

## Business Meeting

Tuesday, July 11, 2023 6:00 PM

Stillwater Middle School, 523 Marsh St W, Stillwater, Minnesota 55082

I. Public Comment	<b>Speaker (s)</b> : Ms. Alison, School Board Chair
II. Call to Order	<b>Speaker (s)</b> : Ms. Alison Sherman, School Board Chair
III. Roll Call	<b>Speaker (s)</b> : Ms. Alison Sherman, School Board Chair
IV. Pledge of Allegiance	<b>Speaker (s)</b> : Ms. Alison Sherman, School Board Chair
V. Approval of Agenda	<b>Speaker (s)</b> : Ms. Alison Sherman, School Board Chair
VI. Superintendent Report	<b>Speaker (s)</b> : Dr. Mike Funk, Superintendent
VII. Board Chair Report	<b>Speaker (s)</b> : Ms. Alison Sherman, School Board Chair
VIII. Consent Agenda	
VIII.A. School Board Meeting Minutes, June 27, 2023	<b>Speaker (s)</b> : Ms. Katie Hockert, School Board Clerk
VIII.B. Payment of Invoices - June 24, 2023 - July 7, 2023	<b>Speaker (s)</b> : Ms. Marie Schrul, Executive Director of Finance
VIII.C. New Heights School Nutrition Services Agreement	<b>Speaker (s)</b> : Mr. Mark Drommerhausen, Director of Operations
VIII.D. Marine Village School Nutrition Services Agreement	<b>Speaker (s)</b> : Mr. Mark Drommerhausen, Director of Operations
VIII.E. Human Resources Personnel Report	<b>Speaker (s)</b> : Mr. Bob Graf, Executive Director of Human Resources
IX. Strategic Direction: Develop strong partnerships with the communities we serve	
IX.A. Community Thread and United Way Recognition	<b>Speaker (s)</b> : Ms. Carissa Keister Chief of Staff
X. Strategic Direction: Utilize systems and align resources in an efficient manner to support learning	
X.A. Action: 2023 Minnesota Legislative Model Policy Revisions	<b>Speaker (s)</b> : Mr. Bob Graf, Executive Director of Human Resources

X.B. Resolution Amending Resolution Relating to Determining the Necessity of Issuing General Obligation Bonds and Calling a Special Election.

**Speaker (s) :** Ms. Alison Sherman,  
School Board Chair

X.C. Resolution Amending Resolution Calling Special Election to Fill School Board Vacancy.

**Speaker (s) :** Ms. Alison Sherman,  
School Board Chair

XI. **Strategic Direction: Ensure the learning process is adaptable to meet individual student needs**

XII. **Strategic Direction: Foster a safe, welcoming and inclusive environment for all staff and students**

XIII. **Adjournment**

**Speaker (s) :** Ms. Alison Sherman,  
School Board Chair

XIV. **Attachments**

Independent School District 834 – Stillwater Area Public Schools  
Brookview Elementary School, 11099 Brookview Rd, Woodbury, MN 55129  
Business Meeting Tuesday, June 27, 2023 6:00 PM

- I. Recognition: The board recognized The Stillwater synchronized swimming team is state champions for the 3rd year in a row! The Ponies finished first in 8 out of 12 events, and 4 swimmers were named Allstate; Sophie Chau, Annie Gritters, Hailey Schmit and Paige Schmit. This is the 21st synchro state championship for Stillwater. The Ponies have never finished lower than second place in the 49-year history of the event.
- II. Public Comment: Cliff Bujold - Technology Infrastructure and data security.
- III. Call to Order: The meeting was called to order at 6:10 p.m.
- IV. Roll Call: Present: Katie Hockert, Pete Kelzenberg, Chris Lauer, Beverly Petrie, Alison Sherman, Andrew Thelander; Absent: Annie Porbeni
- V. Pledge of Allegiance
- VI. Approval of Agenda: Motion made by Sherman and seconded by Kelzenberg, Carried 6-0.
- VII. Superintendent Report: We will be bringing some of the 2023 Minnesota Legislative Model Policy Revisions to the July 11 board meeting for approval.  
In the next 6 months, we will have a significant number of policies presented to the board to reflect MSBA model policies.
- VIII. Board Chair Report: Nothing to report.
- IX. Consent Agenda:
  - A. School Board Meeting Minutes, May 23, 2023
  - B. School Board Emergency Meeting, May 9, 2023
  - C. School Board Work Session, June 13, 2023
  - D. Payment of Invoices - June 10, 2023 - June 23, 2023, Treasurer's Report - May 2023 and Gifts and Donations - May 2023
  - E. Stillwater Area High School (SAHS) School Resource Officer (SRO) contract
  - F. Property and Casualty Insurance Policy Renewal
  - G. Solid Waste and Recycling Contract
  - H. 2023-2024 Resolution for Membership in the Minnesota State High School League
  - I. Agreement to Extend Probationary Period
  - J. Human Resources Personnel ReportMotion made by Sherman to approve consent agenda A-F and seconded by Lauer, Carried 6-0.
- X. Strategic Direction - Utilize Systems and Align Resources in an Efficient Manner to Support Learning
  - A. Action: - Resolution Relating To Determining The Necessity Of Issuing General Obligation Bonds And Calling A Special Election Thereon - Ms. Alison Sherman, Board Chair. School board members approved a resolution to place a bond referendum question on the Nov. 7, 2023 ballot. If approved, the bond funding would provide more learning spaces for growing enrollment, improve school safety and security, and replace aging facilities. The bond projects would include replacing Lake Elmo Elementary School with a new building, replacing Andersen Elementary School with a new building, construction of additional classroom space and a new gymnasium at Oak-Land Middle School and safety and security improvements throughout district facilities, including a secured front entrance addition and remodel at Stillwater Area High School. If voters approve the referendum, the tax impact on the average home (\$5000,000) would be \$17 per month. Motion by Sherman and seconded by Hockert, Carried 6-0.
  - B. Action: Resolution Calling Special Election to Fill School Board Vacancy - Ms. Alison Sherman, Board Chair. The board approved a resolution calling for a special election to be held on November 7, 2023 to fill a vacant seat currently held by board-appointee Chris Kunze. Motion by Sherman and seconded by Hockert,

Carried.6-0.

- C. Action: Long-Term Facilities Maintenance (LTFM) 10-Year Plan/Fiscal Year 2024 Ten-Year Plan - Mr. Mark Drommerhausen, Director of Operations. School board members voted to approve a comprehensive list of projects that qualify for long-term facility maintenance funding. Items on the list were identified by our staff across the district and include routine maintenance and repairs to keep our buildings in good condition. A final 10-year plan will be submitted to the Minnesota Department of Education for approval. Projects on this list are reviewed annually and are paid in part from the state of Minnesota in combination with a local non-voter approved levy. Motion made by Hockert and seconded by Kelzenberg, Carried 6-0.
- D. Action: 2023-2024 Preliminary Budget- Ms. Marie Schrul, Executive Director of Finance. The school board voted to approve the preliminary budget for fiscal year 2024. A preliminary budget must be approved each year by June 30. The budget is based on a set of assumptions including, but not limited to, enrollment projections and current law and regulations. A revised budget with updated financial information will be presented to the school board again in the fall.

Fund	7/1/23 Projected Fund Balance	2023-24 Preliminary Revenue	2023-24 Preliminary Expenditures	Net Change in Fund Balance	6/30/24 Projected Fund Balance
General Fund	\$17,480,404	\$137,012,917	\$140,774,943	\$(3,762,026)	\$13,718,378
Food Service	\$2,753,650	\$6,219,577	\$6,920,047	\$(700,470)	\$2,053,180
Community Service	\$237,741	\$7,989,957	\$8,113,899	\$(123,942)	\$113,799
Building Construction	\$7,756,714	\$77,000	\$6,199,427	\$(6,122,427)	\$1,634,287
Debt Service	\$2,152,706	\$9,867,848	\$9,934,746	\$(66,898)	\$2,085,808
Custodial	\$64,645	\$10,000	\$10,000	0	\$64,645
Total All Funds	\$30,445,860	\$161,177,299	\$171,953,062	\$(10,775,763)	\$19,670,097

Motion by Sherman and seconded by Lauer, Carried 6-0.

- XI. Strategic Direction - Ensure the Learning Process is Adaptable to Meet Individual Student Needs
  - A. Action: New Course Approval - Dr. Caleb Drexler Booth, Director of Teaching and Learning. Final action to approve ethnic and cultural studies II. Motion made by Sherman and seconded by Hockert, Carried 6-0.
- XII. Strategic Direction - Foster a Safe, Welcoming and Inclusive Environment for all Staff and Students - Nothing to report.
  - A. Report: Summer Opportunities - Dr. Mike Funk, Superintendent. Superintendent Funk invited school board members to take part in several events this summer to promote the district including the Lumberjack Days and Woodbury Days parades, and Summer Tuesdays in Lowell Park.
- XIII. Strategic Direction - Develop Strong Partnerships with the Communities We Serve - Nothing to report.
- XIV. Closed Session
  - A. Pursuant to Minnesota Statute 13D.03(b). The governing body of a public employer may by a majority vote in a public meeting, decide to hold a closed

meeting to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals, conducted pursuant to sections 179A.01 to 179A.25. Motion made by Sherman and seconded by Petrie, Carried 6-0.

XV. Adjourn

A. The meeting adjourned at 8:14 p.m.

XVI. Attachments

A. Director Hockert Notes - Northeast Metro 916 Board Meeting, May 3, 2023

Respectfully submitted, Katie Hockert, Board Clerk

# School Nutrition Programs

## Agreement for Vended Meals Provided by a School Food Authority

**School Year 2023-2024**

This agreement is for a School Food Authority (SFA) that participates in School Nutrition Programs (SNP) to obtain reimbursable SNP meals from another SFA, which is referred to in this contract as the “Vendor”. An *Agreement for Vended Meals Provided by a School Food Authority* must be completed each school year that the Vendor will provide meals to the SFA. This agreement template may not be used to obtain SNP meals from a commercial vendor.

Meal charges are based on the Vendor recouping at least the estimated costs of providing the meals or snacks. If actual costs are not available, the charge may be based on the total federal reimbursement that could be received for the meal or snack including the value of USDA Foods if applicable.

Competitive quotes are not needed when SNP meals will be obtained from another SFA. The Vendor and SFA may directly negotiate meal prices without additional, competitive quotes.

### **I. Purpose and Term**

“School Food Authority” or “SFA” means the school food authority that will receive the meals and claim the meals for SNP reimbursements under the SFA’s agreement with the Minnesota Department of Education (MDE).

“Vendor” means the school food authority that will provide the SNP meals.

This contract, between School Food Authority (SFA):

New Heights School

SFA’s Cyber-Linked Interactive Child Nutrition System (CLiCS) Sponsor Identification Number:

1000004744

and Vendor :

Stillwater Area Public Schools ISD 834

SFA’s Cyber-Linked Interactive Child Nutrition System (CLiCS) Sponsor Identification Number: 1000004047

authorizes that the Vendor will provide meals, snacks or milk in accordance with this agreement and the federal regulations and policies applicable to the U.S. Department of Agriculture (USDA) Child Nutrition program(s) identified in Section II of this contract.

The contract is effective for the period of: 07/01/2023 through 06/30/2024 .

Vendor will provide meals to SFA site(s) listed below or on an attached list.

Site Name	Site Address	CLICS Number (if known)
New Heights School	614 Mulberry St. W. Stillwater, MN 55082	1000004744

SFA will notify Vendor SFA with 60 days' notice of changes to sites.

If all sites do not receive the same types of meals, describe differences between sites here:

## II. Meal Requirements

A. Vendor will provide meals, snacks and/or milk that meet applicable School Nutrition Programs requirements, including revised requirements from the Healthy, Hunger-Free Kids Act of 2010 (check all programs that apply):

- Lunches meeting National School Lunch Program requirements, \* 7 Code of Federal Regulations (CFR) 210.
- Breakfasts meeting School Breakfast Program requirements, 7 CFR 220.
- Snacks meeting Afterschool Care Snacks requirements, 7 CFR 210.
- Milk meeting Special Milk Program requirements, 7 CFR 215 / Minnesota Kindergarten Milk Program.
- Other (describe):

B. Vendor will provide meals to SFA in the following manner:

- Unitized meals.
- Bulk quantities accompanied by written instructions regarding the planned portion size for each food component.

C. Vendor will also provide (check all that apply):

- Eating Utensils.
- Condiments.
- Paper Items.

- Extra Milk.
- Transportation Containers.
- Other, describe:

### III. Meal Charges and Billing

A. SFA will pay the following fixed prices for meals that meet program requirements and are delivered in accordance with the agreement. The fixed prices are the total amount due from SFA for each meal type; Vendor will not charge other fees, or request reimbursement of any costs, in addition to the fixed meal prices.

Meal charges are based on the use of all commercial foods. Meal prices have *not* been reduced to reflect the value of SFA's USDA Foods. SFA will receive credit for its USDA Foods entitlement value as described in Section V.

Breakfast \$

Snack \$

Lunch \$

Meals (check one):  include milk  do not include milk

If applicable, describe other charges such as for extra milk, adult meals, and adjustments to meals to accommodate special dietary needs:

lunch will be charged at USDA free reimbursement rate once determined. Breakfast will be charged at cost of bulk items + 20%. Breakfast and a la carte milk will be charged at \$0.35.

Vendor SFA will bill SFA as described (include frequency of billing):  
 Monthly billing over 10 months, September 2023 thru June 2024.

NOTE: Neither the Minnesota Department of Education (MDE) nor USDA assumes any liability for meal payments.

### IV. Substitutions and Modifications for Medical or Special Dietary Needs

Vendor will substitute or modify food or beverage items as requested by SFA for students with medical or special dietary needs as specified by SFA. SFA is responsible to obtain and maintain any documentation required for SFA to claim program reimbursements.

If Vendor incurs additional costs for substitutions specified by SFA that exceed the regular meal payments, Vendor may request reimbursement from SFA for the additional costs. Neither SFA nor Vendor may charge any additional amounts to students who qualify for substitutions.

**A. Substitutions or Modifications for Students with Disability – Federal Requirement**

Vendor will provide substitutions or modifications to meals, as specified by SFA, for students with a disability that restricts their diet so that they are unable to consume the regular program meals. SFA is responsible to obtain the *Special Diet Statement* for the student that is required for SFA to claim program reimbursement for the meals.

**B. Lactose-Reduced Milk for Students with Lactose Intolerance – State Requirement**

Vendor will make available at least one of the following types of lactose-reduced milk specified in Minnesota Statutes section 124D.114 for lactose-intolerant students whose parents have submitted written requests: lactose-reduced milk; milk fortified with lactase in liquid, tablet, granular, or other form; or milk to which lactobacillus acidophilus has been added. A portion of a lactose-reduced milk product may be poured or served from a large container. SFA is responsible to maintain the written requests on file.

**C. Meal Substitutions for Students without Disability (Optional)**

If this box is checked, SFA has established a policy as allowed by School Nutrition Programs to offer meal substitutions that are within the meal pattern on a case-by-case basis for *students who do not have a disability* but who have special dietary needs. SFA will specify the required substitutions to Vendor.

**D. Non-Dairy Fluid Milk Substitutes (Optional)**

If this box is checked, SFA has established a policy as allowed by School Nutrition Programs to offer one or more *non-dairy fluid milk substitutes that are nutritionally equivalent to cow's milk* to students with a medical or other special dietary need. Vendor will provide non-dairy fluid milk substitute(s) in accordance with SFA's policy. SFA will maintain the written requests that are required to claim program reimbursement for non-dairy fluid milk substitutes.

**V. USDA Foods**

SFA's USDA Foods entitlement value for the school year is \$ 5,454.19 . SFA will permit MDE to transfer SFA's entitlement value for the school year to Vendor. Vendor will credit SFA for SFA's USDA Foods based on SFA's entitlement value.

Vendor will provide credits for USDA Foods to SFA at this frequency (check one):

On the monthly invoice, in the set monthly credit amount based on SFA's entitlement value shown above divided by SFA's number of operating months.

SFA's number of operating months: 10 only if entitlement is used

Monthly credit that will be provided by Vendor (total entitlement divided by the number of operating months): \$ 545.42

Other frequency

At the end of the contract year.

## VI. Ordering and Delivering

A. SFA or sites will notify Vendor in advance of the number of meals needed.

Vendor will use an organized system for receiving orders for delivery adjustments; documenting orders for delivery adjustments; adjusting production levels, if necessary; ensuring that delivery receipts are changed to reflect adjusted meal orders; and ensuring that adjusted meal orders for each site are correctly packaged and loaded for delivery.

Indicate deadline(s) for SFA or sites to send meal orders (such as by a set time on the previous day or the same day of the meal service) and how notice will be provided, by e-mail, telephone or in person. Indicate timeline(s) for increasing and decreasing an order that has been made. If more than one site, indicate any differences between sites. Describe here, or reference here to attached information:

B. Vendor will deliver meals as described. Include time(s) for each site.

(For each meal service, indicate time that meal will be delivered or picked up by SFA. If more than one site, indicate for each site.) Describe here, or reference here to attached information:

Meal counts will be called in by 9:30am each day. Meals will be delivered by 11:15am each day. A delivery fee of \$20/day will be charged. +

C. Responsibility for transport containers:

(Indicate whether Vendor or SFA will be responsible for cleaning transport containers and, if applicable, schedule for Vendor to pick up or SFA/Site to return transport containers. If more than one site, indicate any differences between sites.)

Describe here, or reference here to attached information: SFA will send back rinsed dishes in containers.

D. Other:  
see attached

## VII. Recordkeeping and Availability of Records

A. Vendor agrees to maintain full and accurate records, which are required for SFA to claim reimbursements through School Nutrition Programs. Required records include: 1) daily menu records; 2) daily quantities of food prepared, by type of meal; 3) daily number of meals furnished, by type of meal.

B. Vendor and SFA agree that books and records pertaining to Vendor SFA's food service fund will be made available to SFA upon request and agrees to retain all records for inspection and audit by representatives of

SFA, MDE, USDA, and U.S. General Accounting Office, at any reasonable time and place for a period of three (3) years after the final payment for the contract, except that in circumstances where audit findings have not been resolved the records must be retained beyond the three-year period until resolution of the audit.

## **VIII. Health and Sanitation**

- A. All food will be properly stored, prepared, packaged and transported free of contamination and at appropriate temperatures.
- B. SFA will not pay for meals or snacks that are unwholesome or spoiled at time of delivery.

## **IX. SFA Control of Food Service**

SFA will maintain overall responsibility for administration of the food service, in accordance with SNP regulations and policies.

SFA will:

- A. Retain control of the quality, extent and general nature of the food service, including counting the numbers of reimbursable meals and claiming SNP reimbursement from MDE.
- B. Retain control of the nonprofit food service account, overall financial responsibility for the nonprofit food service operation, and meal prices.
- C. Ensure that the food service operation is in conformance with SFA's agreement with MDE to participate in SNP.
- D. Maintain all applicable health certifications for SFA site(s).
- E. Monitor vended meals to ensure the food service is in conformance with program regulations.

## **X. Termination**

Either party may terminate this contract for cause by notice in writing as described:

(The number of days required for notice of termination, not to exceed 60 days, must be stated.)

The contract may be terminated for convenience (no cause) if the parties mutually agree to terminate for convenience.

## **XI. Additional Provisions at Option of SFA and Vendor**

Describe additional provisions here, or reference here to additional attached nonfinancial provisions:

# Agreement for Vended Meals Provided by a School Food Authority

## Signatures

SFA Name: New Heights School

Authorized Representative: Thomas Kearney

Title: Principal/Superintendent

Signature of Authorized Representative:

Date:

Vendor Name: Stillwater Area Public Schools ISD 834

Authorized Representative: Marie Schrul

Title: Executive Director of Finance

Signature of Authorized Representative:

Date:

**Stillwater Area Public Schools ISD #834  
and  
Marine Village School  
2023-2024**

This Agreement dated July 1, 2023 between Marine Village School, (hereinafter called MVS) and Stillwater Area Public Schools ISD 834 (hereinafter called ISD 834) authorizes that the ISD 834 shall be retained by MVS to provide meals for the period of July 1, 2023 through June 30, 2024, in accordance with the following conditions:

**Meal Requirements and Meal Service**

1. ISD 834 will provide breakfast, lunch and extra milk. Meals will be available as offer vs serve as agreed upon.
2. All meals provided and claimed for reimbursement by the ISD 834 shall conform to the minimum meal pattern requirements of the U.S. Department of Agriculture (USDA) and rules for selling extra milk.
3. ISD 834 shall be liable for meals which do not meet meal pattern requirements or are spoiled or unwholesome at time of service.
4. Federally mandated on-site reviews will be conducted by ISD 834's Nutrition Services Admin Staff by February of each year. MVS and ISD 834 are required to follow the established Hazard Analysis Critical Control Point (HACCP) Plan to maintain the highest degree of food safety and sanitation.

**Delivery and Ordering**

1. MVS shall provide a calendar of the days meals are required to ISD 834.

**Health and Sanitation**

1. ISD 834 and MVS agree that the state and local health and sanitation requirements will be met at all times.
2. All food will be properly stored, prepared and served at appropriate temperatures and free of contamination in accordance with the Hazard Analysis Critical Control Point (HACCP) Plan.

**Equipment and Smallwares**

1. ISD 834 will purchase all necessary smallwares.
2. MVS is responsible for the purchasing, upkeep and repairs of all kitchen equipment.

## **Record Keeping**

1. ISD 834 agrees to maintain all records applicable to this agreement for a period of three years after the end of the Federal fiscal year to which they pertain. This includes records of meal counts, menus, food purchases, quantities prepared and the use of USDA donated commodities.
2. MVS agrees that the books and records pertaining to the School Nutrition Program(s) will be made available to representatives of the Minnesota Department of Education — Food and Nutrition Service and the USDA, and the US General Accounting Office at any reasonable time and place.
3. ISD 834 will be responsible for processing the MVS's free and reduced price meal applications.
4. ISD 834 will be responsible for the mailing and notification letters to each household submitting an application. Procedures will be set up so that children approved for free and reduced price meals will not be discriminated against because of their inability to pay full student price of the meal.
5. ISD 834 staff will take daily counts using Primero Edge at the point of service of the number of reimbursable free, reduced price, and paid meals served to eligible children, the number of adult meals served, the number of a la carte items sold and the extra one-half pints of milk used.
6. ISD 834 will be responsible for submitting claims to the Food and Nutrition Service, Minnesota Department of Education for meal reimbursements via clics and for maintaining all required records needed to meet its responsibilities under its School Nutrition Programs Agreement.

## **Receipts and Billing**

1. Children and adult meal charges will follow that of ISD 834 meal charges.
2. The collection of money and/or the sale of meal pre-payments to students and adults shall be the responsibility of ISD 834.
3. The money collected shall be deposited into ISD 834 revenue. All payments received under this Agreement and all expenditures made by ISD 834 in connection with this Agreement shall be paid from such fund.
4. Negative student balances will be reimbursed by MVS annually.
5. In the event the Nutrition Services program experiences an annual loss, MVS will reimburse ISD 834 the annual loss.

## **Building Support and Supervision**

1. Student conduct and supervision will be the responsibility of MVS.
  - a. If a student conducts him/herself inappropriately, there will be a conference with the school principal to decide on an action plan.
2. MVS is responsible for the custodial support as it relates to cleaning in the kitchen and café.

**Expense reimbursement**


1. MVS will reimburse ISD 834 salary and benefits for Nutrition Services staff and other costs not covered by program reimbursements and meal charges.
2. ISD 834 shall be reimbursed by MVS for all small wares that are purchased.
3. ISD 834 shall be reimbursed by MVS for Primero Edge or another point of sale software cost.
4. ISD 834 shall be reimbursed for indirect support in the form of a supervisor, dietitian, clerical support, human resources, payroll and accounts payable staff in the amount of \$4,371.00 for 2023-2024.

**Non-Performance Cancellation Rights/Renewal**

1. Either party may cancel this Agreement with thirty days written notice.

<b>Preparation of Assigned</b>	<b>Receiving Site Kitchen</b>
Name: ISD 834	Name: Marine Village School
Address: 1875 South Greeley Street	Address: 550 Pine Street
City, State, Zip Stillwater, MN 55082	City, State, Zip Marine on St. Croix, MN 55047
Telephone:	Telephone:
Manager:	Manager:

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives as of the day and year written above.

<b>Stillwater Area Public Schools ISD 834</b>	<b>Marine Village School</b>
Name: Marie Schrul	Name: Kimberly Kokx
Signature:	Signature: 
Date:	Date: 7/11/23
Telephone: 651-351-8321	Telephone: 651-477-0380

(New Hires, Resignations, Retirements, Terminations, Leave Requests)

**RETIREMENT/RESIGNATION/RELEASE**

NAME	STATUS	ASSIGNMENT	GROUP	EFFECTIVE DATE
Rotnem-Esworthy, Karen	Retirement (21 years)	Paraprofessional, 6.0 hours / day Stonebridge Elementary	SCPA	June 15, 2023
Hermanson, Andrew	Resignation	Yearbook Advisor Stillwater Middle School	Co-Curricular	August 21, 2022
McPherson, Melanie	Resignation	1.0 FTE Special Education Teacher Afton-Lakeland Elementary	SCEA	June 8, 2023

**HIRES/REHIRES**

NAME	ASSIGNMENT	SALARY PLACEMENT/ HOURLY RATE	REASON	GROUP	EFFECTIVE DATE
Bergt, Natasha	Paraprofessional, 3.0 hours / day Brookview Elementary	\$17.18 / hour	2023-2024 Staffing	SCPA	August 28, 2023
Chaplinski, Bretta	Science Club Advisor Stillwater Middle School	\$2,277.00	2022-2023 Staffing	Co-Curricular	August 21, 2023
Deyo, Tanya	Paraprofessional, 6.0 hours / day Afton-Lakeland Elementary	\$16.98 / hour	2023-2024 Staffing	SCPA	August 28, 2023
Evans, Keith	Paraprofessional, 3.0 hours / day Afton-Lakeland Elementary	\$17.18 / hour	2023-2024 Staffing	SCPA	August 28, 2023
Feehan, Shae	Cafeteria Employee, 4.0 hours / day Stillwater Area High School	\$17.41 / hour	2023-2024 Staffing	Cafeteria	July 17, 2023
Friend, Aliex	WEB Advisor Stillwater Middle School	\$2,277.00	2022-2023 Staffing	Co-Curricular	August 21, 2023
Granec, Eric	Summer Grounds Crew District Wide	\$15.50 / hour	2022-2023 Staffing	Custodial	June 23, 2023
Huber, Kennedy	Paraprofessional, 6.0 hours / day Afton-Lakeland Elementary	\$16.98 / hour	2023-2024 Staffing	SCPA	August 28, 2023
LaBore, Michael	.9 FTE PE & DAPE Teacher Stillwater Middle School	\$82,151.00	Replacement	SCEA	August 15, 2023
Lane, Marissa	1.0 FTE LTS Elementary Education Teacher Stonebridge Elementary	\$82,907.00	Replacement	SCEA	August 15, 2023 - May 31, 2024
LaMone, Jennifer	Preschool Assistant, 10.0 hours / week Afton-Lakeland Elementary	\$18.14 / hour	2023-2024 Staffing	Community Ed Leads & Assistants	September 5, 2023
Mahn, Kristi	1.0 FTE Special Education Teacher Oak-Land & Stillwater Middle School	\$90,566.00	Replacement	SCEA	August 15, 2023
Nelson, Katherine	1.0 FTE Elementary Education Teacher Brookview Elementary	\$86,255.00	Replacement	SCEA	August 15, 2023
Siegman, Nickole	Coordinator - Nutrition Services Central Services	\$84,413	2023-2024 Staffing	CSS	July 3, 2023
Will, Jerusha	Yearbook Advisor Stillwater Middle School	\$2,277.00	Replacement	Co-Curricular	August 21, 2023

**LEAVES OF ABSENCE**

NAME	STATUS	ASSIGNMENT	GROUP	EFFECTIVE DATE
Christensen, Terri	Approve	Secretary - Secondary Principal, 8.0 hours/day Stillwater Middle School	Tech Support	June 27, 2023 - August 21, 2023
Hill, Josiah	Approve	1.0 FTE English Teacher Stillwater Area High School	SCEA	February 12, 2024 - May 20, 2024

**ASSIGNMENT CHANGES**

NAME	FROM	TO	REASON	GROUP	EFFECTIVE DATE
Chau, Jill	Paraprofessional, 6.5 hours/day Transition Program	Secretary - Elementary Principal Lily Lake Elementary	Replacement	Tech Support	July 1, 2023
Pupungtoa, Catherine	Secondary Assistant Principal Stillwater Area High School	Elementary Assistant Principal Brookview & Lake Elmo Elementary	2023-2024 Staffing	Principals	July 1, 2023



community thread



United Way of  
Washington County-East



## POST EVENT REPORT 2022

### EVENT NUMBERS

**\$38,000** collected in school supplies

**378** Volunteers with a total of **743** hours

**283** Households served, **39%** increase\*

**715** Students received school supplies, **54%** increase\*

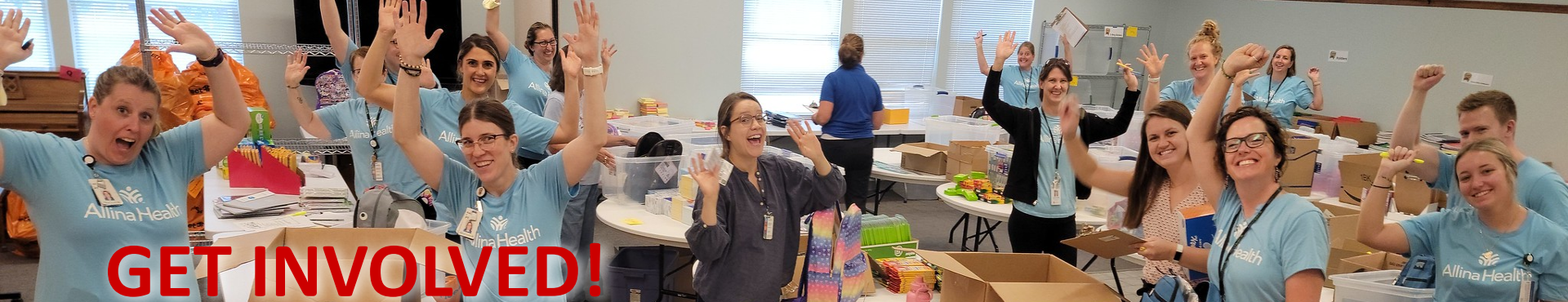
**64** Teacher Kits filled with school supplies

**28** Teachers received supplies for their classrooms

\* Percent Increase from 2021 Stuff the Bus Program



- Elementary School**  
53% students
- Middle School**  
26% students
- High School**  
21% students



# GET INVOLVED!

## **DONATE**

Drop off new school supplies

July 10 – August 6

Community Thread

2300 Orleans St. W., Stillwater

*Stay tuned for other drop-off sites!*

## **SPONSOR**

Support local students through a variety of sponsorship opportunities

## **VOLUNTEER**

Sort and count supplies, assemble and bag list items, and help with pick-up days

## **REGISTER FOR SCHOOL SUPPLIES**

July 24 - August 10 (or until spots are filled)

[communitythreadmn.org/stuff-the-bus](https://communitythreadmn.org/stuff-the-bus)



**Stillwater**  
AREA PUBLIC SCHOOLS

POLICY TITLE	POLICY NUMBER	ADOPTED	REVIEW FREQUENCY
Equal Educational Opportunity	102	Adopted: 11-16-2017 Review: 03-19-2020	<b>2-YEAR</b> <b>Annual</b>

**I. PURPOSE**

The purpose of this policy is to ensure that equal educational opportunity is provided for all students of the school district.

