may violate the canons of good morals, manners or taste or be injurious to the buildings, grounds or equipment.
3. Any purpose in conflict with school activities.
4. Fundraising campaigns, except as already permitted by school board policy.
5. Activities violating school district policies.



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6. During the school day, the district prohibits the selling or displaying for sale of any items or services by commercial organizations or individuals for profit-making purposes, except those specifically related to the school in which they are displayed.
  7. School facilities are not to be used for wedding activities, baby showers, or birthday parties. Excluding Central Square Community Center.

### **Rules for Use of District Facilities and Equipment**

The following rules must be observed in the use of school district facilities, and the groups, organizations and individuals will be held responsible for compliance. Requests which may not clearly be included in the guidelines of this policy will be acted upon at the discretion of the Director of Community Education.

#### *Public Good*

1. The use of school facilities must be in the public interest. Activities detrimental to the purpose of schools or for private gain will not be allowed in school facilities.
2. The District reserves the right to refuse the use of facilities if deemed not appropriate or is destructive.
3. Churches desiring the use of school facilities for worship services are covered by the Minnesota Statute Section 123.36, sub. 5. School use for a worship service requires approval by the Board of Education.
4. Religious organizations, commercial and business organizations, and political groups may not use facilities on a continued basis except for recreational purposes. Continued use due to emergency needs must be approved by the Board of Education.

#### *Local, State and Federal Laws*

1. Permission granted for school facility/equipment use is not transferrable.
2. Possession and use of tobacco and alcoholic beverages are not permitted on district property at any time.
3. Gambling on school premises is prohibited.
4. No firearms will be brought onto district property for any reason other than an authorized firearms safety program or by authorized law enforcement personnel.
5. Fire and safety regulations of the state, district, county, and city must be observed at all times. All legal

ordinances pertaining to public assemblies must be adhered to and will be enforced.

#### *Facility Use Expectations*

1. The school district is not responsible for lost or stolen items. The district does not assume liability or responsibility for any equipment owned or leased by any permit holder, which is used or stored on school district property.
2. School district facilities must be vacated by the time indicated on the usage permit or additional charges will be assessed.
3. The building administrator or designee is authorized to act in any case not covered by the rules and regulations or to make exception to the rules and regulations as deemed necessary.
4. Vehicle parking must use the dedicated parking lots of the district and all posted parking regulations must be followed.
5. Animals are not permitted in district facilities without prior approval unless it is an authorized service animal or part of a presentation/program.
6. Any organization with youth under the age 18 years old requires the presence of **adequate responsible** adult supervision at all times.
7. Decorations must be fireproof. Affixing materials of any kind to floors or walls is not permitted.
8. Prior to the start of the event, an announcement should be made to group members regarding emergency evacuations procedures.
9. In the event of an accident, users must notify the custodian on duty or call the Community Education office within 24 hours at 651-306-3632.
10. Users must report any damage of school property to facility use facilitator within 24 hours at 651-3036-3632 and will be responsible for replacing or repairing said property.

#### *Equipment Use Expectations*



1. The use of district-owned equipment for private purposes either on or off school property is prohibited. School equipment shall not leave district property. No exceptions are to be made except by express approval granted by the superintendent.
2. School equipment (i.e. chairs, tables, audio-visual equipment, and large recreational/athletic equipment) may be used when requested on the facility use permit.
3. Equipment of a specialized nature will be made available only with authorized personnel, approved by a district administrator, to supervise its operations.
4. With the exception of small athletic equipment, any apparatus or equipment brought into school buildings must have prior approval on facility use permit and must be removed promptly so it does not interfere with the normal school program.
5. School materials and equipment must not be moved between or among rooms without prior approval. Such moves must be made by, or under the supervision of, school personnel. All costs for moving materials and equipment will be billed to user. User will set up/take down tables and chairs.
6. Following use, facilities must be cleaned and restored to original condition. This includes corridors and washrooms. Users not complying will be charged a clean-up fee based on custodial time required.

*Special Facility/Equipment Uses*

1. Gymnasium
  - Soft-soled, non-marking shoes must be worn on gymnasium floors when used for recreational purposes.
  - Baseball/Softball activities are not allowed in elementary school gyms
  - Recreational groups must provide their own small equipment such as balls.
2. Auditorium
  - School personnel must be employed by user to operate auditorium equipment and paid at current or overtime rate.
  - Individuals and groups using the auditorium will be held responsible for the repair or replacement of damaged equipment. An inventory will be taken prior to, and after use of, the auditorium and user will be responsible for any



missing item.

- Privately owned sound and light equipment may not be connected to school equipment.

### 3. Computers/Technology

- Computer classrooms may be utilized if (a) at least 50% of the computers are utilized, and (b) a qualified instructor is supervising.
- Users may not bring programs or disks from outside the classroom for use in the computers.
- Video and computer equipment may only be checked out by staff when used for class preparation or professional development.
- Computer and video use by the general public is limited to those enrolled in Community Education classes requiring computers and videos or using presentation facilities.

### 4. Cafeteria/Kitchen/Vending Machines

- Cafeterias can be multi-purpose rooms but their use should be consistent with the design of the room.
- Cafeteria use should be limited to: dinners and banquets, refreshment preparation, dances, if the floor is appropriate, and large group meetings when no other facilities are available.
- Food service personnel must be employed and paid at current rate or overtime rate when kitchen equipment is used.
- Users are not allowed to unplug vending machines in the building.
- It is permissible to post signs on vending machines indicating that they are not to be used during your event provided signs are removed and disposed of following the conclusion of the event.

### 5. Packer Activity Center (PAC)

- Custodial Coverage/District Building Attendant/District Approved Coach
  - Custodial/District Building Attendant/District Approved Coach coverage is required for whenever school building facilities are in use including the PAC and tournament play
  - Tournament play is defined as anytime a game or contest is played as part of an event that involves two non-South St. Paul based teams playing against each other.
  - Any board approved coach who will act as the PAC building attendant, must be scheduled through the activities director.
  - The board approved coach or building attendant may not reassign supervision duties to anyone else.
  - The custodian/district building attendant/district approved coach must physically check the area, prior to the group's departure, to ensure the facility has been left in the condition in which they arrived.
- Approved Activities/Functions



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- Approved activities include those that normally require gymnasiums when performed indoors. This would include but is not limited to: basketball, volleyball, tennis, instrumental music competitions and large group exercise.
  - Other activities such as softball, baseball, and soccer are approved with limitations: Current school board approved coach or district building attendant is present at all times; Proper cages, netting, floor protection (for batting), and equipment are in place per PAC Facility Use Guidelines; and Park and Recreation sponsored and supervised activities.
  - Floor Protection
    - Proper footwear is required by all users and is defined as appropriate non-marking soled shoes – no cleats.
    - No food or beverages are allowed in any area of the Fitness Center or PAC unless prior approval by the Activities Director.
    - For the protection of stall 4, there are no baseball/softball or kicking activities allowed
  - Locker Rooms
    - Use of locker rooms is permissible with prior approval and requires a current school board approved coach or custodian to be on duty.



