

School Board Study Session -
CANCELED
Monday, February 27, 2023 4:00 PM

District Office Conference Room, Room 164
Austin High School
401 3rd Ave. NW
Austin, MN 55912

Agenda

1. Call to order/roll call
Speaker(s): Vice-chairperson
2. Request approval of agenda (Action)
Speaker(s): Vice-chairperson
3. Gifted and Talented Audit Report
Speaker(s): Dr. Kim Gibbons, U of MN Center for Applied Research and Educational Improvement Director
4. Policy review
Speaker(s): Exec Dir of Organizational Dev & Admin Services John Alberts
- 4.A. 428 - Employee Use of Social Media
5. Consent Agenda (Action)
Speaker(s): Exec Dir of Organizational Dev & Admin Services John Alberts
- 5.A. 201 - Legal Status of School Board
- 5.B. 202 - School Board Officers
- 5.C. 203.5 - School Board Meeting Agenda
- 5.D. 204 - School Board Meeting MInutes
- 5.E.207 - Public Hearings
- 5.F.211 - Criminal or Civil Action Against School, School Board Member, Employee, or Student
- 5.G. 212 - School Board Member Development
- 5.H. 215 - Out of State Travel by School Board Members
- 5.I. 301 - School District Administration
- 5.J. 401 - Equal Employment Opportunity
- 5.K. 402 - Disability Nondiscrimination Policy
- 5.L.403 - Discipline, Suspension and Dismissal of School District Employees
- 5.M. 404 - Employment Background Checks
- 5.N. 407 - Employee Right to Know
6. Adjournment (Action)

I. PURPOSE

As a national leader in using technology as an accelerator of learning, the Austin Public School District recognizes the value of teacher inquiry, investigation, and innovation using new technology tools to enhance the learning experience. The District also recognizes its obligation to teach and ensure responsible and safe use of these technologies.

This policy addresses employees' use of publicly available social media networks including: personal Web sites, Web logs (blogs), wikis, social networks, online forums, virtual worlds, and any other social media. The District takes no position on employees' decision to participate in the use of social media networks for personal use on personal time. However, use of these media for personal use during District time or on District equipment is prohibited. In addition, employees must avoid posting any information or engaging in communications that violate state or federal laws or District policies.

II. GENERAL STATEMENT OF POLICY

The District recognizes the importance of online social media networks as a communication and e-learning tool. Toward that end, the District provides password-protected social media tools and District-approved technologies for e-learning and encourages use of District tools for collaboration by employees. However, public social media networks, outside of those sponsored by the District, may not be used for classroom instruction or school-sponsored activities without the prior authorization of the Superintendent, or designee, and parental consent for student participation on social networks. The District may use these tools and other communication technologies in fulfilling its responsibility for effectively communicating with the general public.

However, employees must avoid posting any information or engaging in communications that violate state or federal laws or District policies.

The line between professional and personal relationships is blurred within a social media context. When employees choose to join or engage with District students, families, or fellow employees in a social media context that exists outside those approved by the District, they are advised to maintain their professionalism as District employees and address inappropriate behavior or activity on these networks, including making a mandated report if such event arises.

III. DEFINITIONS

- Public social media networks include websites, web logs (blogs), wikis, social networks, online forums, virtual worlds, and any other social media generally available to the public or consumers and which do not fall within the District's electronic technologies network. Examples of public social media networks include Facebook, Instagram, Twitter, LinkedIn, TikTok, SnapChat, and blog sites.

- District approved password-protected social media tools are those that fall within the District's electronic technologies network or which the District has approved for educational use. The District has greater authority and responsibility to protect minors from inappropriate content and can limit public access within this limited public forum.

IV. REQUIREMENTS

All employees are expected to serve as positive ambassadors for our schools and to remember they are role models to students in this community. Because readers of social media networks may view the employee as a representative of the schools and the District, the District requires employees to observe the following rules when referring to the District, its schools, students, programs, activities, employees, volunteers, and communities on any social media networks:

- An employee's use of any social media network and an employee's postings, displays, or communications on any social media network must comply with all state and federal laws and any applicable District policies.

Employees must be respectful and professional in all communications (by word, image or other means). Employees shall not use obscene, profane or vulgar language on any social media network or engage in communications or conduct that is harassing, threatening, bullying, libelous, or defamatory or that discusses or encourages any illegal activity or the inappropriate use of alcohol, use of illegal drugs, sexual behavior, sexual harassment, or bullying.

Employees should not use their District e-mail address for communications on public social media networks that have not been approved by the District. Employees must make clear that any views expressed on these networks are the employee's alone and do not necessarily reflect the views of the District. Employees may not act as a spokesperson for the District or post comments as a representative of the District, except as authorized by the Superintendent or the Superintendent's designee.

When authorized as a spokesperson for the District, employees must disclose their employment relationship with the District.

Employees may not disclose information on any social media network that is confidential or proprietary to the District, its students, or employees or that is protected by data privacy laws.

Employees may not use or post the District logo, or school logo (defined as the Packer Logo, Austin A, or other site specific image) on any social media network without permission from the Superintendent, or designee.

- Employees will remove images posted on any social media network of co-workers if an objection is made by the co-worker as it relates to the posted image.
- Employees may not post images of students that have completed an objection to media release on file with the district. This does not include images of students

taken in the public arena, such as at sporting events or fine arts public performances.

- Employees may not post any non-public images of District premises and property, including floor plans.
- The District recognizes that student groups or members of the public may create social media representing students or groups within the District. When employees, including coaches/advisors, choose to join or engage with these social networking groups, they do so as an employee of the District. Employees must maintain appropriate employee-student relationships at all times and must address inappropriate behavior or activity on these networks, even if the employee is not the owner of the social media thread. This includes acting to protect the safety of minors online.
- Employees who participate in social media networks may decide to include information about their work with the District as part of their personal profile, as it would relate to a typical social conversation. This may include:
 - Work information included in a personal profile, to include District name, job title, and job duties.
 - Status updates regarding an employee's own job promotion.
 - Personal participation in District-sponsored events, including volunteer activities.
- An employee who is responsible for a social media network posting that fails to comply with the rules and guidelines set forth in this policy may be subject to discipline, up to and including termination. Employees will be held responsible for the disclosure, whether purposeful or inadvertent, of confidential or private information, information that violates the privacy rights or other rights of a third party, or the content of anything posted on any social media network.
- Anything posted on an employee's Web site or Web log or other Internet content for which the employee is responsible will be subject to all District policies, rules, regulations, and guidelines. The District is free to view and monitor an employee's public Web site, professional social media site, or professional Web log at any time without consent or previous approval. Where applicable, employees may be asked to disclose to the District the existence of and to provide the District with access to an employee's professional Web site or Web log or other professional social media network as part of an employment selection, promotion, or disciplinary process.

Legal Reference:

- Minnesota Administrative Rule 8710.2000 Code of Ethics For Minnesota Teachers; Children's Internet Protection Act

First Reading: 10/10/16

Policy Approved: 11/14/16

Policy Reviewed: 03/12/18

Policy Reviewed: 01/11/21

Policy Revised: 12/12/22

POLICY GUIDELINES

Austin Public Schools uses social media to:

- Share news, announcements, reminders and issues related to our school community.
- Engage parents in responsible and respectful conversations about our schools.

Austin Public Schools has sole authority to control the content of posts and information distributed through its social media accounts. Austin Public Schools does not intend to create a forum for public discussion of topics or information unrelated to the District and its operations.