**II. GENERAL STATEMENT OF POLICY**

- A. The policy of the school district is to provide equal educational opportunity for all students. The school district does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, including gender identity and expression, marital status, parental status, status with regard to public assistance, disability, sexual orientation, or age. The school district also makes reasonable accommodations for disabled students with disabilities.
- B. The school district prohibits the harassment and discrimination of any individual based on any of the categories protected classifications listed above. For information about the types of conduct that constitute violation of the school district’s policy on harassment and violence and the school district’s procedures for addressing such complaints, refer to the school district’s policy on harassment and violence.
- C. The school district prohibits discrimination of students with a disability, within the intent of Section 504 of the Rehabilitation Act of 1973 (“Section 504”), who need services, accommodations, or programs in order to receive a free appropriate public education. For information as to protections that may apply pursuant to Section 504 and the school district’s corresponding procedures for addressing disability discrimination complaints, refer to the school district’s policy on student disability nondiscrimination.
- D. The school district prohibits sexual harassment discrimination of any individual on the basis of sex in its education programs or activities. For information as to the protections that apply pursuant to Title IX and school district’s corresponding procedures and processes for addressing sexual harassment and discrimination, refer to the school district’s policy on Title IX sex nondiscrimination (Policy 522).

- E. The school district shall provide equal opportunity for members of each sex and to members of all races and ethnicities to participate in its athletic program. In determining whether equal opportunity to participate in athletic programs is available for the purposes of this law, at least the following factors shall be considered to the extent that they are applicable to a given situation: whether the opportunity for males and females to participate in the athletic program reflects the demonstrated interest in athletics of the males and females in the student body of the educational institution; whether the opportunity for members of all races and ethnicities to participate in the athletic program reflects the demonstrated interest in athletics of members of all races and ethnicities in the student body of the educational institution; whether the variety and selection of sports and levels of competition effectively accommodate the demonstrated interests of members of each sex; whether the variety and selection of sports and levels of competition effectively accommodate the demonstrated interests of members of all races and ethnicities; the provision of equipment and supplies; scheduling of games and practice times; assignment of coaches; provision of locker rooms; practice and competitive facilities; and the provision of necessary funds for teams of one sex.
- F. This policy applies to all areas of education including academics, coursework, co-curricular and extracurricular activities, or other rights or privileges of enrollment.
- G. Every school district employee shall be responsible for complying with this policy conscientiously.
- H. Any student, parent, or guardian having a question regarding this policy should discuss it with the appropriate school district official as provided by policy. In the absence of a specific designee, an inquiry or a complaint should be referred to the Human Rights Officer.

**Legal References:** Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)  
Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
20 U.S.C. § 1681 *et seq.* (Title IX of the Education Amendments of 1972)  
42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)  
42 U.S.C. § 2000d *et seq.* (Title VI of the Civil Rights Act of 1964)

**Cross References:** ~~MSBA/MASA Model Policy 402 (Disability Nondiscrimination)~~  
MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)  
MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)

POLICY TITLE	POLICY NUMBER	ADOPTED	REVIEW FREQUENCY
Drug-Free Workplace / Drug-Free School	418	Adopted: 09-13-1990 Renumbered: 3-11-21 REVISED: 02-28-23	Three Years <b>Annual</b>

**I. PURPOSE**

The purpose of this policy is to maintain a safe and healthy environment for employees and students by prohibiting the use of alcohol, toxic substances, medical cannabis, non-intoxicating cannabinoids (including edible cannabinoid products), and controlled substances without a physician’s prescription.

**II. GENERAL STATEMENT OF POLICY**

- A. Use or possession of alcohol, toxic substances, medical cannabis, non-intoxicating cannabinoids (including edible cannabinoid products), and controlled substances before, during, or after school hours, at school or in any other school location, is prohibited as general policy. Paraphernalia associated with controlled substances is prohibited.
- B. A violation of this policy occurs when any student, teacher, administrator, other school district personnel, or member of the public uses or possesses alcohol, toxic substances, medical cannabis, non-intoxicating cannabinoids (including edible cannabinoid products), or controlled substances in any school location.
- C. An individual may not use or possess cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public school, as defined in Minnesota Statutes, section 120A.05, subdivisions 9, 11, and 13, including all facilities, whether owned, rented, or leased, and all vehicles that the school district owns, leases, rents, contracts for, or controls.
- D. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or member of the public who violates this policy.

**III. DEFINITIONS**

- A. “Alcohol” includes any alcoholic beverage containing more than one-half of one percent alcohol by volume.
- B. “Controlled substances” include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 United States Code section 812, including analogues and look-alike drugs.
- C. “Edible cannabinoid product” means any product that is intended to be eaten or consumed

as a beverage by humans, contains a cannabinoid in combination with food ingredients, and is not a drug.

- D. “Non-intoxicating cannabinoid” means substances extracted from certified hemp plants that do not produce intoxicating effects when consumed by **injection, inhalation, ingestion, or by any other immediate means.** ~~any route of administration.~~
- E. “Medical cannabis” means any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins, and is delivered in the form of: (1) liquid, including, but not limited to, oil; (2) pill; (3) vaporized delivery method with use of liquid or oil but which does not require the use of dried leaves or plant form; (4) combustion with use of dried raw cannabis; or (5) any other method approved by the commissioner.
- F. “Possess” means to have on one’s person, in one’s effects, or in an area subject to one’s control.
- G. “School location” includes any school building or on any school premises; in any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district; or during any period of time such employee is supervising students on behalf of the school district or otherwise engaged in school district business.
- H. **“Sell” means to sell, give away, barter, deliver, exchange, distribute or dispose of to another, or to manufacture; or to offer or agree to perform such an act, or to possess with intent to perform such an act.**
- I. “Toxic substances” includes: (1) glue, cement, aerosol paint, containing toluene, benzene, xylene, amyl nitrate, butyl nitrate, nitrous oxide, or containing other aromatic hydrocarbon solvents, but does not include glue, cement, or paint contained in a packaged kit for the construction of a model automobile, airplane, or similar item; (2) butane or a butane lighter; or (3) any similar substance declared to be toxic to the central nervous system and to have a potential for abuse, by a rule adopted by the commissioner of health.
- J. “Use” includes to sell, buy, manufacture, distribute, dispense, possess, use, or be under the influence of **or consume in any manner, including, but not limited to, consumption by injection, inhalation, ingestion, or by any other immediate means.** ~~alcohol, toxic substances, medical cannabis, non-intoxicating cannabinoids (including edible cannabinoid products), and/or controlled substances, whether or not for the purpose of receiving remuneration or consideration.~~

#### IV. EXCEPTIONS

- A. A violation of this policy does not occur when a person brings onto a school location, for such person’s own use, a controlled substance, except medical cannabis, which has a currently accepted medical use in treatment in the United States and the person has a physician’s prescription for the substance. The person shall comply with the relevant procedures of this policy.
- B. A violation of this policy does not occur when a person possesses an alcoholic beverage in a school location when the possession is within the exceptions of Minnesota Statutes section 624.701, subdivision 1a (experiments in laboratories; pursuant to a temporary license to sell liquor issued under Minnesota laws or possession after the purchase from such a temporary license holder).
- C. **A violation of this policy does not occur when a person uses or possesses a toxic substance unless they do so with the intent of inducing or intentionally aiding another in inducing intoxication, excitement, or stupefaction of the central nervous system, except under the direction and supervision of a medical doctor.**

## V. PROCEDURES

- A. Students who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, **nonintoxicating cannabinoids, or edible cannabinoid products**, must comply with the school district's student medication policy.
- B. Employees who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, **nonintoxicating cannabinoids, or edible cannabinoid products**, are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or syringe. The employee must inform his or her supervisor. The employee may be required to provide a copy of the prescription.
- C. Each employee shall be provided with written notice of this Drug-Free Workplace/Drug-Free School policy and shall be required to acknowledge that he or she has received the policy.
- D. Employees are subject to the school district's drug and alcohol testing policies and procedures.
- E. Members of the public are not permitted to possess controlled substances, **intoxicating cannabinoids, or edible cannabinoid products** in a school location except with the express permission of the superintendent.
- F. No person is permitted to possess or use medical cannabis, **nonintoxicating cannabinoids, or edible cannabinoid products** on a school bus or van; or on the grounds of any preschool or primary or secondary school; or on the grounds of any child care facility. This prohibition includes (1) vaporizing or combusting medical cannabis on any form of public transportation where the vapor or smoke could be inhaled by a minor child or in any public place, including indoor or outdoor areas used by or open to the general public or place of employment; and (2) operating, navigating, or being in actual physical control of any motor vehicle or working on transportation property, equipment or facilities while under the influence of medical cannabis, **nonintoxicating cannabinoids, or edible cannabinoid products**.
- G. Possession of alcohol on school grounds pursuant to the exceptions of Minnesota Statutes section 624.701, subdivision 1a, shall be by permission of the school board only. The applicant shall apply for permission in writing and shall follow the school board procedures for placing an item on the agenda.

## VI. SCHOOL PROGRAMS

A. Starting in the 2026-2027 school year, the school district must implement a comprehensive education program on cannabis use and substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl, for students in middle school and high school. The program must include instruction on the topics listed in Minnesota Statutes, section 120B.215, subdivision 1 and must:

- 1. respect community values and encourage students to communicate with parents, guardians, and other trusted adults about cannabis use and substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl; and
- 2. refer students to local resources where students may obtain medically accurate information about cannabis use and substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl, and treatment for a substance use disorder.

B. School district efforts to develop, implement, or improve instruction or curriculum as a result of the provisions of this section must be consistent with Minnesota Statutes, sections 120B.10 and

## 120B.11.

C. Notwithstanding any law to the contrary, the school district shall have a procedure for a parent, a guardian, or an adult student 18 years of age or older to review the content of the instructional materials to be provided to a minor child or to an adult student pursuant to this article. The district must allow a parent or adult student to opt out of instruction under this article with no academic or other penalty for the student and must inform parents and adult students of this right to opt out.

## VII. ENFORCEMENT

### A. Students

1. Students may be required to participate in programs and activities that provide education against the use of alcohol, tobacco, marijuana, smokeless tobacco products, electronic cigarettes, and non-intoxicating cannabinoids, ~~and~~ (including edible cannabinoid products).
2. Students may be referred to drug or alcohol assistance or rehabilitation programs; school based mental health services; individual or group counseling services; and/or referral to law enforcement officials, when appropriate.
3. A student who violates the terms of this policy shall be subject to discipline in accordance with the school district's discipline policy. Such discipline may include suspension or expulsion from school.

### B. Employees

1. As a condition of employment in any federal grant, each employee who is engaged either directly or indirectly in performance of a federal grant shall abide by the terms of this policy and shall notify his or her supervisor in writing of his or her conviction of any criminal drug statute for a violation occurring in any of the places listed above on which work on a school district federal grant is performed, no later than five (5) calendar days after such conviction. Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
2. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, termination, or discharge as deemed appropriate by the school board.
3. In addition, any employee who violates the terms of this policy may be required to satisfactorily participate in a drug and/or alcohol abuse assistance or rehabilitation program approved by the school district. Any employee who fails to satisfactorily participate in and complete such a program is subject to nonrenewal, suspension, or termination as deemed appropriate by the school board.
4. Sanctions against employees, including nonrenewal, suspension, termination, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and school district policies.

### C. The Public

A member of the public who violates this policy shall be informed of the policy and asked to leave. If necessary, law enforcement officials will be notified and asked to provide an escort.

***Legal References:***

Minn. Stat. § 120B.215 (Education on Cannabis Use and Substance Use)

Minn. Stat. § 121A.22 (Administration of Drugs and Medicine) Minn. Stat. § 121A.40-§ 121A.56 (Pupil Fair Dismissal Act)

Minn. Stat. § 151.72 (Sale of Certain Cannabinoid Products)

**Minn. Stat. § 152.01, Subd. 15a (Definitions)**

**Minn. Stat. § 152.0264 (Cannabis Sale Crimes)**

Minn. Stat. § 152.22, Subd. 6 (Definitions; Medical Cannabis) Minn. Stat. § 152.23 (Limitations; Medical Cannabis)

**Minn. Stat. § 169A.31 (Alcohol-Related School Bus or Head Start Bus Driving)**

Minn. Stat. § 340A.101 (Definitions; Alcoholic Beverage)

Minn. Stat. § 340A.403 (3.2 Percent Malt Liquor Licenses) Minn. Stat. § 340A.404 (Intoxicating Liquor; On-Sale Licenses)

**Minn. Stat. § 342.09 (Personal Adult Use of Cannabis)**

**Minn. Stat. § 342.56 (Limitations)**

Minn. Stat. § 609.684 (Abuse of Toxic Substances)

Minn. Stat. § 624.701 (Alcohol in Certain Buildings or Grounds)

20 U.S.C. § 7101-7122 (Student Support and Academic Enrichment Grants)

21 U.S.C. § 812 (Schedules of Controlled Substances) 41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act) 21 C.F.R. §§ 1308.11-1308.15 (Controlled Substances)

34 C.F.R. Part 84 (Government-Wide Requirements for Drug-Free Workplace)

POLICY TITLE	POLICY NUMBER	ADOPTED	REVIEW FREQUENCY
Tobacco-Free Environment	419	Adopted: 6-28-71 Amended: 6-08-85 Revised: 02-28-23	<del>Three Years</del> Annual

**I. PURPOSE**

The purpose of this policy is to maintain learning and working environment that is tobacco free.

**II. GENERAL STATEMENT OF POLICY**

- A. violation of this policy occurs when any student, teacher, administrator, other school personnel of the school district, or person smokes or uses tobacco, tobacco-related devices, or carries or uses an activated electronic delivery device in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls. In addition, this prohibition includes vehicles used, in whole or in part, for work purposes, during hours of school operation, if more than one person is present. This prohibition includes all school district property and all off-campus events sponsored by the school district.
- B. A violation of this policy occurs when any elementary school, middle school, or secondary school student possesses any type of tobacco, tobacco-related devices, or electronic delivery devices in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls and includes vehicles used, in whole or in part, for school purposes, during hours of school operation, if more than one person is present. This prohibition includes all school district property and all off-campus events sponsored by the school district.
- C. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or person who is found to have violated this policy.
- D. The school district will not solicit or accept any contributions or gifts of money, curricula, materials, or equipment from companies that directly manufacture and are identified with tobacco products, tobacco-related devices, or electronic delivery devices. The school district will not promote or allow promotion of tobacco products or electronic delivery devices on school property or at school-sponsored events.

**III. DEFINITIONS**

- A. “Electronic delivery device” means any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption through inhalation of aerosol or vapor from the product. Electronic delivery devices includes but is not limited to devices manufactured, marketed, or sold as electronic cigarettes, electronic cigars, electronic pipe, vape pens, modes, tank systems, or under any other product name or descriptor. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device excludes drugs, devices, or

combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.

- B. "Heated tobacco product" means a tobacco product that produces aerosols containing nicotine and other chemicals which are inhaled by users through the mouth.
- C. "Tobacco" means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including, but not limited to, cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes any drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.
- D. "Tobacco-related devices" means cigarette papers or pipes for smoking or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of aerosol or vapor of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.
- E. "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. Smoking includes carrying or using an activated electronic delivery device.
- F. "Vaping" means using an activated electronic delivery device or heated tobacco product.

#### IV. EXCEPTIONS

- A. A violation of this policy does not occur when an Indian adult lights tobacco on school district property as a part of a traditional Indian spiritual or cultural ceremony. **An American Indian student may carry a medicine pouch containing loose tobacco intended as observance of traditional spiritual or cultural practices.** An Indian is a person who is a member of an Indian tribe as defined under Minnesota law.
- B. A violation of this policy does not occur when an adult nonstudent possesses a tobacco or nicotine product that has been approved by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose. Nothing in this exception authorizes smoking or use of tobacco, tobacco-related devices, or electronic delivery devices on school property or at off-campus events sponsored by the school district.

#### V. VAPING PREVENTION INSTRUCTION

- A. The school district must provide vaping prevention instruction at least once to students in grades 6 through 8.
- B. The school district may use instructional materials based upon the Minnesota Department of Health's school e-cigarette toolkit or may use other smoking prevention instructional materials with a focus on vaping and the use of electronic delivery devices and heated tobacco products. The instruction may be provided as part of the school district's locally developed health standards.

#### VI. ENFORCEMENT

- A. All individuals on school premises shall adhere to this policy.
- B. Students who violate this tobacco-free policy shall be subject to school district discipline procedures.
- C. School district administrators and other school personnel who violate this tobacco-free policy shall be subject to school district discipline procedures.
- D. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota or federal law, and school district policies.
- E. Persons who violate this tobacco-free policy may be referred to the building administration or other school district supervisory personnel responsible for the area or program at which the violation occurred.
- F. School administrators may call the local law enforcement agency to assist with enforcement of this policy. Smoking or use of any tobacco product in a public school is a violation of the Minnesota Clean Indoor Air Act and/or the Freedom to Breathe Act of 2007 and is a petty misdemeanor. A court injunction may be instituted against a repeated violator.
- G. No persons shall be discharged, refused to be hired, penalized, discriminated against, or in any manner retaliated against for exercising any right to a smoke-free environment provided by the Freedom to Breathe Act of 2007 or other law.

## **VII. DISSEMINATION OF POLICY**

- A. This policy shall appear in the student handbook.
- B. The school district will develop a method of discussing this policy with students and employees.

***Legal References:*** Minn. Stat. § 120B.238 (Vaping Awareness and Prevention)

Minn. Stat. §§ 144.411-144.417 (Minnesota Clean Indoor Air Act)

Minn. Stat. § 609.685 (Sale of Tobacco to Persons Under Age 21)

2007 Minn. Laws Ch. 82 (Freedom to Breathe Act of 2007)

### ***Cross References:***

**MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)**

**MSBA/MASA Model Policy 506 (Student Discipline)**

POLICY TITLE	POLICY NUMBER	ADOPTED	REVIEW FREQUENCY
Student Discipline	506	Adopted: 07-27-2017 Reviewed: 04-25-2019 Revised: 06-11-2020	Annually

## I. PURPOSE

The purpose of this policy is to ensure that students are aware of and comply with the school district's expectations for student conduct. Such compliance will enhance the school district's ability to maintain discipline and ensure that there is no interference with the educational process. The school district will take appropriate disciplinary action when students fail to adhere to the Code of Student Conduct established by this policy.

to help all members of the school community work collaboratively to create a safe, supportive and equitable school climate through the use of positive discipline practices. Effective positive discipline results from an equitable, supportive environment that stresses student self-direction, decision-making and responsibility. To this end, restorative practices are used throughout the system prior to, and/or in conjunction with discipline.

All students have a right to learn and develop in a setting which promotes respect of self, others and property. Effective positive discipline can only result from an environment which provides options and stresses student self-direction, decision-making, and responsibility. Stillwater Area Public Schools embraces a Multi-Tiered System of Supports as well as Student Support Teams and Student Intervention Teams.

## II. GENERAL STATEMENT OF POLICY

The school board recognizes that individual responsibility and mutual respect are essential components of the educational process. The school board further recognizes that nurturing the maturity of each student is of primary importance and is closely linked with the balance that must be maintained between authority and self-discipline as the individual progresses from a child's dependence on authority to the more mature behavior of self-control.

All students are entitled to learn and develop in a setting which promotes respect of self, others, and property. Proper positive discipline can only result from an environment which provides options and stresses student self-direction, decision-making, and responsibility. Schools can function effectively only with internal discipline based on mutual understanding of rights and responsibilities.

Students must conduct themselves in an appropriate manner that maintains a climate in which learning can take place. Overall decorum affects student attitudes and influences student behavior. Proper student conduct is necessary to facilitate the education process and to create an atmosphere conducive to high student achievement.

Although this policy emphasizes the development of self-discipline, it is recognized that there are instances when it will be necessary to administer disciplinary measures. The position of the school district is that a fair and equitable district-wide student discipline policy will contribute to the quality of the student's educational experience. This discipline policy is adopted in accordance with and subject to the Minnesota Pupil Fair Dismissal Act, Minnesota Statutes, sections 121A.40-121A.56.

In view of the foregoing and in accordance with Minnesota Statutes, section 121A.55, the school board, with the participation of school district administrators, teachers, employees, students, parents, community members, and such other individuals and organizations as appropriate, has developed this policy which governs student conduct and applies to all students of the school district.

1. ~~It is the Board's intent to ensure that students are aware of and comply with the District's expectations for student conduct. Such compliance will enhance the District's ability to maintain discipline and ensure that there is no interference with the educational process.~~
2. ~~The District believes that a fair and equitable District-wide school discipline policy will contribute to the quality of a student's educational learning experience.~~
3. ~~The School Board recognizes that a positive and equitable learning environment is essential for students to thrive academically and developmentally.~~
4. ~~The Board recognizes that no policy will cover all situations. Therefore, the building administrator(s) or designee will make a determination of the violation and/or consequence/disciplinary action when student actions are not specifically addressed. All actions by an administrator/designee will be made on a case-by-case basis.~~

### III. DEFINITIONS

- A. "Nonexclusionary disciplinary policies and practices" means policies and practices that are alternatives to dismissing a pupil from school, including but not limited to evidence-based positive behavior interventions and supports, social and emotional services, school-linked mental health services, counseling services, social work services, academic screening for Title 1 services or reading interventions, and alternative education services. Nonexclusionary disciplinary policies and practices include but are not limited to the policies and practices under sections 120B.12; 121A.575, clauses (1) and (2); 121A.031, subdivision 4, paragraph (a), clause (1); 121A.61, subdivision 3, paragraph (r); and 122A.627, clause (3).
- B. "Pupil withdrawal agreement" means a verbal or written agreement between a school administrator or district administrator and a pupil's parent to withdraw a student from the school district to avoid expulsion or exclusion dismissal proceedings. The duration of the withdrawal agreement cannot be for more than a 12-month period.

### IV. POLICY

- A. The school board must establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of the Minnesota Pupil Fair Dismissal Act. The policies must include nonexclusionary disciplinary policies and practices consistent with Minnesota Statutes, section 121A.41, subdivision 12, and must emphasize preventing dismissals through early detection of problems. The policies must be designed to address students' inappropriate behavior from recurring.

- B. The policies must recognize the continuing responsibility of the school for the education of the pupil during the dismissal period.
- C. The school is responsible for ensuring that alternative educational services, if the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress toward meeting the graduation standards adopted under Minnesota Statutes, section 120B.02 and help prepare the pupil for readmission in accordance with section Minnesota Statutes, section 121A.46, subdivision 5.
- D. For expulsion and exclusion dismissals and pupil withdrawal agreements as defined in Minnesota Statutes, section 121A.41, subdivision 13:
  - 1. for a pupil who remains enrolled in the school district or is awaiting enrollment in a new district, the school district's continuing responsibility includes reviewing the pupil's schoolwork and grades on a quarterly basis to ensure the pupil is on track for readmission with the pupil's peers. The school district must communicate on a regular basis with the pupil's parent or guardian to ensure that the pupil is completing the work assigned through the alternative educational services as defined in Minnesota Statutes, section 121A.41, subdivision 11. These services are required until the pupil enrolls in another school or returns to the same school;
  - 2. a pupil receiving school-based or school-linked mental health services in the school district under Minnesota Statutes, section 245.4889 continues to be eligible for those services until the pupil is enrolled in a new district; and
  - 3. the school district must provide to the pupil's parent or guardian information on accessing mental health services, including any free or sliding fee providers in the community. The information must also be posted on the school district website.

## V. AREAS OF RESPONSIBILITY

- A. The School Board. The school board holds all school personnel responsible for the maintenance of order within the school district and supports all personnel acting within the framework of this discipline policy.
- B. Superintendent. The superintendent shall establish guidelines and directives to carry out this policy, hold all school personnel, students, and parents responsible for conforming to this policy, and support all school personnel performing their duties within the framework of this policy. The superintendent shall also establish guidelines and directives for using the services of appropriate agencies for assisting students and parents. Any guidelines or directives established to implement this policy shall be submitted to the school board for approval and shall be attached as an addendum to this policy.
- C. Principal / Building Level Administrator. The school principal is given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy. The principal shall give direction and support to all school personnel performing their duties within the framework of this policy. The principal shall consult with parents of students conducting themselves in a manner contrary to the policy. The principal shall involve other professional employees in the disposition of behavior referrals and shall make use of those agencies appropriate for assisting students and parents. A principal, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.
- D. Teachers. All teachers shall be responsible for providing a well-planned teaching/learning environment and shall have primary responsibility for managing student conduct, with appropriate assistance from the administration. All teachers shall enforce the expectations for appropriate behaviors, as outlined in this policy. In exercising the teacher's

lawful authority, a teacher may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.