*Adopted: January 10, 2005*

*Revised: 12/10/07; 4/25/11; 9/10/12; 7/25/16; 2/10/20*

***Abolished policy 902.4 on 2/10/20 and became Policy 902- Appendix IV***  
***6/28/21***

## **902 – Appendix IV USE OF PACKER ACTIVITY CENTER (PAC)**

1. Custodial Coverage/District Building Attendant/District Approved Coach
  - Custodial/District Building Attendant/District Approved Coach coverage is required for whenever school building facilities are in use including the PAC and tournament play.
  - Tournament play is defined as anytime a game or contest is played as part of an event that involves two non-South St. Paul based teams playing against each other.
  - Any board approved coach who will act as the PAC building attendant, must be scheduled through the activities director.
  - The board approved coach or building attendant may not reassign supervision duties to anyone else.
  - The custodian/district building attendant/district approved coach must physically check the area, prior to the group's departure, to ensure the facility has been left in the condition in which they arrived.
2. Approved Activities/Functions
  - Approved activities include those that normally require gymnasiums when performed indoors. This would include but is not limited to: basketball, volleyball, tennis, instrumental music competitions and large group exercise.
  - Other activities such as softball, baseball, and soccer are approved with limitations: Current school board approved coach or district building attendant is present at all times; Proper cages, netting, floor protection (for batting), and equipment are in place per PAC Facility Use Guidelines; and Park and Recreation sponsored and supervised activities.
3. Priority Use
  - Class A (first priority) Application accepted prior to September 30
  - Class B (second priority) Application accepted on or after September 30
  - Class C (third priority) Application accepted on or after October 30
  - Class D (fourth priority) Application accepted on or after November 30
  - Refer to policy 902.2 to determine classification of user
4. Floor Protection



- Refer to PAC Facility Use Guidelines
- Proper footwear is required by all users. Proper footwear is defined as appropriate non-marking soled shoes – no cleats.
- No food or beverages are allowed in any area of the Fitness Center or PAC.
- For the protection of stall 4, there are no baseball/softball or kicking activities allowed

5. Locker Rooms

- Use of locker rooms is permissible with prior approval and requires a current school board approved coach or custodian to be on duty.

Abosits

**430 427**      **WORKLOAD LIMITS FOR CERTAIN SPECIAL EDUCATION TEACHERS**

**I.      PURPOSE**

The purpose of this policy is to establish general parameters for determining the workload limits of special education staff who provide services to children with disabilities receiving direct special education services 60 percent or less of the instructional day.

**II.     DEFINITIONS**

A.      Special Education Staff; Special Education Teacher

“Special education staff” and “special education teacher” both mean a teacher employed by the school district who is licensed under the rules of the Minnesota Board of Teaching to instruct children with specific disabling conditions.

B.      Direct Services

“Direct services” means special education services provided by a special education teacher when the services are related to instruction, including cooperative teaching.

C.      Indirect Services

“Indirect services” means special education services provided by a special education teacher which include ongoing progress reviews; cooperative planning; consultation; demonstration teaching; modification and adaptation of the environment, curriculum, materials, or equipment; and direct contact with children with disabilities to monitor and observe.

D.      Workload

“Workload” means a special education teacher’s total number of minutes required for all due process responsibilities, including direct and indirect services, evaluation and reevaluation time, management of individualized education programs (IEPs), travel time, parental contact, and other services required in the IEPs.

**III.    GENERAL STATEMENT OF POLICY**

A.      Workload limits for special education teachers shall be determined by the appropriate special education administrator, in consultation with the building principal and the superintendent.

- B. In determining workload limits for special education staff, the school district shall take into consideration the following factors: student contact minutes, evaluation and reevaluation time, indirect services, management of IEPs, travel time, and other services required in the IEPs of eligible students.

#### IV. COLLECTIVE BARGAINING AGREEMENT UNAFFECTED

This policy shall not be construed as a reopening of negotiations between the school district and the special education teachers' exclusive representative, nor shall it be construed to alter or limit in any way the managerial rights or other authority of the school district set forth in the Public Employment Labor Relations Act or in the collective bargaining agreement between the school district and the special education teachers' exclusive representative.

**Legal References:** Minn. Stat. § 179A.07, Subd. 1 (Inherent Managerial Policy)  
Minn. Rule 3525.0210, Subps. 14, 27, 44, and 49 (Definitions of "Direct Services," "Indirect Services," "Teacher," and "Workload")  
Minn. Rule 3525.2340, Subp. 4.B. (Case Loads for School-Age Educational Service Alternatives)

**Cross References:** MSBA/MASA Model Policy 508 (Extended School Year for Certain Students with Individualized Education Programs)  
MSBA/MASA Model Policy 608 (Instructional Services – Special Education)

Adopted: August 9, 2004

MSBA/MASA Model Policy 608

Orig. 1995

Revised: 8/28/06; 10/27/08; 1/11/10; 8/8/16  
4/9/18; 6/10/19; 5/26/20; 6/14/21; 6/27/22  
6/26/23

Rev. 2022

## **608 INSTRUCTIONAL SERVICES – SPECIAL EDUCATION**

### **I. PURPOSE**

- A. The purpose of this policy is to set forth the position of the school board on the need to provide special educational services to some students in the school district.

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

- A. The school board recognizes that some students need special education and further recognizes the importance of providing a free appropriate public education and delivery system for students in need of special education.

### **III. RESPONSIBILITIES**

- A. The school board accepts its responsibility to identify, evaluate and provide special education and related services for children with a disability who are properly the responsibility of the school district and who meet the criteria to qualify for special education and related services as set forth in Minnesota and federal law.
- B. The school district shall ensure that all qualified children with a disability are provided special education and related services that are appropriate to their educational needs.
- C. When such services require or result from interagency cooperation, the school district shall participate in such interagency activities in compliance with applicable federal and state law.

**Legal References:** Minn. Stat. § 124D.03 (Enrollment Options Program)  
Minn. Stat. § 125A.02 (Child with a Disability Defined)  
Minn. Stat. § 125A.027 (Rulemaking)  
Minn. Stat. § 125A.03 (Special Instruction for Children with a Disability)  
Minn. Stat. § 125A.08 (Individualized Education Programs)  
Minn. Stat. § 125A.15 (Placement in Another District; Responsibility)  
Minn. Stat. § 125A.29 (Responsibility of County Boards and Schools Boards)  
20 U.S.C. § 1400 *et seq.* (IDEA, Individuals with Disabilities Education Act)

**Cross References:** MSBA/MASA Model Policy 402 (Disability Nondiscrimination Policy)

MSBA/MASA Model Policy 508 (Extended School Year for Certain Students with Individualized Education Programs)  
MSBA/MASA Model Policy 509 (Enrollment of Nonresident Students)  
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)

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Adopted: June 22, 1998

MSBA/MASA Model Policy 615

Orig. 1997

Revised: 8/9/04; 8/28/06; 3/23/15; 6/26/17

Rev. 2022~~15~~

**615 ~~BASIC STANDARDS TESTING; ACCOMMODATIONS, MODIFICATIONS, AND EXEMPTIONS FOR IEPs, SECTION 504 PLANS, ACCOMMODATION, AND LEP STUDENTS~~**