While the District does not have an obligation to monitor this discussion at all times, it will remove comments that contain the following:

- Spam
- Offensive or inflammatory language
- Inappropriate remarks and profanity
- Personal attacks
- Contain personal information about a student or staff member
- Promotional or sales-related posts or comments
- Comments that are unrelated to the purpose of the page or post
- Links to other pages that contain similar content, or that link to sites containing malware, viruses, scams, criminal content, or content inappropriate for minors
- Language or content that targets any specific race, color, creed, religion, national origin, sex, gender, marital status, disability, status with regard to public assistance, sexual orientation, age, or veteran status
- Language or content that incites violence
- Violations of the Terms of Use for the platform used

Austin Public Schools staff are not responsible for user-generated content. The opinions expressed in user-generated content do not necessarily reflect those of District staff. Participants are expected to treat each other with respect.

Followers should not expect responses to every question or comment posted. Further, complaints should be submitted to the District through the procedures in District policies.

The District reserves the right to close the forum and remove the ability for users to comment or post on District social media.

Please contact the District Office at 507-460-1900 with any questions.

POLICY GUIDELINES

These are the guidelines for social media in the Austin Public School District. If you're an employee contributing to blogs, wikis, social networks, virtual worlds, or any other kind of social media both on and off the District's network—these guidelines are for you. We expect all who participate in social media to understand and follow these guidelines. Failure to do so could put you at risk. These guidelines will continually evolve as new technologies and social networking tools emerge—so check back once in a while to make sure you're up to date.

It's your responsibility. What you write is ultimately your responsibility. If it seems inappropriate, use caution. If you're about to publish something that makes you even the slightest bit uncomfortable, don't shrug it off and hit "send." Take time to review these guidelines and try to figure out what's bothering you and fix it. If you're still unsure, you might want to discuss it with your supervisor. Ultimately, what you publish is your responsibility. What you publish is widely accessible and will be around for a long time, so consider the content carefully. Trademark, copyright, and fair use requirements must be respected.

Ensure the safety of students. When employees, especially coaches/advisors, choose to join or engage with these social networking groups, they do so as an employee of the District and have responsibility for monitoring content and addressing inappropriate behavior or activity on these networks. This includes acting to protect the safety of minors online. Employees shall annually disclose to their supervisor the existence and participation in such networks.

Be transparent. Your honesty—or dishonesty—will be quickly noticed in the social media environment. If you are posting about your work, use your real name and identify your employment relationship with the District. Be clear about your role; if you have a vested interest in something you are discussing, be the first to point it out. If you publish to a site outside the District's network, please use a disclaimer to state in clear terms that the views expressed are the employee's alone and that they do not necessarily reflect the views of the Austin Public School District.

Protect confidential information. Be thoughtful about what you publish. You must make sure you do not disclose or use confidential information. Students, parents, and colleagues should not be cited or obviously referenced without their approval. For example, ask permission before posting someone's picture in a social network (student photos require parental consent) or publishing a conversation that was meant to be private.

It is acceptable to discuss general details about projects, lessons, or events and to use nonidentifying pseudonyms for an individual (e.g., Teacher A) so long as the information provided does not make it easy for someone to identify the individual or violate any privacy laws. Furthermore, public social networking sites are not the place to conduct school business with students or parents.

Respect your audience and your coworkers. Always express ideas and opinions in a respectful manner. Make sure your communications are in good taste. Do not denigrate or insult others, including other schools or competitors. Remember that our communities reflect a diverse set of

customs, values, and points of view. Be respectful. This includes not only the obvious (no ethnic slurs, personal insults, obscenity, etc.), but also proper consideration of privacy and of topics that may be considered objectionable or inflammatory. Be sensitive about linking to content. Redirecting to another site may imply an endorsement of its content.

Perception can be reality. In online networks, the lines between public and private, personal and professional are blurred. Just by identifying yourself as a District employee, you are creating perceptions about your expertise and about the District by community members, parents, students, and the general public; and you are creating perceptions about yourself with your colleagues and managers. If you choose to join or engage with District students and families in a social media context, do so in a professional manner, ever mindful that in the minds of students, families, colleagues, and the public, you are a District employee. Be sure that all content associated with you is consistent with your work and with the District's beliefs and professional standards.

Are you adding value? There are millions of words out there. The best way to get yours read is to write things that people will value. Communication associated with our District should help fellow educators, parents, students, and co-workers. It should be thought provoking and build a sense of community. If it helps people improve knowledge or skills, do their jobs, solve problems, or understand education better—then it's adding value.

Keep your cool. One of the aims of social media is to create dialogue, and people will not always agree on an issue. When confronted with a difference of opinion, stay cool. If you make an error, be up front about your mistake and correct it quickly. Express your points in a clear, logical way. Don't pick fights, and correct mistakes when needed. Sometimes, it's best to ignore a comment and not give it credibility by acknowledging it with a response.

Be careful with personal information. Make full use of privacy settings. Know how to disable anonymous postings and use moderating tools on your social media site(s). Astute criminals can piece together information you provide on different sites and then use it to impersonate you or someone you know, or even re-set your passwords.

Be a positive role model. The line between professional and personal relationships is blurred within a social media context. Educational employees have a responsibility to maintain appropriate employee student relationships, whether on or off duty. Both case law and public expectations hold educational employees to a higher standard of conduct than the general public.

Don't forget your day job. You should make sure that your online activities do not interfere with your job. Remember that District technologies are provided for educational use. Use of social media for personal use during District time or on District equipment is prohibited.

Citing Sources: The published policies and guidelines of the Minnetonka School District, along with IBM, Intel and Kodak, provided the foundation for these guidelines and policy.

- http://www.kodak.com/US/images/en/corp/aboutKodak/onlineToday/Social_Media_9_8.pdf

- ~~http://www.intel.com/sites/sitewide/en_us/social-media.htm~~
- ~~<http://www.ibm.com/blogs/zz/en/guidelines.html>~~
- ~~Cyber Law: Maximizing Safety and Minimizing Risk in Classrooms; A. Bissonette, J.D. Corwin Press, 2009.~~

Approved: 11/14/16

Reviewed: 03/12/18

Reviewed: 01/11/21

Revised: 12/12/22



DATE: February 24, 2023

TITLE: Consent Agenda

TYPE: Action

PRESENTER: Exec Director of Organizational Development John Alberts

BACKGROUND: Austin Public Schools subscribes to Minnesota School Boards Association's policy service which provides model policies written by their legal department for school district's to use as a guideline for their district's policy manual. Districts are notified by MSBA whenever an update is made to the model policy. School Boards can review and determine if updates should be adopted.

RATIONALE: A recent audit of our current policies found a number of our policies to have suggested minor updates which do not change the context of the policy such as changing M.S. to Minnesota Statute and slight updates to legal references. When policies updates are minor in nature, the updates can be adopted in one reading on a consent agenda. The updates will be made to the policies currently posted on the district website.

RECOMMENDATION: It is recommended the School Board approve these updates to the policies as presented.

Adopted: _____

MSBA/MASA Model Policy 201

Orig. 1995

Revised: _____

Rev. 20~~22~~09

201 LEGAL STATUS OF THE SCHOOL BOARD

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

III. DEFINITION

"School board" means the governing body of the school district.

IV. ORGANIZATION AND MEMBERSHIP

- A. The membership of the school board consists of six elected directors, or seven if the school board has submitted the question to the electors and a majority have approved a seven-member school board. The term of office is four years.

[Note: This number may be different for combining or consolidating school boards that are in a transition period.]

- B. There may be other ex officio members of the school board as provided by law. The superintendent is an ex officio member.
- C. A majority of voting members constitutes a quorum. The act of the majority of a quorum is the act of the school board.

V. POWERS AND DUTIES

- A. The school board has powers and duties specified by statute. The school board's authority includes implied powers in addition to specific powers granted by the legislature.
- B. The school board exercises administrative functions. It also has certain powers of a legislative character and other powers of a quasi-judicial character.