- E. Other District Personnel. All District personnel shall be responsible for contributing to the atmosphere of mutual respect within the school. Their responsibilities relating to student behavior shall be as authorized and directed by the superintendent or designee. A school employee, school bus driver, or other agent of a school district, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student or prevent bodily harm or death to another.
- F. Parents or Legal Guardians. Parents and guardians have the legal responsibility for the behavior of their children, as determined by law and community practice. Parents/guardians are expected to exercise the required controls so that the student's behavior will be conducive to the development of self-discipline and will not be disruptive to the school's educational program. They are expected to cooperate with school authorities and to participate regarding the behavior of their children.
- G. Students. All students shall be held individually responsible for their behavior and for understanding and complying with the behaviors outlined in this policy.
- H. Community Members. Members of the community are expected to contribute to the establishment of a positive atmosphere at events sponsored by the school district or held on school district property **an atmosphere in which rights and duties are effectively acknowledged and fulfilled.**
- I. Reasonable Force Reports

1. The school district must report data on its use of any reasonable force used on a student with a disability to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under Minnesota Statutes, section 125A.0941, paragraph (c), as outlined in section 125A.0942, subdivision 3, paragraph (b).
2. Beginning with the 2024-2025 school year, the school district must report annually by July 15, in a form and manner determined by the MDE Commissioner, data from the prior school year about any reasonable force used on a general education student to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under Minnesota Statutes, section 125A.0941, paragraph (c).
3. Any reasonable force used under Minnesota Statutes, sections 121A.582; 609.06, subdivision 1; and 609.379 which intends to hold a child immobile or limit a child's movement where body contact is the only source of physical restraint or confines a child alone in a room from which egress is barred shall be reported to the Minnesota Department of Education as a restrictive procedure, including physical holding or seclusion used by an unauthorized or untrained staff person.

## VI. STUDENT RIGHTS

All students have the right to an education and the right to learn.

- B. ~~Students have the right to be safe and free from threatening situations on school property, at school activities, and in District vehicles.~~

## VII. STUDENT RESPONSIBILITIES

All students have the responsibility:

- A. **For their behavior and for knowing and obeying** ~~To know and obey~~ all school rules, regulations, policies, and procedures;
- B. To attend school daily, except when excused, and to be on time to all classes and other school functions;
- C. To pursue and attempt to complete the courses of study prescribed by the state and local school authorities;
- D. To make necessary arrangements for making up work when absent from school;
- E. To assist the school staff in maintaining a safe school for all students;
- F. To be aware of all school rules, regulations, policies, and procedures, including those in this policy, and to conduct themselves in accord with them;
- G. To assume that until a rule or policy is waived, altered, or repealed, it is in full force and effect;
- H. To be aware of and comply with federal, state, and local laws;
- I. To volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with school staff as appropriate;
- J. To respect and maintain the school's property and the property of others;
- K. To dress and groom in a manner which meets standards of safety and health and common standards of decency and which is consistent with applicable school district policy;
- L. To avoid inaccuracies in student newspapers or publications and refrain from indecent or obscene language;
- M. To conduct themselves in an appropriate physical or verbal manner; and
- N. To recognize and respect the rights of others.

## **VIII. CODE OF STUDENT CONDUCT**

A. The following are examples of unacceptable behavior subject to disciplinary action by the school district. These examples are not intended to be an exclusive list. Any student who engages in any of these activities shall be disciplined in accordance with this policy. This policy applies to all school buildings, school grounds, and school property or property immediately adjacent to school grounds; school-sponsored activities or trips; school bus stops; school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes; the area of entrance or departure from school premises or events; and all school-related functions, school-sponsored activities, events, or trips. School district property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting unacceptable behavior subject to disciplinary action at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events. This policy also applies to any student whose conduct at any time or in any place interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student, other students, or employees.

1. Violations against property including, but not limited to, damage to or destruction of school property or the property of others, failure to compensate for damage or destruction of such property, arson, breaking and entering, theft, robbery, possession of stolen property, extortion, trespassing, unauthorized usage, or vandalism;
2. The use of profanity or obscene language, or the possession of obscene materials;
3. Gambling, including, but not limited to, playing a game of chance for stakes;
4. Violation of the school district's Hazing Prohibition Policy;
5. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission;

6. Violation of the school district's Student Attendance Policy;
7. Opposition to authority using physical force or violence;
8. Using, possessing, or distributing tobacco, tobacco-related devices, electronic cigarettes, or tobacco paraphernalia in violation of the school district's Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices Policy;
9. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of alcohol or other intoxicating substances or look-alike substances;
10. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of narcotics, drugs, or other controlled substances (except as prescribed by a physician), or look-alike substances (these prohibitions include medical marijuana or medical cannabis, even when prescribed by a physician, and one student sharing prescription medication with another student);
11. Using, possessing, or distributing items or articles that are illegal or harmful to persons or property including, but not limited to, drug paraphernalia;
12. Using, possessing, or distributing weapons, or look-alike weapons or other dangerous objects;
13. Violation of the school district's Weapons Policy;
14. Violation of the school district's Violence Prevention Policy;
15. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;
16. Possession, use, or distribution of explosives or any compound or mixture, the primary or common purpose or intended use of which is to function as an explosive;
17. Possession, use, or distribution of fireworks or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation;
18. Using an ignition device, including a butane or disposable lighter or matches, inside an educational building and under circumstances where there is a risk of fire, except where the device is used in a manner authorized by the school;
19. Violation of any local, state, or federal law as appropriate;
20. Acts disruptive of the educational process, including, but not limited to, disobedience, disruptive or disrespectful behavior, defiance of authority, cheating, insolence, insubordination, failure to identify oneself, improper activation of fire alarms, or bomb threats;
21. Violation of the school district's Internet Acceptable Use and Safety Policy;
22. Use of a cell phone in violation of the school district's Internet Acceptable Use and Safety Policy;
23. Violation of school bus or transportation rules or the school district's Student Transportation Safety Policy;
24. Violation of parking or school traffic rules and regulations, including, but not limited to, driving on school property in such a manner as to endanger persons or property;
25. Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker;
26. Violation of the school district's Search of Student Lockers, Desks, Personal Possessions, and Student's Person Policy;
27. Violation of the school district's Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches Policy;
28. Possession or distribution of slanderous, libelous, or pornographic materials;
29. Violation of the school district's Bullying Prohibition Policy;

30. Student attire or personal grooming which creates a danger to health or safety or creates a disruption to the educational process, including clothing which bears a message which is lewd, vulgar, or obscene, apparel promoting products or activities that are illegal for use by minors, or clothing containing objectionable emblems, signs, words, objects, or pictures communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership;
31. Criminal activity;
32. Falsification of any records, documents, notes, or signatures;
33. Tampering with, changing, or altering records or documents of the school district by any method including, but not limited to, computer access or other electronic means;
34. Scholastic dishonesty which includes, but is not limited to, cheating on a school assignment or test, plagiarism, or collusion, including the use of picture phones or other technology to accomplish this end;
35. Impertinent or disrespectful words, symbols, acronyms, or language, whether oral or written, related to teachers or other school district personnel;
36. Violation of the school district's Harassment and Violence Policy;
37. Actions, including fighting or any other assaultive behavior, which causes or could cause injury to the student or other persons or which otherwise endangers the health, safety, or welfare of teachers, students, other school district personnel, or other persons;
38. Committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;
39. Violations against persons, including, but not limited to, assault or threatened assault, fighting, harassment, interference or obstruction, attack with a weapon, or look-alike weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure;
40. Verbal assaults or verbally abusive behavior including, but not limited to, use of words, symbols, acronyms, or language, whether oral or written, that are discriminatory, abusive, obscene, threatening, intimidating, degrading to other people, or threatening to school property;
41. Physical or verbal threats including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;
42. Inappropriate, abusive, threatening, or demeaning actions based on race, color, creed, religion, sex, marital status, status with regard to public assistance, disability, national origin, or sexual orientation;
43. Violation of the school district's Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees Policy;
44. Violation of the school district's one-to-one device rules and regulations;
45. Violation of school rules, regulations, policies, or procedures, including, but not limited to, those policies specifically enumerated in this policy;
46. Other acts, as determined by the school district, which are disruptive of the educational process or dangerous or detrimental to the student or other students, school district personnel or surrounding persons, or which violate the rights of others or which damage or endanger the property of the school, or which otherwise interferes with or obstruct the mission or operations of the school district or the safety or welfare of students or employees.

## **IX. RECESS AND OTHER BREAKS**

A. "Recess detention" means excluding or excessively delaying a student from participating in a scheduled recess period as a consequence for student behavior. Recess detention does not include, among other things, providing alternative recess at the student's choice.

- B. The school district is encouraged to ensure student access to structured breaks from the demands of school and to support teachers, principals, and other school staff in their efforts to use evidence-based approaches to reduce exclusionary forms of discipline.
- C. The school district must not use recess detention unless:
1. a student causes or is likely to cause serious physical harm to other students or staff;
  2. the student's parent or guardian specifically consents to the use of recess detention; or
  3. for students receiving special education services, the student's individualized education program team has determined that withholding recess is appropriate based on the individualized needs of the student.
- D. The school district must not withhold recess from a student based on incomplete schoolwork.
- E. The school district must require school staff to make a reasonable attempt to notify a parent or guardian within 24 hours of using recess detention.
- F. The school district must compile information on each recess detention at the end of each school year, including the student's age, grade, gender, race or ethnicity, and special education status. This information must be available to the public upon request. The school district is encouraged to use the data in professional development promoting the use of nonexclusionary discipline.
- G. The school district must not withhold or excessively delay a student's participation in scheduled mealtimes. This section does not alter a district or school's existing responsibilities under Minnesota Statutes, section 124D.111 or other state or federal law.

## VI. ~~UNACCEPTABLE BEHAVIOR AND STUDENT DISCIPLINE~~

- A. ~~This policy applies to all school buildings, school grounds, and school property or property immediately adjacent to school grounds; school-sponsored activities or trips; school bus—stops; school buses, school vehicles, school contracted vehicles, or any other vehicles—approved for school district purposes; the area of entrance or departure from school premises or events; and all school-related functions, school-sponsored activities, events, or trips.—School district property also means a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events.~~
- B. ~~While prohibiting unacceptable behavior subject to disciplinary action at these locations and events, the District does not represent that it will provide supervision or assume liability at these locations and events.~~
- C. ~~This policy also applies to any student whose conduct at any time or in any place interferes with or obstructs the mission or operations of the District or the safety or welfare of the—student, other students, or employees.—In addition, this policy applies to student conduct that has a nexus to school property or the school environment, including use of social media and other electronic communication.~~
- D. ~~The following are examples of areas of unacceptable behavior subject to disciplinary action by the District. Definitions of each are included in the administrative procedures associated with this policy.—Unacceptable behavior may also include violation of any local, state, or federal law.—These examples are not intended to be an exhaustive list.—Any student who engages in any of these activities shall be subject to discipline in accordance with this policy and applicable procedures.~~
1. ~~Abuse: Verbal, written or otherwise expressed~~
  2. ~~Academic Dishonesty~~
  3. ~~Alarm (False)~~
  4. ~~Alcohol: Intent to sell, give or share, possession or use~~

5. ~~Ammunition, mace or pepper gas possession~~
6. ~~Arson~~
7. ~~Assault: Aggravated, physical, verbal, written, or otherwise expressed~~
8. ~~Attendance issues~~
9. ~~Attire~~
10. ~~Bodily Harm; Inflicting~~
11. ~~Bullying~~
12. ~~Burglary~~
13. ~~Chemicals: Intent to sell, give, or share; or under the influence, attempted \_\_\_\_\_ possessions, or use~~
14. ~~Communication Devices~~
15. ~~Cyber-bullying~~
16. ~~Damage of or Tampering of Property (Vandalism)~~
17. ~~Distribution or possession of literature, video, pictures, or otherwise unauthorized materials~~
18. ~~Driving: Careless or reckless~~
19. ~~Explosives, Possession and/or use~~
20. ~~False Threat, Bomb or Other Act of Violence~~
21. ~~False Fire Alarm: or tampering with or interference with any fire alarm system;~~
22. ~~Falsifying, Altering or Tampering with Any Records~~
23. ~~Fighting: Promoting/Instigating~~
24. ~~Fire Extinguisher: Unauthorized Use~~
25. ~~Fireworks: Possession or use of~~
26. ~~Gambling~~
27. ~~Gang or Cult Activity~~
28. ~~Harassment~~
29. ~~Hazing~~
30. ~~Incendiary/Ignition Device Use or Fire~~
31. ~~Insubordination~~
32. ~~Interference, Disruption or Obstruction~~
33. ~~Lewd Behavior~~
34. ~~Nuisance and/or Recording Devices~~
35. ~~Parking~~
36. ~~Pornography~~
37. ~~Propping, Rigging, or Disabling a Secure Door~~
38. ~~Pushing, Shoving, and Scuffling~~
39. ~~Records or Identification Falsification~~
40. ~~Robbery or Extortion~~
41. ~~Sexual Violence~~
42. ~~Technology Related~~
43. ~~Terroristic threats~~
44. ~~Theft, or Knowingly Receiving or Possessing Stolen Property~~
45. ~~Tobacco~~
46. ~~Trespassing~~
47. ~~Vehicle: Unauthorized Use~~
48. ~~Weapon or Look-alike Weapon; Possession~~
49. ~~Other acts: as determined by the school district, which are disruptive of the \_\_\_\_\_ educational process or dangerous or detrimental to the student or other students, \_\_\_\_\_ school district personnel or surrounding persons, or which violate the rights of others~~

or which damage or endanger the property of the school, or which otherwise interfere with or obstruct the mission or operations of the school district or the safety or welfare of students or employees.

## **VII.X DISCIPLINARY ACTION OPTIONS**

Every situation is unique and should be addressed on a case by case basis. The District will make every effort to engage in restorative practices prior to, and as a part of utilizing **The general policy of the school district is to utilize** progressive discipline to the extent reasonable and appropriate based upon the specific facts and circumstances of student misconduct. The specific form of discipline chosen in a particular case is solely within the discretion of the **school dDistrict**. **At a minimum, violation of school district code of conduct, rules, regulations, policies, or procedures will result in discussion of the violation and a verbal warning.** The school district shall, however, impose more severe disciplinary sanctions for any violation, including exclusion or expulsion, if warranted by the **student's misconduct, as determined by the school district.** Disciplinary action may include, but is not limited to, one or more of the following:

- A. Student conference with teacher, principal, counselor, or other District personnel, and verbal warning;
- B. Confiscation by District personnel and/or by law enforcement of any item, article, object, or thing, prohibited by, or used in the violation of, any school district policy, rule, regulation, procedure, or state or federal law. If confiscated by the school district, the confiscated item, article, object, or thing will be released only to the parent/guardian following the completion of any investigation or disciplinary action instituted or taken related to the violation.
- C. Parent contact ~~and/or~~
- D.** conference;
- DE.** Removal from class;
- E.F.** In-school suspension;
- F.G.** Suspension from extracurricular activities;
- G.H.** Detention or restriction of privileges;
- H.I.** Loss of school privileges;
- I.J.** In-school monitoring or revised class schedule;
- J.K.** Referral to in-school support services;
- K.L.** ~~Referral to law enforcement or other appropriate authorities,~~ community resources or an outside agency;
- L.M.** Financial restitution;
- N.** **Referral to police, other law enforcement agencies, or other appropriate authorities;**
- M.O.** A request for a petition to be filed in district court for juvenile delinquency adjudication;
- N.P.** Out-of-school suspension under the Pupil Fair Dismissal Act;
- O.Q.** Preparation of an admission or readmission plan;
- P.R.** ~~YCAPP alternative to suspension~~ **Saturday school;**
- Q.S.** Expulsion under the Pupil Fair Dismissal Act;
- R.T.** Exclusion under the Pupil Fair Dismissal Act; and/or
- S.U.** Other disciplinary action as deemed appropriate by the District.

## **VIII.XI. REMOVAL OF STUDENTS FROM CLASS**

- A. **The teacher of record shall have the general control and government of the classroom.** Teachers have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement, assigning detention or other consequences, or contacting the student's parents. When such measures fail, or when

the teacher determines it is otherwise appropriate based upon the student's conduct, the teacher shall have the authority to remove the student from class pursuant to the procedures established by this discipline policy. "Removal from class" and "removal" mean any actions taken by a teacher, principal, or other school district employee to prohibit a student from attending a class or activity period for a period of time not to exceed five (5) days, pursuant to this discipline policy.

Grounds for removal from class shall include any of the following:

1. Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;
2. Willful conduct that endangers surrounding persons, including school district employees, the student or other students, or the property of the school;
3. Willful violation of any school rules, regulations, policies or procedures; or
4. Other conduct, which in the discretion of the teacher or administration, requires removal of the student from class.

Such removal shall be for at least one activity period or class period of instruction for a given course of study and shall not exceed five such periods.

A student must be removed from class immediately if the student engages in assault or violent behavior. ~~The removal from class shall be for a period of time deemed appropriate by the principal, in consultation with the teacher.~~ "Assault" is an act done with intent to cause fear in another of immediate bodily harm or death; or the intentional infliction of, or attempt to inflict, bodily harm upon another.

B. If a student is removed from class more than ten times in a school year, the school district shall notify the parent or guardian of the student's tenth removal from class and make reasonable attempts to convene a meeting with the student's parent or guardian to discuss the problem that is causing the student to be removed from class.

C. Procedures for the Removal of a Student From a Class

1. ~~If a student is removed from class, the teacher, principal, or other District employee will complete a report describing the student's behavior.~~ Specify procedures to remove a student from a class to be followed by a teacher, school administrator, or other school district employee;
2. ~~Teachers removing students from class are required to direct the student to the school office and verify his or her arrival as soon as practicable. Teachers will determine whether a student needs to be accompanied to the office, and, if so, make the necessary arrangements.~~ Specify required approvals necessary;
3. ~~The administrator may, at his/her option, assign the student to supervision in another area specially designated for this purpose.~~ Specify paperwork and reporting procedures.
4. ~~The student will remain in the custody of the building administrator or his/her designee for the duration of the time prescribed.~~
5. ~~Students removed for more than one class period will receive assignments from the teachers to enable the student to keep up with his/her class work.~~

D. Period of Time for which a Student may be Removed from a Class (may not exceed five (5) class periods for a violation of a rule of conduct)

1. The removal from class shall be for a period of time deemed appropriate by the principal, in consultation with the teacher.

E. Responsibility for and Custody of a Student Removed from Class.

1. Designation of where student is to go when removed;
  2. Designation of how student is to get to designated destination;
  3. Whether student must be accompanied;
  4. Statement of what student is to do when and while removed;
  5. Designation of who has control over and responsibility for student after removal from class.
- D.F. Procedures for Return of a Student to a Specific Class from Which the Student was Removed
1. ~~The student may return to class after a conference with the appropriate administrator, teacher, and/or the parent(s)/Guardian(s). At the time of this conference, a plan of action will be established.~~ Specification of procedures;
  2. ~~Students removed from class will be required to examine and take measures to correct it.~~ Actions or approvals required such as notes, conferences, readmission plans.
- E.G. Notification Procedures for Notifying a Student and the Student's Parents or Guardian of Violation of the Rules of Conduct and of Resulting Disciplinary Actions;
1. ~~Parents/guardians of students removed from class will be notified as soon as practicable of the rule violation that led to the removal, and any conditions for readmission.~~ Specification of Procedures;
- Students with Disabilities; Special Provisions
- a. ~~In cases involving students receiving special education services, appropriate special education staff will be notified of the removal to determine compliance with the student's IEP and to determine whether further assessment or change in the student's IEP is necessary.~~
  - b. ~~In cases involving students with suspected disability, the student assistance team or school counselor will be notified and the school's pre-referral intervention process will be followed.~~
2. Actions or approvals required, such as notes, conferences, readmission plans.
- H. Disabled Students; Special Provisions.
1. Procedures for consideration of whether there is a need for further assessment;
  2. Procedures for consideration of whether there is a need for a review of the adequacy of the current Individualized Education Program (IEP) of a disabled student who is removed from class or disciplined; and
  3. Any procedures determined appropriate for referring students in need of special education services to those services.
- F.I. Devices Procedures for Detecting Chemical/Alcohol Use Abuse Problems of Students while on School Premises.
1. ~~Administration, with reasonable suspicion of student use of alcohol during the school day, and/or at school sponsored events, may implement or direct the use of a Passive Breath Alcohol Sensor Device to determine alcohol consumption.~~ Establishment of a chemical abuse preassessment team pursuant to Minnesota Statutes, section 121A.26;
  2. ~~Administration, with reasonable suspicion of student use of chemicals, may implement or direct the use of procedures allowed under law, to determine chemical use.~~ Establishment of teacher reporting procedures to the chemical abuse preassessment team pursuant to Minnesota Statutes section 121A.29.
- J. Procedures for Immediate and Appropriate Interventions Tied to Violations of the Code of Student Conduct.
- K. Any Procedures Determined Appropriate for Encouraging Early Involvement of Parents or Guardians in Attempts to Improve a Student's Behavior.

L. Any Procedures Determined Appropriate for Encouraging Early Detection of Behavioral Problems.

M. *Any Procedures Determined Appropriate for Referring a Student in Need of Special Education Services to Those Services;*

N. Any Procedures Determined Appropriate for Ensuring Victims of Bullying who Respond with Behavior not Allowed under the School's Behavior Policies have Access to a Remedial Response, Consistent with Minnesota Statutes, section 121A.031;

G. Procedures for Addressing Alcohol and/or Chemical Use or Abuse Problems of Students While on School Premises

1. The District has established a chemical /alcohol abuse pre-assessment team (Student Support Teams or Student Intervention Teams) pursuant to Minnesota Statute 121A.26;

2. The District has established teacher reporting procedures to the chemical/alcohol abuse pre-assessment team, pursuant to Minnesota Statute 121A.29.

H. Procedures for Encouraging Early Detection of Behaviors Problems and Involvement of Parents/Guardians in Attempts to Improve a Student's Behavior

1. During the enrollment process, schools will gather as much information from parent(s)/guardian(s) as possible to determine any pre-existing academic, behavioral, or attendance concerns.

2. School administrators will ensure the building is adequately supervised and that a system is in place for reporting behavior concerns, regardless of the time and day.

3. School administration will have a plan for reviewing attendance records on a regular basis and then act on the attendance concerns in accordance with the appropriate county truancy program.

4. Schools will establish a structure for teachers to discuss student behavior concerns that is clearly communicated and followed up by administration.

5. Schools must have a team including administration, counselors, the school nurse, and other staff as available to review student academic, attendance, behavior and social/emotional concerns.

6. Staff will intervene and support students early on as behavior concerns are surfacing.

7. Schools will work with chemical health support staff to assess student behavior and determine whether or not chemical issues are present.

8. In conjunction with the Special Education process, schools will have regularly scheduled meetings to consider whether students with academic, behavioral, or social/emotional concerns might need to be assessed for special education services.

9. A formal structure will be created to share information as students transition between schools and grades to assist in continuous support and intervention.

10. Schools will communicate with parent/guardian about academic progress and encourage parents/guardians to assist in identifying concerns.

## **IXII. DISMISSAL**

A. "Dismissal" means the denial of the current educational program to any student, including exclusion, expulsion, and suspension. Dismissal does not include removal from class.

The school district shall not deny due process or equal protection of the law to any student involved in a dismissal proceeding which may result in suspension, exclusion or expulsion.

The school district shall not dismiss any student without attempting to use nonexclusionary disciplinary policies and procedures before dismissal proceedings or pupil withdrawal agreements, except where it

appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

- B. Violations leading to suspension, based upon severity, may also be grounds for actions leading to expulsion, and/or exclusion. A student may be dismissed on any of the following grounds:
1. Willful violation of any reasonable school board regulation, including those found in this policy;
  2. Willful conduct that significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored or extracurricular activities;
  3. Willful conduct that endangers the student or other students, or surrounding persons, including school district employees, or property of the school.

C. Disciplinary Dismissals Prohibited

1. A pupil enrolled in the following is not subject to dismissals under the Pupil Fair Dismissal Act:
  - a. a preschool or prekindergarten program, including an early childhood family education, school readiness, school readiness plus, voluntary prekindergarten, Head Start, or other school-based preschool or prekindergarten program; or
  - b. kindergarten through Grade 3.
2. This section does not apply to a dismissal from school for less than one school day, except as provided under Minnesota Statutes, chapter 125A and federal law for a student receiving special education services.
3. Notwithstanding this section, expulsions and exclusions may be used only after resources outlined under Nonexclusionary discipline have been exhausted, and only in circumstances where there is an ongoing serious safety threat to the child or others.

D. Suspension Procedures

1. "Suspension" means an action by the school administration, under rules promulgated by the School Board, prohibiting a student from attending school for a period of no more than ten (10) school days; provided, however, if a suspension is longer than five (5) school days, the suspending administrator shall provide the superintendent with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) school day or less where a student with a disability does not receive regular or special education instruction during that dismissal period.
2. School administration must allow a suspended pupil the opportunity to complete all school work assigned during the period of the pupil's suspension and to receive full credit for satisfactorily completing the assignments. The school principal or other person having administrative control of the school building or program is encouraged to designate a district or school employee as a liaison to work with the pupil's teachers to allow the suspended pupil to (1) receive timely course materials and other information, and (2) complete daily and weekly assignments and receive teachers' feedback.
3. If a student's total days of removal from school exceed ten cumulative days in a school year, the school district shall make reasonable attempts to convene a meeting with the student and the student's parent or guardian before subsequently removing the student from school and, with the permission of the parent or guardian, arrange for a mental health screening for the student at the parent or guardian's expense. The purpose of this meeting is to attempt to determine the student's need for assessment or other services or whether the parent or guardian should have the student assessed or diagnosed to determine whether the student needs treatment for a mental health disorder.
4. The definition of suspension under Minnesota Statutes, section 121A.41, subdivision 10, does not apply to a student's dismissal from school for one school day or less, except as

provided under federal law for a student with a disability. Each suspension action may include a readmission plan. The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission which must not be used to extend the current suspension. A readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. School administration must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening, or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of a charge of child abuse, child neglect, or medical or educational neglect. The school administration may not impose consecutive suspensions against the same student for the same course of conduct, or incident of misconduct, except where the student will create an immediate and substantial danger to self or to surrounding persons or property or where the school district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of 15 days.

5. A child with a disability may be suspended. When a child with a disability has been suspended for more than five consecutive days or ten cumulative school days in the same year, and that suspension does not involve a recommendation for expulsion or exclusion or other change in placement under federal law, relevant members of the child's IEP team, including at least one of the child's teachers, shall meet and determine the extent to which the child needs services in order to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the child's IEP. That meeting must occur as soon as possible, but no more than ten days after the sixth consecutive day of suspension or the tenth cumulative day of suspension has elapsed.

6. ~~The school administration will implement alternative educational services~~ must be provided to a pupil who is suspended for more than five (5) consecutive school days. ~~when the suspension exceeds five days.~~ Alternative educational services may include, but are not limited to:

Alternative education services Alternative educational services may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessments, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center under Minnesota Statutes, section 123A.05 selected to allow the student to progress toward meeting graduation standards under Minnesota Statutes, section 120B.02, although in a different setting.

- a. Special tutoring;
- b. Modified curriculum, instruction, and other modifications or adaptations;
- c. Instruction through electronic media;
- d. Special education services as indicated by appropriate assessments
- e. Homebound instruction
- f. Supervised homework;
- g. Enrollment in another district or in an alternative learning center under Minn. Stat. § 123A.05 selected to allow the student to progress toward meeting graduation standards.

7. The school administration shall have an informal administrative conference with the student who is suspended. The informal administrative conference shall take place before the suspension, except where it appears that the student will create an immediate and substantial

danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension. At the informal administrative conference, a school administrator shall notify the student of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the student may present the student's version of the facts. A separate administrative conference is required for each period of suspension.