**I. PURPOSE**

The purpose of the policy is to provide adequate opportunity for students identified as having individualized education program IEP, Rehabilitation Act of 1973, § 504 accommodation plan (504 plan), or English Learner (EL) ~~limited English proficiency (LEP)~~ needs to participate in statewide assessment systems designed to hold schools accountable for the academic performance of all students. ~~meet the graduation requirements of basic skills testings and graduation required assessments for diploma (GRAD) tests.~~

**II. GENERAL STATEMENT OF POLICY**

**A. Minnesota Test of Academic Skills (MTAS)**

1. The school district will utilize the existing annual review of IEPs or 504 ~~Accommodation~~ plans to review, on a case-by-case basis, and determine how a student with a disability will participate in statewide testing. ~~the extent of student participation in basic skills testing and GRAD testing. For students subject to GRAD testing, the student's IEP or 504 accommodation plan must identify one of the following decisions for each subject area of GRAD:~~
2. Participation decisions will be made separately for mathematics, reading, and science. The assessment options are the Minnesota Comprehensive Assessment (MCA) and the MTAS.
3. Eligibility Requirements
  - a. The following requirements must be met for a student with a significant cognitive disability to be eligible for the MTAS:
    - (1) The IEP team must consider the student's ability to access the MCA, with or without accommodations;
    - (2) The IEP must review the student's instructional program to ensure that the student is receiving instruction linked to the general education curriculum to the extent appropriate. If

instruction is not linked to the general education curriculum, the IEP team must review the student's goals and determine how access to the general curriculum will be provided;

(3) The IEP team determined the student's cognitive functioning to be significantly below age expectations. The team also determined that the student's disability has a significant impact on his or her ability to function in multiple environments, including home, school, and community;

(4) The IEP team determined that the student needs explicit and intensive instruction and/or extensive supports in multiple settings to acquire, maintain, and generalize academic and life skills in order to actively participate in school, work, home, and community environments;

(5) The IEP team must document, in the IEP, reasons the MCA is or is not an appropriate measure of the student's academic progress and how the student would participate in statewide testing.

b. MTAS participation decisions must not be made on the following factors:

(1) Student's disability category;

(2) Placement;

(3) Participation in a separate, specialized curriculum;

(4) An expectation that the student will receive a low score on the MCA;

(5) Language, social, cultural, or economic differences;

(6) Concern for accountability calculations.

1. the student is expected to achieve the statewide standard with or without testing accommodations resulting in a "pass" or "p" notation on the record when achieving a passing score; or

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~~2. the student is expected to achieve the statewide standard at an individually modified level of difficulty, resulting in a “pass” or “p” notation on the record when achieving the modified level. A Minnesota alternative assessment must be used when an IEP team chooses to replace the GRAD. Adoption of modifications for a student must occur concurrently with the adoption of transition goals and objectives as required by Minn. Stat. § 125A.08(a)(1). The IEP or 504 accommodation plan must define an appropriate assessment of the statewide standard at a modified level of difficulty. Achievement of the individually modified standard shall be certified only through documented student performance of the defined assessment.~~

~~Students subject to GRAD testing also must be tested under standard conditions as specified by the developer of the test except those students whose IEP or 504 accommodation plan specifies other decisions consistent with the above stated requirements.~~

#### **B. Alternate ACCESS for ELs**

1. The school district will utilize the existing annual review of IEPs or 504 plans to review, on a case-by-case basis, and determine how an identified EL student with a disability will participate in statewide testing.

#### **2. Eligibility Requirements**

a. The student must be identified as EL in MARSS in order to take an English language proficiency assessment.

b. The student must have a significant cognitive disability. If the student has been identified as eligible to take the MTAS in mathematics, reading, or science, the student meets this criterion.

c. For students in grades that the MTAS is not administered:

(1) the student must have cognitive functioning significantly below age level;

(2) the student’s disability must have a significant impact on his or her ability to function in multiple environments, including home, school, and community; and

(3) the student needs explicit and intensive instruction and/or extensive supports in multiple settings to acquire, maintain, and generalize academic and life skills in order to actively

participate in school, work, home, and community environments.

d. The IEP team must consider the student's ability to access the ACCESS, with or without accommodations.

e. The IEP team must document, in the IEP, reasons the MCA is or is not an appropriate English language proficiency assessment for the student.

3. Alternate ACCESS participation decisions must not be made on the following factors:

a. Student's disability category;

b. Participation in a separate, specialized curriculum;

c. Current level of English language proficiency;

d. The expectation that the student will receive a low score on the ACCESS for ELs;

e. Language, social, cultural, or economic differences;

f. Concern for accountability calculations.

### C. EL Students New to the United States

EL students new to the United States will take all assessments, including all academic assessments (math, reading, and science), as well as the English Language Proficiency Assessment (ACCESS).

~~Students with LEP needs must be identified and accommodations made for students subject to basic skills testing. Students subject to GRAD testing are required to pass the GRAD if they have been enrolled in any Minnesota school for at least four consecutive years. An English language learner (ELL) student who first enrolls in a Minnesota school in grade 9 or above who completes the coursework and any other state and district requirements to graduate within a four-year period is not required to pass the GRAD.~~

### III. DEFINITION OF TERMS

See the current "Procedures Manual for the Minnesota Assessments" which is produced by the Minnesota Department of Education and available through [www.minnesota.pearsonaccessnext.com](http://www.minnesota.pearsonaccessnext.com)

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#### IV. GRANTING AND DOCUMENTING ACCOMMODATIONS, MODIFICATIONS, OR EXEMPTIONS FOR BASIC STANDARDS TESTING

See Chapter 5 of the current “Procedures Manual for the Minnesota Assessments” and 2020-21 Guidelines for Administration of Accommodations and Linguistic Supports [http://minnesota.pearsonaccessnext.com/resources/resources-training/manuals/Guidelines%20for%20Accomm\\_2020-21.pdf](http://minnesota.pearsonaccessnext.com/resources/resources-training/manuals/Guidelines%20for%20Accomm_2020-21.pdf)

#### V. RECORDS

All test accommodations, modifications, or exemptions shall be reported to the School District Test Administrator. The School District Test Administrator shall be responsible for keeping a list of all such test accommodations, modifications, and exemptions for school district audit purposes. This will be done annually by December 1. Testing results will be documented and reported.

