

**Hastings Area Public Schools - ISD 200**  
**School Board Meeting Agenda**

Wednesday, August 26, 2020  
Regular Meeting  
Video Conference through Zoom

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**I. Call Meeting to Order**

- a. Attendance

**II. Motion to approve the agenda/table file**

- a. Approval of the minutes from the July 22nd Regular Board Meeting, the August 10th Special Board Meeting, and the August 18th Special Board Meeting.

**III. Recognition of visitors**

**IV. Announcements and Recognitions**

- a. Good News

**V. Items for Discussion**

- a. Policies for Second Reading
  - i. Policy 203.2 - Order of the Regular School Board Meeting
  - ii. Policy 203.6 - Consent Agendas
  - iii. Policy 208 - Development, Adoption, and Implementation of Policies
  - iv. Policy 414 - Mandated Reporting of Child Neglect or Physical or Sexual Abuse
  - v. Policy 415 - Mandated Reporting of Maltreatment of Vulnerable Adults
  - vi. Policy 808 - COVID-19 Face Covering Policy

**VI. Administrative Reports**

- a. Superintendent
  - i. Building Construction Fund Project Update
- b. School Board Committee Reports
  - i. Facility Committee
  - ii. Admin Negotiations - Principals
  - iii. Policy Committee
  - iv. Finance Committee

**VII. Action Items**

- a. Consent Agenda
  - i. Change Orders
    - 1. Corval change Order no. 13
    - 2. Corval change order no. 14
  - ii. Bills Payable
  - iii. Personnel Report
- b. Items for Individual Action
  - i. CESO Contract
  - ii. Master agreements
    - 1. Principals Contract
  - iii. Policies for approval
    - 1. Policy 203.2 - Order of the Regular School Board Meeting
    - 2. Policy 203.6 - Consent Agenda
    - 3. Policy 208 - Development, Adoption, and Implementation of Policies
    - 4. Policy 414 - Mandated Report of Child Neglect or Physical or Secual Abuse
    - 5. Policy 415 - Mandated Reporting of Maltreatment of Vulnerable Adults
    - 6. Policy 808 - COVID-19 Face Covering Policy

**VIII. Future Meetings**

**IX. Adjournment**

**Board of Education  
Independent School District 200  
Hastings, Minnesota**

A Regular Meeting of the School Board of Independent School District 200, Hastings, Minnesota, was held on Wednesday, July 22<sup>nd</sup>, 2020 via Zoom video conference.

The meeting was called to order by Kelsey Waits at 6:03 PM. The following members of the School Board were present: Becky Beissel, Brian Davis, Scott Gergen, Lisa Hedin, Dave Pemble, Kelsey Waits and Superintendent Robert McDowell. Members absent: Stephanie Malm.

A motion to approve the agenda was made by Dave Pemble and seconded by Scott Gergen. The vote was: 6 ayes, and 0 nays, motion carried unanimously.

A motion to approve the minutes from the June 24<sup>th</sup> Regular Board Meeting was made by Lisa Hedin and seconded by Dave Pemble. The vote was: 6 ayes, and 0 nays, motion carried unanimously.

Kelsey Waits took time to welcome and acknowledge those who were attending the Board Meeting via Zoom as well as those watching the meeting remotely.

The time was turned over to Superintendent McDowell to recognize all those who have been involved in the distance learning plan that was implemented in the spring for their hard work. He also touched on the money that the District has received from the CARES Act as well as other points of interest regarding the upcoming school year and how Dakota County is trying to help the District further.

Superintendent McDowell continued with his Superintendent report to provide the public with and update on the COVID-19 planning that is being worked on currently. The goal is to have the District's plan ready for the public by August 7<sup>th</sup>. It was also discussed that there will be a special work session created at the end of July or the first week of August to have further discussion with the Board regarding the District's plan.

The time was turned over to Kelsey Waits to discuss the report from the Facility Committee meeting summary form the July 10<sup>th</sup> Policy Committee Meeting.

Time was then turned over to Scott Gergen who discussed the summary from the Principal Admin Negotiations meeting that was held on July 16<sup>th</sup>.