8. After school administration notifies a student of the grounds for suspension, school administration may, instead of imposing the suspension, After school administration notifies a student of the grounds for suspension, school administration may, instead of imposing the suspension, **do one or more of the following:** ~~implement alternatives to suspension, including but not limited to:~~
  - a. Strongly encouraging a parent or guardian of the student to attend school with the student for one day;
  - b. **assign the student to attend school on Saturday as supervised by the principal or the principal's designee; and**
  - c. Petitioning the juvenile court that the student is in need of services.
9. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56, shall be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent or guardian by mail within 48 hours of the conference. **(See attached sample Notice of Suspension.)**
10. The school administration shall make reasonable efforts to notify the student's parent or guardian of the suspension by telephone as soon as possible **following suspension.** ~~In the event that the student's parent or guardian is not available for notification of the suspension at the time of the suspension, the student will remain in the school building for the remainder of the school day at a location or locations designated by the principal or his/her designee.~~
11. In the event a student is suspended without an informal administrative conference on the grounds that the student will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the student and the student's parent or guardian within 48 hours of the suspension. Service by mail shall be complete upon mailing.
12. Notwithstanding the foregoing provisions, the student may be suspended pending the school board's decision in an expulsion or exclusion proceeding, provided that alternative educational services are implemented to the extent that suspension exceeds five days.

#### E.. Expulsion and Exclusion Procedures

1. **"Expulsion" means a school board action to prohibit an enrolled student from further attendance for up to twelve (12) months from the date the student is expelled. The authority to expel rests with the school board.**
2. **"Exclusion" means an action taken by the school board to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the school year. The authority to exclude rests with the school board.**
3. All expulsion and exclusion proceedings will be held pursuant to and in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§121A.40-121A.56.
4. No expulsion or exclusion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent or guardian.
5. The student and parent or guardian shall be provided written notice of the school district's intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the

student and his or her parent or guardian personally or by mail, and shall contain the components required by the Minnesota Pupil Dismissal Act

6. The hearing on a proposed expulsion shall be scheduled within ten days of the service of the written notice unless an extension, not to exceed five days, is requested for good cause by the school district, student, parent, or guardian.
7. All hearings shall be held at a time and place reasonably convenient to the student, parent, or guardian and shall be closed, unless the student, parent, or guardian requests an open hearing.
8. The school district shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense.
9. The student shall have a right to a representative of the student's own choosing, including legal counsel, at the student's sole expense. The school district shall advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from MDE. The school board may appoint an attorney to represent the school district in any proceeding.
10. If the student designates a representative other than the parent or guardian, the representative must have a written authorization from the student or the parent or guardian providing them with access to and/or copies of the student's records.
11. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by the school district. The hearing shall be conducted in a fair and impartial manner. Testimony shall be given under oath and the hearing officer shall have the power to issue subpoenas and administer oaths.
12. At a reasonable time prior to the hearing, the student, parent or guardian, or authorized representative shall be given access to all school district records pertaining to the student, including any tests or reports upon which the proposed dismissal action may be based.
13. The student, parent or guardian, or authorized representative, shall have the right to compel the presence of any school district employee or agent or any other person who may have evidence upon which the proposed dismissal action may be based, and to confront and cross-examine any witnesses testifying for the school district.
14. The student, parent or guardian, or authorized representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.
15. The student cannot be compelled to testify in the dismissal proceedings.
16. The hearing officer shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to the school board and served upon the parties within two days after the close of the hearing
17. The school board shall base its decision upon the findings and recommendation of the hearing officer and shall render its decision at a meeting held within five days after receiving the findings and recommendation. The school board may provide the parties with the opportunity to present exceptions and comments to the hearing officer's findings and recommendation provided that neither party presents any evidence not admitted at the hearing. The decision by the school board must be based on the record, must be in writing, and must state the controlling facts on which the decision is made in sufficient detail to apprise the parties and the Commissioner of Education (Commissioner) of the basis and reason for the decision.
18. A party to an expulsion or exclusion decision made by the school board may appeal the decision to the Commissioner within 21 calendar days of school board action pursuant to Minn. Stat. § 121A.49. The decision of the school board shall be implemented during the appeal to the Commissioner.
19. The school district shall report any suspension, expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.

20. The school district must report, through the MDE electronic reporting system, each expulsion or exclusion within 30 days of the effective date of the action to the Commissioner. This report must include a statement of alternative educational services given the student and the reason for, the effective date, and the duration of the exclusion or expulsion. The report must also include the student's age, grade, gender, race, and special education status. The dismissal report must include state student identification numbers of affected students.

21. Whenever a student fails to return to school within ten school days of the termination of dismissal, a school administrator shall inform the student and his/her parent or guardian by mail of the student's right to attend and to be reinstated in the school district.

### **XIII. ADMISSION OR READMISSION PLAN**

A school administrator shall prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. The plan may include measures to improve the student's behavior, including completing a character education program consistent with Minn. Stat. § 120B.232, Subd. 1, and require parental involvement in the admission or readmission process, and may indicate the consequences to the student of not improving the student's behavior. The readmission plan must not obligate parents to provide a sympathomimetic medication for their child as a condition of readmission.

### **XIV. NOTIFICATION OF POLICY VIOLATIONS**

Notification of any violation of this policy and resulting disciplinary action shall be as provided herein, or as otherwise provided by the Pupil Fair Dismissal Act or other applicable law. The teacher, principal or other school district official may provide additional notification as deemed appropriate.

In addition, the school district must report, through the MDE electronic reporting system, each physical assault of a school district employee by a student within 30 days of the assault. This report must include a statement of the alternative educational services or other sanction, intervention, or resolution given to the student in response to the assault and the reason for, the effective date, and the duration of the exclusion or expulsion or other sanction, intervention, or resolution. The report must also include the student's age, grade, gender, race, and special education status.

### **XV. STUDENT DISCIPLINE RECORDS**

Complete and accurate student discipline records will be maintained. The collection, dissemination, and maintenance of student discipline records and information shall be consistent with applicable school district policies and federal and state law.

### **XVI. STUDENTS WITH A DISABILITY**

Students who are currently identified as eligible under the IDEA or Section 504 will be subject to the provisions of this policy, unless the student's IEP or 504 plan specifies a necessary modification.

Before initiating an expulsion or exclusion of a student with a disability, relevant members of the child's IEP team and the child's parent shall, consistent with federal law, conduct a manifestation determination and determine whether the child's behavior was (i) caused by or had a direct and substantial relationship to the child's disability and (ii) whether the child's conduct was a direct result of a failure to implement the child's IEP.

If the student's educational program is appropriate and the behavior is not a manifestation of the student's disability, the school district will proceed with discipline, up to and including expulsion, unless the student's educational program provides otherwise.

If the team determines that the behavior subject to discipline is a manifestation of the student's disability, the team shall conduct a functional behavioral assessment and implement a behavioral

intervention plan for such student provided that the school district had not conducted such assessment prior to the manifestation determination before the behavior that resulted in a change of placement. Where a behavioral intervention plan previously has been developed, the team will review the behavioral intervention plan and modify it as necessary to address the behavior.

When a student who has an IEP is excluded or expelled for misbehavior that is not a manifestation of the student's disability, the school district shall continue to provide special education and related services during the period of expulsion or exclusion.

**XIVII. OPEN ENROLLED STUDENTS**

The District may terminate the enrollment of a nonresident student enrolled under an Enrollment Option Program (Minn. Stat. § 124D.03) or Enrollment in Nonresident District (Minn. Stat. § 124D.08) at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy (Minn. Stat. Ch. 260A), and the student's case has been referred to juvenile court.

The District may terminate the enrollment of a nonresident student over the age of 17 enrolled under an Enrollment Options Program if the student is absent without lawful excuse for one or more periods on 15 school days and has not lawfully withdrawn from school.

**XVIII. DISCIPLINE COMPLAINT PROCEDURE**

Students, parents and other guardians, and school staff may file a complaint and seek corrective action when the requirements of the Minnesota Pupil Fair Dismissal Act, including the implementation of the local behavior and discipline policies, are not being implemented appropriately or are being discriminately applied.

The Discipline Complaint Procedure must, at a minimum:

1. provide procedures for communicating this policy including the ability for a parent to appeal a decision under Minnesota Statutes, section 121A.49 that contains explicit instructions for filing the complaint;
2. provide an opportunity for involved parties to submit additional information related to the complaint;
3. provide a procedure to begin to investigate complaints within three school days of receipt, and identify personnel who will manage the investigation and any resulting record and are responsible for keeping and regulating access to any record;
4. provide procedures for issuing a written determination to the complainant that addresses each allegation and contains findings and conclusions;
5. if the investigation finds the requirements of Minnesota Statutes, sections 121A.40 to 121A.61, including any local policies that were not implemented appropriately, contain procedures that require a corrective action plan to correct a student's record and provide relevant staff with training, coaching, or other accountability practices to ensure appropriate compliance with policies in the future; and
6. prohibit reprisals or retaliation against any person who asserts, alleges, or reports a complaint, and provide procedures for applying appropriate consequences for a person who engages in reprisal or retaliation.

**XIXV. DISTRIBUTION OF POLICY**

The District will notify students and parents of the existence and contents of this policy in such manner as it deems appropriate. Copies of this Discipline Policy shall be made available to all students and parents at the commencement of each school year and to all new students and parents upon enrollment. This policy is available, upon request, in each principal's office.

**XXVI. REVIEW OF POLICY**

A committee shall convene ~~The principal and representatives of parents, students and staff in each school building shall confer at least annually to review this discipline policy for effectiveness as prescribed by law determine if the policy is working as intended, and to assess whether the discipline policy has been enforced.~~ The committee will include principal, parent, student, and staff representatives. ~~Any~~ Recommended changes shall be submitted to the superintendent Board of Education for consideration ~~by the school board, which shall conduct an annual review of this policy.~~

## XVII. DEFINITIONS

**“Assault”** is an act done with intent to cause fear in another of immediate bodily harm or death; or the intentional infliction of, or attempt to inflict, bodily harm upon another.

**“Dismissal”** means the denial of the current educational program to any student, including exclusion, expulsion and suspension. Dismissal does not include removal from class.

**“Exclusion”** means an action taken by the school board to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the school year. The authority to exclude rests with the school board.

**“Expulsion”** means a school board action to prohibit an enrolled student from further attendance for up to 12 months from the date the student is expelled. The authority to expel rests with the school board.

**“Removal from class” and “removal”** mean any actions taken by a teacher, principal, or other school district employee to prohibit a student from attending a class or activity period for a period of time not to exceed five days, pursuant to this discipline policy.

**“Restorative Practices”** means actions and procedures that focus on respect, dignity, and mutual concern. They focus on interconnectedness of relationships, the ability to harm relationships and the repair of relationships. These practices are utilized by teachers, administrators and student support staff prior to the use of discipline procedures, as well as in conjunction with discipline procedures.

**“Suspension”** means an action by the school administration, under rules promulgated by the School Board, prohibiting a student from attending school for a period of no more than ten school days; provided, however, if a suspension is longer than five class periods, the suspending administrator shall provide the superintendent with a reason for the longer term of suspension. A suspension may be extended to 15 days when the District has initiated expulsion procedures. *This definition does not apply to dismissal for one school day or less, except as provided in federal law, for a student with a disability.*

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

Minn. Stat. § 120B.02 (Educational Expectations and Graduation Requirements for Minnesota Students)

Minn. Stat. § 120B.232 (Character Development Education)

Minn. Stat. § 121A.26 (School Preassessment Teams)

Minn. Stat. § 121A.29 (Reporting; Chemical Abuse)

Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)

Minn. Stat. § 121A.575 (Alternatives to Pupil Suspension)

Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)

Minn. Stat. §§ 121A.60 (Definitions)

Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)

Minn. Stat. § 122A.42 (General Control of Schools)

Minn. Stat. § 123A.05 (State-Approved Alternative Program Organization)

Minn. Stat. § 124D.03 (Enrollment Options Program)

Minn. Stat. § 124D.08 (School Boards' Approval to Enroll in Nonresident District; Exceptions)

Minn. Stat. Ch. 125A (Special Education and Special Programs)

Minn. Stat. § 152.22, Subd. 6 (Definitions)

Minn. Stat. § 152.23 (Limitations)

Minn. Stat. Ch. 260A (Truancy)

Minn. Stat. Ch. 260C (Juvenile Safety and Placement)  
20 U.S.C. §§ 1400-1487 (Individuals with Disabilities Education Act)  
29 U.S.C. § 794 et seq. (Rehabilitation Act of 1973, § 504)  
34 C.F.R. § 300.530(e)(1) (Manifestation Determination)

Cross References: MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 419 (Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices)  
MSBA/MASA Model Policy 501 (School Weapons)  
MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)  
MSBA/MASA Model Policy 503 (Student Attendance)  
MSBA/MASA Model Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)  
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)  
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)  
MSBA/MASA Model Policy 525 (Violence Prevention)  
MSBA/MASA Model Policy 526 (Hazing Prohibition)  
MSBA/MASA Model Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)  
MSBA/MASA Model Policy 610 (Field Trips)  
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)  
MSBA/MASA Model Policy 711 (Video Recording on School Buses)  
MSBA/MASA Model Policy 712 (Video Surveillance Other Than on Buses)

POLICY TITLE	POLICY NUMBER	ADOPTED	REVIEW FREQUENCY
<b>Student Enrollment Options Enrollment of Nonresident Students</b>	<b>509</b>	<b>Adopted: 02-10-2011 Renumbered: 03-11-2021</b>	<b>Annually</b>

**I. PURPOSE**

The school district desires to participate in the Enrollment Options Program (Open Enrollment) established by Minnesota Statutes, section 124D.03. The purpose of this policy is to set forth the application and exclusion procedures used by the school district in making said determination.

**II. GENERAL STATEMENT OF POLICY**

The school board adopts specific standards for acceptance and rejection of Open Enrollment applications.

**III. OPEN ENROLLMENT PROCESS**

- A. Open Enrollment applications will be approved provided that acceptance of the application will not exceed the capacity of a program, excluding special education services; class; grade level; or school building as established by school board resolution and provided that:
  - 1. space is available for the applicant under enrollment cap standards established by school board policy or other directive; and
  - 2. in considering the capacity of a grade level, the school district may only limit the enrollment of nonresident students to a number not less than the lesser of: (a) one percent of the total enrollment at each grade level in the school district; or (b) the number of school district resident students at that grade level enrolled in a nonresident school district in accordance with Minnesota Statutes, section 124D.03.
  - 3. the applicant is not otherwise excluded by action of the school district because of previous conduct in another school district.
- B. If the school district limits enrollment of nonresident students pursuant to this section, the district shall report to the Commissioner of the Minnesota Department of Education (MDE) by July 15 on the number of nonresident pupils denied admission due to the limitations on the enrollment of nonresident pupils.

**IV. BASIS FOR DECISIONS**

- A. *Standards that may be used for rejection of application*  
In addition to the provisions above, the school district may refuse to allow a pupil who is expelled under Minnesota Statutes, section 121A.45 to enroll during the term of the expulsion if the student was expelled for:
  - 1. possessing a dangerous weapon, including a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade less than two and one-half inches in length, at school or a school function;
  - 2. possessing or using an illegal drug at school or a school function;

3. selling or soliciting the sale of a controlled substance while at school or a school function; or
4. committing a third-degree assault involving assaulting another and inflicting substantial bodily harm.

**B. Standards that may not be used for rejection of application**

The school district may not use the following standards in determining whether to accept or reject an application for open enrollment:

1. previous academic achievement of a student;
2. athletic or extracurricular ability of a student;
3. disabling conditions of a student;
4. a student's proficiency in the English language;
5. the student's district of residence except where the district of residence is directly included in an enrollment options strategy included in an approved achievement and integration program; or
6. previous disciplinary proceedings involving the student. This shall not preclude the school district from proceeding with exclusion as set out in this policy.

**C. Application**

The student and parent or guardian must complete and submit the "General Statewide Enrollment Options Application for K-12 and Early Childhood Special Education (or the Statewide Enrollment Options Application for State-funded Voluntary Prekindergarten (VPK) or School Readiness Plus (SRP) Application if applicable) developed by MDE and available on its website.

The school district may require a nonresident student enrolled in a program under Minnesota Statutes, section 125A.13, or in a preschool program, except for a program under Minnesota Statutes, section 124D.151 or Laws 2017, First Special Session chapter 5, article 8, section 9, to follow the application procedures under this subdivision to enroll in kindergarten. A district must allow a nonresident student enrolled in a program under Minnesota Statutes, section 124D.151 or Laws 2017, First Special Session chapter 5, article 8, section 9, to remain enrolled in the district when the student enters kindergarten without submitting annual or periodic applications, unless the district terminates the student's enrollment under subdivision 12.

The school district shall notify the parent or guardian in writing by February 15 or within ninety (90) days for applications submitted after January 15 in the case of achievement and integration district transfers whether the application has been accepted or rejected. If an application is rejected, the district must state in the notification the reason for rejection. The parent or guardian must notify the nonresident district by March 1 or within ten (10) business days whether the pupil intends to enroll in the nonresident district.

**D. Lotteries**

If a school district has more applications than available seats at a specific grade level, it must hold an impartial lottery following the January 15 deadline to determine which students will receive seats. The district must give priority to enrolling siblings of currently enrolled students, students whose applications are related to an approved integration and achievement plan, children of the school district's staff, and students residing in that part of a municipality (a statutory or home rule charter city or town) where:

1. the student's resident district does not operate a school building;

2. the municipality is located partially or fully within the boundaries of at least five school districts;
  3. the nonresident district in which the student seeks to enroll operates one or more school buildings within the municipality; and
  4. no other nonresident, independent, special, or common school district operates a school building within the municipality.
- The process for the school district lottery must be established by school board policy and posted on the school district's website.

#### E. Exclusion

1. Administrator's initial determination. If a school district administrator knows or has reason to believe that an applicant has engaged in conduct that has subjected or could subject the applicant to expulsion or exclusion under law or school district policy, the administrator will transmit the application to the superintendent with a recommendation of whether exclusion proceedings should be initiated.
2. Superintendent's review. The superintendent may make further inquiries. If the superintendent determines that the applicant should be admitted, he or she will notify the applicant and the school board chair. If the superintendent determines that the applicant should be excluded, the superintendent will notify the applicant and determine whether the applicant wishes to continue the application process. Although an application may not be rejected based on previous disciplinary proceedings, the school district reserves the right to initiate exclusion procedures pursuant to the Minnesota Pupil Fair Dismissal Act as warranted on a case-by-case basis.

#### F. Termination of Enrollment

The school district may terminate the enrollment of a nonresident student enrolled under an enrollment options program pursuant to Minnesota Statutes, section 124D.03 or 124D.08 at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy under Minnesota Statutes, chapter 260A, and the student's case has been referred to juvenile court. A "habitual truant" is a child under 17 years of age who is absent from attendance at school without lawful excuse for seven school days in a school year if the child is in elementary school or for one or more class periods on seven school days in a school year if the child is in middle school, junior high school, or high school, or a child who is 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days in a school year and who has not lawfully withdrawn from school under Minnesota Statutes, section 120A.22, subdivision 8. The school district may also terminate the enrollment of a nonresident student over 17 years of age if the student is absent without lawful excuse for one or more periods on 15 school days and has not lawfully withdrawn from school under Minnesota Statutes, section 120A.22, subdivision 8.

A student who has not applied for and been accepted for open enrollment pursuant to this policy and does not otherwise meet the residency requirements for enrollment may be terminated from enrollment and removed from school. Prior to removal from school, the school district will send to the student's parents a written notice of the school district's belief that the student is not a resident of the school district. The notice shall include the facts upon which the belief is based and notice to the parents of their opportunity to provide documentary evidence, in person or in writing, of residency to the superintendent or the

superintendent's designee. The superintendent or the superintendent's designee will make the final determination as to the residency status of the student.

Notwithstanding the requirement that an application must be approved by the board of the nonresident district, a student who has been enrolled in a district, who is identified as homeless, and whose parent or legal guardian moves to another district, or who is placed in foster care in another school district, may continue to enroll in the nonresident district without the approval of the board of the nonresident district. The approval of the board of the student's resident district is not required.

**Legal References:** Minn. Stat. § 120A.22, Subd. 3(e) and Subd. 8 (Compulsory Instruction)  
Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 124D.03 (Enrollment Options Program)  
Minn. Stat. § 124D.08 (School Board Approval to Enroll in Nonresident District; Exceptions)  
Minn. Stat. § 124D.68 (Graduation Incentives Program)  
Minn. Stat. Ch. 260A (Truancy)  
Minn. Stat. § 260C.007, Subd. 19 (Definitions)  
Minn. Op. Atty. Gen. 169-f (Aug. 13, 1986)  
*Indep. Sch. Dist. No. 623 v. Minn. Dept. of Educ.*, Co. No. A05-361, 2005  
WL 3111963 (Minn. Ct. App. 2005) (unpublished)  
18 U.S.C. 930, para. (g)(2) (Definition of weapon)

**Cross References:** MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 517 (Student Recruiting)

52 — Enrollment Options

1.1. Alternate School Attendance

1.1.1. Resident students of District 834 (or approved open enrollment students, as defined in Section 1.2) attending — District 834 school other than their assigned school.

1.2. State Enrollment Options Program (Open Enrollment)

1.2.1. Students who are not residents of District 834 attending a District 834 school or program

1.2.1.1. In accordance with Minnesota Statute 124D.03, Subd. 2, District 834, by Board resolution, may limit the number of non-resident students who enroll in the district under the State Enrollment Options Program to a number not less than the lesser of:

1.2.1.1.1. One percent of the total enrollment at each grade level in the district; or

1.2.1.1.2. The number of district residents at that grade level enrolled in a non-resident district under the Enrollment Options Program.

1.2.1.2. If the School Board limits enrollment in this manner, they must take action on an annual basis, before January 1 of each year.

1.3. State Graduation Incentives Program

1.3.1. Students who have experienced or are experiencing difficulty in the traditional education system, and who meet the eligibility criteria as defined in Minnesota Statute 124D.68, Subd. 2.

1.4. Continued Enrollment of an Eleventh or Twelfth Grade Student

1.4.1. An eleventh or twelfth grade student who has been enrolled in a District 834 school, whose parent/guardian has moved to another school district.

1.4.1.1. In accordance with Minnesota Statute 124D.08, Subd. 3, such student may apply to continue to be enrolled in the District 834 school he or she has been attending.

1.5. Intent to Establish Residency

1.5.1. A student whose parent/guardian intends to move to an attendance area other than the

one in which they currently reside.

~~1.5.1.1. Applications for enrollment shall be considered based on residency plans of the student's parent/guardian.~~

~~1.6. Tuition Agreements for Non-Minnesota Residents~~

~~1.6.1. Students who are non-Minnesota residents attending a District 834 school~~

~~1.6.1.1. Payment of full tuition, as annually determined by the district, must be paid in full prior to enrollment.~~

62 — ~~Application Process~~

~~2.1. District 834 Residents (or approved open enrollment students) requesting alternate attendance~~

~~2.1.1. Complete an Alternate Attendance Application, available on District 834 website, and submit to the District 834 Enrollment Office.~~

~~2.1.1.1. Applications for alternate attendance will be accepted beginning October 1 for the following school year.~~

~~2.1.1.2. Applications should be submitted by January 15 for the following school year.~~

~~2.1.1.3. Applications received by the application deadline will be rank ordered using a random selection process.~~

~~2.1.1.3.1. Applications are approved as space becomes available.~~

~~2.1.1.3.2. Applications that arrive after the deadline will be considered in the order received on a case-by-case basis.~~

~~2.1.1.3.3. Applications not approved will remain rank ordered from one school year to the next for the same level (i.e. elementary or junior high) unless otherwise declined by parent/guardian.~~

~~2.1.2. District transportation may be utilized as identified within the Transportation Policy R 4.5.~~

~~2.2. Non District 834 Residents requesting open enrollment~~

~~2.2.1. Complete a School District Enrollment Options Program Form, found on the District 834 website, and submit to the District 834 Enrollment Office.~~

~~2.2.1.1. As a part of the enrollment process, the parent/guardian will be required to release information from the resident school district.~~

~~2.2.2. Applications will be accepted beginning October 1 for the following school year.~~

~~2.2.3. Applications should be submitted by January 15 for the following school year.~~

~~2.2.4. Applications received by the application deadline will be rank ordered using a random selection process.~~

~~2.2.4.1. Applications are approved as space becomes available for requested school.~~

~~2.2.4.2. Applications that arrive after the deadline will be considered in the order received, on a case-by-case.~~

~~2.2.4.3. Applications not approved will remain rank ordered from one school year to the next for the same level (i.e. elementary or junior high) unless otherwise declined by parent/guardian.~~

~~2.2.5. Notification of approval/denial of request will be provided by February 15 for the following school year, or no later than 30 days from the date of the application if submitted after the January 15 deadline for the current or upcoming school year.~~

~~2.2.6. Pursuant to state law, the district will notify the non-resident district by March 15, or no later than 60 days from the date of the application~~

~~2.2.7. District transportation may be utilized as identified within the Transportation Policy R 4.5.~~

~~2.3. Non-Minnesota Residents requesting tuition agreement~~

~~2.3.1. Complete a Non-Minnesota Resident Tuition Agreement Application, found on the District 834 website, and submit to the District 834 Enrollment Office.~~

~~2.3.1.1. As a part of the enrollment process, the parent/guardian will be required to release information from the resident school district.~~

~~2.3.2. Applications are accepted at the sole discretion of District 834 and subject to School Board approval.~~

~~2.3.3. Applications for a particular school year will be accepted no earlier than October 1 for the following school year.~~

~~2.3.4. Applications and tuition payment must be submitted by January 15 for the following school year.~~

~~2.3.5. Applications received by the application deadline will be rank ordered using a random selection process.~~

~~2.3.5.1 Applications are approved as space becomes available for requested school.~~

~~2.3.5.2 Applications and tuition payments that arrive after the deadline will be considered in the order received, on a case-by-case basis.~~

~~2.3.5.3 Applications not approved will remain rank ordered from one school year to the next for the same level (i.e. elementary or junior high) unless otherwise declined by parent/guardian.~~

~~2.3.6 Notification of approval/denial of request will be provided by February 15 for the following school year, or no later than 30 days from the date of the application if submitted after the January 15 deadline for the current or upcoming school year.~~

~~2.3.7 District transportation may be utilized as identified within the Transportation Policy R 4.5.~~

## ~~72~~ Attendance Priorities

~~3.1 Priority for attendance in District 834 schools shall be given in the following order:~~

~~3.1.1 Unrestricted Enrollment Options (automatic approval)~~

~~3.1.1.1 Resident students who are approved for the District's Gifted and Talented Education Program (GATE).~~

~~3.1.1.2 Non-resident students who are approved for the District's Gifted and Talented Education Program (GATE).~~

~~3.1.1.3 Resident Special Education students whose Individual Education Plan (IEP) requires a setting III placement.~~

~~3.1.1.4 Resident and non-resident students whose parents/guardians intend to change residency from one school attendance area to another and who have filed the appropriate application and documents with the district.~~

~~3.1.1.5 Eleventh and twelfth grade students who have been attending Stillwater Area High School, who qualify to continue to attend that high school through the state law on continued enrollment.~~

~~3.1.2 Restricted Enrollment Options (approved in the following priority order, based on space available and/or by random selection)~~

~~3.1.2.1 Resident children of district employees, whose request has not been previously approved, requesting alternate attendance at the building where the employee works.~~

~~3.1.2.2 Siblings (individually if by random selection) of students described in Sections 3.1.1.1 or 3.1.1.3 above, or siblings of resident students whose alternate attendance request has been previously approved~~

~~3.1.2.3 All other resident students requesting alternate attendance.~~

~~3.1.2.4 Non-resident children of district employees, whose request has not been previously approved, requesting open enrollment at the building where the employee works.~~

~~3.1.2.5 Siblings (individually if by random selection) of students described in Section 3.1.1.2 above, or siblings of non-resident students who are in the district through the State Enrollment Options (open enrollment) Program.~~

~~3.1.2.6 All other non-resident students, whose request has not been previously approved, requesting open enrollment.~~

~~3.1.2.7 All non-Minnesota students requesting a Non-Minnesota Resident Tuition Agreement.~~

~~3.1.3 School Attendance Area Changes~~

~~3.1.3.1 During the implementation year of changes in school attendance areas, the following shall override the priorities established in Section 3.1.2:~~

~~3.1.3.1.1 All currently enrolled students (including alternates and open enrollment) affected by~~

school attendance area changes made by the school district who want to continue to attend the school they have been attending.

3.1.3.1.2 Resident children of district employees, whose request has not been previously approved, requesting alternate attendance at the building where the employee works.