##### *Legal References:*

Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum, Instruction, and Student Achievement; Striving for the World’s Best Workforce)

Minn. Stat. § 120B.30 (Statewide Testing and Reporting System)

Minn. Stat. § 125A.08 (Individualized Education Programs)

Minn. Rules Parts 3501.0640-3501.0655 (Academic Standards for Language Arts)

Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)

Minn. Rules Parts 3501.0820 00-3501.0815 (Academic Standards for the Arts)

Minn. Rules Parts 3501.0900-3501.0955 (Academic Standards in Science)

Minn. Rules Parts 3501.1000-3501.1190 (Graduation-Required Assessment for Diploma) (repealed Minn. L. 2013, Ch. 116, Art. 2, § 22)

Minn. Rules Parts 3501.1300-3501.1345 (Academic Standards for Social Studies)

Minn. Rules Parts 3501.1400-3501.1410 (Academic Standards for Physical Education)

Eligibility Requirements for the Minnesota Test of Academic Skills (MTAS),

Alternate ACCESS for ELLs Participation Guidelines,

<https://education.mn.gov/mdeprod/groups/educ/documents/hiddencontent/mdaw/mdq5/~edisp/049763.pdf>

~~Minn. Rules Parts 3501.0010-3501.0180 (Rules Relating to Graduation Standards Mathematics and Reading)~~

~~Minn. Rules Parts 3501.0200-3501.0290 (Rules Relating to Graduation Standards Written Composition)~~

##### *Cross References:*

MSBA/MASA Model Policy 104 (School District Mission Statement)

MSBA/MASA Model Policy 601 (School District Curriculum and Instruction Goals)

MSBA/MASA Model Policy 613 (Graduation Requirements)

MSBA/MASA Model Policy 614 (School District Testing Plan and Procedure)

MSBA/MASA Model Policy 616 (School District System Accountability)



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*Revised: 5/19/92, 5/24/04; 2/9/09; 3/26/12; 11/25/13; 10/27/14; 7/25/16;  
6/26/17; 9/10/18; 6/24/19; 7/27/20; 9/27/21; 6/27/22; 6/26/23*

## **307 EMERGENCY CLOSING OF SCHOOLS**

### **I. PURPOSE**

The purpose of this policy is to clarify the procedures and public notifications for closing of school district facilities due to hazardous weather or other emergency conditions.

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

The superintendent or designee is empowered to close any or all school district facilities or to alter the start or ending time of a school or program in the event of hazardous weather or conditions that threaten the health and safety of students or district employees.

### **III. GENERAL FACTORS**

Factors to be considered in the decision to close a facility or to alter the start or ending time of a school or program include:

- A. Existing and predicted weather conditions.
- B. Advice of the transportation contractors concerning driving, drivers, traffic and parking conditions affecting all transportation, public and private.
- C. Actual occurrence or imminent possibility of any emergency condition that would make programs or facilities operation difficult or dangerous.
- D. Inability of employees to report to duty, which might result in inadequate operation of district facilities, or deficient supervision or instruction of students.
- E. Discussion with neighboring school districts experiencing similar weather or emergency conditions.

### **IV. NOTIFICATION**

- A. Emergency closing, late start, and early release (“emergency closing”) procedures will be published each school year, and actual emergency closings will be announced through school district communication mediums and local media outlets.
- B. Whenever possible, the decision to close school for the day will be made by 5:30 a.m. and notification to students and families will occur at least two hours prior to normal K-12 school start time. In the event of a school delay or early dismissal, decisions will be made as soon as possible to provide appropriate notification to staff and families.

- C. If a student flex learning day is declared, it will be included in the communication to families, students and staff.
- D. Student and/or staff make-up days may be declared as needed.
- E. When an emergency closing occurs, employees will observe the terms of their respective contracts and/or Appendix I of this policy concerning reporting for work.
- F. Each school or district facility will develop a facility plan detailing procedures for facility-specific emergency closing. The facility plan will be in accordance with overall district procedures and guidelines.

**V. EMERGENCY CLOSING IMPLEMENTATION**

**A. Late start**

1. If a late start is declared (i.e. two-hour delay), staff, students, and parents should continue to monitor media reports and/or district website for additional announcements, change in status or possible closing.
2. When a late start is declared:
  - a. All morning Adult Basic Education (ABE) classes are canceled.
  - b. Kids’ Choice will start late, in accordance with the emergency announcement (e.g. two hours late).
  - c. Central Square Community Center/Community Education will start late, in accordance with the emergency announcement (e.g. two hours late).
  - d. All morning Early Childhood (ECSE and ECFE) and Community Preschool classes are canceled.
  - e. After-school and evening activities, including ABE, ECFE, Kids’ Choice, and Central Square Community Center/Community Education activities will take place as scheduled.

**B. School Cancellation**

1. When conditions are so adverse that travel and normal school operations are most difficult, if not impossible, or other emergencies occur, the schools will be closed for the entire day.
2. In general, all student and public activities in the district buildings will be canceled when schools are closed. Exceptions are to be cleared by the Superintendent of Schools (see Appendix II).

**C. Early dismissal:**

1. Whenever possible, the District will avoid calling for an early dismissal that results in sending students home from school early (either by bus or foot), recognizing the additional challenge or burden such a decision can place on families.
2. If it is determined by the Superintendent of Schools that it is a prudent decision to send students home early, it will be done by the advancement of all building dismissal and bus schedules on an hourly time basis.
3. \_\_\_\_\_ When an early dismissal is declared, the following programs are as noted:
  - a. Afternoon and evening Adult Basic Education (ABE) classes may be canceled
  - b. Afternoon and evening ECFE and preschool programs may be canceled
  - c. After-school Kids' Choice will be canceled.



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## Appendix I to Policy 307

### EMPLOYEE RESPONSIBILITIES AND REPORTING PROCEDURES FOR EMERGENCY SCHOOL CLOSINGS

#### 1. SCHOOLS CLOSED: UP TO SEVEN (7) DAYS

The district may declare up to seven emergency flex learning days based on school closings; five of the possible flex learning days are reserved specifically for weather-related closings and two of the possible flex learning days are reserved for any type of school closing. Employees follow the parameters listed below:

For each of the sites/departments noted below, the district will determine whether or not staff will need to report to work. Possible staff who may be required to report to work include, but are not limited to the following:

- Secondary Building (administrator, clerical, custodial)
- Kaposia Education Center (administrator, clerical, custodial)
- Lincoln Education Center (administrator, clerical, custodial)
- SSP Ed. Center/Community Learning Center (one designee only)
- District Office (one designee only)
- Family Education Center (one designee only)
- Central Square Community Center/Community Education (one designee only)

#### Custodial and Maintenance Employees

Full-time employees will report to work as designated by their supervisor. Full-time employees who do not report to work will use available time off ~~or take leave without pay~~. Part-time employees ~~do not~~ will also report to work, ~~or may be directed to stay home~~. If an employee is directed to stay home, the employee will receive their regular rate of pay for their typical hours worked for the emergency close day. ~~and are not paid, unless designated by their supervisor.~~

#### Directors, Principals, Assistant Directors/Coordinators, District Support, Technology and 12-month Clerical and 12-month Student Support employees

Employees have the option to report to work, work from home, or use available time off. Employees are to obtain pre-approval from their supervisor, identifying which option they will select and their respective work plans.



### Teachers

Employees have the option to report to work or work from home when an emergency flex learning day is declared. Employees who work from home must be able to meet the expectations of the flex learning plan.