- C. The school board shall superintend and manage the schools of the school district; adopt rules for their organization, government, and instruction; prescribe textbooks and courses of study; and make and authorize contracts.
- D. The school board shall have the general charge of the business of the school district, its facilities and property, and of the interest of the schools.
- E. The school board, among other duties, shall perform the following in accordance with applicable law:
 - 1. provide by levy of tax, necessary funds for the conduct of schools, the payment of indebtedness, and all proper expenses of the school district;
 - 2. conduct the business of the schools and pay indebtedness and proper expenses;
 - 3. employ and contract with necessary qualified teachers and discharge the same for cause;
 - 4. provide services to promote the health of its pupils;
 - 5. provide school buildings and erect needed buildings;
 - 6. purchase, sell, and exchange school district property and equipment as deemed necessary by the school board for school purposes;
 - 7. provide for payment of claims against the school district, and prosecute and defend actions by or against the school district, in all proper cases;
 - 8. employ and discharge necessary employees and contract for other services;
 - 9. provide for transportation of pupils to and from school, as governed by statute; and
 - 10. procure insurance against liability of the school district, its officers, and employees.
- F. The school board, at its discretion, may perform the following:
 - 1. provide library facilities, public evening schools, adult and continuing education programs, summer school programs, and intersession classes of flexible school year programs;
 - 2. furnish school lunches for pupils and teachers on such terms as the school board determines;
 - 3. enter into agreements with one or more other independent school districts to provide for agreed upon educational services;
 - 4. lease rooms or buildings for school purposes;
 - 5. authorize the use of school facilities for community purposes that will not interfere with their use for school purposes;
 - 6. authorize cocurricular and extracurricular activities;

7. receive, for the benefit of the school district, bequests, donations, or gifts for any proper purpose; and
8. perform other acts as the school board shall deem to be reasonably necessary or required for the governance of the schools.

Legal References:

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

Cross References:

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

Adopted: _____

MSBA/MASA Model Policy 202

Orig. 1995

Revised: _____

Rev. 20~~22~~¹¹

202 SCHOOL BOARD OFFICERS

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

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

III. ORGANIZATION

The school board shall meet annually on the first Monday in January, or as soon thereafter as practicable, and organize by selecting a chair, a clerk, a treasurer, and such other officers as determined by the school board. These officers shall hold office for one year and until their successors are elected and qualify.

- A. The persons who perform the duties of clerk and treasurer need not be members of the school board.
- B. The school board by resolution may combine the duties of the offices of clerk and treasurer in a single person in the office of business affairs.

[Note: The organizational meeting is a good time for the school board to plan for how to cancel and reschedule a board meeting. For example, the school board could decide and include in the regular meeting schedule a provision that if the school district closes early due to bad weather and calls off evening activities, any school board meeting scheduled for that evening will also be postponed and held at the same time and place the following evening.]

The organizational meeting is also a good time for the school board to select the school district's legal counsel and the individuals authorized to contact legal counsel. Usually, the authorized contacts are the board chair, the superintendent, and the chief business official of the school district. In addition, many school districts authorize their human resources director, or a person exercising similar duties, to contact legal counsel.]

IV. OFFICER'S RESPONSIBILITIES

A. Chair

1. The chair when present shall preside at all meetings of the school board, countersign all orders upon the treasurer for claims allowed by the school board, represent the school district in all actions, and perform all duties a chair usually performs.
2. In case of absence, inability, or refusal of the clerk to draw orders for the payment of money authorized by a vote of the majority of the school board to be paid, the chair may draw the orders, or the office of the clerk may be declared vacant by the chair and treasurer and filled by appointment.

B. Treasurer

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

C. Clerk

1. The clerk shall keep a record of all meetings in the books provided.
2. Within three days after an election, the clerk shall notify all persons elected of their election.
3. On or before September 15 of each year, the clerk shall:
 - a. file with the school board a report of the revenues, expenditures, and balances in each fund for the preceding fiscal year.
 - b. make and transmit to the [Commissioner of the Minnesota Department of Education \(Commissioner\)](#) certified reports, showing:
 - (1) revenues and expenditures in detail, and such other financial information required by law, rule, or as may be called for by the [Commissioner](#);
 - (2) length of school term and enrollment and attendance by grades; and
 - (3) other items of information as called for by the [Commissioner](#).
4. The clerk shall enter into the clerk's record book copies of all reports and of the teachers' term reports, and of the proceedings of any meeting, and keep an itemized account of all expenses of the school district.

5. The clerk shall furnish to the county auditor, on or before September 30 of each year, an attested copy of the clerk's record, showing the amount of proposed property tax voted by the school district or the school board for school purposes.
6. The clerk shall draw and sign all orders upon the treasurer for the payment of money for bills allowed by the school board for salaries of officers and for teachers' wages and all claims, to be countersigned by the chair.
7. The clerk shall perform such duties as required by the Minnesota Election Law or other applicable laws relating to the conduct of elections.
8. The clerk shall perform the duties of the chair in the event of the chair's and the vice-chair's temporary absences.

D. Vice-Chair [Optional]

The vice-chair shall perform the duties of the chair in the event of the chair's temporary absence.

E. Superintendent

1. The superintendent shall be an ex officio, nonvoting member of the school board.
2. The superintendent shall perform the following:
 - a. visit and supervise the schools in the school district, report and make recommendations about their condition when advisable or on request by the school board;
 - b. recommend to the school board employment and dismissal of teachers;
 - c. annually evaluate each school principal assigned responsibility for supervising a school building within the district;
 - d. superintend school grading practices and examinations for promotions;
 - e. make reports required by the commissioner; and
 - f. perform other duties prescribed by the school board.

Legal References:

Minn. Stat. § 123B.12 ([Insufficient Funds to Pay Orders](#)~~Finance~~)
 Minn. Stat. § 123B.14 ([Officers of Independent School Districts](#))
 Minn. Stat. § 123B.143 (Superintendent)
 Minn. Stat. § 126C.17 (Referendum Revenue)
 Minn. Stat. Ch. 205A (School District Elections)

Cross References:

MSBA/MASA Model Policy 101 (Legal Status of the School District)
 MSBA/MASA Model Policy 201 (Legal Status of the School Board)
 MSBA/MASA Model Policy 203 (Operation of the School Board – Governing Rules)

Adopted: _____

MSBA/MASA Model Policy 203.5

Orig. 1997

Revised: _____

Rev. 20~~22~~¹²

203.5 SCHOOL BOARD MEETING AGENDA

I. PURPOSE

The purpose of this policy is to provide procedures for the preparation of the school board meeting agenda to ensure that the school board can accomplish its business as efficiently and expeditiously as possible.

II. GENERAL STATEMENT OF POLICY

The policy of the school board is that school board meetings shall be conducted in a manner to allow the school board to accomplish its business while allowing reasoned debate and discussion of each matter to be acted upon.

III. PROCEDURES

- A. While all school board members may provide input, it shall be the responsibility of the school board chair and superintendent to develop, prepare, and arrange the order of items for the tentative school board meeting agenda for each school board meeting.
- B. Persons wishing to place an item on the agenda must make a request to the school board chair or superintendent in a timely manner. The person making the request is encouraged to state the person's name, address, purpose of the item, action desired, and pertinent background information. The chair and superintendent shall determine whether to place the matter on the tentative agenda.

[Note: The Minnesota Commissioner of Administration has issued an opinion that a government entity is limited to acting only on those matters specifically included in the notice of a special meeting.]

- C. The tentative agenda and supporting documents shall be sent to the school board members _____ (___) days prior to the scheduled school board meeting.
- D. Items may only be added to the agenda by a motion adopted at the meeting. If an added item is acted upon, the minutes of the school board meeting shall include a description of the matter.
- E. At least one copy of any printed materials, including electronic communications, relating to the agenda items of the meeting prepared or distributed by or at the direction of the school board or its employees and: (i) distributed at the meeting to all members of the governing body; (ii) distributed before the meeting to all members; or (iii) available in the meeting room to all members shall be available in the meeting room for inspection by the public while the school board considers their subject matter. This does not apply to materials classified by law as other than public or to materials relating to the agenda items of a closed meeting.