There were two policies that were available for first read through: Policy 414 – Mandated Reporting of Child Neglect or Physical or Sexual Abuse, and Policy 415 – Mandated Reporting of Maltreatment of Vulnerable Adults.

There were five policies available for a second reading which the Board could move to make action items in order to approve the policies.

A motion to move Policy 610 to an action item was made by Becky Beissel and seconded by Lisa Hedin. The vote was 6 ayes, and 0 nays, motion carried unanimously.

A motion to move Policy 901 to an action item was made by Becky Beissel and seconded by Dave Pemble. The vote was 6 ayes, and 0 nays, motion carried unanimously.

A motion to move Policy 902 to an action item was made by Brian Davis and seconded by Scott Gergen. The vote was 6 ayes, and 0 nays, motion carried unanimously.

A motion to move Policy 902A to an action item was made by Dave Pemble and seconded by Becky Beissel. The vote was 6 ayes, and 0 nays, motion carried unanimously.

A motion to move Policy 903 to an action item was made by Scott Gergen and seconded by Lisa Hedin. The vote was 6 ayes, and 0 nays, motion carried unanimously.

A motion to approve the consent agenda, inclusive of change order #7 from GCPR for \$1006.50, bills payable, personnel report, and yearly membership renewals was made by Lisa Hedin and seconded by Dave Pemble. The vote was 6 ayes, and 0 nays, motion carried unanimously.

A motion to approve Policy 413 was made by Scott Gergen and seconded by Lisa Hedin. The vote was 6 ayes, and 0 nays, motion carried unanimously.

A motion to approve Policy 514 was made by Becky Beissel and seconded by Dave Pemble. The vote was 6 ayes, and 0 nays, motion carried unanimously.

A motion to approve Policy 522 was made by Dave Pemble and seconded by Scott Gergen. The vote was 6 ayes, and 0 nays, motion carried unanimously.

A motion to approve Policy 612 was made by Dave Pemble and seconded by Becky Beissel. The vote was 6 ayes, and 0 nays, motion carried unanimously.

A motion to approve the Employee Classification Review Cycle for Pay Equity Compliance for 2020-2021 was made by Scott Gergen and seconded by Lisa Hedin. The vote was 6 ayes, and 0 nays, motion carried unanimously.

A motion to approve the changes to the pay equity Review was made by Lisa Hedin and seconded by Dave Pemble. The vote was 6 ayes, and 0 nays, motion carried unanimously.

A motion to approve individual contracts was made by Scott Gergen and seconded by Dave Pemble. The vote was 6 ayes, and 0 nays, motion carried unanimously.

A motion to approve the SRO/Crossing Guard Contract for 2020-2022 was made by Brian Davis and seconded by Dave Pemble. The vote was 6 ayes, and 0 nays, motion carried unanimously.

Kelsey Waits read a resolution accepting donations to the Hastings School District. The motion to accept the donations was made by Kelsey Waits and seconded by Dave Pemble. A roll call vote was taken: Becky Beissel – aye, Brian Davis – aye, Scott Gergen – aye, Lisa Hedin – aye, Dave Pemble – aye, Kelsey Waits – aye, and Stephanie Malm was absent. Nays none, motion of acceptance carried unanimously.

With no further business to discuss, a motion to adjourn the meeting was made by Scott Gergen and seconded by Dave Pemble. The vote was 6 ayes, and 0 nays, motion carried unanimously. The meeting was adjourned at 7:25 PM.

**Board of Education  
Independent School District 200  
Hastings, Minnesota**

A Special Meeting of the School Board of Independent School District 200, Hastings, Minnesota, was held on Monday, August 10<sup>th</sup>, 2020 via Zoom video conference.

The meeting was called to order by Kelsey Waits at 8:07 AM. The following members of the School Board were present: Becky Beissel, Brian Davis, Scott Gergen, Lisa Hedin, Stephanie Malm, Dave Pemble, and Kelsey Waits. Members absent: none.

A motion to approve the agenda was made by Dave Pemble and seconded by Lisa Hedin. The vote was: 7 ayes, and 0 nays, motion carried unanimously.