### Kids' Choice Paraprofessionals ( 12-month employees)

Employees do not report to work, but have the following options:

- Make-up time by participating in approved professional development within a designated time frame.
- Use available vacation or personal leave time, if choosing not to work or make up the time.
- ~~Take leave without pay.~~

### Paraprofessionals, Clerical, Student Support and Nutrition Services employees who work less than 12-months:

Employees do not report to work, but have the following options:

- Make-up time by participating in approved professional development within a designated time frame.
- Use available vacation or personal leave time, if choosing not to work or make up the time.
- ~~Take leave without pay.~~

### Building Supervisors/Instructors (Central Square Community Center/Community Ed.)

Employees do not report, and will be paid at their regular rate of pay for scheduled hours to work and are not paid.

### Substitutes

Substitute employees do not report to work and are not paid.

## **2. SCHOOLS CLOSED: EIGHT (8) DAYS AND BEYOND**

Student and staff make-up days may be declared in the event of three (3) or more school closings from a combination of non-weather closings (days 1-3) or weather-related closings (days 6-8). The first two of any combination of these closing days will be declared flex learning days. When schools are closed and make-up days are necessary, employees shall follow the parameters listed below:



For each of the sites/departments noted below, the district will determine whether or not staff will need to report to work. Possible staff who may be required to report to work include, but are not limited to the following:

- Secondary Building (administrator, clerical, custodial)
- Kaposia Education Center (administrator, clerical, custodial)
- Lincoln Education Center (administrator, clerical, custodial)
- SSP Ed. Center/Community Learning Center (one designee only)
- District Office (one designee only)
- Family Education Center (one designee only)
- Central Square Community Center/Community Education (one designee only)

#### Custodial and Maintenance Employees

Full-time employees will report to work as designated by their supervisor. Full-time employees who do not report to work will use available time off ~~or take leave without pay.~~ Part-time employees ~~do not~~ will also report to work, ~~or may be directed to stay home.~~ If an employee is directed to stay home, the employee will receive their regular rate of pay for their typical hours worked for the emergency close day. ~~and are not paid, unless designated by their supervisor.~~

#### Directors, Principals, Assistant Directors/Coordinators, District Support, Technology and 12-month Clerical and 12-month Student Support employees

Employees have the option to report to work, work from home, or use available time off. Employees are to obtain pre-approval from their supervisor, identifying which option they will select and the respective work plans.

#### Teachers

Employees do not report to work and will be expected to work on the designated make-up day(s) as determined by the School Board.

#### Kids' Choice Paraprofessionals ( 12-month employees)

Employees do not report to work, but have the following options:

- Make-up time by participating in approved professional development within a designated time frame.

- Use available vacation or personal leave time, if choosing not to work or make up the time.
- ~~Take leave without pay.~~

Paraprofessionals, Clerical, Student Support and Nutrition Services employees who work less than 12-months:

Employees do not report to work, but have the following options:

- Make-up time by participating in approved professional development within a designated time frame.
- Use available vacation or personal leave time, if choosing not to work or make up the time.
- ~~Take leave without pay.~~

Building Supervisors/Instructors (Central Square Community Center/Community Ed.)

Employees do not report, and will be paid at their regular rate of pay for scheduled hours ~~to work and are not paid.~~

Substitutes

Substitute employees do not report to work and are not paid.

### 3. LATE START

When a late start is called (i.e. two-hour delay), district staff are to report, unless otherwise noted below, as soon as practical and as conditions allow.

Kids' Choice Paraprofessionals (12-month employees)

Employees report as noted in the announcement (e.g. if a two-hour delay is called, then staff should report two hours later than their usual reporting time).

Building Supervisors/Instructors (Central Square Community Center/Community Ed)

Employees report as noted in the announcement (e.g. if a two-hour delay is called, then staff should report two hours later than their usual reporting time).



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## Appendix II to Policy 307

### GUIDELINES FOR CANCELING AFTER-SCHOOL ACTIVITIES

1. When the school district is closed prior to the start of the school day due to hazardous weather, all buildings are closed to activities and building use, unless otherwise designated under paragraphs 7 and 8 below. District offices and the district buildings and grounds department may need to be open to facilitate the removal of snow and ice so that school can reopen the following day.
2. When an individual school is closed due to building-related problems, a determination about after-school activities will be made with the principal, superintendent or designee, director of buildings and grounds, and the facility scheduler, as may be necessary.
3. On occasions when school is in session but weather concerns arise after school has begun, a decision must be made about activities and/or building usage scheduled after school. A decision will be made on a district-wide basis by the superintendent or designee. This decision will be made and communicated as early as possible but may not always be made by the close of the school day. Upon closure, notification will be initiated by the Superintendent or designee.
4. All school/building closure announcements will be posted as soon as practical on the district website, distributed via appropriate district communication channels, and sent to local media outlets.
5. For county, state, or other multijurisdictional events, or out-of-town athletic/activities events, may have a separate determination, based on hazardous weather in the area of a scheduled event, that will be made by the superintendent or designee.
6. Saturday and Sunday events or activities may also need to be canceled due to hazardous weather or building-related problems. The superintendent or designee will make a decision on a district-wide basis. Upon closure, notification will be initiated by the Superintendent or designee.
7. On occasion, the superintendent, in consultation with the principal, activities director, director of buildings and grounds, facility scheduler, and/or designee may decide to hold voluntary



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varsity extra-curricular activities in an effort to continue with seasonal competitions. Such a decision will be made on a case-by-case basis. In the event that a decision is made to hold a practice or competition on a day in which school or other activities are canceled, coaches/advisors are prohibited from penalizing a player/participant who is not able to attend the voluntary practice or event. Communication about individual activity practices and events will be the responsibility of the activity's coach/advisor.

8. Offsite events and Minnesota High School League sponsored special events (e.g. hockey, skiing, tournaments) need special consideration because the venues have been reserved. The superintendent or designee and activities director will make a determination regarding these events. An announcement will be initiated by the Superintendent or designee if activities are canceled.

Adopted: September 8, 1997

MSBA/MASA Model Policy 414

Revised: 6/14/04; 10/27/08; 11/23/09; 5/12/14  
6/26/17; 1/13/20

Orig. 1995  
Rev. 202219

## 414 MANDATED REPORTING OF CHILD NEGLECT OR PHYSICAL OR SEXUAL ABUSE

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

- A. It is the policy of the school district to fully comply with Minnesota Statutes chapter 260E Minn. Stat. § 626.556 requiring school personnel to report suspected child neglect or physical or sexual abuse.
- B. It shall be a violation of this policy occurs when for any school personnel to fail to immediately report instances of child neglect, or physical or sexual abuse when the school personnel knows or has reason to believe a child is being neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years.

### III. DEFINITIONS OF MALTREATMENT

- A. “Accidental” means a sudden, not reasonably foreseeable, and unexpected occurrence or event that which:
1. is not likely to occur and could not have been prevented by exercise of due care; and
  2. if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence of the event.
- B. “Child” means one under age 18 and, for purposes of Minnesota Statutes chapter Minn. Stat. Ch. 260C (Juvenile Safety and Placement) Child Protection and Minnesota Statutes chapter Minn. Stat. Ch. 260D (Child Voluntary Foster Care for Treatment), includes an individual under age 21 who is in foster care pursuant to Minnesota Statutes chapter Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18).
- C. “Immediately” means as soon as possible but in no event longer than 24 hours.
- D. “Mandated reporter” means any school personnel who knows or has reason to believe a child is being maltreated neglected or physically or sexually abused, or

has been maltreated, neglected or physically or sexually abused within the preceding three years.