Legal References:

Minn. Stat. § 13D.01, Subd. 6 (Open Meeting Law)

Minn. Stat. § 123B.09, Subd. 7 (Boards of Independent School Districts~~School~~)

~~Board Powers~~)

Dept. of Admin. Advisory Op. No. 10-013 (April 29, 2010)

Dept. of Admin. Advisory Op. No. 08-015 (July 9, 2008)

[Dept. of Admin. Advisory Op. No. 13-015 \(December 23, 2013\)](#)

Cross References: MSBA/MASA Model Policy 203 (Operation of the School Board – Governing Rules)
MSBA/MASA Model Policy 203.2 (Order of the Regular School Board Meeting)
MSBA/MASA Model Policy 203.6 (Consent Agendas)
MSBA/MASA Model Policy 204 (School Board Meeting Minutes)
MSBA/MASA Model Policy 207 (Public Hearings)

Adopted: _____

MSBA/MASA Model Policy 204

Orig. 1995

Revised: _____

Rev. 20~~22~~08

204 SCHOOL BOARD MEETING MINUTES

[Note: The provisions of this policy are required by statute.]

I. PURPOSE

The purpose of this policy is to establish procedures relating to the maintenance of records of the school board and the publication of its official proceedings.

II. GENERAL STATEMENT OF POLICY

It is the policy of the school district to maintain its records so that they will be available for inspection by members of the general public and to provide for the publication of its official proceedings in compliance with law.

III. MAINTENANCE OF MINUTES AND RECORDS

- A. The clerk shall keep and maintain permanent records of the school board, including records of the minutes of school board meetings and other required records of the school board. All votes taken at meetings required to be open to the public pursuant to the Minnesota Open Meeting Law shall be recorded in a journal kept for that purpose. Public records maintained by the school district shall be available for inspection by members of the public during the regular business hours of the school district. Minutes of meetings shall be available for inspection at the administrative offices of the school district after they have been prepared. Minutes of a school board meeting shall be approved or modified by the school board at a subsequent meeting, which action shall be reflected in the official proceedings of that subsequent meeting.
- B. Recordings of Closed Meetings
 1. All closed meetings, except those closed as permitted by the attorney-client privilege, must be electronically recorded at the expense of the school district. Recordings of closed meetings shall be made separately from the recordings of an open meeting, to the extent such meetings are recorded. If a meeting is closed to discuss more than one (1) matter, each matter shall be separately recorded.
 2. Recordings of closed meetings shall be preserved by the school district for the following time periods:
 - a. Meetings closed to discuss labor negotiations strategy shall be preserved for two (2) years after the contract is signed.
 - b. Meetings closed to discuss security matters shall be preserved for at least four (4) years.
 - c. Meetings closed to discuss the purchase or sale of property shall be preserved for at least eight (8) years after the date of the meeting.
 - d. All other closed meetings shall be preserved by the school district for at least three (3) years after the date of the meeting.

- e. Following the expiration of the above time periods, recordings of closed meetings shall be maintained as set forth in the school district's Records Retention Schedule.
3. Recordings of closed meetings shall be classified by the school district as protected non-public data that is not accessible by the public or any subject of the data, with the following exceptions:
 - a. Recordings of labor negotiations strategy meetings shall be classified as public data and made available to the public after all labor contracts are signed by the school district for the current budget period.
 - b. Recordings of meetings related to the purchase or sale of property shall be classified as public data and made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the school district has abandoned the purchase or sale.
 - c. Recordings of any other closed meetings shall be classified and/or released as required by court order.
 4. Recordings of closed meetings shall be maintained separately from recordings of open meetings, to the extent recordings of open meetings are maintained by the school district, with the exception of recordings that have been classified as public data as set forth in Section III.B.3. above. Recordings of closed meetings classified as non-public data also shall be maintained in a secure location, separate from recordings classified as public data.
 5. Recordings of closed meetings shall be maintained in a manner to easily identify the data classification of the recording. The recordings shall be identified with at least the following information:
 - a. The date of the closed meeting;
 - b. The basis upon which the meeting was closed (i.e.: labor negotiations strategy, purchase or sale of real property, educational data, etc.); and
 - c. The classification of the data.
 6. Recordings of closed meetings related to labor negotiations strategy and the purchase or sale of property shall be maintained and monitored in a manner that reclassifies the recording as public upon the occurrence of an event reclassifying that data as set forth in Section III.B.3. above.

IV. PUBLICATION OF OFFICIAL PROCEEDINGS

- A. The school board shall cause its official proceedings to be published once in the official newspaper of the school district within thirty (30) days of the meeting at which the proceedings occurred; however, if the school board conducts regular meetings not more than once every thirty (30) days, the school board need not publish the minutes until ten (10) days after they have been approved by the school board.
- B. The proceedings to be published shall be sufficiently full to fairly set forth the proceedings. They must include the substance of all official actions taken by the school board at any regular or special meeting, and at minimum must include the subject matter of a motion, the persons making and seconding the motion, a listing of how each member present voted on the motion, the character of resolutions offered including a brief description of their subject matter and whether adopted or defeated.

The minutes and permanent records of the school board may include more detail than is required to be published with the official proceedings. If the proceedings have not yet been approved by the school board, the proceedings to be published may reflect that fact.

- C. The proceedings to be published may be a summary of the essential elements of the proceedings, and/or of resolutions and other official actions of the school board. Such a summary shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When a summary is published, the publication shall clearly indicate that the published material is only a summary and that the full text is available for public inspection at the administrative offices of the school district and that a copy of the proceedings, other than attachments to the minutes, is available without cost at the offices of the school district or by means of standard or electronic mail.

Legal References: Minn. Stat. § 13D.01, Subds. 4-6 (Open Meeting Law)
Minn. Stat. § 123B.09, Subd. 10 (~~Boards of Independent School Districts~~
~~Publishing Proceedings~~)
Minn. Stat. § 123B.14, Subd. 7 (~~Officers of Independent School Districts~~
~~Record of Meetings~~)
Minn. Stat. § 331A.01 (Definition)
Minn. Stat. § 331A.05, Subd. 8 (~~Form of Public Notices~~
~~Notice Regarding Published Summaries~~)
Minn. Stat. § 331A.08, Subd. 3 (~~Computation of Time~~
~~Publication of Proceedings~~)
Op. Atty. Gen. 161-a-20 (Dec. 17, 1970)
Ketterer v. Independent School District No. 1, 248 Minn. 212, 79 N.W.2d 428 (1956)

Cross References: MSBA/MASA Model Policy 205 (Open Meetings and Closed Meetings)
MSBA Service Manual, Chapter 1, School District Governance, Powers and Duties

Adopted: _____

MSBA/MASA Model Policy 207

Orig. 1995

Revised: _____

Rev. 202209

207 PUBLIC HEARINGS

I. PURPOSE

The school board recognizes the importance of obtaining public input on matters properly before the school board during a public hearing. The purpose of this policy is to establish procedures to efficiently receive public input.

II. GENERAL STATEMENT OF POLICY

~~In order for~~ For the school board to efficiently receive public input on matters properly before the school board, the school board establishes the procedures set forth in this policy are established ~~by the school board~~.

III. PROCEDURES

A. Public Hearings

Public hearings are required by law ~~to be held~~ concerning certain issues, including but not limited to, school closings (~~Minn. Stat. § Minnesota Statutes section~~ 123B.51), education district establishment (~~Minn. Stat. § Minnesota Statutes section~~ 123A.15), and agreements for secondary education (~~Minn. Stat. § Minnesota Statutes section~~ 123A.30). Additionally, other public hearings may be held by the school board on school district matters at the school board's discretion ~~of the school board~~.