There was some discussion about further updates to the District's plan for the fall 2020-2021 school year and then the Board moved on to the one item of business.

A motion to adopt resolution regarding the base learning model of the 2020-2021 school year and other COVID-19 related matters was made by Stephanie Malm and seconded by Dave Pemble. A roll call vote was taken: Becky Beissel – aye, Brian Davis – aye, Scott Gergen – aye, Lisa Hedin – aye, Stephanie Malm – aye, Dave Pemble – aye, Kelsey Waits – aye. Nays: none. Motion carried unanimously.

With no further business to discuss, a motion to adjourn the meeting was made by Scott Gergen and seconded by Brian Davis. The vote was: 7 ayes, 0 nays, motion carried unanimously. The meeting was adjourned at 8:37 AM.

**Board of Education  
Independent School District 200  
Hastings, Minnesota**

A Special Meeting of the School Board of Independent School District 200, Hastings, Minnesota, was held on Tuesday, August 18<sup>th</sup>, 2020 via Zoom video conference.

The meeting was called to order by Kelsey Waits at 6:03 PM. The following members of the School Board were present. Becky Beissel, Brian Davis, Scott Gergen, Lisa Hedin, Stephanie Malm, Dave Pemble, and Kelsey Waits. Members absent: none.

A motion to amend the agenda to include the review and possible action on a change to Policy 530 was made by Dave Pemble and seconded by Lisa Hedin. The vote was: 7 ayes, 0 nays, motion carried unanimously. A motion to approve the agenda including the amendment was made by Dave Pemble and seconded by Brian Davis. The vote was: The vote was: 7 ayes, 0 nays, motion carried unanimously.

The Board then proceeded to have a discussion about the proposed Policy 808 – COVID-19 Face Covering Policy which will be moved on to a second reading at the August 26<sup>th</sup>, 2020 School Board Meeting.

The first item of business was related to the review and approval of motion to approve the indicated changes to document 710A – Co-curricular and Extracurricular Alternative Transportation Permission Form. A motion to approve the indicated changes to 710A was made by Stephanie Malm and seconded by Dave Pemble. The vote was: 7 ayes, 0 nays, motion carried unanimously.

The next item of business was to review and discuss extending the deadline date for immunizations for families. A motion to extend the date for the immunization deadline to November 2<sup>nd</sup>, 2020 was made by Stephanie Malm and seconded by Dave Pemble. The vote was: 7 ayes, 0 nays, motion carried unanimously.

With no further discussion the meeting was adjourned at 6:40 PM.



*Hastings Public School District  
ISD #200*

*MSBA/MASA Model Policy 203.2  
Orig. 1997  
Rev. 2007*

## **203.2 ORDER OF THE REGULAR SCHOOL BOARD MEETING**

### **I. PURPOSE**

The purpose of this policy is to ensure consistency in the order of business at regular school board meetings.

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

It is the policy of the school board to consider matters that come before it in a consistent and orderly manner.

### **III. ORDER**

A. The school board shall conduct an orderly school board meeting. The school board will, at all regular school board meetings, follow an agenda order similar to:

1. Call to order.
2. Approval of agenda, table agenda, and minutes.
3. Recognition of visitors, correspondence, and public comment.
4. Items for discussion.
5. Reports.
6. Action Items.
7. Future Meetings.
8. Adjournment.

B. Items in this order may be considered as part of a consent agenda.

C. The school board may depart from the order of business with the consent of the

majority of members present.

***Legal References:*** Minn. Stat. § 123B.09, Subd. 7 (School Board Powers)

***Cross References:*** MSBA/MASA Model Policy 203 (Operation of the School Board –  
Governing Rules)  
MSBA/MASA Model Policy 203.5 (School Board Meeting Agenda)  
MSBA/MASA Model Policy 203.6 (Consent Agendas)

*Policy Reviewed: 02.19.2020*

*Policy Adopted:*

*Policy Revised: 02.21.2020*



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

### **I. PURPOSE**

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

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

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

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

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

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

- A. The school board shall give notice of proposed policy changes or adoption of new policies by placing the item on the agenda of two school board meetings. The proposals shall be distributed and public comment will be allowed at both meetings prior to final school board action. The Board may vote after the second policy reading.
- B. The final action taken to adopt the proposed policy shall be approved by a simple



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majority vote of the school board at a subsequent meeting after the meetings at which public input was received. The policy will be effective on the later of the date of passage or the date stated in the motion.