- E. “Mental injury” means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child’s ability to function within a normal range of performance and behavior with due regard to the child’s culture.
- F. “Neglect” means the commission or omission of any of the acts specified below, other than by accidental means:
1. failure by a person responsible for a child’s care to supply a child with necessary food, clothing, shelter, health care, medical care, or other care required for the child’s physical or mental health when reasonably able to do so;
  2. failure to protect a child from conditions or actions that seriously endanger the child’s physical or mental health when reasonably able to do so, including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;
  3. failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors such as the child’s age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for the child’s his or her own basic needs or safety, or the basic needs or safety of another child in the child’s his or her care;
  4. failure to ensure that a child is educated in accordance with state law, which does not include a parent’s refusal to provide the his or her child with sympathomimetic medications;
  5. prenatal exposure to a controlled substance, as defined in state law, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child’s birth, or medical effects or developmental delays during the child’s first year of life that medically indicate prenatal exposure to a controlled substance, or the presence of a fetal alcohol spectrum disorder;
  6. medical neglect as defined by Minnesota Statutes section Minn. Stat. § 260C.007, subdivision. 6, clause (5); ~~Subd. 4, Clause (5);~~
  7. chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child’s basic needs and safety; or

8. emotional harm from a pattern of behavior ~~that~~ **which** contributes to impaired emotional functioning of the child, **which** may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.

Neglect **does not occur solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care.** ~~does not include spiritual means or prayer for treatment or care of disease where the person responsible for the child's care in good faith has selected and depended on those means for treatment or care of disease, except where the lack of medical care may cause serious danger to the child's health.~~

**GF.** "Non-maltreatment mistake" **occurs means:** (1) at the time of the incident, the individual was performing duties identified in the center's child care program plan required under **Minnesota Minn. Rules pPart 9503.0045;** (2) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years; (3) the individual has not been determined to have committed a similar non-maltreatment mistake under this paragraph for at least four years; (4) any injury to a child resulting from the incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical professional or not; and (5) except for the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing requirements relevant to the incident. This definition only applies to child care centers licensed under **Minnesota Minn. Rules chapterCh. 9503.**

**H.** "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employee or agent, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

**IG.** "Physical abuse" means any physical injury, mental injury **(under subdivision 13),** or threatened injury, inflicted by a person responsible for the child's care **on a child** other than by accidental means; or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive or deprivation procedures, or regulated interventions, that have not been authorized by **Minnesota Statutes sectionMinn. Stat. § 125A.0942 or § 245.825.**

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

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

- JH.** "Report" means any communication received by the local welfare agency, police, department, county sheriff, or agency responsible for child protection pursuant to this section that describes **maltreatment neglect or physical or sexual abuse** of a child and contains sufficient content to identify the child and any person believed to be responsible for the **maltreatment neglect or abuse**, if known.
- KI.** "School personnel" means professional employee or professional's delegate of the school district who provides health, educational, social, psychological, law enforcement or child care services.
- LJ.** "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child (as defined in **Minnesota Statutes section Minn. Stat. § 609.341, subdivision Subd. 15**), or by a person in a current or recent position of authority (as defined in **Minnesota Statutes section Minn. Stat. § 609.341, subdivision Subd. 10**) to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct. Such acts include sexual penetration, sexual contact, solicitation of children to

engage in sexual conduct, and communication of sexually explicit materials to children. Sexual abuse also includes any act involving a minor that which constitutes a violation of Minnesota statutes prohibiting prostitution, or use of a minor in a sexual performance. Sexual abuse includes threatened sexual abuse, all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation which that requires registration under Minnesota Statutes section 243.166, subdivision Subd. 1b(a) or (b) (Registration of Predatory Offenders).

M. “Threatened injury” means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child’s care who has (1) subjected the child to, or failed to protect a child from, an overt act or condition that constitutes egregious harm; (2) been found to be palpably unfit; (3) committed an act that resulted in an involuntary termination of parental rights; (4) or committed an act that resulted in the involuntary transfer of permanent legal and physical custody of a child to a relative.

G. “Mental injury” means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child’s ability to function within a normal range of performance and behavior with due regard to the child’s culture.

H. “Person responsible for the child’s care” means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

I. “Threatened injury” means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child’s care who has subjected the child to, or failed to protect a child from, egregious harm, or a person whose parental rights were involuntarily terminated, been found palpably unfit, or one from whom legal and physical custody of a child has been involuntarily transferred to another.

#### IV. REPORTING PROCEDURES

- A. A mandated reporter as defined herein shall immediately report the information neglect or physical or sexual abuse, which he or she knows or has reason to believe is happening or has happened within the preceding three years, to the local welfare agency, agency responsible for assessing or investigating the report, police department, county sheriff, tribal social services agency, or tribal police department. The reporter will include his or her name and address in the report.
- B. If the immediate report has been made orally, An oral report shall be made immediately; by telephone or otherwise. The oral report shall be followed by a written report within 72 hours (exclusive of weekends and holidays) to the appropriate police department, the county sheriff, local welfare agency, or agency responsible for assessing assisting or investigating the report maltreatment. Any The written report shall be of sufficient content to identify the child, any person believed to be responsible for the maltreatment abuse or neglect of the child if the person is known, the nature and extent of the maltreatment abuse or neglect and the name and address of the reporter.
- C. Regardless of whether a report is made, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident has occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.
- D. A mandated reporter who knows or has reason to know of the deprivation of custodial or parental rights or the kidnapping of a child shall report the information to the local police department or the county sheriff.
- E. With the exception of a health care professional or a social service professional who is providing the woman with prenatal care or other health care services, a mandated reporter shall immediately report to the local welfare agency if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive.
- F. A person mandated by Minnesota law and this policy to report who fails to report may be subject to criminal penalties and/or discipline, up to and including termination of employment.
- G. An employer of a mandated reporter shall not retaliate against the person for reporting in good faith maltreatment against a child with respect to who a report is made, because of the report.

~~G. Submission of a good faith report under Minnesota law and this policy will not adversely affect the reporter's employment, or the child's access to school.~~

H. Any person who knowingly or recklessly makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury, plus costs and reasonable attorney fees. Knowingly or recklessly and the reckless making of a false report also may result in discipline. ~~The court may also award attorney's fees.~~

## V. INVESTIGATION

- A. The responsibility for assessing or investigating reports of suspected maltreatment, neglect or physical or sexual abuse rests with the appropriate state, county, state, or local agency or agencies. The agency responsible for assessing or investigating reports of maltreatment has the authority to interview the child, the person or persons responsible for the child's care, the alleged offender, and any other person with knowledge of the maltreatment for the purpose of gathering facts, assessing safety and risk to the child, and formulating a plan. The investigating agency may interview the child at school. The interview may take place outside the presence of the alleged offender or parent, legal guardian, or a school official. The investigating agency, not the school, is responsible for either notifying or withholding notification of the interview to the parent, guardian, or person responsible for the child's care. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded.
- B. When the investigating agency determines that an interview should take place on school property, written notification of intent to interview the child on school property must will be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property.
- C. Except where the alleged offender/perpetrator is believed to be a school official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare or law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable, and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school officials

and the local welfare or law enforcement agency. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school employees when an interview is conducted on school premises.