B. Notice of Public Hearings

Public notice of a public hearing required by law shall be given as provided by the enabling legislation. Public notice of other hearings shall be given in the manner required for a regular meeting if held in conjunction with a regular meeting, in the manner required for a special meeting if held in conjunction with a special meeting, or as otherwise determined by the school board.

C. Public Participation

The school board retains the right to require that those in attendance at a public hearing indicate their desire to address the school board and complete and file with the clerk of the school board an appropriate request card prior to ~~the~~ commencement of the hearing if the school board utilizes this procedure. In that case, any request to address the school board after the commencement of the hearing will be granted only at the school board's discretion ~~of the school board~~.

1. Format of Request: If required by the school board, a written request of an individual or a group to address the school board shall contain the name and address of the person or group seeking to address the school board. It shall also contain the name of the group represented, if any, and a brief statement of the subject to be covered or the issue to be addressed.
2. Time Limitation: The school board retains the discretion to limit the time for

each presentation as needs dictate.

3. Groups: The school board retains the discretion to require that any group of persons who desire to address the school board designate one representative or spokesperson. ~~In the event that~~ If the school board requires ~~the~~ designation of a representative or spokesperson, no other person in the group will be recognized to address the school board, except as the school board otherwise determines ~~ed by the school board~~.
4. Privilege to Speak: A school board member should direct ~~any~~ remarks or questions through the chair. Only those speakers recognized by the chair will be allowed to speak. Comments by others are out of order. Individuals who interfere with or interrupt speakers, the school board, or the proceedings may be directed to leave.
5. Personal Attacks: Personal attacks by anyone addressing the school board are unacceptable. Persistence in such remarks by an individual shall terminate that person's privilege to address the school board.
6. Limitations on Participation: Depending upon the number of persons in attendance seeking to be heard, the school board reserves the right to impose such other limitations and restrictions as necessary ~~in order~~ to provide an orderly, efficient, and fair opportunity ~~for those present~~ to be heard.

Legal References: Minn. Stat. § 123A.15 (~~Establishing~~ Education Districts ~~Establishment~~)
Minn. Stat. § 123A.30 (Agreements for Secondary Education)
Minn. Stat. § 123B.51 (School Closings)

Cross References: MSBA/MASA Model Policy 206 (Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations)

Adopted: _____

MSBA/MASA Model Policy 211

Orig. 1995

Revised: _____

Rev. 202206

211 CRIMINAL OR CIVIL ACTION AGAINST SCHOOL DISTRICT, SCHOOL BOARD MEMBER, EMPLOYEE, OR STUDENT

I. PURPOSE

The purpose of this policy is to provide guidance ~~about~~^{to} the school district's position, rights, and responsibilities when a civil or criminal action is pending against the school district, or a school board member, school district employee, or student.

II. GENERAL STATEMENT OF POLICY

- A. The school district recognizes that, when civil or criminal actions are pending against a school board member, school district employee, or student, the school district may be requested or required to take action.
- B. In responding to such requests and/or requirements, the school district will take such measures as are appropriate to its primary mission of providing for the education of students in an environment that is safe for staff and students and is conducive to learning.
- C. The school district acknowledges its statutory obligations with respect to providing assistance to school board members and teachers who are sued in connection with performance of school district duties. Collective bargaining agreements and school district policies may also apply.

III. CIVIL ACTIONS

- A. Pursuant to Minn~~esota~~- Stat~~utes~~ section- §466.07, ~~subdivision~~^{Subd.} 1, the school district shall defend and indemnify any school board member or school district employee for damages in school-related litigation, including punitive damages, claimed or levied against the school board member or employee, provided that the school board member or employee he or she was acting in the performance of the duties of the position and was not guilty of malfeasance, willful neglect of duty, or bad faith.
- B. Pursuant to Minn~~esota~~- Stat~~utes~~- section §123B.25(b), with respect to teachers employed by the school district, upon written request of the teacher involved, the school district ~~shall~~^{must} provide legal counsel for any school teacher against whom a claim is made or action is brought for recovery of damages in any tort action involving physical injury to any person or property or for wrongful death arising out of or in connection with the employment of the teacher with the school district. The school district will choose legal counsel after consultation with the teacher.
- C. Data Practices

Educational data and personnel data maintained by the school district may be sought as evidence in a civil proceeding. The school district will release the data only pursuant to the Minnesota Government Data Practices Act, Minn~~esota~~- Stat~~utes~~- chapter~~Ch.~~ 13, and to the Family Educational Rights and Privacy Act, 20 U~~nited~~- States- ~~Code~~- section§ 1232g, and related regulations. When an employee is subpoenaed and is expected to

testify regarding educational data or personnel data, ~~he or she is to~~ the employee will inform the building administrator or designated supervisor, who shall immediately inform the superintendent or designee. No school board member or employee may release data without consultation in advance with the school district official ~~who is~~ designated as the responsible authority ~~responsible~~ for the collection, use, and dissemination of data.

D. Service of Subpoenas

~~The policy of the school district is that its~~ School district officers and employees will normally not be involved in providing service of process for third parties in the school setting.

E. Leave to Testify

Leave for employees appearing in court, either when sued or under subpoena to testify, will be considered in accordance with school district personnel policies and applicable collective bargaining agreements.

IV. **CRIMINAL CHARGES OR CONDUCT**

A. Employees

1. The school district expects that its employees serve as positive role models for students. As role models for students, employees have a duty to conduct themselves in an exemplary manner.
2. If the school district receives information relating to activities of a criminal nature by an employee, the school district will investigate and take appropriate disciplinary action, which may include discharge, subject to school district policies, statutes, and provisions of applicable collective bargaining agreements.
3. Pursuant to Minn~~esota~~- Statutes- ~~section~~§ 123B.02, ~~subdivision~~Subd- 20, if reimbursement for a criminal defense is requested by a school district employee, the school board may, after consulting with its legal counsel, reimburse the employee for any costs and reasonable attorney fees incurred by the employee to defend criminal charges brought against the employee arising out of the performance of duties for the school district. The decision ~~as to~~ whether to reimburse shall be made in the school board's discretion ~~of the school board~~. A school board member who is a witness or an alleged victim in the case may not vote on the reimbursement. If a quorum of the school board is disqualified from voting on the reimbursement, the reimbursement must be approved by a judge of the district court.

B. Students

The school district has an interest in maintaining a safe and healthful environment and in preventing disruption of the educational process. ~~In order to further~~To promote that interest, the school district will take appropriate action regarding students convicted of crimes that relate to the school environment.

C. Criminal Investigations

1. The policy of the school district is to cooperate with law enforcement officials. The school district will make all efforts, however, to encourage law enforcement

officials to question students and employees outside of school hours and off school premises unless ~~there are~~ extenuating circumstances ~~exist~~, or the matter being investigated is school-related, or as otherwise provided by law.

2. If ~~such~~ questioning at school is unavoidable, the school district will attempt to maintain confidentiality, to avoid embarrassment to students and employees and to avoid disruption of the educational program. The school district will attempt to notify parents of a student under age 18 that police will be questioning their child. Normally, the superintendent, principal, or other appropriate school official will be present during the interview, except as otherwise required by law (Minn~~esota~~- Statutes section- ~~§ 260E.22~~), ~~626.556~~, ~~Subd. 10~~), or as otherwise determined in consultation with the parent or guardian.

D. Data Practices

The school district will release to juvenile justice and law enforcement authorities educational and personnel data only in accordance with Minn~~esota~~- Statutes chapter- ~~Ch.~~ 13 (Minnesota Government Data Practices Act) and 20 U~~nited~~-States-Code section- § 1232g (FERPA).