3.1.3.1.3 Siblings (individually if by random selection) of students described in Sections 3.1.1.1 or 3.1.1.3 above, or siblings of resident students whose alternative attendance request has been previously approved.

3.1.3.1.4 All other resident students requesting alternate attendance.

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3.1.3.1.7 All other non-resident students, whose request has not been previously approved, requesting open enrollment.

3.1.3.1.8 All non-Minnesota students requesting a Non-Minnesota Resident Tuition Agreement.

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3.1.1.5 Eleventh and twelfth grade students who have been attending Stillwater Area High School, who qualify to continue to attend that high school through the state law on continued enrollment.

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~~3.1.3.1.7 All other non-resident students, whose request has not been previously approved, requesting open enrollment.~~

~~3.1.3.1.8 All non-Minnesota students requesting a Non-Minnesota Resident Tuition Agreement.~~

82 — ~~Building Capacity~~

~~4.1 Unless specifically noted otherwise, all students requesting enrollment shall be assigned to schools that have available space based on:~~

~~4.1.1 Rutherford Elementary and Lake Elmo Elementary~~

~~4.1.1.1 Building capacity of 95% for the 2011-12 and 2012-13 school years~~

~~4.1.2 Schools other than Rutherford Elementary and Lake Elmo Elementary~~

~~4.1.2.1 Building capacity of up to 100% as determined by the Assistant Superintendent of Business and Administrative Services.~~

~~4.1.3 Variations may be considered on a case-by-case basis as determined to best meet the needs of a school, grade level, classroom or program.~~

92 — ~~Reporting~~

~~5.1 The superintendent or designee shall annually report to the School Board a summary of open enrollments granted between District 834 and other school districts, and alternate enrollments between schools within District 834.~~

POLICY TITLE	POLICY NUMBER	ADOPTED	REVIEW FREQUENCY
<b>Student Promotion, Retention, and Placement in Academic Program Design</b>	<b>513</b>	<b>Adopted: 06-28-1971 Amended: 05-08-1985 Renumbered: 03-11-2021</b>	<b>Annually</b>

**I. PURPOSE**

The purpose of this policy is to provide guidance to professional staff, parents, and students regarding student promotion, retention, and program design.

**II. GENERAL STATEMENT OF POLICY**

The school board expects all students to achieve at an acceptable level of proficiency. Parental assistance, tutorial and remedial programs, counseling, and other appropriate services shall be coordinated and utilized to the greatest extent possible to help students succeed in school.

**A. Promotion**

Students who achieve at levels deemed acceptable by local and state standards shall be promoted to the next grade level at the completion of each school year.

**B. Retention**

Retention of a student may be considered when professional staff and parents feel that it is in the best interest of the student. Physical development, maturity, and emotional factors shall be considered, as well as scholastic achievement. The superintendent's decision shall be final.

**C. Program Design**

1. The superintendent, with participation of the professional staff and parents, shall develop and implement programs to challenge students that are consistent with the needs of students at every level. A process to assess and evaluate students for program assignment shall be developed in coordination with such programs. Opportunities for special programs and placement outside of the school district shall also be developed as additional options. All programs will be aligned with creating the World's Best Workforce.

2. The school district may identify students, locally develop programs and services addressing instructional and affective needs, provide staff development, and evaluate

programs to provide gifted and talented students with challenging and appropriate educational programs and services.

3. The school district must adopt guidelines for assessing and identifying students for participation in gifted and talented programs and services consistent with Minnesota Statutes, section 120B.11. The guidelines should include the use of:

a. multiple objective criteria; and

b. assessments and procedures that are valid and reliable, fair, and based on current theory and research. Assessments and procedures should be sensitive to under-represented groups, including, but not limited to, low-income, minority, twice-exceptional, and English learners.

4. The school district must adopt procedures for the academic acceleration of gifted and talented students. These procedures will include how the school district will:

a. assess a student's readiness and motivation for acceleration; and

b. match the level, complexity, and pace of the curriculum to a student to achieve the best type of academic acceleration for that student.

5. The school district must adopt procedures consistent with Minnesota Statutes, section 124D.02 for early admission to kindergarten or first grade of gifted or talented learners consistent with Minnesota Statutes, section 120B.11, subdivision 2, clause (2). The procedures must be sensitive to underrepresented groups.

**Legal References:** Minn. Stat. § 120B.15 (Gifted and Talented Students Program)

Minn. Stat. § 123B.143, Subd. 1 (Superintendent)

**Cross References:** MSBA/MASA Model Policy 613 (Graduation Requirements)

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

MSBA/MASA Model Policy 615 (Testing Accommodations, Modifications, and Exemptions for IEPs, Section 504 Plans, and LEP Students)

MSBA/MASA Model Policy 617 (School District Ensurance of Preparatory and High School Standards)

MSBA/MASA Model Policy 618 (Assessment of Student Achievement)

MSBA/MASA Model Policy 620 (Credit for Learning)

It is the policy of I.S.D. 834 to place each student in the academic program best suited to provide opportunity for the highest level of academic achievement, and social and emotional development.

Changes in placement shall be determined by professional staff that are completely apprised of all student specified data and in consultation with parents and others with relevant information. Changes will always be made after prior notification and explanation to each pupil's parents/guardians, but the final decision will rest with the school authorities.

Approved: 1-01-71

Amended: 5-08-85

#### Promotion Acceleration Retention

Modern elementary schools are taking a new look at the old policy of failing those students who for any reason do not meet the required standards set up for their grade level. Research has shown that many times these students fail to do any better the second year in the same grade and the subsequent years also prove to be somewhat ineffective.

Modern education with its individualized programs and continuous progress plans, finds retention in general an ineffectual method of treating the educational ills.

Any retentions which are permitted in our schools must have a definite purpose or reason. They must be in the best interests of the individual child.

Specifically, the plan used in I.S.D. 834 is as follows:

1. When children enter kindergarten classes of this district, the only requirement for entrance is a certain chronological age. The children are alike, therefore, in one respect; but they differ widely in other traits, especially in physical, emotional and mental development.
2. When a child is found in the early grades definitely immature and unable to grasp the fundamental aspects of school problems, such as the ability or readiness for reading, it may be best to retain him or her in his grade for another year. This shall be done only after careful study and consultation by the teacher with the principal, the elementary counselor, the school psychologist, and the parents. Physical, mental and emotional problems must be analyzed.

There shall be very few failures during the process of a child through the rest of the elementary school. It shall be the aim and goal of the teacher to get maximum performance and achievement out of each child in accordance with his or her ability. Only in extenuating circumstances and then only if it can be shown that it is for the best interest of the child shall he or she be failed during this period in his or her school life.

#### Acceleration and Enrichment

The plan of the district is to enrich the program at each level to the extent possible before accelerating (proceeding to next year's curriculum).

The early identification of children of unusual ability enrolled in the schools shall be the joint responsibility of all members of the professional staff. As one means of adapting the school program to the needs of the individual student, a plan of double promotion is authorized.

To insure the judicious application of this plan, a program of referral and screening shall be established.

Drawing upon all possible sources of relevant information, a screening committee will be convened to consider the ability, social, emotional and physical factors involved in the growth of the student.

Recommended programs of enrichment and/or acceleration/retention shall be implemented by the school principal with such help as shall be called for from counselors, teachers, specialists and consultants.

#### Placement

Adopted: 9-12-85

#### Gifted Children Program/High Potential Students

High potential students are those with outstanding learning abilities or outstanding talents.

The District shall provide educational programs for the gifted and talented that include a broad spectrum of learning experiences which increase knowledge and develop skills necessary for the student to function successfully in society while encouraging students to excel in areas of special competence and interest.

It is essential that the identification of high potential students be a continuing process.

**STUDENTS**

POLICY TITLE	POLICY NUMBER	ADOPTED	REVIEW FREQUENCY
<b>Bullying Prohibition Policy</b>	<b>514</b>	<b>Adopted: 05-12-2011 Revised: 06-13-2019 Revised: 06-11-2020 Revised: 01-06-2022</b>	<b>Annually</b>

**I. PURPOSE**

A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. Bullying, like other violent or disruptive behavior, is conduct that interferes with a student’s ability to learn and/or a teacher’s ability to educate students in a safe environment. The school district cannot monitor the activities of students at all times and eliminate all incidents of bullying between students, particularly when students are not under the direct supervision of school personnel. However, to the extent such conduct affects the educational environment of the school district and the rights and welfare of its students and is within the control of the school district in its normal operations, the school district intends to prevent bullying and to take action to investigate, respond to, and to remediate and discipline for those acts of bullying which have not been successfully prevented. The purpose of this policy is to assist the school district in its goal of preventing and responding to acts of bullying, intimidation, violence, reprisal, retaliation, and other similar disruptive and detrimental behavior.

**II. GENERAL STATEMENT OF POLICY**

A. An act of bullying, by either an individual student or a group of students, is expressly prohibited:

1. ~~on school premises, on school district property, at school functions or activities, or on school transportation. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student’s act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student or other students, or materially and substantially interferes with a student’s educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. This policy also applies to an act of cyberbullying regardless of whether such act is committed on or off school district property and/or with or without the use of school district resources.~~
2. by the use of electronic technology and communications on the school premises, during the school functions or activities, on the school transportation, or on the school computers, networks, forums, and mailing lists; or

3. by use of electronic technology and communications off the school premises to the extent such use substantially and materially disrupts student learning or the school environment. such use substantially and materially disrupts student learning or the school environment.
- B. A school-aged child who voluntarily participates in a public school activity, such as a cocurricular or extracurricular activity, is subject to the policy provisions applicable to the public school students participating in the activity.
  - C. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student or other students, or materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. This policy also applies to an act of cyberbullying regardless of whether such act is committed on or off school district property and/or with or without the use of school district resources. This policy also applies to sexual exploitation.
  - D. Malicious and sadistic conduct involving race, color, creed, national origin, sex, age, marital status, status with regard to public assistance, disability, religion, sexual harassment, and sexual orientation and gender identity as defined in Minnesota Statutes, chapter 363A is prohibited. This prohibition applies to students, independent contractors, teachers, administrators, and other school personnel.  
Malicious and sadistic conduct and sexual exploitation by a school district or school staff member, independent contractor, or enrolled student against a staff member, independent contractor, or student that occurs as described in Article II.A above is prohibited.
  - E. No teacher, administrator, volunteer, contractor, or other employee of the school district shall permit, condone, or tolerate bullying.
  - F. Apparent permission or consent by a student being bullied does not lessen or negate the prohibitions contained in this policy.
  - G. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
  - H. False accusations or reports of bullying against another student are prohibited.
  - I. A person who engages in an act of bullying, reprisal, retaliation, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures, including the school district's discipline policy. The school district may take into account the following factors:
    1. The developmental ages and maturity levels of the parties involved;
    2. The levels of harm, surrounding circumstances, and nature of the behavior;
    3. Past incidences or past or continuing patterns of behavior;
    4. The relationship between the parties involved; and
    5. The context in which the alleged incidents occurred.

Consequences for students who commit prohibited acts of bullying may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion. The school district shall employ research-based developmentally appropriate practices that include preventative and remedial measures and effective discipline for deterring violations of this policy, apply throughout the school district, and foster student, parent, and community participation.

Consequences for employees who permit, condone, or tolerate bullying or engage in an act of reprisal or intentional false reporting of bullying may result in disciplinary action up to and including termination or discharge.

Consequences for other individuals engaging in prohibited acts of bullying may include, but not be limited to, exclusion from school district property and events.

- J. The school district will act to investigate all complaints of bullying reported to the school district and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who is found to have violated this policy.

### III. DEFINITIONS

For purposes of this policy, the definitions included in this section apply.

- A. "Bullying" means intimidating, threatening, abusive, or harming conduct that is objectively offensive and
1. an actual or perceived imbalance of power exists between the student engaging in the prohibited conduct and the target of the prohibited conduct, and the conduct is repeated or forms a pattern; or
  2. materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.
- The term, "bullying," specifically includes cyber bullying **malicious and sadistic conduct and sexual exploitation.** ~~as defined in this policy.~~
- B. "Cyber bullying" means bullying using technology or other electronic communication, including, but not limited to, a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet website or forum, transmitted through a computer, cell phone, or other electronic device, to include impersonating someone else and sending out communications in such a capacity. The term applies to prohibited conduct which occurs on school premises, on school district property, at school functions or activities, on school transportation, or on school computers, networks, forums, and mailing lists, or off school premises to the extent that it substantially and materially disrupts student learning or the school environment.
- C. "Immediately" means as soon as possible but no later than the next school day, unless circumstances are legitimately prohibitive.
- D. "Intimidating, threatening, abusive, or harming conduct" means, but is not limited to, conduct that does the following:
1. Causes physical harm to a student or a student's property or causes a student to be in reasonable fear of harm to person or property;
  2. Under Minnesota common law, violates a student's reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student; or
  3. Is directed at any student or students, including those based on a person's actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic defined in the Minnesota Human Rights Act (MHRA). However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or the MHRA.
- E. **"Malicious and sadistic conduct"** means creating a hostile learning environment by

acting with the intent to cause harm by intentionally injuring another without just cause or reason or engaging in extreme or excessive cruelty or delighting in cruelty. New

- F. "On school premises, on school district property, at school functions or activities, or on school transportation" means all school district buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. School district property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting bullying at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events.
- G. "Prohibited conduct" means bullying, ~~or cyber bullying as defined in this policy~~ malicious and sadistic conduct, sexual exploitation, or retaliation or reprisal for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about prohibited conduct bullying.
- H. "Remedial response" means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of prohibited conduct.
- I. "Student" means a student enrolled in a public school or a charter school.

#### IV. REPORTING PROCEDURE

- A. Any person who believes he or she has been the target or victim of bullying or any person with knowledge or belief of conduct that may constitute bullying or prohibited conduct under this policy shall report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report bullying anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. The school district encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available in the school district office, but oral reports shall be considered complaints as well.
- C. The building principal, the principal's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving reports of bullying or other prohibited conduct at the building level. Any person may report bullying or other prohibited conduct directly to a school district human rights officer or the superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.  
The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as the primary contact on policy and procedural matters. The building report taker or a third party designated by the school district shall be responsible for the investigation. The building report taker shall provide information about available community resources to the target or victim of the bullying or other prohibited conduct, the perpetrator, and other affected individuals as appropriate.
- D. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include bullying. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute bullying or other prohibited conduct shall make reasonable efforts to address and resolve the bullying or prohibited conduct and shall inform the building report taker immediately. School district personnel who

- fail to inform the building report taker of conduct that may constitute bullying or other prohibited conduct or who fail to make reasonable efforts to address and resolve the bullying or prohibited conduct in a timely manner may be subject to disciplinary action.
- E. Reports of bullying or other prohibited conduct are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The building report taker shall be responsible for keeping and regulating access to any report of bullying and the record of any resulting investigation.
  - F. Submission of a good faith complaint or report of bullying or other prohibited conduct will not affect the complainant's or reporter's future employment, grades, work assignments, or educational or work environment.
  - G. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

#### **V. SCHOOL DISTRICT ACTION**

- A. Within three days of the receipt of a complaint or report of bullying or other prohibited conduct, the school district shall undertake or authorize an investigation by the building report taker or a third party designated by the school district.
- B. The building report taker or other appropriate school district officials may take immediate steps, at their discretion, to protect the target or victim of the bullying or other prohibited conduct, the complainant, the reporter, and students or others, pending completion of an investigation of the bullying or other prohibited conduct, consistent with applicable law.
- C. The alleged perpetrator of the bullying or other prohibited conduct shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- D. Upon completion of an investigation that determines that bullying or other prohibited conduct has occurred, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited conduct. Remedial responses to the bullying or other prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in Section II.F. of this policy. School district action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; the student discipline policy and other applicable school district policies; and applicable regulations.
- E. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the parent(s) or guardian(s) of students who are targets of bullying or other prohibited conduct and the parent(s) or guardian(s) of alleged perpetrators of bullying or other prohibited conduct who have been involved in a reported and confirmed bullying incident of the remedial or disciplinary action taken, to the extent permitted by law.
- F. In order to prevent or respond to bullying or other prohibited conduct committed by or directed against a child with a disability, the school district shall, when determined appropriate by the child's individualized education program (IEP) team or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to

respond to or not to engage in bullying or other prohibited conduct.

**VI. RETALIATION OR REPRISAL**

The school district will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged bullying or prohibited conduct, who provides information about bullying or prohibited conduct, who testifies, assists, or participates in an investigation of alleged bullying or prohibited conduct, or who testifies, assists, or participates in a proceeding or hearing relating to such bullying or prohibited conduct. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the prohibited conduct. Remedial responses to the prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in Section II.F. of this policy.

**VII. TRAINING AND EDUCATION**

- A. The school district shall discuss this policy with school personnel and volunteers and provide appropriate training to school district personnel regarding this policy. The school district shall establish a training cycle for school personnel to occur during a period not to exceed every three school years. Newly employed school personnel must receive the training within the first year of their employment with the school district. The school district or a school administrator may accelerate the training cycle or provide additional training based on a particular need or circumstance.
- B. The school district shall require ongoing professional development, consistent with Minn. Stat. § 122A.60, to build the skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. Such professional development includes, but is not limited to, the following.
  - 1. Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;
  - 2. The complex dynamics affecting a perpetrator, target, and witnesses to prohibited conduct;
  - 3. Research on prohibited conduct, including specific categories of students at risk for perpetrating or being the target or victim of bullying or other prohibited conduct in school;
  - 4. The incidence and nature of cyberbullying; and
  - 5. Internet safety and cyberbullying.
- C. The school district annually will provide education and information to students regarding bullying, including information regarding this school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.
- D. The administration of the school district is directed to implement programs and other initiatives to prevent bullying, to respond to bullying in a manner that does not stigmatize the target or victim, and to make resources or referrals to resources available to targets or victims of bullying.
- E. The administration is encouraged to provide developmentally appropriate instruction and is directed to review programmatic instruction to determine if adjustments are necessary to help students identify and prevent or reduce bullying and other prohibited conduct, to value diversity in school and society, to develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying or other prohibited conduct, and to make effective prevention and intervention programs available to students.

The administration may establish strategies for creating a positive school climate and use evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct.

The administration is encouraged, to the extent practicable, to take such actions as it may deem appropriate to accomplish the following:

1. Engage all students in creating a safe and supportive school environment;
  2. Partner with parents and other community members to develop and implement prevention and intervention programs;
  3. Engage all students and adults in integrating education, intervention, and other remedial responses into the school environment;
  4. Train student bystanders to intervene in and report incidents of bullying and other prohibited conduct to the schools' primary contact person;
  5. Teach students to advocate for themselves and others;
  6. Prevent inappropriate referrals to special education of students who may engage in bullying or other prohibited conduct; and
  7. Foster student collaborations that, in turn, foster a safe and supportive school climate.
- F. The school district may implement violence prevention and character development education programs to prevent or reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.
- G. The school district shall inform affected students and their parents of rights they may have under state and federal data practices laws to obtain access to data related to an incident and their right to contest the accuracy or completeness of the data. The school district may accomplish this requirement by inclusion of all or applicable parts of its protection and privacy of pupil records policy in the student handbook.

### VIII. NOTICE

- A. The school district will give annual notice of this policy to students, parents or guardians, and staff, and this policy shall appear in the student handbook.
- B. This policy ~~or a summary thereof~~ must be conspicuously **posted throughout each school building** in the administrative offices of the school district and the office of each school.
- C. This policy must be ~~distributed~~ **given** to each ~~school district or~~ school employee and independent contractor **at the time of hiring or contracting**, ~~who regularly interacts with students at the time of initial employment with the school district.~~
- D. Notice of the rights and responsibilities of students and their parents under this policy must be included in the student discipline policy distributed to parents at the beginning of each school year.
- E. This policy shall be available to all parents and other school community members in an electronic format in the language appearing on the school district's or a school's website.
- F. **Each school must develop a process for discussing this policy with students, parents of students, independent contractors, and school employees. New**
- G. The school district shall provide an electronic copy of its most recently amended policy to the Commissioner of Education.

### IX. POLICY REVIEW

To the extent practicable, the school board shall, on a cycle consistent with other school district policies, review and revise this policy. The policy shall be made consistent with Minn. Stat. § 121A.031 and other applicable law.

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 120A.05, Subds. 9, 11, 13, and 17 (Definition of Public School)  
Minn. Stat. § 120B.232 (Character Development Education)  
Minn. Stat. § 121A.03 (Sexual, Religious and Racial Harassment and Violence)  
Minn. Stat. § 121A.031 (School Student Bullying Policy)  
**Minn. Stat. § 121A.0312 (Malicious and Sadistic Conduct)**  
Minn. Stat. § 121A.0311 (Notice of Rights and Responsibilities of Students and Parents under the Safe and Supportive Minnesota Schools Act)  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.69 (Hazing Policy)  
Minn. Stat. Ch. 124E (Charter School)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)  
34 C.F.R. §§ 99.1 - 99.67 (Family Educational Rights and Privacy)

**Cross References:**

**MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)**  
**MSBA/MASA Model Policy 413 (Harassment and Violence)**  
**MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)**  
**MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)**  
**MSBA/MASA Model Policy 423 (Employee-Student Relationships)**  
**MSBA/MASA Model Policy 501 (School Weapons Policy)**  
**MSBA/MASA Model Policy 506 (Student Discipline)**  
**MSBA/MASA Model Policy 507 (Corporal Punishment)**  
**MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)**  
**MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)**  
**MSBA/MASA Model Policy 522 (Title IX Sex Nondiscrimination Policy)**  
**MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)**  
**MSBA/MASA Model Policy 525 (Violence Prevention)**  
**MSBA/MASA Model Policy 526 (Hazing Prohibition)**  
**MSBA/MASA Model Policy 529 (Staff Notification of Violent Behavior by Students)**  
**MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)**  
**MSBA/MASA Model Policy 711 (Video Recording on School Buses)**  
**MSBA/MASA Model Policy 712 (Video Surveillance Other Than on Buses)**

POLICY TITLE	POLICY NUMBER	ADOPTED	REVIEW FREQUENCY
Use of Peace Officers and Crisis Teams to remove students with IEPs from school grounds	532	Adopted: 03-18-2004 Renumbered: 03-11-2021	Annual

It is the policy of the Board of Education of District 834 that in the event a student on an individualized education plan (IEP) engages in conduct that endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the school building’s crisis team may remove the student from school grounds. The school building’s crisis team building administrator, or the building administrator’s designee, may request that the police liaison officer or a peace officer remove the student from school grounds. **Not on MSBA**

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ADMINISTRATIVE PROCEDURES AND REGULATIONS

I. PURPOSE **Same**

The purpose of these procedures is to describe the appropriate use of peace officers and crisis teams to remove, if necessary, a student with an individualized education program (IEP) from school grounds.

II. GENERAL STATEMENT OF PHILOSOPHY **Same**

The school district is committed to promoting learning environments that are safe for all members of the school community. It further believes that students are the first priority and that they should be reasonably protected from physical or emotional harm at all school locations and during all school activities.

All students, including those with IEPs, are subject to the terms of the school district’s discipline policy. Building level administrators have the leadership responsibility to maintain a safe, secure, and orderly educational environment within which learning can occur. Corrective action to discipline a student and/or modify a student’s behavior will be taken by staff when a student’s behavior violates the school district’s discipline policy.

If a student with an IEP engages in conduct which, in the judgment of school personnel, endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, that student may be removed from school grounds in accordance with these

procedures.

### III. DEFINITIONS

For purposes of these procedures **this policy**, the following terms have the meaning given them in this section:

- A. **F.** Student with an IEP” or “the student” means a student who is eligible to receive special education and related services pursuant to the terms of an IEP or an individual interagency intervention plan (IIIP).
- B. **C.** “Peace officer” means an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the Board of Peace Officer Standards and Training, charged with the prevention and detection of crime and the enforcement of general criminal laws of the state and who has the full power of arrest. The term “peace officer” includes a person who serves as a sheriff, a deputy sheriff, a police officer, or a state patrol trooper.
- C. **D.** “Police liaison officer” is a peace officer who, pursuant to an agreement between the school district and a political subdivision or law enforcement agency, is assigned to a school building for all or a portion of the school day to provide law enforcement assistance and support to the building administration and to promote school safety, security, and positive relationships with students.
- D. **A.** “Crisis team” means a group of persons, which may include teachers and non-teaching school personnel, selected by the building administrator in each school building who have received crisis intervention training and are responsible for becoming actively involved with resolving crises. The building administrator or designee shall serve as the leader of the crisis team.
- E. The phrase “remove the student from school grounds” is the act of securing the person of a student with an IEP and escorting that student from the school building or school activity at which the student with an IEP is located.
- F. **B.** “Emergency” means a situation in which immediate intervention is necessary to protect a student or other individual from physical injury, emotional abuse due to verbal and nonverbal gestures, or to prevent severe property damage.
- G. All other terms and phrases used in this policy shall be defined in accordance with applicable state and federal law or ordinary and customary usage.
- ~~H. Conditional procedures. "Conditional procedures" means interventions that meet the definitions of aversive and deprivation procedures which are not prohibited.~~

~~"Conditional procedures include:~~

- ~~1. the use of manual restraint;~~
- ~~2. the use of mechanical or locked restraints;~~
- ~~3. time out procedures for seclusion; and~~
- ~~4. temporary delay or withdrawal of regularly scheduled meals or water not to exceed 30 minutes.~~

### IV. REMOVAL OF STUDENTS WITH IEPs FROM SCHOOL GROUNDS **Same**

#### A. Removal By Crisis Team **Same**

If the behavior of a student with an IEP escalates to the point where the student’s behavior endangers or may endanger the health, safety, or property of the student, other students, staff members, or

school property, the school building's crisis team may be summoned. The crisis team may attempt to de-escalate the student's behavior by means including, but not limited to, those described in the student's IEP and/or behavior intervention plan. When such measures fail, or when the crisis team determines that the student's behavior continues to endanger or may endanger the health, safety, or property of the student, other students, staff members, or school property, the crisis team may remove the student from school grounds.

If the student's behavior cannot be safely managed, school personnel may immediately request assistance from the police liaison officer or a peace officer.

**B. Removal By Police Liaison Officer or Peace Officer Same**

If a student with an IEP engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the school building's crisis team, building administrator, or the building administrator's designee, may request that the police liaison officer or a peace officer remove the student from school grounds.

If a student with an IEP is restrained or removed from a classroom, school building, or school grounds by a peace officer at the request of a school administrator or school staff person during the school day twice in a 30-day period, the student's IEP team must meet to determine if the student's IEP is adequate or if additional evaluation is needed. New

Whether or not a student with an IEP engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, school district personnel may report a crime committed by a student with an IEP to appropriate authorities. If the school district reports a crime committed by a student with an IEP, school personnel shall transmit copies of the special education and disciplinary records of the student for consideration by appropriate authorities to whom it reports the crime, to the extent that the transmission is permitted by the Family Education Rights and Privacy Act (FERPA), the Minnesota Government Data Practices Act, and school district's policy, Protection and Privacy of Pupil Records. *[Note: If the school district uses a different reference name for its student records policy, insert that name in place of the reference to Protection and Privacy of Pupil Records, which is the title of MSBA/MASA Model Policy 515.]* New

The fact that a student with an IEP is covered by special education law does not prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with an IEP. Same

**C. Reasonable Force Permitted**

1. In removing a student with an IEP from school grounds, a school principal, other crisis team members, or the police liaison officer or other agents of the school district, whether or not members of a crisis team, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another. Same

2. In removing a student with an IEP from school grounds, police liaison officers and school district personnel are further prohibited from engaging in the following conduct:

a. Corporal punishment prohibited by Minnesota Statutes, section 121A.58;

b.. Requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;

c. Totally or partially restricting a child's senses as punishment;

d. Denying or restricting a child's access to equipment and devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the child's functioning except when temporarily removing the equipment or device is needed to prevent injury to the child or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the child as soon as possible;

e. Interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under Minnesota Statutes, Chapter 260E;

f. Physical holding (as defined in Minnesota Statutes, section 125A.0941) that restricts or impairs a child's ability to breathe, restricts or impairs a child's ability to communicate distress, places pressure or weight on a child's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's torso;

g. Withholding regularly scheduled meals or water; and/or

h. Denying a child access to toilet facilities.