- D. Where the alleged offender/perpetrator is believed to be a school official or employee, the school district shall conduct its own investigation independent of MDE and, if involved, the local welfare or law enforcement agency.
- E. Upon request by MDE, the school district shall provide all requested data that are relevant to a report of maltreatment and are in the possession of a school facility, pursuant to an assessment or investigation of a maltreatment report of a student in school. The school district shall provide the requested data in accordance with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes chapter Minn. Stat. Ch. 13, and the Family Educational Rights and Privacy Act, 20 United States Code section U.S.C. § 1232g.

#### **VI. MAINTENANCE OF SCHOOL RECORDS CONCERNING ABUSE OR POTENTIAL ABUSE**

- A. When a local welfare or local law enforcement agency determines that a potentially abused or abused child should be interviewed on school property, written notification of the agency's intent to interview on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct the interview. The notification shall be private data. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notice or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation has been concluded.
- B. All records regarding a report of maltreatment, including any notification of intent to interview which was received by the school as described above in Paragraph A., shall be destroyed by the school only when ordered by the agency conducting the investigation or by a court of competent jurisdiction.

#### **VII. PHYSICAL OR SEXUAL ABUSE AS SEXUAL HARASSMENT OR VIOLENCE**

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

#### **VIII. DISSEMINATION OF POLICY AND TRAINING**

- A. This policy shall appear in school personnel handbooks.

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

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
 Minn. Stat. § 121A.58 (Corporal Punishment)  
 Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)  
 Minn. Stat. § 125A.0942 (Standards for Restrictive Procedures)  
 Minn. Stat. § 243.166, Subd. 1b(a)(b) (Registration of Predatory Offenders)  
 Minn. Stat. § 245.825 (Use of Aversive or Deprivation Procedures)  
 Minn. Stat. § 260C.007, Subd. 6, Clause (5) (Child in Need of Protection)  
 Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18)  
 Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment)  
 Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)  
 Minn. Stat. § 609.02, Subd.6 (Definitions – Dangerous Weapon)  
 Minn. Stat. § 609.341, Subd. 10 (Definitions – Position of Authority)  
 Minn. Stat. § 609.341, Subd. 15 (Definitions – Significant Relationship)  
 Minn. Stat. § 609.379 (Reasonable Force)  
 Minn. Stat. § 626.556 *et seq.* (Reporting of Maltreatment of Minors)  
 Minn. Stat. § 626.5561 (Reporting of Prenatal Exposure to Controlled Substance)  
 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)

**Cross References:** MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)

<i>Minnesota Department of Education staff use only</i>			
Intake Person	MDE File #	Investigator	Date Assigned
	<input type="checkbox"/> No Maltreatment <input type="checkbox"/> No Jurisdiction <input type="checkbox"/> I & R <input type="checkbox"/> Other (Please explain)		Date Reporter Notified: _____
	PSN Date: _____ <input type="checkbox"/> Verbal <input type="checkbox"/> Written		_____ Verbal _____ Written (Attach written correspondence)

Date Submitted: \_\_\_\_\_ ISD#: \_\_\_\_\_ School District: \_\_\_\_\_  
 School Name: \_\_\_\_\_ Program Name: \_\_\_\_\_  
 Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Principal/Director: \_\_\_\_\_ Phone: \_\_\_\_\_ (Ext): \_\_\_\_\_  
 Transportation Information, if necessary: Contact: \_\_\_\_\_ Phone: \_\_\_\_\_

**REPORTER (name of person completing form) Reporter is confidential under Minnesota Statutes, section 626.556.**

Name: \_\_\_\_\_ Title: \_\_\_\_\_ Phone: \_\_\_\_\_ Mandated Reporter: Yes \_\_\_ No \_\_\_  
 Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**ALLEGED VICTIM (Complete one reporting form for each alleged victim)**

Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Grade: \_\_\_\_\_ Gender: Male \_\_\_ Female \_\_\_  
 Special Education: Yes \_\_\_ No \_\_\_ Disability Description: \_\_\_\_\_ Ethnicity: \_\_\_\_\_  
 Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Parent/Guardian: \_\_\_\_\_ Phone: \_\_\_\_\_ Alternate Phone: \_\_\_\_\_

**ALLEGED OFFENDER**

Name: \_\_\_\_\_ Position: \_\_\_\_\_ DOB: \_\_\_\_\_ Gender: Male \_\_\_ Female \_\_\_  
 Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Ethnicity: \_\_\_\_\_ Phone: \_\_\_\_\_ Alternate Phone: \_\_\_\_\_

**INCIDENT**

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Location (i.e. - bus, classroom): \_\_\_\_\_  
 Address (if different than school): \_\_\_\_\_ County: \_\_\_\_\_  
**Alleged Maltreatment:** Physical Abuse \_\_\_ Sexual Abuse \_\_\_ Neglect \_\_\_ Unknown \_\_\_ **Injury:** Yes \_\_\_ No \_\_\_ Unknown \_\_\_

Description of Incident and Injury: (please attach additional page if needed).

Witness Contact Information: \_\_\_\_\_

Police Notified: Yes \_\_\_ No \_\_\_ Police Department: \_\_\_\_\_

Contact: \_\_\_\_\_ Phone: \_\_\_\_\_ Case No.: \_\_\_\_\_

## 415 MANDATED REPORTING OF MALTREATMENT OF VULNERABLE ADULTS

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

It is the policy of the school district to ~~fully~~ comply fully with Minnesota Statutes ~~Stat. § 626.557~~ requiring school personnel to report suspected maltreatment of vulnerable adults.

A violation of this policy occurs when any school personnel fails to report suspected maltreatment of vulnerable adults when the school personnel has reason to believe that a vulnerable adult is being or has been maltreated, or has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained.

### III. DEFINITIONS

#### A. "Abuse" means:

1. An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of: (1) assault in the first through fifth degrees as defined in Minnesota Statutes sections 609.221 to 609.224; (2) the use of drugs to injure or facilitate crime as defined in Minnesota Statutes section 609.235; (3) the solicitation, inducement, and promotion of prostitution as defined in Minnesota Statutes section 609.322; and (4) criminal sexual conduct in the first through fifth degrees as defined in Minnesota Statutes sections 609.342 to 609.3451. A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction.
2. Conduct which is not an accident or therapeutic conduct as defined in Minnesota Statutes section 626.5572 which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following: (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult; (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening; (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion

including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of vulnerable adult; and (4) use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under Minnesota Statutes section 245.825.

3. Any sexual contact or penetration as defined in Minnesota Statutes sections 609.34, between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility.

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

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

B. "Caregiver" means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement.

C. "Common entry point" means the entity responsible for receiving reports of alleged or suspected maltreatment of a vulnerable adult and designated by the Commissioner of the Minnesota Department of Human Services as the MN Adult Abuse Reporting Center (MAARC).