V. **STATEMENTS WHEN LITIGATION IS PENDING**

The school district recognizes that when a civil or criminal action is commenced or pending, parties to the lawsuit have particular duties in reference to persons involved or named in the lawsuit, as well as insurance carrier(s). Therefore, school board members or school district employees shall make or release statements in that situation only in consultation with legal counsel.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 123B.02, Subd. 20 (Legal Counsel ~~i~~r Reimbursement)
Minn. Stat. § 123B.25(b) (Legal Actions Against Districts and Teachers)
Minn. Stat. § 260E.22 (Interviews)
Minn. Stat. § 466.07, Subd. 1 (Indemnification)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
42 U.S.C. § 1983 (Civil Action for Deprivation of rg-Rights)
Minn. Op. Atty. Gen. 169 (Mar. 7, 1963)
Minn. Op. Atty. Gen. 169 (Nov. 3, 1943)
Dyppress v. School Committee of Boston, 446 N.E.2d 1099 (Mass. App. Ct. 1983)
Wood v. Strickland, 420 U.S. 308, ~~95 S.Ct. 992, 43 L.Ed.2d 214~~ (1975)

Cross References: 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 408 (Subpoena of a School District Employee)
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

Adopted: _____

MSBA/MASA Model Policy 212

Orig. 1995

Revised: _____

Rev. 202205

212 SCHOOL BOARD MEMBER DEVELOPMENT

I. PURPOSE

In recognition of the need for continuing in-service training and development for its members, the purpose of this policy is to encourage the members of the school board to participate in professional development activities designed for them so that they may perform their responsibilities.

II. GENERAL STATEMENT OF POLICY

- A. New school board members will be provided the opportunity and encouragement to attend the orientation and training sessions sponsored by the Minnesota School Boards Association (MSBA). School board members shall receive training in school finance and management developed in consultation with MSBA.
- B. All school board members are encouraged to participate in school board and related workshops and activities sponsored by local, state, and national school boards associations, as well as in the activities of other educational groups.
- C. School board members are expected to report back to the school board with materials of interest gathered at the various meetings and workshops.
- D. The school board will reimburse the necessary expenses of all school board members who attend meetings and conventions pertaining to school activities and the objectives of the school board, within the approved policy and budget allocations of the school district relating to the reimbursement of expenses involving the attendance at workshops and conventions.

Legal References: Minn. Stat. § 123B.09, Subd. 2 ([Boards of Independent School Districts](#)~~School Board Member Training~~)

Cross References: MSBA/MASA Model Policy 214 (Out-of-State Travel by School Board Members)
MSBA/MASA Model Policy 412 (Expense Reimbursement)

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

III. APPROPRIATE TRAVEL

Travel outside the state is appropriate when the school board finds it proper for school board members to acquire knowledge and information necessary to allow them to carry out their responsibilities as school board members. Travel to regional or national meetings of the National School Boards Association is presumed to fulfill this purpose. Travel to other out-of-state meetings for which the member intends to seek reimbursement from the school district should be preapproved by the school board.

IV. REIMBURSABLE EXPENSES

Expenses to be reimbursed may include transportation, meals, lodging, registration fees, required materials, parking fees, and other reasonable and necessary school district-related expenses. The reimbursable amounts to be determined by school board policy 412.

V. REIMBURSEMENT

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

VI. ESTABLISHMENT OF DIRECTIVES AND GUIDELINES

The superintendent shall use standard district rates for reimbursement of school district business expenses, including those expenses requiring advance approval and specific rates of reimbursement.

~~**VII. ANNUAL REVIEW**~~

~~This policy must be annually reviewed by the school board.~~

Legal References:

- Minn. Stat. § 123B.09, Subd. 2 (School Board Member Training)
- Minn. Stat. § 471.661 (Out-of-State Travel)
- Minn. Stat. § 471.665 (Mileage Allowances)
- Minn. Op. Atty. Gen. No. 1035 (August 23, 1999) (Retreat Expenses)
- Minn. Op. Atty. Gen. No. 161b-12 (August 4, 1997) (Transportation Expenses)

Policy Adopted: 10/09/06
Policy Reviewed: 09/08/08
Policy Revised: 01/10/11
Policy Reviewed: 6/10/13
Policy Reviewed: 1/12/15
Policy Reviewed: 9/11/17
Policy Reviewed: 3/9/20

Adopted: _____

MSBA/MASA Model Policy 301

Orig. 1995

Revised: _____

Rev. 20~~22~~11

301 SCHOOL DISTRICT ADMINISTRATION

I. PURPOSE

The purpose of this policy is to clarify the role of the school district administration and its relationship with the school board.

II. GENERAL STATEMENT OF POLICY

- A. Effective administration and sound management practices are essential to realizing educational excellence. It is the responsibility of the school district administration to develop a school environment that recognizes the dignity of each student and employee, and the right of each student to access educational programs and services equitably.
- B. The school board expects all activities related to ~~the school district~~ operations of the school district to be administered in a well-planned manner, conducted in an orderly fashion, and to be consistent with the policies of the school board.
- C. The school board shall seek specific recommendations, background information and professional advice from the school district administration, and will hold the administration accountable for sound management of the schools.
- D. Although the school board holds the superintendent ultimately responsible for administration of the school district and annual evaluation of each principal, the school board also recognizes the direct responsibility of principals for educational results and effective administration, supervisory, and instructional leadership at the school building level.
- E. The school board and school administration shall work together to share information and decisions that best serve the needs of school district students within financial and facility constraints that may exist.

Legal References: Minn. Stat. § 123B.143 (Superintendent)
Minn. Stat. § 123B.147 (Principals)

Cross References: ~~None MSBA Service Manual, Chapter 3, Superintendent of Schools~~

Adopted: _____

MSBA/MASA Model Policy 401

Orig. 1995

Revised: _____

Rev. 2022~~17~~

401 EQUAL EMPLOYMENT OPPORTUNITY

[Note: School districts are not required by statute to have a policy addressing these issues. However, the Equal Employment Opportunity Commission strongly encourages the adoption of a policy and will look for such a policy during accreditation visits, audits, or investigations.]

I. PURPOSE

The purpose of this policy is to provide equal employment opportunity for all applicants for school district employment and for all school district employees.

II. GENERAL STATEMENT OF POLICY

A. The policy of the school district is to provide equal employment opportunity for all applicants and employees. The school district does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, including gender identity or expression, age, family care leave status, or veteran status. The school district also makes reasonable accommodations for disabled employees.

[Note: The Minnesota Human Rights Act defines "sexual orientation" to include "having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness." ~~Minn. Stat. §~~ Minnesota Statutes section 363A.03, subdivision ~~Subd.~~ 44.]

B. The school district prohibits the harassment of any individual for any of the categories listed above. For information about the types of conduct that constitute impermissible harassment and the school district's internal procedures for addressing complaints of harassment, please refer to the school district's policy on harassment and violence.

C. This policy applies to all areas of employment, including hiring, discharge, promotion, compensation, facilities, or privileges of employment.

D. Every school district employee shall be responsible for following this policy.

E. Any person having a question regarding this policy should discuss it with _____ (specify, e.g., the Personnel Manager).

Legal References:

Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
29 U.S.C. § 621 *et seq.* (Age Discrimination in Employment Act)
29 U.S.C. § 2615 (Family and Medical Leave Act)
38 U.S.C. § 4211 *et seq.* (Employment and Training of Veterans)
38 U.S.C. § 4301 *et seq.* (Employment and Reemployment Rights of Members of the Uniformed Services)
42 U.S.C. § 2000e *et seq.* (Equal Employment Opportunities; Title VII of the Civil Rights Act)
42 U.S.C. § 12101 *et seq.* (Equal Opportunity for Individuals with Disabilities)

Cross References:

MSBA/MASA Model Policy 402 (Disability Nondiscrimination)

MSBA/MASA Model Policy 405 (Veteran's Preference)
MSBA/MASA Model Policy 413 (Harassment and Violence)

Adopted: _____

MSBA/MASA Model Policy 402

Orig. 1995

Revised: _____

Rev. ~~2015~~2022

402 DISABILITY NONDISCRIMINATION POLICY

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

I. PURPOSE

The purpose of this policy is to provide a fair employment setting for all persons and to comply with state and federal law.