3. Any reasonable force used under Minnesota Statutes, sections 121A.582; 609.06, subdivision 1; and 609.379 which intends to hold a child immobile or limit a child's movement where body contact is the only source of physical restraint or confines a child alone in a room from which egress is barred shall be reported to the Minnesota Department of Education as a restrictive procedure, including physical holding or seclusion used by an unauthorized or untrained staff person.

D. Parental Notification Same

The building administrator or designee shall make reasonable efforts to notify the student's parent or guardian of the student's removal from school grounds as soon as possible following the removal.

E. Continued Removals; Review of IEP Same

Continued and repeated use of the removal process described herein must be reviewed in the development of the individual student's IEP or IIP.

F. Effect of Policy in an Emergency; Use of Conditional Procedures

A student with an IEP may be removed in accordance with this policy regardless of whether the student's conduct would create an emergency.

If the school district seeks to remove a student with an IEP from school grounds under this policy due to behaviors that constitute an emergency and the student's IEP, IIP, or behavior intervention plan authorizes the use of one or more conditional procedures, the crisis team may employ those conditional restrictive procedures, the crisis team may employ those restrictive procedures, in addition to any reasonable force that may be necessary, to facilitate the student's removal from school grounds, as long as the crisis team members who are implementing the restrictive procedures have received the training required by Minnesota Statutes, section 125A.0942, subdivision 5, and otherwise comply with the requirements of section 125A.0942. in addition to any reasonable force

that may be necessary, to facilitate the student's removal from school grounds. If the crisis team initiates use of conditional procedures in an emergency, the student's IEP team shall meet as soon as possible, but no later than five (5) school days after emergency procedures have commenced.

#### G. Reporting to the Minnesota Department of Education (MDE)

Annually, stakeholders may recommend, as necessary, to the Commissioner of MDE (Commissioner) specific and measurable implementation and outcome goals for reducing the use of restrictive procedures. The Commissioner must submit to the Legislature a report on districts' progress in reducing the use of restrictive procedures that recommends how to further reduce these procedures and eliminate the use of seclusion. By January 15, April 15, July 15, and October 15 of each year, districts must report, in a form and manner determined by the Commissioner, about individual students who have been secluded. By July 15 each year, districts must report summary data. The summary data must include information on the use of restrictive procedures for the prior school year, July 1 through June 30, including the use of reasonable force by school personnel that is consistent with the definition of physical holding or seclusion of a child with a disability.

#### Legal References:

20 U.S.C. § 1415(k)(9) (Individuals with Disabilities Education Act (IDEA))  
34 C.F.R. § 300.529 (IDEA Regulation Regarding Involvement of Law Enforcement)  
20 U.S.C. 1232g et seq. (Family Educational Rights and Privacy (FERPA))  
Minn. Stat. § 13.01, et seq. (Minnesota Government Data Practices Act)  
Minn. Stat. §§ 121A.40-121A.56 (Minnesota Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)  
Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)  
Minn. Stat. § 121A.67 (Aversive and Deprivation Procedures)  
Minn. Stat. § 609.06 (Authorized Use of Force)  
Minn. Stat. § 609.379 (Permitted Actions)  
~~Minn. Rule 3525.0200, Subp. 2c (Definition of "Emergency")~~  
~~Minn. Rule 3525.2900, Subp. 5 (The IEP and Regulated Interventions)~~

#### Cross References:

MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 507 (Corporal Punishment)  
MSBA/MASA Model Policy 525 (Violence Prevention)  
MSBA/MASA Model Policy 806 (Crisis Management Policy)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

POLICY TITLE	POLICY NUMBER	ADOPTED	REVIEW FREQUENCY
<b>Unpaid School Meals Policy Charges</b>	534	Adopted: 06-8-17 Revised: 11.21.19	<b>3-year Annual</b>

**I. PURPOSE**

The purpose of this policy is to ensure that students have access to healthy and nutritious meals through the school district’s nutrition program and that school district employees, families, and students have a shared understanding of expectations regarding meal charges. The policy of the school district is to provide meals to students in a respectful manner and to maintain the dignity of students by prohibiting lunch shaming or otherwise ostracizing the student. The policy seeks to allow students to receive the nutrition they need to stay focused during the school day and minimize identification of students with insufficient funds to pay for school meals: for a la carte items or second meals as well as to maintain the financial integrity of the school nutrition program.

**II. PAYMENT OF MEALS**

A. ~~Funds may be deposited into student lunch account(s) via Fee Pay, cash, or check.~~

[OPTION 1: All a la carte items or second meal purchases are to be prepaid before meal service begins. [Insert description for how families may add money to students’ accounts (e.g., electronic payment options, pay at the school office, etc.).] A student who does not have sufficient funds will not be allowed to charge a la carte items or a second meal until additional money is deposited in the student’s account.]

[OPTION 2: Students have use of a meal account. When the balance reaches zero, a student may charge no more than \$[insert amount] or [insert number of meals] to this account]. When an account reaches this limit, a student shall not be allowed to charge second meals or a la carte items until the negative account balance is paid. [Insert description for how families may add money to students’ accounts (e.g., electronic payment options, pay at the school office, etc.).]

[OPTION 3: Insert a school district-specific process for payment of a la carte items or second meals.]

If the school district participates in the United States Department of Agriculture National School Lunch program and has an Identified Student Percentage below the federal percentage determined for all meals to be reimbursed at the free rate via the Community Eligibility Provision must participate in the free school meals program.

- B. Households may apply for free or reduced price meals anytime during the school year. A school that participates in the United States Department of Agriculture National School Lunch program and has an Identified Student Percentage at or above the federal percentage determined for all meals to be reimbursed at the free rate must participate in the federal Community Eligibility Provision in order to participate in the free school meals program.
- C. Each school that participates in the free school meals program must: (1) participate in the United States Department of Agriculture School Breakfast Program and the United States Department of Agriculture National School Lunch Program; and (2) provide to all students at no cost up to two federally reimbursable meals per school day, with a maximum of one free breakfast and one free lunch.
- D. ~~Students will be allowed to participate in the school lunch program regardless of meal account balance; however, parents will continue to be responsible to pay for all meal charges, including negative balances.~~ Once a meal has been placed on a student's tray or otherwise served to a student, the meal may not be subsequently withdrawn from the student by the cashier or other school official, whether or not the student has an outstanding meals balance.
- E. When a student has a negative account balance, the student will not be allowed to charge a snack item.
- F.. If a parent or guardian chooses to send in one payment that is to be divided between sibling accounts, the parent or guardian must specify how the funds are to be distributed to the students' accounts. Funds may not be transferred between sibling accounts unless written permission is received from the parent or guardian.

### III. LOW OR NEGATIVE ACCOUNT BALANCES – NOTIFICATION

- A. The school district will make reasonable efforts to notify families of a low account balance **are low or fall below zero**. when the account is at or below \$5.00, by one or more of the following methods:
1. School Messenger
  2. Personal or automated phone call
  3. Email
  4. Text Message
- Families will be notified of an outstanding negative balance once the negative balance reaches  $\$[insert amount]$  or  $[insert number of meals]$ . Families will be notified by  $[insert the method used to notify families (e.g., automated calling system, email, letters sent home)]$ .
- B. Families will be notified of an outstanding negative balance once the negative balance reaches  $\$[insert amount]$  or  $[insert number of meals]$ . Families will be notified by  $[insert the method used to notify families (e.g., automated calling system, email, letters sent home)]$ .
- C. Reminders for payment of outstanding student meal balances will not demean or stigmatize any student participating in the school lunch program including, but not limited to, dumping meals, withdrawing a meal that has been served, announcing or listing students' names publicly, providing alternative meals not specifically related to dietary

needs; providing nonreimbursable meals; or affixing stickers, stamps, or pins.

- D. ~~Families will be notified of an outstanding negative balance via automated phone call and email sent to the household.~~
- E. ~~When the account balance reaches negative \$25, the Nutrition Services supervisor and/or the building principal or designee will contact the parent/guardian via telephone.~~
- F. ~~When an account balance reaches negative \$50, the account shall be considered a delinquent debt and the District shall notify the family via letter. Such letter shall notify the family of the expectation that the account be brought to a positive balance within ten days, and will include an application for free or reduced price lunch (if one is not already on file).~~
- G. ~~When an account balance reaches negative \$50, the District reserves the right to prohibit participation by the student in fee based programs, until such time as the balance is paid in full.~~

#### IV. UNPAID MEAL CHARGES

- A. The school district will make reasonable efforts to communicate with families to resolve the matter of unpaid charges. Where appropriate, families may be encouraged to apply for free and reduced-price meals for their children.
- B. The school district will make reasonable efforts to collect unpaid meal charges classified as delinquent debt. Unpaid meal charges are designated as delinquent debt when payment is overdue, the debt is considered collectable, and efforts are being made to collect it.
- C. Negative balances of more than  $[\textit{insert amount}]$ , not paid prior to  $[\textit{enter time period (e.g., end of the month, end of the semester, end of the school year)}]$ , will be turned over to the superintendent or superintendent's designee for collection. In some instances, the school district does use a collection agency to collect unpaid school meal debts after reasonable efforts first have been made by the school district to collect the debt. Collection options may include, but are not limited to, use of collection agencies, claims in the conciliation court, or any other legal method permitted by law.
- D. The school district may not enlist the assistance of non-school district employees, such as volunteers, to engage in debt collection efforts.
- E. The school district will not impose any other restriction prohibited under Minnesota Statutes, section 123B.37 due to unpaid student meal balances. The school district will not limit a student's participation in any school activities, graduation ceremonies, field trips, athletics, activity clubs, or other extracurricular activities or access to materials, technology, or other items provided to students due to an unpaid student meal balance.
- F. ~~Collection options may include, but are not limited to, use of collection agencies, claims in the conciliation court, or any other legal method permitted by law.~~
- G. ~~Other than Collection Agencies, the school district may not enlist the assistance of non-school district employees, such as volunteers, to engage in debt collection efforts.~~

## V. COMMUNICATION OF POLICY

- A. This policy and any pertinent supporting information shall be provided in writing to: (i.e., mail, email, back-to-school packet, student handbook, etc.) to:
1. all households at or before the start of each school year;
  2. students and families who transfer into the school district, at the time of enrollment; and
  3. all school district personnel who are responsible for enforcing this policy.
- B. The school district may post the policy on the school district's website, in addition to providing the required written notification described above.

If the school district contracts with a third party for its meal services, it will provide the vendor with its school meals policy. The school district will ensure that any third-party provider with whom the school district enters into either an original or modified contract after July 1, 2021, adheres to the school district's school meals policy.

**Legal References:** Minn. Stat. § 124D.111, Subd. 4 Lunch Aid; Food Service Accounting; No fees  
42 U.S.C. § 1751 *et seq.* (Healthy and Hunger-Free Kids Act)  
7 C.F.R. § 210 *et seq.* (National School Lunch Program Regulations)  
7 C.F.R. § 220.8 (Meal Requirements for Breakfast Regulations)  
Minn. Op. Atty. Gen. 169j (May 14, 2019) (*Letter to Ricker*)

Minn. Stat. § 123B.37 (Prohibited Fees)

Minn. Stat. § 124D.111 (School Meals Policies; Lunch Aid; Food Service Accounting)

42 U.S.C. § 1751 *et seq.* (Healthy and Hunger-Free Kids Act)

7 C.F.R. § 210 *et seq.* (School Lunch Program Regulations)

7 C.F.R. § 220.8 (School Breakfast Program Regulations)

USDA Policy Memorandum SP 46-2016, Unpaid Meal Charges: Local Meal Charge Policies (2016)

USDA Policy Memorandum SP 47-2016, Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payments (2016)

USDA Policy Memorandum SP 23-2017, Unpaid Meal Charges: Guidance and Q&A

**Cross References:** None

POLICY TITLE	POLICY NUMBER	ADOPTED	REVIEW FREQUENCY
<b>Student Transportation Safety Policy</b>	<b>709</b>	Adopted: 01-17-1972 Reviewed: 05-11-2017 Renumbered: 03-11-2021	<b>Annual</b>

**I. PURPOSE**

**The purpose of this policy is to provide safe transportation for students and to educate students on safety issues and the responsibilities of school bus ridership.**

~~The Board is committed to providing safe, efficient, and appropriate transportation services to all authorized passengers, in accordance with all applicable state and federal law.~~

~~The nature of the equipment provided for transportation, the scheduling of its use, and the walking zones that affect transportation shall be determined solely by the Board or its duly authorized representative.~~

~~In cases where transportation is required, but it is not considered feasible to furnish bus transportation, contracts may be established to provide alternative transportation.~~

ADMINISTRATIVE PROCEDURES

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

A. School Bus Safety Week

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

B. Student School Bus Safety Training

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

3. The school district and a nonpublic school with students transported by school bus at public expense must provide students enrolled in grades K through 3 school bus safety training twice during the school year.
  4. Students taking driver's training instructional classes must receive training in the laws and proper procedures for operating a motor vehicle in the vicinity of a school bus as required by Minnesota Statutes, section 169.446, subdivision 2.
  5. The school district and a nonpublic school with students transported by school bus at public expense must conduct a school bus evacuation drill at least once during the school year.
  6. The school district will make reasonable accommodations in training for students known to speak English as a second language and students with disabilities.
  7. The school district may provide kindergarten students with school bus safety training before the first day of school.
  8. The school district shall adopt and make available for public review a curriculum for transportation safety education.
  9. Nonpublic school students transported by the school district will receive school bus safety training by their nonpublic school. The nonpublic schools may use the school district's school transportation safety education curriculum. Upon request by the school district superintendent, the nonpublic school must certify to the school district's school transportation safety director that all students enrolled in grades K through 10 have received the appropriate training.
- C. Active Transportation Safety Training
1. Training required
    - a. The school district must provide public school pupils enrolled in kindergarten through grade 3 with age-appropriate active transportation safety training. At a minimum, the training must include pedestrian safety, including crossing roads.
    - b. The school district must provide pupils enrolled in grades 4 through 8 with age-appropriate active transportation safety training. At a minimum, the training must include:
      - 1) pedestrian safety, including crossing roads safely using the searching left, right, left for vehicles in traffic technique; and
      - 2) bicycle safety, including relevant traffic laws, use and proper fit of protective headgear, bicycle parts and safety features, and safe biking techniques.
  2. Deadlines.
    - a. Students under subdivision 1, paragraph (a), who are enrolled during the first or second week of school and have not previously received active transportation safety training specified in that paragraph must receive the safety training by the end of the third week of school.
    - b. Students under subdivision 1, paragraph (b), who are enrolled during the first or second week of school and have not previously received active transportation safety training specified in that paragraph must receive the safety training by the end of the sixth week of school.
    - c. Students under subdivision 1, paragraph (a) or (b), who enroll in a school after the second week of school and have not received the appropriate active transportation safety training in their previous school district must undergo the training or receive active transportation safety instructional materials within four weeks of the first day of attendance.

- d. The school district and a nonpublic school may provide kindergarten pupils with active transportation safety training before the first day of school.
3. Instruction
  - a. The school district may provide active transportation safety training through distance learning.
  - b. The district and a nonpublic school must make reasonable accommodations for the active transportation safety training of pupils known to speak English as a second language and pupils with disabilities.

### III. Conduct on School Buses and Consequences for Misbehavior

- A. Riding the school bus is a privilege, not a right. ~~Students are expected to follow the same behavioral standards while riding school buses as are expected on district property or at school activities, functions or events. All district rules are in effect while a student is riding the bus or at the bus stop. (See I.S.D. 834 Discipline Policy) Most passengers riding school buses are students; however, on occasion, non-students may ride and shall follow the same rules of conduct as students.~~ The school district's general student behavior rules are in effect for all students on school buses, including nonpublic and charter school students.
- B. Consequences for school bus/bus stop misconduct will be imposed by the school district under adopted administrative discipline procedures. In addition, all school bus/bus stop misconduct will be reported to the school district's transportation safety director. Serious misconduct may be reported to local law enforcement.
  1. School Bus and Bus Stop Rules. The school bus safety rules are to be posted on every bus. If these rules are broken, the School District's discipline procedures are to be followed. In most cases, consequences are progressive and may include suspension of bus privileges. It is the school bus driver's responsibility to report, in writing, unacceptable behavior to the ~~manager of the contracting bus company. The written report will be forwarded to the building principal for appropriate action.~~ School district's Transportation Office/School Office.
  2. Rules at the Bus Stop
    - a. Get to your bus stop 5 minutes before your scheduled pick up time. The school bus driver will not wait for late students.
    - b. Respect the property of others while waiting at your bus stop.
    - c. Keep your arms, legs, and belongings to yourself.
    - d. Use appropriate language.
    - e. Stay away from the street, road, or highway when waiting for the bus.
    - f. Wait until the bus stops before approaching the bus.
    - g. After getting off the bus, move away from the bus.
    - h. If you must cross the street, always cross in front of the bus where the driver can see you. Wait for the driver to signal to you before crossing the street.
    - i. No fighting, harassment, intimidation, or horseplay.
    - j. No use of alcohol, tobacco, or drugs.
  3. Rules on the Bus
    - a. Immediately follow the directions of the driver.
    - b. ~~Drivers may assign seats to ensure safety of all student.~~
    - c. Sit in your seat facing forward ~~while bus is in motion.~~
    - d. Talk quietly and use appropriate language.
    - e. Keep all parts of your body and belongings inside the bus and to yourself.
    - f. Do not eat or drink without permission of the driver.
    - g. The following are not tolerated on the bus:
    - h. fighting, harassment, intimidation or horseplay;
    - i. throwing of objects;

- j. use of tobacco, drugs or alcohol;
  - k. weapons or dangerous objects.
  - l. vandalism to the bus, its equipment or the property of others.
4. Consequences
- a. Consequences for school bus/bus stop misconduct will apply to all regular and late routes. Decisions regarding a student's ability to ride the bus in connection with district sponsored events (for example, field trips or competitions) will be at the sole discretion of the School District. Parents or guardians will be notified of any report or suspension of bus privileges.
- ~~2.5.2. Consequences for school bus/bus stop misconduct will be imposed by the principal or principal's designee. Only the principal or principal's designee can suspend school riding privileges. An offense is a report to or by the principal.~~
- ~~2.5.2.1. The following progression is recommended, however, the principal will have discretion in applying them.~~
- ~~2.5.2.1.1. 1st offense — warning, parent notification~~
  - ~~2.5.2.1.2. 2nd offense — three school day suspension from riding the bus~~
  - ~~2.5.2.1.3. 3rd offense — five school day suspension from riding the bus~~
  - ~~2.5.2.1.4. 4th offense — ten school day suspension from riding the bus~~
  - ~~2.5.2.1.5. 5th offense — revocation of bus riding privileges for the remainder of the school year~~
- 1) Elementary (K-6)
    - 1st offense – warning
    - 2nd offense – 3 school-day suspension from riding the bus
    - 3rd offense – 5 school-day suspension from riding the bus
    - 4th offense – 10 school-day suspension from riding the bus/meeting with parent
    - Further offenses – individually considered. Students may be suspended for longer periods of time, including the remainder of the school year.
  - 2) Secondary (7-12)
    - 1st offense – warning
    - 2nd offense – 5 school-day suspension from riding the bus
    - 3rd offense – 10 school-day suspension from riding the bus
    - 4th offense – 20 school-day suspension from riding the bus/meeting with parent
    - 5th offense – suspended from riding the bus for the remainder of the school year

**[Note: When any student goes 60 transportation days without a report, the student's consequences may start over at the first offense.]**
  - 3) Other Discipline

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

Records of school bus/bus stop misconduct will be forwarded to the individual school building and will be retained in the same

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

5) Vandalism/Bus Damage

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

6) Notice

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

7) Criminal Conduct

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

2.6. Other Discipline

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

2.7. Records

2.7.1. Records of school bus/bus stop misconduct will be forwarded to the individual school building and will be retained in the same manner as other student discipline records. Reports of student conduct on a school bus or at a bus stop that caused an immediate and substantial danger to the student or surrounding persons or property will be provided by the School District to the Department of Public Safety in accordance with state and federal law.

2.8. Vandalism/Bus Damage

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

2.9. Criminal Conduct

2.9.1. In cases involving criminal conduct (for example, assault, weapons, possession, or vandalism), the Superintendent, local law enforcement officials and the Department of Public Safety will be informed.

IV. Parent and Guardian Involvement Notification

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

A. Parent/Guardian Responsibilities For Transportation Safety

Parents/Guardians are responsible to:

1. Become familiar with District rules policies, regulations, and principles of school bus safety, and thoroughly review them with their children;
2. Support safe riding and walking practices, and recognize that students are

responsible for their actions;

3. Assist students in understanding safety rules and encourage them to abide by them.
4. Have children at the bus stop at least five minutes before the bus arrives.
5. Have a plan of alternate transportation if the bus is late or is missed.
6. Recognize responsibility for the actions of their children.
7. Support safe riding practices and reasonable discipline efforts.
8. When appropriate, assist students in safely crossing local streets before boarding and after leaving the bus.
9. Support procedures for emergency evacuation, and procedures in emergencies as set up by the School District.
10. Respect the rights and privileges of others.
11. Communicate safety concerns to school administrators.
12. Monitor bus stops, if possible.
13. Support all efforts to improve school bus safety.

### 3.2. Parent and Guardian Notification

3.2.1. A copy of the School District school bus/bus stop rules, and parent/guardian responsibilities will be provided to each family at the beginning of the school year or when a child enrolls, if this occurs during the school year. Parents and guardians are asked to review the rules with their children.

### 82 School Bus Driver Duties and Responsibilities

4.1. School bus drivers must exhibit the utmost care and concern for their passengers through knowledge of, and compliance with, state laws, regulations, and district policy/procedures.

4.2. All school bus drivers shall be adequately prepared, both physically and mentally, each day to perform required duties.

#### 4.2.1. General

4.2.1.1. Operating the vehicle in a safe and efficient manner.

4.2.1.2. Conducting thorough pre-trip and post-trip inspections of the vehicle and special equipment.

4.2.1.3. Ensuring the safety, welfare and orderly conduct of passengers while on the bus and during loading and unloading.

4.2.1.4. Meeting emergency situations in accordance with operating procedures.

4.2.1.5. Communicating effectively with school staff, students, parents, law enforcement officials and the motoring public.

#### 4.2.1.5.1. Relations

4.2.1.5.1.1. Bus drivers will treat students, school officials and the public in a polite professional manner. They will refrain from conduct which is intended or could be perceived as demanding, intimidating, or harassing in accordance with District policy.

#### 4.2.1.5.2. Route Change

4.2.1.5.2.1. No driver is to make changes in the pick-up or drop-off schedule for his or her route without prior authorization. No stops are to be added, deleted or moved without approval. No driver may deviate from the established route without prior permission except as required by an emergency or temporary road conditions.

#### 4.2.1.5.3. Unauthorized Passengers

4.2.1.5.3.1. Only authorized passengers may be transported in a bus. Any other passenger must be specifically approved.

4.2.1.6. Completing required reports.

4.2.1.7. Completing required training programs successfully.

4.2.1.8. Additional driver duties and responsibilities may be required.

#### 4.2.2. Drug Testing

4.2.2.1. The School District, or its hired contractor, will conduct mandatory preemployment and random drug and alcohol testing of all bus drivers and bus driver applicants in accordance with state

and federal laws and school district policy.

#### 4.2.3. Licensure

4.2.3.1. School bus drivers must have a valid class A, class B, or class C driver's license with a passenger endorsement and a school bus endorsement. A person holding a valid driver's license but not a school bus endorsement may drive a Type III vehicle.

#### 4.2.4. Type III Vehicle Driven By Employees with A Class A, B, C or D License

4.2.4.1. The holder of a Class A, B, C or D driver's license, without a school bus endorsement, may operate a Type III vehicle under the following conditions:

4.2.4.2. The driver is an employee of the entity that owns, leases, or contracts for the school bus.

4.2.4.3. The driver's employer has adopted and implemented a policy that provides for annual training and certification of the driver in accordance with applicable state law.

4.2.4.4. A background check or background investigation of the driver has been conducted that meets the state requirements.

4.2.4.5. The driver has submitted to a physical examination.

4.2.4.6. The driver's employer requires drug and alcohol testing of applicants for driver positions and current drivers, in accordance with state law.

4.2.4.7. The driver's license is verified annually by the entity that owns, leases, or contracts for the school bus.

4.2.4.8. A person who sustains a conviction, as defined under Minn. Stat. 609.02, of violating Minn. Stat. 169A.25, 169A.26, 169A.27 (driving while impaired offenses), or Minn. Stat. 169A.31 (alcohol related school bus driver offenses), or whose driver's license is revoked under Minn. Stat. 169A.50 to 169A.53 of the implied consent law, or who is convicted of or has their driver's license revoked under a similar statute or ordinance of another state, is precluded from operating a Type III vehicle for five years from the date of conviction.

4.2.4.9. A person who has ever been convicted of a disqualifying offense as defined in Minn. Stat. 171.3215, Subd. 1, paragraph (c), (felony, controlled substance, criminal sexual conduct offenses, or offenses for surreptitious observation, indecent exposure, use of a minor in a sexual performance, or possession of child pornography or display of pornography to a minor) may not operate a Type III vehicle under this subdivision.

4.2.4.10. A person who sustains a conviction, as defined under Minn. Stat. 609.02, of a moving offense in violation of chapter 169 within three years of the first of three other moving offenses is precluded from operating a Type III vehicle for one year from the date of the last conviction.

4.2.4.11. An operator who sustains a conviction as described in Sections 4.2.4.8, 4.2.4.9, or 4.2.4.10 while employed by the entity that owns, leases, or contracts for the school bus, shall report the conviction to the employer within ten days of the date of the conviction.

4.2.4.12. Students riding the Type III vehicle must have school bus safety training required under state law.

### V. SCHOOL BUS DRIVER DUTIES AND RESPONSIBILITIES

- A. School bus drivers shall have a valid Class A, B, or C Minnesota driver's license with a school bus endorsement. A person possessing a valid driver's license, without a school bus endorsement, may drive a type III vehicle set forth in Sections VII.B. and VII.C., below. Drivers with a valid Class D driver's license, without a school bus endorsement, may operate a "type A-I" school bus as set forth in Section VII.D., below.
- B. The school district shall conduct mandatory drug and alcohol testing of all school district bus drivers and bus driver applicants in accordance with state and federal law and school district policy.
- C. A school bus driver, with the exception of a driver operating a type A-I school bus or type III vehicle, who has a commercial driver's license and who is convicted of a criminal offense, a serious traffic violation, or of violating any other state or local law relating to motor vehicle traffic control, other than a parking violation, in any type of motor vehicle in a state or jurisdiction other than Minnesota, shall notify the Minnesota

Division of Driver and Vehicle Services (Division) of the conviction within 30 days of the conviction. For purposes of this paragraph, a “serious traffic violation” means a conviction of any of the following offenses:

1. excessive speeding, involving any single offense for any speed of 15 miles per hour or more above the posted speed limit;
2. reckless driving;
3. improper or erratic traffic lane changes;
4. following the vehicle ahead too closely;
5. a violation of state or local law, relating to motor vehicle traffic control, arising in connection with a fatal accident;
6. driving a commercial vehicle without obtaining a commercial driver’s license or without having a commercial driver’s license in the driver’s possession
7. driving a commercial vehicle without the proper class of commercial driver’s license and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported;
8. a violation of a state or local law prohibiting texting while driving a commercial vehicle; and
9. a violation of a state or local law prohibiting the use of a hand-held mobile telephone while driving a commercial vehicle.

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

## VI. SCHOOL BUS DRIVER TRAINING

### A. Training

1. All new school bus drivers shall be provided with pre-service training, including in-vehicle (actual driving) instruction, before transporting students and shall meet the competency testing specified in the Minnesota Department of Public Safety Model School Bus Driver Training Manual. All school bus drivers shall receive in-service training annually. For purposes of this section,

“annually” means at least once every 380 days from the initial or previous evaluation and at least once every 380 days from the initial or previous license verification. The school district shall retain on file an annual individual school bus driver “evaluation certification” form for each school district driver as contained in the Model School Bus Driver Training Manual.

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

2. All bus drivers operating a type III vehicle will be provided with annual training and certification as set forth in Section VII.C.1.b., below, by either the school district or the entity from whom such services are contracted by the school district.