D. "Financial Exploitation" means a breach of a fiduciary duty by an actor's unauthorized expenditure of funds entrusted to the actor for the benefit of the vulnerable adult or by an actor's failure to provide food, clothing, shelter, health care, therapeutic conduct or supervision, the failure of which results or is likely to result in detriment to the vulnerable adult. Financial exploitation also includes: the willful use, withholding or disposal of funds or property of a vulnerable adult; the obtaining of services for wrongful profit or advantage which results in detriment to the vulnerable adult; the acquisition of a vulnerable adult's funds or property through undue influence, harassment, duress, deception or fraud; and the use of force, coercion, or enticement to cause a vulnerable adult to perform services against the vulnerable adult's will for the profit or advantage of another.

E. "Immediately" means as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.

**FA.** “Mandated reporters” means any school personnel who have reason to believe a vulnerable adult is being maltreated. ~~any school personnel who has reason to believe that a vulnerable adult is being or has been maltreated.~~

**GB.** “Maltreatment” means the neglect, abuse, or financial exploitation of a vulnerable adult.

**HC.** “Neglect” means the failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care, or supervision which is: (1) reasonable and necessary to obtain or maintain the vulnerable adult’s physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and (2) which is not the result of an accident or therapeutic conduct.

**I.** Neglect also ~~means~~ **includes** the absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health of the vulnerable adult which a reasonable person would deem essential to obtain or maintain the vulnerable adult’s health, safety, or comfort considering the physical or mental capacity or dysfunction of the vulnerable adult. Neglect does not include actions specifically excluded by **Minnesota Statutes section Minn. Stat. § 626.5572**, Subd. 17.

**J.** “School personnel” means professional employees or their delegates of the school district engaged in providing health, educational, social, psychological, law enforcement, or other caretaking services of vulnerable adults.

**A.** ~~“Abuse” means: (a) An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of: (1) assault in the first through fifth degrees as defined in sections 609.221 to 609.224; (2) the use of drugs to injure or facilitate crime as defined in section 609.235; (3) the solicitation, inducement, and promotion of prostitution as defined in section 609.322; and (4) criminal sexual conduct in the first through fifth degrees as defined in sections 609.342 to 609.3451. A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction. (b) Conduct which is not an accident or therapeutic conduct as defined in this section, which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following: (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult; (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening; (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary~~

seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and (4) use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under section 245.825. (c) Any sexual contact or penetration as defined in section 609.341, between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility. (d) The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another. Abuse does not include actions specifically excluded by Minn. Stat § 626.5572, Subd. 2.

**B.** “Financial Exploitation” means a breach of a fiduciary duty by an actor’s unauthorized expenditure of funds entrusted to the actor for the benefit of the vulnerable adult or by an actor’s failure to provide food, clothing, shelter, health care, therapeutic conduct or supervision, the failure of which results or is likely to result in detriment to the vulnerable adult. Financial exploitation also includes: the willful use, withholding or disposal of funds or property of a vulnerable adult; the obtaining of services for wrongful profit or advantage which results in detriment to the vulnerable adult; the acquisition of a vulnerable adult’s funds or property through undue influence, harassment, duress, deception or fraud; and the use of force, coercion or enticement to cause a vulnerable adult to perform services against the vulnerable adult’s will for the profit or advantage of another.

**KE.** “Vulnerable **A**Adult” means any person 18 years of age or older who (1) is a resident or inpatient of a facility; (2) receives services required to be licensed under Minnesota Statutes chapter **Minn. Stat. Ch.** 245A, except as excluded under Minnesota Statutes chapter **Minn. Stat.** 626.5572, Subd. 21(a)(2); (3) receives services from a licensed home care provider or person or organization that offers, provides, or arranges for personal care assistance services under the medical assistance program; or (4) regardless of residence **or whether any** type of service **is** received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the individual’s ability to **adequately** provide **adequately for the individual’s person’s** own care without assistance or supervision and, because of the dysfunction or infirmity and need for care or services, has an impaired ability to protect the individual’s self from maltreatment.

**C.** “Caregiver” means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement.

D. ~~“School Personnel” means professional employees or their delegates of the school district engaged in providing health, educational, social, psychological, law enforcement or other caretaking services of vulnerable adults.~~

E. ~~“Immediately” means as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.~~

#### IV. REPORTING PROCEDURES

- A. A mandated reporter as defined herein shall immediately report the suspected maltreatment to the common entry point responsible for receiving reports.
- B. Whenever a mandated reporter, as defined herein, knows or has reason to believe that an individual made an error in the provision of therapeutic conduct to a vulnerable adult, which results in injury, or harm, which reasonably requires the care of a physician, such information shall be reported immediately to the designated county agency. The mandated reporter also may report a belief that the error did not constitute neglect and why the error does not constitute neglect.
- C. The reporter shall, to the extent possible identify the vulnerable adult, the caregiver, the nature and extent of the suspected maltreatment, any evidence of previous maltreatment, the name and address of the reporter, the time, date, and location of the incident and any other information that the reporter believes might be helpful in investigating the suspected abuse or neglect. A mandated reporter may disclose *not public data*, as defined under **Minnesota Statutes section Minn. Stat. § 13.02**, to the extent necessary to comply with the above reporting requirements.
- D. A person mandated to report suspected maltreatment of a vulnerable adult who negligently or intentionally fails to report is liable for damages caused by the failure. A negligent or intentional failure to report may result in discipline. A mandatory reporter who intentionally fails to make a report, who knowingly provides false or misleading information in reporting or who intentionally fails to provide all the material circumstances surrounding the reported incident may be guilty of a misdemeanor.
- E. Retaliation against a person who makes a good faith report under Minnesota law and this policy, or against vulnerable adult who is named in a report is prohibited.
- F. Any person who intentionally makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury. The intentional making of a false report may result in discipline.

## V. INVESTIGATION

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

## VI. DISSEMINATION OF POLICY AND TRAINING

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

### *Legal References:*

Minn. Stat. § 13.02 (Government Data Practices; Definitions)  
Minn. Stat. Ch. 245A (Human Services Licensing)  
Minn. Stat. § 245.825 (Aversive and Deprivation Procedures; Licensed Facilities and Services)  
Minn. Stat. §§ 609.221-609.224 (Assault)  
Minn. Stat. § 609.232~~34~~ (Crimes Against the Person)  
Minn. Stat. § 609.235 (Use of Drugs to Injure or Facilitate Crime)  
Minn. Stat. § 609.322 (Solicitation, Inducement, and Promotion of Prostitution; Sex Trafficking)  
Minn. Stat. § 609.341 (Definitions)  
Minn. Stat. §§ 609.342-609.3451 (Criminal Sexual Conduct)  
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)  
Minn. Stat. § 626.5572 (Definitions)  
In re Kleven, 736 N.W.2d 707 (Minn. App. 2007)

### *Cross References:*

MSBA/MASA Model Policy 103 (Complaints – Students, Employees, Parents, Other Persons)  
MSBA/MASA Model Policy 211 (Criminal or Civil Action Against School District, School Board Member, Employee, or Student)  
MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)