II. GENERAL STATEMENT OF POLICY

- A. The school district shall not discriminate against qualified individuals with disabilities because of the disabilities of such individuals in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions, and privileges of employment.
- B. The school district shall not engage in contractual or other arrangements that have the effect of subjecting its qualified applicants or employees with disabilities to discrimination on the basis of disability. The school district shall not exclude or otherwise deny equal jobs or job benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association.
- C. The school district shall make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the accommodation would impose undue hardship on the operation of the business of the school district.
- D. Any job applicant or employee wishing to discuss the need for a reasonable accommodation, or other matters related to a disability or the enforcement and application of this policy, should contact _____ (list the name, title, office address, telephone number, and e-mail address). This individual is the school district's appointed ADA/Section 504 coordinator.

Legal References: Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
29 U.S.C. § 794 *et seq.* ([Section 504 of the Rehabilitation Act of 1973, § 504](#))
42 U.S.C., ~~Ch. 126~~ § 1211201 (Americans with Disabilities Act)
29 C.F.R. Part 32 ([Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance](#))
~~34 C.F.R. Part 35~~
34 C.F.R. Part 104 ([Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance](#))

Cross References: [MSBA/MASA Model Policy 413 \(Harassment and Violence\)](#)
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)

Adopted: _____

MSBA/MASA Model Policy 403

Orig. 1995

Revised: _____

Rev. ~~2022~~1999

403 DISCIPLINE, SUSPENSION, AND DISMISSAL OF SCHOOL DISTRICT EMPLOYEES

I. PURPOSE

The purpose of this policy is to achieve ~~the~~ effective operation of the school district's programs through the cooperation of all employees under a system of policies and rules applied fairly and uniformly.

II. GENERAL STATEMENT OF POLICY

The disciplinary process described herein is designed to utilize progressive steps, where appropriate, to produce positive corrective action. While the school district intends that in most cases progressive discipline will be administered, the specific form of discipline chosen in a particular case and/or the decision to impose discipline in a manner otherwise, is solely within the discretion of the school district.

III. DISCIPLINE

A. Violation of School Laws and Rules

The form of discipline imposed for violations of school laws and rules may vary from an oral reprimand to termination of employment or discharge depending upon factors such as the nature of the violation, whether the violation was intentional, knowing and/or willful and whether the employee has been the subject of prior disciplinary action of the same or a different nature. School laws and rules to which this provision applies include:

1. policies of the school district;
2. directives and/or job requirements imposed by administration and/or the employee's supervisor; and
3. federal, state, and local laws, rules and regulations, including, but not limited to, the rules and regulations adopted by federal and state agencies.

B. Substandard Performance

An employee's substandard performance may result in the imposition of discipline ranging from an oral reprimand to termination of employment or discharge. In most instances, discipline imposed for the reason of substandard performance will follow a progressive format and will be accompanied by guidance, help and encouragement to improve from the employee's supervisor and reasonable time for correction of the employee's deficiency.

C. Misconduct

Misconduct of an employee will result in the imposition of discipline consistent with the seriousness of the misconduct. Conduct which falls into this category includes, but is not limited to:

1. unprofessional conduct;
2. failure to observe rules, regulations, policies and standards of the school district and/or directives and orders of supervisors and any other act of an insubordinate nature;
3. continuing neglect of duties in spite of oral warnings, written warnings and/or other forms of discipline;
4. personal and/or immoral misconduct;
5. use of illegal drugs, alcohol or any other chemical substance on the job or any use off the job which impacts on the employee's performance;
6. deliberate and serious violation of the rights and freedoms of other employees, students, parents or other persons in the school community;
7. activities of a criminal nature relating to the fitness or effectiveness of the employee to perform the duties of the position;
8. failure to follow the canons of professional and personal ethics;
9. falsification of credentials and experience;
10. unauthorized destruction of school district property;
11. other good and sufficient grounds relating to any other act constituting inappropriate conduct;
12. neglect of duty;
13. violation of the rights of others as provided by federal and state laws related to human rights.

IV. FORMS OF DISCIPLINE

- A. The forms of discipline that may be imposed by the school district include, but are not limited to:
 1. oral warning;
 2. written warning or reprimand;
 3. probation;
 4. disciplinary suspension, demotion or leave of absence with pay;
 5. disciplinary suspension, demotion or leave of absence without pay; and
 6. dismissal/termination or discharge from employment.
- B. Other forms of discipline, including any combination of the forms described in Paragraph A., above, may be imposed if, in the judgment of the administration, another form of discipline will better accomplish the school district's objective of stopping or correcting the offending conduct and improving the employee's performance.

V. PROCEDURES FOR ADMINISTERING POLICY

- A. ~~In an instance where~~ When any form of discipline is imposed, the employee's supervisor will:
1. Advise the employee of any inadequacy, deficiency or conduct which is the cause of the discipline, either orally or in writing. If given orally, the supervisor will document the fact that an oral warning was given to the employee specifying the date, time, and nature of the oral warning.
 2. Provide directives to the employee to correct the conduct or performance.
 3. Forward copies of all writings to the administrator in charge of personnel for filing in the employee's personnel file.
 4. Allow a reasonable period of time, when appropriate, for the employee to correct or remediate the performance or conduct.
 5. Specify the expected level of performance or modification of conduct to be required from the employee.
- B. The school district retains the right to immediately discipline, terminate, or discharge an employee as appropriate, subject to relevant governing law and collective bargaining agreements ~~where~~ when applicable.

Legal References: Minn. Stat. § 122A.40 (~~Teachers~~—Employment; Contracts; Termination)
Minn. Stat. § 122A.41 (Teacher Tenure Act; Cities of the First Class)
Minn. Stat. § 122A.44 (Contracting with Teachers; Substitute Teachers)
Minn. Stat. § 122A.58 (Coaches; Termination of Duties)
Minn. Stat. § 123B.02, Subd. 14 (General Powers of Independent School Districts; Employees; Contracts for Services)
Minn. Stat. § 123B.143 (Superintendent)
Minn. Stat. § 123B.147 (Principals)
Minn. Stat. § 197.46 *et seq.* (Veterans Preference Act)

Cross References: None ~~MSBA Service Manual, Chapter 3, Employees~~

Adopted: _____

MSBA/MASA Model Policy 404

Orig. 1995

Revised: _____

Rev. ~~2018~~ 2022

404 EMPLOYMENT BACKGROUND CHECKS

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

I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment in the school district in order to promote the physical, social, and psychological well-being of its students. To that end, the school district will seek a criminal history background check for applicants who receive an offer of employment with the school district and on all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services to the school district, regardless of whether any compensation is paid, or such other background checks as provided by this policy. The school district may also elect to do background checks of other volunteers, independent contractors, and student employees in the school district.

II. GENERAL STATEMENT OF POLICY

- A. The school district shall require that applicants for school district positions who receive an offer of employment and all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services to the school district, regardless of whether any compensation is paid, submit to a criminal history background check. The offer of employment or the opportunity to provide services shall be conditioned upon a determination by the school district that an individual's criminal history does not preclude the individual from employment with, or provision of services to, the school district.
- B. The school district specifically reserves any and all rights it may have to conduct background checks regarding current employees, applicants, or service providers without the consent of such individuals.
- C. Adherence to this policy by the school district shall in no way limit the school district's right to require additional information, or to use procedures currently in place or other procedures to gain additional background information concerning employees, applicants, volunteers, service providers, independent contractors, and student employees.

III. PROCEDURES

- A. Normally an individual will not commence employment or provide services until the school district receives the results of the criminal history background check. The school district may conditionally hire an applicant or allow an individual to provide services pending completion of the background check but shall notify the individual that the individual's employment or opportunity to provide services may be terminated based on the result of the background check. Background checks will be performed by the Minnesota Bureau of Criminal Apprehension (BCA). The BCA shall conduct the background check by retrieving criminal history data as defined in ~~Minn.—Stat.~~ §Minnesota Statutes section 13.87. The school district reserves the right to also have criminal history background checks conducted by other organizations or agencies.