- C. In the case of an emergency, a new or modified policy may be adopted by a majority vote of a quorum of the school board. A statement regarding the emergency and the need for immediate adoption of the policy shall be included in the minutes. The emergency policy shall expire within one year following the emergency action unless the policy adoption procedure stated above is followed and the policy is reaffirmed. The school board shall have discretion to determine what constitutes an emergency situation.
- D. If a policy is modified with minor changes that do not affect the substance of the policy or because of a legal change over which the school board has no control, the modified policy may be approved at one meeting at the discretion of the school board.

**V. IMPLEMENTATION OF POLICY**

- A. The superintendent shall be responsible for implementing school board policies, other than the policies that cover how the school board will operate. The superintendent shall develop administrative guidelines and directives to provide greater specificity and consistency in the process of implementation. These guidelines and directives, including employee and student handbooks, shall be subject to annual review and approval by the school board.
- B. All School Board policies will be posted on the official district website. Each school board member shall have access to this policy manual. A copy shall be placed in the office of each school attendance center. A physical copy of the policy manual will be maintained at the District Office and made available for reference purposes to other interested persons.
- C. The superintendent, employees designated by the superintendent, and individual school board members shall be responsible for keeping the policy manuals current.
- D. The school board shall review policies at least once every three years. The superintendent shall be responsible for developing a system of periodic review, addressing approximately one third of the policies annually. In addition, the school board shall review the following policies annually: 410 Family and Medical Leave Policy; 413 Harassment and Violence; 414 Mandated Reporting of Child Neglect or Physical or Sexual Abuse; 415 Mandated Reporting of Maltreatment of Vulnerable Adults; 506 Student Discipline; 514 Bullying Prohibition Policy; 522 Student Sex Nondiscrimination; 524 Internet Acceptable Use and Safety Policy; 616 School District System Accountability; and 806 Crisis Management Policy.



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- E. When no school board policy exists to provide guidance on a matter, the superintendent is authorized to act appropriately under the circumstances keeping in mind the educational philosophy and financial condition of the school district. Under such circumstances, the superintendent shall advise the school board of the need for a policy and present a recommended policy to the school board for approval.

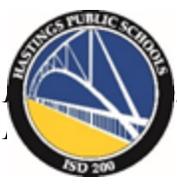
***Legal References:*** Minn. Stat. § 123B.02, Subd. 1 (School District Powers)  
Minn. Stat. § 123B.09, Subd. 1 (School Board Powers)

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

*Policy Reviewed: 02.19.2020*

*Policy Adopted:*

*Policy Revised: 02.21.2020*



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

**I. PURPOSE**

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

**II. GENERAL STATEMENT OF POLICY**

- A. The policy of the school district is to fully comply with Minn. Stat. § 626.556 requiring school personnel to report suspected child neglect or physical or sexual abuse.
- B. A violation of this policy occurs when any school personnel fails to immediately report instances of child neglect or physical or sexual abuse when the school personnel knows or has reason to believe a child is being neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years.

**III. DEFINITIONS**

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



- D. “Mandated reporter” means any school personnel who knows or has reason to believe a child is being neglected or physically or sexually abused, or has been neglected or physically or sexually abused within the preceding three years.
- E. “Neglect” means the commission or omission of any of the acts specified below, other than by accidental means:
1. failure by a person responsible for a child’s care to supply a child with necessary food, clothing, shelter, health care, medical care, or other care required for the child’s physical or mental health when reasonably able to do so, including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;
  2. failure to protect a child from conditions or actions that seriously endanger the child’s physical or mental health when reasonably able to do so;
  3. failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors such as the child’s age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for his or her own basic needs or safety or the basic needs or safety of another child in his or her care;
  4. failure to ensure that a child is educated in accordance with state law, which does not include a parent’s refusal to provide his or her child with sympathomimetic medications;
  5. prenatal exposure to a controlled substance used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child’s birth, or medical effects or developmental delays during the child’s first year of life that medically indicate prenatal exposure to a controlled substance or the presence of a fetal alcohol spectrum disorder;
  6. medical neglect as defined by Minn. Stat. § 260C.007, Subd. 6, Clause (5);
  7. chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child’s basic needs and safety; or
  8. emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child’s behavior, emotional response, or cognition that is not within the normal range for the child’s age and stage of development, with due regard to the child’s culture.