#### **B. Evaluation**

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

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

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

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

### **VII. Operating Rules and Procedures**

5.1. The District and contracted provider will be knowledgeable of and will comply with Federal, State and local laws.

#### A. General Operating Rules

~~5.2.1. Bus routes and schedules shall be communicated to necessary parties and shall be on file with the School District’s Transportation Department.~~

1. School buses shall be operated in accordance with state traffic and school bus safety laws and the procedures contained in the Minnesota Department of Public Safety Model School Bus Driver Training Manual.
2. ~~Only students assigned to the school bus by the District shall be transported. Students may be released from the bus at only two points, the designated bus stop or at school, except in case of an emergency or as otherwise authorized. The number of students or other authorized passengers transported in or assigned to a school bus shall not be more than the legal capacity for the bus. Only students assigned to the school bus by the school district shall be transported. The number of students or~~

other authorized passengers transported in a school bus shall not be more than the legal capacity for the bus. No person shall be allowed to stand when the bus is in motion.

5.2.3. Drivers are to enforce the provisions of the school bus/bus stop rules and consequences as appropriate.

3. The parent/guardian may designate by a signed, written request a day care facility, respite care facility, the residence of a relative or the residence of a person chosen by the parent or guardian as the address of the student for transportation purposes. The alternate address must be in the attendance area of the assigned school and meet all other eligibility requirements in Section 12. The parent/guardian may designate, pursuant to school district policy, a day care facility, respite care facility, the residence of a relative, or the residence of a person chosen by the parent or guardian as the address of the student for transportation purposes. The address must be in the attendance area of the assigned school and meet all other eligibility requirements.
4. Bus drivers must minimize, to the extent practical, the idling of school bus engines and exposure of children to diesel exhaust fumes.
5. To the extent practical, the school district will designate school bus loading/unloading zones at a sufficient distance from school air-intake systems to avoid diesel fumes from being drawn into the systems.

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

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

5.2.5. The District may adopt such additional operating rules as are deemed necessary to meet local conditions and needs, provided they do not conflict with State laws and regulations.

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

5.2.7. Bus drivers, including Type III operators, must minimize, to the extent practical, the idling of school bus engines and exposure of children to diesel exhaust fumes. To the extent practical, the school district will designate school bus loading/unloading zones at a sufficient distance from school air-intake systems to avoid diesel fumes from being drawn into the systems unless, in the judgment of the school board, alternative locations block traffic, impair student safety, or are not cost effective.

5.2.8. A bus driver, including a Type III operator, may not operate a school bus while communicating over, or otherwise operating, a cellular phone for personal reasons, whether hand-held or hands free, when the vehicle is in motion. For purposes of Sections 5.2.7 and 5.2.8, "school bus" has the meaning given in Minn. Stat. 169.01, Subd. 6. In addition, "school bus" also includes Type III vehicles when driven by employees or agents of the school district. "Cellular phone" means a cellular, analog, wireless, or digital telephone capable of sending or receiving telephone or text messages without an access line for service.

#### **B. Vehicles Requirements - Type III Vehicles**

5.3.1. The District will comply with all applicable laws and regulations related to all types of vehicles.

5.3.2. Type III Vehicles are restricted to passenger cars, station wagons, vans, and buses having a maximum manufacturer's rated seating capacity of ten or fewer people including the driver.

1. Type III vehicles are restricted to passenger cars, station wagons, vans, and buses having a maximum manufacturer's rated seating capacity of 10 or fewer people including the driver and a gross vehicle weight rating of 10,000 pounds or less. A van or bus converted to a seating capacity of 10 or fewer and placed in service on or after August 1, 1999, must have been originally manufactured to comply with the passenger safety standards.
2. Type III vehicles must be painted a color other than national school bus yellow.
3. Type III vehicles shall be state inspected in accordance with legal requirements.
4. Vehicles model year 2007 or older must not be used as type III vehicles to transport school children, except those vehicles that are manufactured to meet the structural requirements of federal motor vehicle safety standard 222, Code of Federal Regulations, title 49, part 571.
5. If a type III vehicle is school district owned, the school district name will be clearly marked on the side of the vehicle. The type III vehicle must not have the words "school bus" in any location on the exterior of the vehicle or in any interior location visible to a motorist.
6. A "type III vehicle" must not be outwardly equipped and identified as a type A, B, C, or D bus.
7. Eight-lamp warning systems and stop arms must not be installed or used on type III vehicles.
8. Type III vehicles must be equipped with mirrors as required by law.
9. Any type III vehicle may not stop traffic and may not load or unload before making a complete stop and disengaging gears by shifting into neutral or park. Any type III vehicle used to transport students must not load or unload so that a student has to cross the road, except where not possible or impractical, then the driver or assistant must escort a student across the road. If the driver escorts the student across the road, then the motor must be stopped, the ignition key removed, the brakes set, and the vehicle otherwise rendered immobile.
10. Any type III vehicle used to transport students must carry emergency equipment including:
  - a. Fire extinguisher. A minimum of one 10BC rated dry chemical type fire extinguisher is required. The extinguisher must be mounted in a bracket, and must be located in the driver's compartment and be readily accessible to the driver and passengers. A pressure indicator is required and must be easily read without removing the extinguisher from its mounted position.
  - b. First aid kit and body fluids cleanup kit. A minimum of a 10-unit first aid kit and a body fluids cleanup kit is required. They must be contained in removable, moisture- and dust-proof containers mounted in an accessible place within the driver's compartment and must be marked to indicate their identity and location.
  - c. Passenger cars and station wagons may carry a fire extinguisher, a first aid kit, and warning triangles in the trunk or trunk area of the vehicle if a label in the driver and front passenger area clearly indicates the location of these items.
11. Students will not be regularly transported in private vehicles that are not state inspected as type III vehicles. Only emergency, unscheduled transportation may be conducted in vehicles with a seating capacity of 10 or fewer without meeting the requirements for a type III vehicle. Also, parents may use a private vehicle to transport their own children under a contract with the district. The school district

has no system of inspection for private vehicles.

12. All drivers of type III vehicles will be licensed drivers and will be familiar with the use of required emergency equipment. The school district will not knowingly allow a person to operate a type III vehicle if the person has been convicted of an offense that disqualifies the person from operating a school bus.

13. Type III vehicles will be equipped with child passenger restraints, and child passenger restraints will be utilized to the extent required by law.

5.3.3. Type A-1 Vehicles have a maximum manufacturer's rated seating capacity of 15 or fewer people including the driver.

5.3.4. Private Vehicles that are not state inspected as Type III vehicles will not be used to transport students. Only emergency, unscheduled transportation may be conducted in vehicles with a seating capacity of ten or fewer without meeting the requirements for a Type III vehicle. Also, parents may use a private vehicle to transport their own children under a contract with the district. The school district has no system of inspection for private vehicles.

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

1. The holder of a Class A, B, C, or D driver's license, without a school bus endorsement, may operate a type III vehicle, described above, under the following conditions:

a. The operator is an employee of the entity that owns, leases, or contracts for the school bus, which may include the school district.

b. The operator's employer, which may include the school district, has adopted and implemented a policy that provides for annual training and certification of the operator in:

1) safe operation of a type III vehicle

2) understanding student behavior, including issues relating to students with disabilities;

3) encouraging orderly conduct of students on the bus and handling incidents of misconduct appropriately;

4) knowing and understanding relevant laws, rules of the road, and local school bus safety policies;

5) handling emergency situations;

6) proper use of seat belts and child safety restraints;

7) performance of pretrip vehicle inspections;

8) safe loading and unloading of students, including, but not limited to:

a. utilizing a safe location for loading and unloading students at the curb, on the nontraffic side of the roadway, or at off-street loading areas, driveways, yards, and other areas to enable the student to avoid hazardous conditions;

b. refraining from loading and unloading students in a vehicular traffic lane, on the shoulder, in a designated turn lane, or a lane adjacent to a designated turn lane;

c. avoiding a loading or unloading location that would require a student to cross a road, or ensuring that the driver or an aide personally escort the student across the road if it is not reasonably feasible to avoid such a location;

d. placing the type III vehicle in "park" during loading and unloading;

e. escorting a student across the road under clause (c) only

after the motor is stopped, the ignition key is removed, the brakes are set, and the vehicle is otherwise rendered immobile; and

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

Minnesota Statutes section 169.451.

3. An employee of the school district who is not employed for the sole purpose of operating a type III vehicle may, in the discretion of the school district, be exempt from paragraphs VII.C.1.d. (physical examination) and VII.C.1.e. (drug testing), above.

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

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

42—School Bus Driver Training

6.1. Training

6.1.1. The School Board shall require that school bus drivers have the qualifications and training as required by law using the Department of Public Safety School Bus Training Manual as the applicable set of standards and competencies.

6.2. Evaluation

6.2.1. All drivers will be evaluated annually, at a minimum, for the following competencies to ensure that they:

6.2.1.1. Safely operate the type of school bus the driver will be driving;

6.2.1.2. Understand student behavior, including issues relating to students with disabilities;

6.2.1.3. Ensure orderly conduct of passengers on the bus and handle incidents of misconduct appropriately;

6.2.1.4. Know and understand relevant laws, rules of the road and local school bus safety policies;

6.2.1.5. Effectively handle emergency situations; and

6.2.1.6. Safely load and unload passengers.

VIII. **School District** Emergency Procedures

7.1. All drivers are required to meet the emergency training requirements contained in Unit III “Crash & Emergency Preparedness” of the Minnesota Department of Public Safety Model School Bus Driver Training Manual. This includes procedures in the event of an accident.

A. If possible, school bus drivers or their supervisors shall call “911” or the local emergency phone number in the event of a serious emergency. In an emergency, the driver’s first priority is the safety of his/her passengers.

B. School bus drivers shall meet the emergency training requirements contained in Unit III “Crash & Emergency Preparedness” of the Minnesota Department of Public Safety Model School Bus Driver Training Manual. This includes procedures in the event of a crash (accident).

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

7.3. All school buses shall be equipped with a two-way radio.

C. School bus drivers and bus assistants for special education students requiring special transportation service because of their handicapping condition shall be trained in basic first aid procedures, shall within 1 month after the effective date of assignment participate in a program of in-service training on the proper methods for dealing with the specific needs and problems of students with disabilities, assist students with disabilities on and off the bus when necessary for their safe ingress and egress from the bus; and ensure that protective safety devices are in use and fastened properly.

7.4. Emergency health information will be maintained on the school bus for students requiring special transportation service because of their disabling condition, or upon request of the parent/guardian.

D. Emergency Health Information shall be maintained on the school bus for students requiring special transportation service because of their handicapping condition. The information shall state:

1. the student’s name and address;
2. the nature of the student’s disabilities;
3. emergency health care information; and
4. the names and telephone numbers of the student’s physician, parents, guardians, or custodians, and some person other than the student’s parents or custodians who can be contacted in case of an emergency.

IX. ~~Vehicle Maintenance~~ **School District Vehicle Maintenance Standards**

8.1. The School Board shall require that all vehicles used to transport passengers, whether owned by the district or contractor, be inspected and maintained as required by applicable laws and regulations.

A. All school vehicles shall be maintained in safe operating conditions through a systematic preventive maintenance and inspection program adopted or approved by the school district.

B. All school vehicles shall be state inspected in accordance with legal requirements.

C. A copy of the current daily pre-trip inspection report must be carried in the bus. Daily pre-trip inspections shall be maintained on file in accordance with the school district’s record retention schedule. Prompt reports of defects to be immediately corrected will be submitted.

D. Daily post-trip inspections shall be performed to check for any children or lost items remaining on the bus and for vandalism.

**Expenditures for School Bus Safety Activities**

9.1. Expenditures of funds, and the reporting of these expenditures, from the “Reserved Revenue for Transportation Safety” shall be in accordance with existing laws.

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

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

~~10.1. The School Board shall designate the Director of Operations as the School Transportation Safety Director. The Director shall have day-to-day responsibility for pupil transportation safety within the district, including transportation of non-public school children when provided by the district. The Director will:~~

~~10.1.1. Assure that this policy is periodically reviewed and that it conforms to state and federal law;~~

~~10.1.2. Certify annually to the School Board that each school bus driver meets the school bus driver training competencies required by state law; and~~

~~10.1.3. Annually verify or ensure that the private contractor utilized by the school has verified the validity of the driver's license of each employee who regularly transports students for the School District in a Type A, B, C, or D school bus, Type III vehicle, or multifunctional school activity bus with the National Driver's Register or the Department of Public Safety.~~

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

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

### ~~Field Trips and Extra-curricular Bus Requests~~

~~11.1. The District may provide school buses/District vehicles for use with school-related activities (this includes the Community Education and Recreation Department). School buses/District vehicles shall not be used for non-school district related activities.~~

~~11.2. Requests shall be submitted to the Transportation Department following established procedures and time lines.~~

~~11.3. The school or group requesting the bus shall provide a chaperone or escort that must have a background check on file with the District.~~

~~11.4. The school or group requesting the bus shall be charged an appropriate fee for the services provided.~~

### ~~562—Transportation Eligibility~~

~~12.1. Transportation State Requirement~~

~~12.1.1. In accordance with Minnesota Statute 123B.88, bus transportation to and from school is~~

required to be provided by the District to students residing two miles or more from their assigned school unless transportation privileges have been voluntarily surrendered or revoked.

12.1.2. The District transportation zones, as calculated in 12.2.1 below, are as follows:

12.1.2.1. Elementary Schools (Kindergarten through grade five)

12.1.2.1.1. The District will transport students living farther than mile from their assigned school.

12.1.2.2. Middle Schools (Grades six through eight)

12.1.2.2.1. The District will transport students living farther than one mile from their assigned school.

12.1.2.3. High School (Grades nine through 12)

12.1.2.3.1. The District will transport students living farther than one mile from their assigned school

12.2. District Provided Transportation

12.2.1. For calculating District provided transportation eligibility, the shortest distance is measured from the school building entrance, designated by the District for student use, to the student's resident property or designated alternate address (where the front of the property meets the street) along any reasonably safe walkway, street or highway that is accessible to the public. If any portion of the front of the resident property as identified by the street address that meets the street is outside this distance, the student will be provided bus transportation to and from school.

12.3. Transportation Registration

12.3.1. Transportation registration is required for all Stillwater Area High School students, all non-public school students, and all charter school students.

12.3.2. Failure to submit a transportation form constitutes voluntary waiver of the right to transportation and students will not be assigned a bus.

12.3.2.1. Forms are found on the transportation page of the District website.

12.3.3. If a situation changes for a family at any time during the school year, contact the Transportation Department and students will be added to a bus within three to five working days.

12.4. Decline of Transportation

12.4.1. Families that are not going to use busing are asked to decline district transportation to help in transportation routing efficiency.

12.4.1.1. Forms are found on the transportation page of the District website.

12.4.2. If a situation changes for a family at any time during the school year, contact the Transportation Department and students will be added to a bus within three to five working days.

12.5. Bus Stops

12.5.1. Generally, there will be no bus stops established within one half mile of the assigned school.

12.5.2. Generally, there will be no bus stops established that require a student to walk further than one-half mile.

12.5.3. Generally, bus stops are located at intersections in order to provide the driver to have a wide area to scan for traffic and students, to create efficient routes and minimize buses backing up.

12.5.4. Generally, no more than 10-15 students are assigned to a bus stop.

12.5.5. Generally, buses will not be routed down cul-de-sacs for bus stops except to transport special education students. However buses may be routed down cul-de-sacs longer than one half mile for elementary students and longer than one mile for secondary students. †

12.5.6. A bus stop may be dropped if after ten consecutive days no student has utilized the stop. A stop can be restarted within 24 hours of notification to the transportation department.

12.6. Students Attending Nonpublic Schools

12.6.1. The School District will provide equal transportation within the School District for all students to any school when transportation is deemed necessary by the School Board because of distance or traffic conditions in like manner and form as provided in Minn. Stat. 123B.88 and 123B.92 as applicable.

12.6.2. The School District will provide school bus transportation to the District boundary for school children residing in the District at least the same distance from a nonpublic school actually attended in another district as public school pupils are transported in the District. Transportation will be provided whether or not there is another nonpublic school within the District, if the transportation is to schools

maintaining grades or departments not maintained in the District or if the attendance of such children at school can more safely, economically, or conveniently be provided for by such means.

12.6.3. The School District may provide school bus transportation to a nonpublic school in another district for school children residing in the District and attending that school, whether or not there is another nonpublic school within the District, if the transportation is to schools maintaining grades or departments not maintained in the district or if the attendance of such children at school can more safely, economically, or conveniently be provided for by such means. If the School Board chooses to transport children to a nonpublic school located in another District, the nonpublic school must pay the cost of such transportation provided outside the district boundaries.

12.6.3.1. Residents of School District 834, who elect to send their children to private schools located outside of the boundaries of the School District, will receive reimbursement for transportation of children to the District boundary provided that the following conditions are satisfied:

12.6.3.1.1. The application for reimbursement must be received in writing by the Stillwater Transportation Department by February 1 of the current school year. Mailed applications must be postmarked by February 1. The application must include the make and year of the vehicle to be utilized, a certificate of insurance, the length of the school year, the names of the children, and the name and address of the school.

12.6.3.1.2. After the school year has been completed, a record of attendance for each child must be forwarded to School District 834 by the school of attendance. This record will serve as the basis for reimbursement.

12.6.3.1.3. There is not an appropriate nonpublic school within the district.

12.6.3.2. Actual reimbursement will be based on the average cost per pupil, per mile for transportation of students attending schools within the boundaries of School District 834 during the preceding school year. Administrative and building costs will not be included in the calculations. The distance will be measured from the home to the District boundary by the most direct route. In no case will the actual reimbursement per child be less than \$.40 per day, or exceed the actual cost of transporting students to the District boundary.

12.6.3.3. Reimbursement will be based on a one school maximum per vehicle. Students in a family attending different appropriate nonpublic schools will receive reimbursement for each school attended. Siblings attending the same appropriate nonpublic school will receive a maximum of one student reimbursement.

12.6.4. The District shall provide the necessary transportation within the District boundaries between a nonpublic school and a public school or neutral site for nonpublic school students who are provided student support services, if the District elects to provide student support services at a site other than the nonpublic school.

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

12.6.6. A nonpublic school student transported by the School District shall comply with this policy and any other District policies regarding student bus conduct and student bus discipline.

12.6.7. The district will provide transportation following the approved District Calendar for the current school year.

## 12.7. Transportation For Students Attending Charter Schools

12.7.1. The School District will provide transportation for students enrolled in charter schools located within the District if the charter school does not elect to provide transportation and notifies the District of its decision by the dates set forth in Minn. Stat. 124D.10, Subd. 16.

12.7.2. For charter school students who live within the School District's boundaries, the District will provide transportation according to Minn. Stat. 123B.88, Subd. 6 and 124D.03, Subd. 8.

12.7.3. For charter school students who live outside the School District but attend a charter school located within the District, the District may provide transportation according to Minn. Stat. 123B.88, Subd. 6 and 124D.03, Subd. 8.

12.7.4. If the School District provides the transportation, the scheduling of routes, manner and method of transportation, control and discipline of students and any other matter relating to the transportation of students shall be within the sole discretion, control, and management of the School District.

12.7.5. A charter school student transported by the School District shall comply with this policy and any other District policies regarding student bus conduct and student bus discipline.

## 12.8. Student Enrollment Options Transportation

12.8.1. Transportation of students identified within the Student Enrollment Options Policy R 1.4.1 is the responsibility of the student's parent or guardian, or of the adult student age 18 or older.

12.8.2. A student enrolled as identified within Policy R 1.4.1, may ride a District 834 school bus, with priority to in-district alternative students, as long as the following conditions are present:

12.8.2.1. Unassigned space is available on the bus.

12.8.2.2. Transportation is requested by the parent, guardian or adult student utilizing the Transportation Registration Form;

12.8.2.3. Students must utilize an existing bus route;

12.8.2.4. Students must utilize an existing bus stop;

12.8.2.5. If any of the conditions change or are not met, permission to ride a school bus may be revoked.

## 12.9. Assigned Bus

12.9.1. Students may ride a bus other than their regular assigned bus only at the approval of the School District, in accordance with bus safety regulations.

12.9.1.1. A written request must be submitted by the parent or guardian to the principal of the school for official approval each time a student is to ride a bus other than his or her regular assigned bus.

## 12.10. Length of Bus Route

12.10.1. Routes will be designed so no student rides the bus for more than 75 minutes one way from the start or end of the school day.

## Legal References:

Minn. Stat. § 122A.18, Subd. 8 (Board to Issue Licenses)

Minn. Stat. § 123B.03 (Background Check)

Minn. Stat. § 123B.42 (Textbooks; Individual Instruction or Cooperative Learning Material; Standard Tests)

Minn. Stat. § 123B.88 (Independent School Districts; Transportation)

Minn. Stat. § 123B.885 (Diesel School Buses; Operation of Engine; Parking)

Minn. Stat. § 123B.90 (School Bus Safety Training)

Minn. Stat. § 123B.91 (School District Bus Safety Responsibilities)

Minn. Stat. § 123B.935 (Active Transportation Safety Training)

Minn. Stat. § 144.057 (Background Studies on Licensees and Other Personnel)

Minn. Stat. Ch. 169 (Traffic Regulations)

Minn. Stat. § 169.011, Subds. 15, 16, and 71 (Definitions)

Minn. Stat. § 169.02 (Scope)

Minn. Stat. § 169.443 (Safety of School Children; Bus Driver's Duties)

Minn. Stat. § 169.446, Subd. 2 (Safety of School Children; Training and Education Rules)

Minn. Stat. § 169.451 (Inspecting School and Head Start Buses; Rules; Misdemeanor)

Minn. Stat. § 169.454 (Type III Vehicle Standards)  
Minn. Stat. § 169.4582 (Reportable Offense on School Buses)  
Minn. Stat. §§ 169A.25-169A.27 (Driving While Impaired)  
Minn. Stat. § 169A.31 (Alcohol-Related School Bus or Head Start Bus Driving)  
Minn. Stat. §§ 169A.50-169A.53 (Implied Consent Law)  
Minn. Stat. § 171.02, Subds. 2, 2a, and 2b (Licenses; Types, Endorsements, Restrictions)  
Minn. Stat. § 171.168 (Notice of Violation by Commercial Driver)  
Minn. Stat. § 171.169 (Notice of Commercial License Suspension)  
Minn. Stat. § 171.321 (Qualifications of School Bus and Type III Vehicle Driver)  
Minn. Stat. § 171.3215, Subd. 1(c) (Canceling Bus Endorsement for Certain Offenses)  
Minn. Stat. § 181.951 (Authorized Drug and Alcohol Testing)  
Minn. Stat. Ch. 245C (Human Services Background Studies)  
Minn. Stat. § 609.02 (Definitions)  
Minn. Rules Parts 7470.1000-7470.1700 (School Bus Inspection)  
49 C.F.R. Part 383 (Commercial Driver's License Standards; Requirements and Penalties)  
49 C.F.R. § 383.31 (Notification of Convictions for Driver Violations)  
49 C.F.R. § 383.33 (Notification of Driver's License Suspensions)  
49 C.F.R. § 383.5 (Transportation Definitions)  
49 C.F.R. § 383.51 (Disqualification of Drivers)  
49 C.F.R. Part 571 (Federal Motor Vehicle Safety Standards)

**Cross References:**

MSBA/MASA Model Policy 416 (Drug and Alcohol Testing)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA/MASA Model Policy 707 (Transportation of Public Students)  
MSBA/MASA Model Policy 708 (Transportation of Nonpublic Students)  
MSBA/MASA Model Policy 710 (Extracurricular Transportation)

POLICY TITLE	POLICY NUMBER	ADOPTED	REVIEW FREQUENCY
<b>Crisis Management Policy</b>	<b>806</b>	<b>Adopted: 6-29-2000 Renumbered: 3-11-2021 Revised: 11/22/2022</b>	Annual

I. PURPOSE

The purpose of this Crisis Management Policy is to act as a guide for school and building administrators, employees, students, and community members to address a wide range of potential emergency situations in the school district. Each building in the district shall develop site-specific emergency management plans based on building needs. The school district will, to the extent possible, engage in ongoing emergency planning within the school district and with first responders and other relevant community organizations.

The purpose of this Model Crisis Management Policy is to act as a guide for school district and building administrators, school employees, students, school board members, and community members to address a wide range of potential crisis situations in the school district. The step-by-step procedures suggested by this Policy will provide guidance to each school building in drafting crisis management plans to coordinate protective actions prior to, during, and after any type of emergency or potential crisis situation. Each school district should develop tailored building-specific crisis management plans for each school building in the school district, and sections or procedures may be added or deleted in those crisis management plans based on building needs.

The school district will, to the extent possible, engage in ongoing emergency planning within the school district and with emergency responders and other relevant community organizations. The school district will ensure that relevant emergency responders in the community have access to their building-specific crisis management plans and will provide training to school district staff to enable them to act appropriately in the event of a crisis.

II. GENERAL INFORMATION

A. The Policy and Plans

The school district's Crisis Management Policy has been created in consultation with local community response agencies and other appropriate individuals and groups that would likely be involved in the event of a school emergency. It is designed so that each building administrator can tailor a building-specific emergency management plan to meet that building's specific situation and needs. (Same)

The school district will ensure that relevant first responders in the community have access to their building-specific emergency management plans and will provide training to school district staff to

enable them to act appropriately in the event of a crisis.

The school district's administration and/or the administration of each building shall present tailored building-specific crisis management plans to the school board for review and approval. The building-specific crisis management plans will include general crisis procedures and crisis-specific procedures. Upon approval by the school board, such crisis management plans shall be an addendum to this Crisis Management Policy. This Policy and the plans will be maintained and updated on an annual basis.

## B. Elements of the District Crisis Management Policy

### 1. General Emergency Procedures

The Emergency Management Plan includes procedures for hold, secure, lock-down, evacuation and shelter. The Policy designates the individual(s) who will determine when these actions will be taken. These district-wide procedures shall be included in building-specific crisis management plans. Building administrators may include additional crisis management procedures to fit the context of the school facility and population. A communication system will be in place to enable the designated individual to be contacted at all times in the event of a potential crisis, setting forth the method to contact the designated individual, the provision of at least two designees when the contact person is unavailable, and the method convey contact information to the appropriate staff persons. Crisis procedures will address specific procedures for children with special needs such as physical, sensory, motor, developmental, and mental health challenges.

1. **General Crisis Procedures.** The Crisis Management Policy includes general crisis procedures for securing buildings, classroom evacuation, building evacuation, campus evacuation, and sheltering. The Policy designates the individual(s) who will determine when these actions will be taken. These district-wide procedures may be modified by building administrators when creating their building-specific crisis management plans. A communication system will be in place to enable the designated individual to be contacted at all times in the event of a potential crisis, setting forth the method to contact the designated individual, the provision of at least two designees when the contact person is unavailable, and the method to convey contact information to the appropriate staff persons. The alternative designees may include members of the emergency first responder response team. A secondary method of communication should be included in the plan for use when the primary method of communication is inoperable. Each building in the school district will have access to a copy of the Comprehensive School Safety Guide (2011 Edition) to assist in the development of building-specific crisis management plans.

All general crisis procedures will address specific procedures for the safe evacuation of children and employees with special needs such as physical, sensory, motor, developmental, and mental health challenges.

***[Note: More specific information on planning for children with special needs can be found in the Comprehensive School Safety Guide (2011 Edition) and United States Department of Education's document entitled, "Practical Information on Crisis Planning, a Guide for Schools and Communities." A website link is provided in the resource section of this Policy.]***

- a) ~~Hold Procedures. Hold procedures will be used in situations that require students to remain in their classroom or area and clear the halls, such as an altercation in the hallway, medical issue that needs attention, or unfinished maintenance operation in a common area during class changes. Students and staff are to remain in their classroom or area, even if there is a scheduled class change, until the all clear is announced.~~
- b) ~~Secure Procedures. Secure procedures will be used in situations when there is a threat or hazard outside of the school building. Whether it's due to violence or criminal activity in the immediate neighborhood or a dangerous animal in the playground, Secure uses the security of the physical facility to act as protection. School activities continue inside as scheduled.~~
- c) Lock-Down Procedures. Lock-down procedures will be used in situations where harm may result to persons inside the school building, such as a shooting, hostage incident, intruder, trespass, disturbance, or when determined to be necessary by the building administrator or his or her designee. The building administrator or designee will announce the lock-down over the public address system or other designated system. Code words will not be used. Provisions for emergency evacuation will be maintained even in the event of a lock-down.