- B. In order for an individual to be eligible for employment or to provide athletic coaching services or other extracurricular academic coaching services to the school district, except for an enrolled student volunteer, the individual must sign a criminal history consent form, which provides permission for the school district to conduct a criminal history background check, and provide a money order or check payable to either the BCA or to the school district, at the election of the school district, in an amount equal to the actual cost to the BCA and the school district of conducting the criminal history background check. The cost of the criminal history background check is the responsibility of the individual, unless the school district decides to pay the costs for a volunteer, an independent contractor, or a student employee. If the individual fails to provide the school district with a signed Informed Consent Form and fee at the time the individual receives a job offer, or permission to provide services, the individual will be considered to have voluntarily withdrawn the application for employment or request to provide services.

[Note: If the school district elects to receive payment, it may, at its discretion, accept payment in the form of a negotiable instrument other than a money order or check and then pay the superintendent of the BCA directly to conduct the background check.]

- C. The school district, in its discretion, may elect not to request a criminal history background check on an individual who holds an initial entrance license issued by the Minnesota Professional Educator Licensing and Standards Board or the [Minnesota Commissioner of Education](#) within the 12 months preceding an offer of employment or permission to provide services.
- D. The school district may use the results of a criminal background check conducted at the request of another school hiring authority if:
1. the results of the criminal background check are on file with the other school hiring authority or otherwise accessible;
 2. the other school hiring authority conducted a criminal background check within the previous 12 months;
 3. the individual executes a written consent form giving the school district access to the results of the check; and
 4. there is no reason to believe that the individual has committed an act subsequent to the check that would disqualify the individual for employment or provision of services.
- E. For all nonstate residents who are offered employment with or the opportunity to provide athletic coaching services or other extracurricular academic coaching services to the school district, the school district shall request a criminal history background check on such individuals from the superintendent of the BCA and from the government agency performing the same function in the resident state or, if no government entity performs the same function in the resident state, from the Federal Bureau of Investigation. The offer of employment or the opportunity to provide services shall be conditioned upon a determination by the school district that an individual's criminal history does not preclude the individual from employment with, or provision of services to, the school district. Such individuals must provide an executed criminal history consent form.
- F. When required, individuals must provide fingerprints to assist in a criminal history

background check. If the fingerprints provided by the individual are unusable, the individual will be required to submit another set of prints.

- G. Copies of this policy shall be available in the school district's employment office and will be distributed to applicants for employment and individuals who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services upon request. The need to submit to a criminal history background check may be included with the basic criteria for employment or provision of services in the position posting and position advertisements.
- H. The individual will be informed of the results of the criminal background check(s) to the extent required by law.
- I. If the criminal history background check precludes employment with, or provision of services to, the school district, the individual will be so advised.
- J. The school district may apply these procedures to other volunteers, independent contractors, or student employees.
- K. At the beginning of each school year or when a student enrolls, the school district will notify parents and guardians about this policy and identify those positions subject to a background check and the extent of the school district's discretion in requiring a background check. The school district may include this notice in its student handbook, a school policy guide, or other similar communication. A form notice for this purpose is included with this policy.

IV. CRIMINAL HISTORY CONSENT FORM

A form to obtain consent for a criminal history background check is included with this policy.

Legal References: Minn. Stat. § 13.04, Subd. 4 (~~Rights of Subjects of Data Inaccurate or Incomplete Data~~)
Minn. Stat. § 13.87, Subd. 1 (Criminal ~~Justice~~History Data)
Minn. Stat. § 123B.03 (Background Check)
Minn. Stat. §§ 299C.60-299C.64 (Minnesota Child, Elder, and Individuals with Disabilities Protection Background Check Act)
Minn. Stat. § 364.09(b) (Exception for School Districts)

Cross References: None

Adopted: _____

MSBA/MASA Model Policy 407

Orig. 1995

Revised: _____

Rev. ~~2008~~ 2012

407 EMPLOYEE RIGHT TO KNOW – EXPOSURE TO HAZARDOUS SUBSTANCES

[Note: School districts are not required by statute to have a policy addressing these issues. However, the provisions of this policy accurately reflect the requirements of Minnesota Statutes section 182.653.]

I. PURPOSE

The purpose of this policy is to provide school district employees a place of employment and conditions of employment free from recognized hazards that are likely to cause death or serious injury or harm. (~~Minn. Stat. § 182.653, Subd. 2~~)

II. GENERAL STATEMENT OF POLICY

~~It is the~~ The policy of this school district is to provide information and training to employees who may be “routinely exposed” to a hazardous substance, harmful physical agent, ~~or~~ infectious agent, or blood borne pathogen.

III. DEFINITIONS

- A. “Commissioner” means the Minnesota Commissioner of Labor and Industry.
- B. “Routinely exposed” means that there is a reasonable potential for ~~–~~exposure during the normal course of assigned work or when an employee is assigned to work in an area where a hazardous substance has been spilled.
- C. “Hazardous substance” means a chemical or substance, or mixture of chemicals and substances, which:
 - 1. is regulated by the Federal Occupational Safety and Health Administration under the Code of Federal Regulations; or
 - 2. is either toxic or highly toxic; an irritant; corrosive; a strong oxidizer; a strong sensitizer; combustible; either flammable or extremely flammable; dangerously reactive; pyrophoric; pressure-generating; compressed gas; carcinogen; teratogen; mutagen; reproductive toxic agent; or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance; or

3. is determined by the commissioner as a part of the standard for the chemical or substance or mixture of chemicals and substances to present a significant risk to worker health and safety or imminent danger of death or serious physical harm to an employee as a result of foreseeable use, handling, accidental spill, exposure, or contamination.
- D. "Harmful physical agent" means a physical agent determined by the commissioner as a part of the standard for that agent to present a significant risk to worker health or safety or imminent danger of death or serious physical harm to an employee. This definition includes, but is not limited to, radiation, whether ionizing or nonionizing.
 - E. "Infectious agent" means a communicable bacterium, rickettsia, parasites, virus, or fungus determined by the commissioner by rule, with approval of the commissioner of health, which, according to documented medical or scientific evidence, causes substantial acute or chronic illness or permanent disability as a foreseeable and direct result of any routine exposure to the infectious agent. Infectious agent does not include an agent in or on the body of a patient before diagnosis.
 - F. "Blood borne pathogens" means a pathogenic microorganisms that are is present in human blood and can cause disease in humans. ~~These pathogens~~ This definition includes, but are is not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

IV. TARGET JOB CATEGORIES

~~Training~~ Annual training will be provided to all full- and part-time employees who are "routinely exposed" to a hazardous substance, harmful physical agent, ~~or~~ infectious substance agent, or blood borne pathogen as set forth above.

V. TRAINING SCHEDULE

Training will be provided to employees before beginning a job assignment as follows:

- A. Any newly hired employee assigned to a work area where he or she is determined to be "routinely exposed" under the guidelines above.
- B. Any employee reassigned to a work area where he or she is determined to be "routinely exposed" under the above guidelines.

Legal References: Minn. Stat. Ch. 182 (Occupational Safety and Health)
Minn. Rules Ch. 5205 (Occupational Safety and Health Standards)
Minn. Rules Ch. 5206 (Hazardous Substances; Employee Right to Know Standards)
29 C.F.R. § 1910.1050, App. B (Substance Technical Guidelines)

Cross References: MSBA/MASA Model Policy 420 (Students and Employees with Sexually

Transmitted Infections and Diseases and Certain Other Communicable
Diseases and Infectious Conditions)
[MSBA/MASA Model Policy 807 \(Health and Safety Policy\)](#)