Neglect does not include spiritual means or prayer for treatment or care of disease



where the person responsible for the child's care in good faith has selected and depended on those means for treatment or care of disease, except where the lack of medical care may cause serious danger to the child's health.

- F. "Non Maltreatment mistake" means: (1) at the time of the incident, the individual was performing duties identified in the center's child care program plan required under Minn. Rules Part 9503.0045; (2) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years; (3) the individual has not been determined to have committed a similar non maltreatment mistake under this paragraph for at least four years; (4) any injury to a child resulting from the incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical professional or not; and (5) except for the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing requirements relevant to the incident. This definition only applies to child care centers licensed under Minn. Rules Ch. 9503.
- G. "Physical abuse" means any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child's care other than by accidental means; or any physical or mental injury that cannot reasonably be explained by the child's history of injuries or any aversive or deprivation procedures, or regulated interventions, that have not been authorized by Minn. Stat. § 125A.0942 or § 245.825.

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

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



or school zone, an act by a person responsible for the child's care that is a violation under Minn. Stat. § 121A.58.

- H. "Report" means any communication received by the local welfare agency, police department, county sheriff, or agency responsible for child protection pursuant to this section that describes neglect or physical or sexual abuse of a child and contains sufficient content to identify the child and any person believed to be responsible for the neglect or abuse, if known.
- I. "School personnel" means professional employee or professional's delegate of the school district who provides health, educational, social, psychological, law enforcement, or child care services.
- J. "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child (as defined in Minn. Stat. § 609.341, Subd. 15), or by a person in a current or recent position of authority (as defined in Minn. Stat. § 609.341, Subd. 10) to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct. Such acts include sexual penetration, sexual contact, solicitation of children to engage in sexual conduct, and communication of sexually explicit materials to children. Sexual abuse also includes any act involving a minor which constitutes a violation of Minnesota statutes prohibiting prostitution or use of a minor in a sexual performance. Sexual abuse includes all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation which requires registration under Minn. Stat. § 243.166, Subd. 1b(a) or (b) (Registration of Predatory Offenders).
- K. "Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.
- L. "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.
- M. "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person



responsible for the child's care who has subjected the child to, or failed to protect a child from, egregious harm, or a person whose parental rights were involuntarily terminated, been found palpably unfit, or one from whom legal and physical custody of a child has been involuntarily transferred to another.

#### IV. REPORTING PROCEDURES

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



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

## V. INVESTIGATION

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



- E. Upon request by MDE, the school district shall provide all requested data that are relevant to a report of maltreatment and are in the possession of a school facility, pursuant to an assessment or investigation of a maltreatment report of a student in school. The school district shall provide the requested data in accordance with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

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

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

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

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

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

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

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 121A.58 (Corporal Punishment)  
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)



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

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

*Policy Reviewed: 07.22.2020*

*Policy Adopted:*

*Policy Revised:*



## **415 MANDATED REPORTING OF MALTREATMENT OF VULNERABLE ADULTS**

### **I. PURPOSE**

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

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

- A. The policy of the school district is to fully comply with Minn. Stat. § 626.557 requiring school personnel to report suspected maltreatment of vulnerable adults.
- B. A violation of this policy occurs when any school personnel fails to report suspected maltreatment of vulnerable adults when the school personnel has reason to believe that a vulnerable adult is being or has been maltreated, or has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained.