Lock-Down Procedures. Lock-down procedures will be used in situations where harm may result to persons inside the school building, such as a shooting, hostage incident, intruder, trespass, disturbance, or when determined to be necessary by the building administrator or his or her designee. The building administrator or designee will announce the lock-down over the public address system or other designated system. Code words will not be used. Provisions for emergency evacuation will be maintained even in the event of a lock-down. Each building administrator will submit lock-down procedures for their building as part of the building-specific crisis management plan.

***[Note: State law requires a minimum of five school lock-down drills each school year. See Minnesota Statutes section 121A.035.]***

- d) Evacuation Procedures. Evacuation procedures will be used in situations where people need to be moved from one location to another, such as a fire, heating/ventilation system failure, nearby gas leak, or bomb threat. Classroom and building evacuations shall be implemented at the discretion of the building administrator or designee. Campus evacuations shall be implemented at the discretion of the superintendent or designee.

Evacuation Procedures. Evacuations of classrooms and buildings shall be implemented at the discretion of the building administrator or his or her designee. Each building's crisis management plan will include procedures for transporting students and staff a safe distance from harm to a designated safe area until released by the building administrator or designee. Safe areas may change based upon the specific emergency situation. The evacuation procedures should include specific procedures for children with special needs, including children with limited mobility (wheelchairs, braces, crutches, etc.), visual impairments, hearing impairments, and other sensory, developmental, or mental health needs. The evacuation procedures

should also address transporting necessary medications for students that take medications during the school day.

***[Note: State law requires a minimum of five school fire drills, consistent with Minnesota Statutes section 299F.30, and one school tornado drill each school year. See Minnesota Statutes section 121A.035.]***

- e) Sheltering Procedures. Sheltering procedures will be used in situations that require refuge for students, staff, and visitors within the school building such as tornadoes or other severe weather events. Shelters are safe areas that maximize the safety of inhabitants. Safe areas may change based upon the specific emergency. The building administrator or his or her designee will announce the need for sheltering over the public address system or other designated system.

Sheltering Procedures. Sheltering provides refuge for students, staff, and visitors within the school building during an emergency. Shelters are safe areas that maximize the safety of inhabitants. Safe areas may change based upon the specific emergency. The building administrator or his or her designee will announce the need for sheltering over the public address system or other designated system. Each building administrator will submit sheltering procedures for his or her building as part of the building-specific crisis management plan.

***[Note: The Comprehensive School Safety Guide (2011 Edition) has sample lock-down procedures, evacuation procedures, and sheltering procedures.]***

## 2. School Closure Procedures

The superintendent will make decisions about closing school or buildings as early in the day as possible. The early school closure procedures will set forth the criteria for early school closure (e.g., weather-related, utility failure, or a crisis situation), will specify how closure decisions will be communicated to staff, students, families, and the school community, and will discuss the factors to be considered in closing and reopening a school or building.

Crisis-Specific Procedures. The Crisis Management Policy includes crisis-specific procedures for crisis situations that may occur during the school day or at school-sponsored events and functions. These district-wide procedures are designed to enable building administrators to tailor response procedures when creating building-specific crisis management plans.

***[Note: The Comprehensive School Safety Guide (2011 Edition) includes crisis-specific procedures.]***

## 3. Emergency Management Teams School Emergency Response Teams

- a) Composition. The building administrator in each school building will select a building safety

committee that will be trained to respond in an emergency. Team members should be trained to carry out the building's crisis management plans and will have knowledge of procedures, evacuation routes, and safe areas.

**Composition.** The building administrator in each school building will select a school emergency response team that will be trained to respond to emergency situations. All school emergency response team members will receive on-going training to carry out the building's crisis management plans and will have knowledge of procedures, evacuation routes, and safe areas. For purposes of student safety and accountability, to the extent possible, school emergency response team members will not have direct responsibility for the supervision of students. Team members must be willing to be actively involved in the resolution of crises and be available to assist in any crisis situation as deemed necessary by the building administrator. Each building will maintain a current list of school emergency response team members which will be updated annually. The building administrator, and his or her alternative designees, will know the location of that list in the event of a school emergency. A copy of the list will be kept on file in the school district office, or in a secondary location in single building school districts.

***[Note: The Comprehensive School Safety Guide (2011 Edition) has a sample School Emergency Response Team list.]***

- b) **Leaders.** The building administrator or designee serves as the leader of the building safety committee and the primary contact for emergency response officials. The designee list should include more than one alternative designee and may include members of the emergency response team.

**Leaders.** The building administrator or his or her designee will serve as the leader of the school emergency response team and will be the primary contact for emergency response officials. In the event the primary designee is unavailable, the designee list should include more than one alternative designee and may include members of the emergency response team. When emergency response officials are present, they may elect to take command and control of the crisis. It is critical in this situation that school officials assume a resource role and be available as necessary to emergency response officials.

### **III. PREPARATION BEFORE AN EMERGENCY**

#### 4. Communication

~~The superintendent has the authority and discretion to notify parents or guardians and the school community in the event of a crisis or early school closure.~~

- a) **Employees.** All employees shall be aware of the school district's Crisis Management Policy and their own site-specific emergency management plan. Employees shall receive periodic training on plan implementation.

**District Employees.** Teachers generally have the most direct contact with students on a day-to-day basis. As a result, they must be aware of their role in responding to crisis situations. This also applies to non-teaching school personnel who have direct contact with students. All staff shall be aware of the school district's Crisis Management Policy and their own building's crisis management plan. Each school's building-specific crisis management plan shall include the method and dates of dissemination of the plan to its staff. Employees will receive a copy of the relevant building-specific crisis management plans and shall receive

periodic training on plan implementation.

- b) Students. Students shall receive specific instruction on plan implementation and shall participate in a required number of drills and practice sessions throughout the school year. Students and Parents. Students and parents shall be made aware of the school district's Crisis Management Policy and relevant tailored crisis management plans for each school building. Each school district's building-specific crisis management plan shall set forth how students and parents are made aware of the district and school-specific plans. Students shall receive specific instruction on plan implementation and shall participate in a required number of drills and practice sessions throughout the school year.
- e) ~~Media~~. ~~The superintendent will designate a spokesperson who will notify the media in the event of a crisis or early school closure.~~

### Planning and Preparing for Fire

1. Designate a safe area at least 50 feet away from the building to enable students and staff to evacuate. The safe area should not interfere with emergency responders or responding vehicles and should not be in an area where evacuated persons are exposed to any products of combustion. (Depending on the wind direction, where the building on fire is located, the direction from which the fire is arriving, and the location of fire equipment, the distance may need to be extended.)

***[Note: Evacuation areas at least 50 feet from school buildings are recommended but not mandated by statute or rule. Evacuation areas should be selected based on safety and the individual school site's proximity to streets, traffic patterns, and other hazards.]***

2. Each building's facility diagram and site plan shall be available in appropriate areas of the building and shall identify the most direct evacuation routes to the designated safe areas both inside and outside of the building. The facility diagram and site plan must identify the location of the fire alarm control panel, fire alarms, fire extinguishers, hoses, water spigots, and utility shut offs.

3. Teachers and staff will receive training on the location of the primary emergency evacuation routes and alternate routes from various points in the building. During fire drills, students and staff will practice evacuations using primary evacuation routes and alternate routes.

4. Certain employees, such as those who work in hazardous areas in the building, will receive training on the locations and proper use of fire extinguishers and protective clothing and equipment.

5. Fire drills will be conducted periodically without warning at various times of the day and under different circumstances, e.g., lunchtime, recess, and during assemblies. State law requires a minimum of five fire drills each school year, consistent with Minnesota Statutes section 299F.30. See Minnesota Statutes section 121A.035.

***[Note: The State Fire Marshal advises schools to defer fire drills during the winter months.]***

6. A record of fire drills conducted at the building will be maintained in the building administrator's office.

***[Note: The Comprehensive School Safety Guide (2011 Edition), under the Preparedness/Planning section, has a sample fire drills schedule and log.]***

7. The school district will have prearranged sites for emergency sheltering and transportation as needed.

8. The school district will determine which staff will remain in the building to perform essential functions if safe to do so (e.g., switchboard, building engineer, etc.). The school district also will designate an administrator or his or her designee to meet local fire or law enforcement agents upon their arrival.

***[Note: The Comprehensive School Safety Guide (2011 Edition), under the Response section, has a sample fire procedure form, evacuation/relocation and student reunification/release procedures, and planning for student reunification.]***

## 5. Facility Diagrams

All school and district buildings will include a facility diagram in their site plan. Facility diagrams and site plans will be updated regularly and whenever a major change is made to a building. Facility diagrams and site plans will be provided to first responders, such as fire and law enforcement personnel, as needed.

All school buildings will have a facility diagram and site plan that includes the location of primary and secondary evacuation routes, exits, designated safe areas inside and outside of the building, and the location of fire alarm control panel, fire alarms, fire extinguishers, hoses, water spigots, and utility shut offs. All facility diagrams and site plans will be updated regularly and whenever a major change is made to a building. Facility diagrams and site plans will be maintained by the building administrator and will be easily accessible and on file in the school district office. Facility diagrams and site plans will be provided to first responders, such as fire and law enforcement personnel.

***[Note: For single building school districts, such as charter schools, a secondary location for the diagrams and site plans will be included in the district's Crisis Management Policy and may include filing documents with a charter school sponsor, or compiling facility diagrams and site plans and distributing copies to first responders or sharing the documents with first responders during the crisis planning process.]***

***[Note: To the extent data contained in facility diagrams and site plans constitute security***

***information pursuant to Minnesota Statutes section 13.37, school districts are advised to consult with appropriate officials and/or legal counsel prior to dissemination of the facility diagrams or site plans to anyone other than first responders.]***

6. Emergency Contacts Emergency Telephone Numbers

Each building will maintain a current list of emergency telephone numbers of local, county, and state personnel who may be involved in a crisis situation. The list will include local police, fire, ambulance, hospital, poison control, county and state emergency management agencies, local public works departments, local utility companies, public health, mental health/suicide hotlines, and the county welfare agency.

Each building will maintain a current list of emergency telephone numbers and the names and addresses of local, county, and state personnel who may be involved in a crisis situation. The list will include telephone numbers for local police, fire, ambulance, hospital, the Poison Control Center, county and state emergency management agencies, local public works departments, local utility companies, the public health nurse, mental health/suicide hotlines, and the county welfare agency. A copy of this list will be kept on file in the school district office, or at a secondary location for single building school districts and will be updated annually.

School district employees will receive training on how to make emergency contacts, including 911 calls, when the school district's main telephone number and location is electronically conveyed to emergency personnel instead of the specific building in need of emergency services.

School district plans will set forth a process to internally communicate an emergency, using telephones in classrooms, intercom systems, or two-way radios, as well as the procedure to enable the staff to rapidly convey emergency information to a building designee. Each plan will identify a primary and secondary method of communication for both internal and secondary use. It is recommended that the plan include several methods of communication because computers, intercoms, telephones, and cell phones may not be operational or may be dangerous to use during an emergency.

***[Note: The Comprehensive School Safety Guide (2011 Edition), under the Preparedness/Planning section, has a sample Emergency Phone Numbers list.]***

7. Warning Systems Warning and Notification Systems

The school district shall maintain a warning system designed to inform students, staff, and visitors of a crisis or emergency. This system shall be maintained on a regular basis under the maintenance plan for all school buildings.

The school district shall maintain a warning system designed to inform students, staff, and visitors of a crisis or emergency. This system shall be maintained on a regular basis under the maintenance plan for all school buildings. The school district should consider an alternate notification system to address the needs of staff and students with special needs, such as vision or hearing.

The building administrator shall be responsible for informing students and employees of the

warning system and the means by which the system is used to identify a specific crisis or emergency situation. Each school's building-specific crisis management plan will include the method and frequency of dissemination of the warning system information to students and employees.

#### Early School Closure Procedures

The superintendent will make decisions about closing school or buildings as early in the day as possible. The early school closure procedures will set forth the criteria for early school closure (e.g., weather-related, utility failure, or a crisis situation), will specify how closure decisions will be communicated to staff, students, families, and the school community (designated broadcast media, local authorities, e-mail, or district or school building web sites), and will discuss the factors to be considered in closing and reopening a school or building.

Early school closure procedures also will include a reminder to parents and guardians to listen to designated local radio and TV stations for school closing announcements, where possible.

***[Note: The Comprehensive School Safety Guide (2011 Edition), under the Response section, provides universal procedures for severe weather shelter.]***

#### G. Media Procedures

The superintendent has the authority and discretion to notify parents or guardians and the school community in the event of a crisis or early school closure. The superintendent will designate a spokesperson who will notify the media in the event of a crisis or early school closure. The spokesperson shall receive training to ensure that the district is in strict compliance with federal and state law relative to the release of private data when conveying information to the media.

***[Note: The Comprehensive School Safety Guide (2011 Edition), under the Response section, has a sample Media Procedures form.]***

#### H. Behavioral Health Crisis Intervention Procedures

Short-term behavioral health crisis intervention procedures will set forth the procedure for initiating behavioral health crisis intervention plans. The procedures will utilize available resources including the school psychologist, counselor, community behavioral health crisis intervention, or others in the community. Counseling procedures will be used whenever the superintendent or the building administrator determines it to be necessary, such as after an assault, a hostage situation, shooting, or suicide. The behavioral health crisis intervention procedures shall include the following steps:

1. Administrator will meet with relevant persons, including school psychologists and counselors, to determine the level of intervention needed for students and staff.
2. Designate specific rooms as private counseling areas.
3. Escort siblings and close friends of any victims as well as others in need of emotional support to the counseling areas.
4. Prohibit media from interviewing or questioning students or staff.
5. Provide follow-up services to students and staff who receive counseling.
6. Resume normal school routines as soon as possible.

#### I. Long-Term Recovery Intervention Procedures

Long-term recovery intervention procedures may involve both short-term and long-term recovery planning:

1. Physical/structural recovery.
2. Fiscal recovery.
3. Academic recovery.
4. Social/emotional recovery.

***[Note: The Comprehensive School Safety Guide (2011 Edition), under the Recovery section, addresses the recovery components in more detail.]***

## **IV. ACTIVE SHOOTER DRILL**

### **A. Definitions**

1. "Active shooter drill" means an emergency preparedness drill designed to teach students, teachers, school personnel, and staff how to respond in the event of an armed intruder on campus or an armed assailant in the immediate vicinity of the school. An active shooter drill is not an active shooter simulation, nor may an active shooter drill include any sensorial components, activities, or elements which mimic a real life shooting.

2. "Active shooter simulation" means an emergency exercise including full-scale or functional exercises, designed to teach adult school personnel and staff how to respond in the event of an armed intruder on campus or an armed assailant in the immediate vicinity of the school which also incorporates sensorial components, activities, or elements mimicking a real life shooting. Activities or elements mimicking a real life shooting include, but are not limited to, simulation of tactical response by law enforcement. An active shooter simulation is not an active shooter drill.

3. "Evidence-based" means a program or practice that demonstrates any of the following:

a. a statistically significant effect on relevant outcomes based on any of the following:

i. strong evidence from one or more well designed and well implemented experimental studies;

ii. moderate evidence from one or more well designed and well

implemented quasi-experimental studies; or

iii. promising evidence from one or more well designed and well implemented correlational studies with statistical controls for selection bias; or

b. a rationale based on high-quality research findings or positive evaluations that the program or practice is likely to improve relevant outcomes, including the ongoing efforts to examine the effects of the program or practice.

4. "Full-scale exercise" means an operations-based exercise that is typically the most complex and resource-intensive of the exercise types and often involves multiple agencies, jurisdictions, organizations, and real-time movement of resources.

5. "Functional exercises" means an operations-based exercise designed to assess and evaluate capabilities and functions while in a realistic, real-time environment, however, movement of resources is usually simulated.

## B. Criteria

An active shooter drill conducted according to Minnesota Statutes, section 121A.037 with students in early childhood through grade 12 must be:

1. accessible;

2. developmentally appropriate and age appropriate, including using appropriate safety language and vocabulary;

3. culturally aware;

4. trauma-informed; and

5. inclusive of accommodations for students with mobility restrictions, sensory needs, developmental or physical disabilities, mental health needs, and auditory or visual limitations.

## C. Student Mental Health and Wellness

Active shooter drill protocols must include a reasonable amount of time immediately following the drill for teachers to debrief with their students. The opportunity to debrief must be provided to students before regular classroom activity may resume. During the debrief period, students must be allowed to access any mental health services available on campus, including counselors, school psychologists, social workers, or cultural liaisons. An active shooter drill must not be combined or conducted consecutively with any other type of emergency preparedness drill. An active shooter drill

must be accompanied by an announcement prior to commencing. The announcement must use concise and age-appropriate language and, at a minimum, inform students there is no immediate danger to life and safety.

#### D. Notice

1. The school district must provide notice of a pending active shooter drill to every student's parent or legal guardian before an active shooter drill is conducted. Whenever practicable, notice must be provided at least 24 hours in advance of a pending active shooter drill and inform the parent or legal guardian of the right to opt their student out of participating.

2. If a student is opted out of participating in an active shooter drill, no negative consequence must impact the student's general school attendance record nor may nonparticipation alone make a student ineligible to participate in or attend school activities.

3. The Commissioner of the Minnesota Department of Education must ensure the availability of alternative safety education for students who are opted out of participating or otherwise exempted from an active shooter drill. Alternative safety education must provide essential safety instruction through less sensorial safety training methods and must be appropriate for students with mobility restrictions, sensory needs, developmental or physical disabilities, mental health needs, and auditory or visual limitations.

#### E. Participation in Active Shooter Drills

Any student in early childhood through grade 12 must not be required to participate in an active shooter drill that does not meet the Criteria set forth above.

#### F. Active Shooter Simulations

A student must not be required to participate in an active shooter simulation. An active shooter simulation must not take place during regular school hours if a majority of students are present, or expected to be present, at the school. A parent or legal guardian of a student in grades 9 through 12 must have the opportunity to opt their student into participating in an active shooter simulation.

#### G. Violence Prevention

1. A school district or charter school conducting an active shooter drill must provide students in middle school and high school at least one hour, or one standard class period, of violence prevention training annually.

2. The violence prevention training must be evidence-based and may be delivered in-person, virtually, or digitally. Training must, at a minimum, teach students the following:

- a. how to identify observable warning signs and signals of an individual who may be at risk of harming oneself or others;
- b. the importance of taking threats seriously and seeking help; and
- c. the steps to report dangerous, violent, threatening, harmful, or potentially harmful activity.

3. A school district or charter school must ensure that students have the opportunity to contribute to their school's safety and violence prevention planning, aligned with the recommendations for multihazard planning for schools, including but not limited to:

- a. student opportunities for leadership related to prevention and safety;
- b. encouragement and support to students in establishing clubs and programs focused on safety; and
- c. providing students with the opportunity to seek help from adults and to learn about prevention connected to topics including bullying, sexual harassment, sexual assault, and suicide.

#### H. Board Meeting

At a regularly scheduled school board meeting, a school board of a district that has conducted an active shooter drill must consider the following:

1. the effect of active shooter drills on the safety of students and staff; and
2. the effect of active shooter drills on the mental health and wellness of students and staff.

#### V. SAMPLE PROCEDURES INCLUDED IN THIS POLICY

Sample procedures for the various hazards/emergencies listed below are attached to this Policy for use when drafting specific crisis management plans. Additional sample procedures may be found in the Response section of the Comprehensive School Safety Guide (2011 Edition). After approval by the school board, an adopted procedure will become an addendum to the Crisis Management Policy.

- A. Fire
- B. Hazardous Materials
- C. Severe Weather: Tornado/Severe Thunderstorm/Flooding
- D. Medical Emergency
- E. Fight/Disturbance
- F. Assault
- G. Intruder

- H. Weapons
- I. Shooting
- J. Hostage
- K. Bomb Threat
- L. Chemical or Biological Threat
- M. Checklist for Telephone Threats
- N. Demonstration
- O. Suicide
- P. Lock-down Procedures
- Q. Shelter-In-Place Procedures
- R. Evacuation/Relocation
- S. Media Procedures
- T. Post-Crisis Procedures
- U. School Emergency Response Team
- V. Emergency Phone Numbers
- W. Highly Contagious Serious Illness or Pandemic Flu

## **V. MISCELLANEOUS PROCEDURES**

### **A. Chemical Accidents**

Procedures for reporting chemical accidents shall be posted at key locations such as chemistry labs, art rooms, swimming pool areas, and janitorial closets.

***[Note: School buildings must maintain Material Safety Data Sheets (M.S.D.S.) for all chemicals on campus. State law, federal law, and OSHA require that pertinent staff have access to M.S.D.S. in the event of a chemical accident.]***

### **B. Visitors**

The school district shall implement procedures mandating visitor sign in and visitors in school buildings. See MSBA/MASA Model Policy 903 (Visitors to School District Buildings and Sites). The school district shall implement procedures to minimize outside entry into school buildings except at designated check-in points and assure that all doors are locked prior to and after regular building hours.

### **C. Student Victims of Criminal Offenses at or on School Property**

The school district shall establish procedures allowing student victims of criminal offenses on school property the opportunity to transfer to another school within the school district.

***[Note: The Every Student Succeeds Act, 20 United States Code section 6301, et seq.; Title IX, 20 United States Code section 1681, et seq.; and the Unsafe School Choice Option, 20 United States Code section 7912, require school districts to establish such transfer procedures.]***

### **D. Radiological Emergencies at Nuclear Generating Plants [OPTIONAL]**

School districts within a 10-mile radius of the Monticello or Prairie Island nuclear power plants will implement crisis plans in the event of an accident or incident at the power plant.

Questions relative to the creation or implementation of such plans will be directed to the Minnesota Department of Public Safety.

Minn. Stat. § 121A.035 (Crisis Management Policy) Minn. Stat. § 299F.30 (Fire Drill in School)  
Minn. Stat. § 609.605, Subd. 4 (Trespasses on School Property) Minn. Rules Ch. 7511 (Fire Safety)  
42 U.S.C. § 5121 et seq. (Disaster Relief and Emergency Assistance)

**Legal References:** Minn. Stat. Ch. 12 (Emergency Management)

Minn. Stat. Ch. 12A (Natural Disaster; State Assistance)

Minn. Stat. § 121A.035 (Crisis Management Policy)

Minn. Stat. § 121A.038 (Students Safe at School)

Minn. Stat. § 121A.06 (Reports of Dangerous Weapon Incidents in School Zones)

Minn. Stat. § 299F.30 (Fire Drill in School; Doors and Exits)

Minn. Stat. § 326B.02, Subd. 6 (Powers)

Minn. Stat. § 326B.106 (General Powers of Commissioner of Labor and Industry)

Minn. Stat. § 609.605, Subd. 4 (Trespasses)

Minn. Rules Ch. 7511 (Fire Code)

20 U.S.C. § 1681, *et seq.* (Title IX)

20 U.S.C. § 6301, *et seq.* (Every Student Succeeds Act)

20 U.S.C. § 7912 (Unsafe School Choice Option)

42 U.S.C. § 5121 *et seq.* (Disaster Relief and Emergency Assistance)

**Cross References:** MSBA/MASA Model Policy 407 (Employee Right to Know – Exposure to Hazardous Substances)

MSBA/MASA Model Policy 413 (Harassment and Violence)

MSBA/MASA Model Policy 501 (School Weapons Policy)

MSBA/MASA Model Policy 506 (Student Discipline)

MSBA/MASA Model Policy 532 (Use of Peace Officers and Crisis Teams to Remove Students with IEPs from School Grounds)

MSBA/MASA Model Policy 903 (Visitors to School District Buildings and Sites)

*Comprehensive School Safety Guide*

<https://dps.mn.gov/divisions/hsem/mn-school-safety-center/Documents/Comprehensive%20School%20Safety%20Guide.pdf>



CERTIFICATION OF MINUTES RELATING TO SPECIAL ELECTION

Issuer: Independent School District No. 834 (Stillwater Area Public Schools), Minnesota  
Governing Body: School Board

Kind, date, time and place of meeting: A regular meeting held July 11, 2023 at 6:00 p.m. in said school district.

Members present: T - Hockett, Kelzenberg, Lauer, Petrié, Porbeni, Sherman, Thelander

Members absent: O

Documents attached:

- Minutes of said meeting (including):

RESOLUTION AMENDING RESOLUTION RELATING TO DETERMINING THE NECESSITY OF ISSUING GENERAL OBLIGATION BONDS AND CALLING A SPECIAL ELECTION THEREON

I, the undersigned, being the duly qualified and acting recording officer of the public corporation referred to in the title of this certificate, certify that the documents attached hereto, as described above, have been carefully compared with the original records of said corporation in my legal custody, from which they have been transcribed; that said documents are a correct and complete transcript of the minutes of a meeting of the governing body of said corporation, and correct and complete copies of all resolutions and other actions taken and of all documents approved by the governing body at said meeting; and that said meeting was duly held by the governing body at the time and place and was attended throughout by the members indicated above, pursuant to call and notice of such meeting given as required by law.

WITNESS my hand officially as such recording officer on July 11, 2023.

*Kate Hockett*

School District Clerk



Member Sherman introduced the following resolution and moved its adoption, which motion was seconded by Member Porbeni:

RESOLUTION AMENDING RESOLUTION RELATING TO DETERMINING THE NECESSITY OF ISSUING GENERAL OBLIGATION BONDS AND CALLING A SPECIAL ELECTION THEREON

BE IT RESOLVED by the School Board (the Board) of Independent School District No. 834 (STILLWATER AREA Public Schools), Minnesota (the District), as follows:

1. By resolution duly adopted on June 27, 2023 entitled "RESOLUTION RELATING TO DETERMINING THE NECESSITY OF ISSUING GENERAL OBLIGATION BONDS AND CALLING A SPECIAL ELECTION THEREON" (the Original Resolution) this Board called for its special election to be held on November 7, 2023 and established a ballot board. It was subsequently determined that the District desires to authorize Washington County to establish a ballot board.

2. Accordingly, the tenth paragraph of the Original Resolution should be deleted in its entirety and the following substituted therefor:

10. As required by Minnesota Statutes, Section 203B.121, the Board hereby establishes, or pursuant to that certain Joint Powers Agreement by and between the District and Washington County, Minnesota, dated as of December 17, 2019, directs Washington County to designate, a ballot board to process, accept and reject absentee ballots at school district elections not held on the day of a statewide election and generally to carry out the duties of a ballot board as provided by Minnesota Statutes, Section 203B.121 and other applicable laws. The ballot board must consist of a sufficient number of election judges trained in the handling of absentee ballots. The ballot board may include deputy county auditors and deputy city clerks who have received training in the processing and counting of absentee ballots. The clerk, the clerk's designee or Washington County is hereby authorized and directed to appoint the members of the ballot board. The clerk, the clerk's designee or Washington County shall establish, maintain and update a roster of members appointed to and currently serving on the ballot board and shall report to the Board from time to time as to its status. Each member of the ballot board shall be paid reasonable compensation for services rendered during an election at the same rate as other election judges; provided, however, if a staff member is already being compensated for regular duties, additional compensation shall not be paid for ballot board duties performed during that staff member's duty day.

3. Such modifications to the Original Resolution are hereby approved. Except as expressly modified hereby, the Original Resolution shall remain in full force and effect.

Upon vote being taken thereon, the following voted in favor thereof: 7- Huckert, Helzenberg, Lauer, Petr. 2, Porbeni, Sherman, Thelander and the following voted against the same: 0

whereupon the resolution was declared duly passed and adopted.



Stillwater School Board  
Community Engagement and Legislative Outreach Meeting Notes  
June 28, 2023

Attendees: Katie Hockert, Beverly Petrie, Alison Sherman,  
Mike Funk, Carissa Keister, Joan Hurley,

- The committee will be planning for the board approved resolution to place a bond referendum question on the November 7, 2023 ballot.
- Approval of the 2023 Minnesota Legislative Model Policy Revisions will be brought to the board in upcoming meetings.

*Respectfully submitted by Joan Hurley*