### **III. DEFINITIONS**

- A. “Mandated Reporters” means any school personnel who has reason to believe that a vulnerable adult is being or has been maltreated.
- B. “Maltreatment” means the neglect, abuse, or financial exploitation of a vulnerable adult.
- C. “Neglect” means the failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care, or supervision which is: (1) reasonable and necessary to obtain or maintain the vulnerable adult’s physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and (2) which is not the result of an accident or therapeutic conduct. Neglect also includes the absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health of the vulnerable adult which a reasonable person would deem essential to obtain or maintain the vulnerable adult’s health, safety, or comfort considering the physical or mental capacity or dysfunction of the vulnerable adult. Neglect does not include actions specifically excluded by Minn. Stat. § 626.5572, Subd. 17.
- D. “Abuse” means: (a) An act against a vulnerable adult that constitutes a violation



of, an attempt to violate, or aiding and abetting a violation of: (1) assault in the first through fifth degrees as defined in sections 609.221 to 609.224; (2) the use of drugs to injure or facilitate crime as defined in section 609.235; (3) the solicitation, inducement, and promotion of prostitution as defined in section 609.322; and (4) criminal sexual conduct in the first through fifth degrees as defined in sections 609.342 to 609.3451. A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction. (b) Conduct which is not an accident or therapeutic conduct as defined in this section, which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following: (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult; (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening; (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and (4) use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under section 245.825. (c) Any sexual contact or penetration as defined in section 609.341, between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility. (d) The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another. Abuse does not include actions specifically excluded by Minn. Stat. § 626.5572, Subd. 2.

- E. "Financial Exploitation" means a breach of a fiduciary duty by an actor's unauthorized expenditure of funds entrusted to the actor for the benefit of the vulnerable adult or by an actor's failure to provide food, clothing, shelter, health care, therapeutic conduct or supervision, the failure of which results or is likely to result in detriment to the vulnerable adult. Financial exploitation also includes: the willful use, withholding or disposal of funds or property of a vulnerable adult; the obtaining of services for wrongful profit or advantage which results in detriment to the vulnerable adult; the acquisition of a vulnerable adult's funds or property through undue influence, harassment, duress, deception or fraud; and the use of force, coercion, or enticement to cause a vulnerable adult to perform services against the vulnerable adult's will for the profit or advantage of another.
  
- F. "Vulnerable Adult" means any person 18 years of age or older who: (1) is a resident or inpatient of a facility; (2) receives services required to be licensed under Minn. Stat. Ch. 245A, except as excluded under Minn. Stat. § 626.5572, Subd. 21(a)(2); (3) receives services from a licensed home care provider or person or organization that offers, provides, or arranges for personal care assistance services under the medical assistance program; or (4) regardless of residence or type of service received possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the individual's ability to adequately provide



the person's own care without assistance or supervision and, because of the dysfunction or infirmity and need for care or services, has an impaired ability to protect the individual's self from maltreatment.

- G. "Caregiver" means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement.
- H. "School Personnel" means professional employees or their delegates of the school district engaged in providing health, educational, social, psychological, law enforcement, or other caretaking services of vulnerable adults.
- I. "Immediately" means as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.

#### **IV. REPORTING PROCEDURES**

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



- F. Any person who intentionally makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury. The intentional making of a false report may result in discipline.

## V. INVESTIGATION

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

## VI. DISSEMINATION OF POLICY AND TRAINING

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

**Legal References:** Minn. Stat. § 13.02 (Collection, Security, and Dissemination of Records; Definitions)  
Minn. Stat. § 245.825 (Aversive and Deprivation Procedures; Licensed Facilities and Services)  
Minn. Stat. §§ 609.221-609.224 (Assault)  
Minn. Stat. § 609.234 (Crimes Against the Person)  
Minn. Stat. § 609.235 (Use of Drugs to Injure or Facilitate Crime)  
Minn. Stat. § 609.322 (Solicitation, Inducement, and Promotion of Prostitution; Sex Trafficking)  
Minn. Stat. § 609.341 (Definitions)  
Minn. Stat. §§ 609.342-609.3451 (Criminal Sexual Conduct)  
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)  
Minn. Stat. § 626.5572 (Definitions)  
*In re Kleven*, 736 N.W.2d 707 (Minn. App. 2007)

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



*lic School District*

*Policy Reviewed: 07.22.2020*

*Policy Adopted:*

*Policy Revised: 07.17.2020*



## **808 COVID-19 FACE COVERING POLICY**

### **I. PURPOSE**

The purpose of this policy is to establish requirements for employees, students, and other persons (including visitors, guests, contractors, etc.) present on school property to wear face coverings in classrooms, preschool, child care settings and other indoor areas, as well as outdoor areas where a physical distance of 6 feet cannot be maintained between persons, in order to minimize exposure to COVID-19.

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

- A. The policy of the school district is to comply with Executive Order 20-81, Executive Order 20-82, and applicable face covering requirements from the Minnesota Department of Health and the Minnesota Department of Education.
- B. Face coverings are meant to protect other people in case the wearer does not know they are infected.
- C. Unless an exception described in Part IV below applies, all students, staff, and other people present indoors in school buildings and district offices or riding on school transportation vehicles are required to wear a face covering.
- D. A violation of this policy occurs when any student, staff, or other person present in a school building, in the school district office, or on a school transportation vehicle fails to wear a face covering, unless an enumerated exception applies.

### **III. DEFINITION OF FACE COVERING**

- A. A face covering must be worn to cover the nose and mouth completely, should not be overly tight or restrictive, and should feel comfortable to wear. The following are included in the definition of face covering:
  - 1. Paper or disposable mask;
  - 2. Cloth face mask;
  - 3. Scarf;



4. Neck gaiter;
5. Bandana;
6. Religious face covering; and
7. Medical-grade masks and respirators

B. A face shield is a clear plastic barrier that covers the face and allows visibility of facial expressions and lip movements for speech perception. A face shield should extend below the chin anteriorly, to the ears laterally, and there should be no exposed gap between the forehead and the shield's headpiece.

C. Masks that incorporate a valve designed to facilitate easy exhaling, mesh masks, or masks with openings, holes, visible gaps in the design or material, or vents are not sufficient face coverings because they allow exhaled droplets to be released into the air.

#### **IV. EXCEPTIONS AND ALTERNATIVES; TEMPORARY REMOVAL OF FACE COVERING**

- A. Face coverings should not be placed on anyone under age 2, anyone who has trouble breathing or is unconscious, anyone who is incapacitated or otherwise unable to remove the face covering without assistance, or anyone who cannot tolerate a face covering due to a developmental, medical, or behavioral health condition.
- B. A face shield does not provide the same level of protection as a face covering, and may only be used as an alternative to a face covering in the following situations:
  1. A student in grades kindergarten through eighth grade may wear a face shield when wearing a face covering is problematic.
  2. A teacher of any grade level may wear a face shield when wearing a face covering may impede the educational process.
  3. Staff, students, or visitors who cannot tolerate a face covering due to a developmental, medical, or behavioral health condition may wear a face shield instead of a face covering.
  4. Staff providing direct support student services may wear a face shield instead of a face covering when a face covering would impede the service being provided.



- C. Staff, students, and other people present in school buildings or in district offices may temporarily remove their face covering or face shield in the following situations:
1. When engaging in classes or activities conducted outdoors, though people participating in these activities should maintain six feet of distance to the extent possible;
  2. When engaging in indoor physical activity where the level of exertion makes wearing a face covering difficult, though people participating in these activities should maintain six feet of distance to the extent possible;
  3. During activities, such as swimming or showering, where the face covering will get wet;
  4. While receiving a service, including nursing, medical, or personal care services, that cannot be performed or is difficult to perform when the individual receiving the service is wearing a face covering;
  5. Pre-kindergarten students age 5 years and younger participating in programming in a school building or district office;
  6. When the wearer needs to remove their face covering to eat or drink, though care should be taken to maintain as much space as possible between people while doing so;
  7. During indoor practices or performances involving singing, acting, public speaking, or playing musical instruments where a face covering cannot be used while playing the instrument, though people participating in these activities should maintain six feet of distance to the extent possible;
  8. When required by school staff for the purposes of identification;
  9. Staff working alone in their offices, classrooms, vehicles, or job locations that have no person-to-person interaction;
  10. Staff working in communal spaces that have barriers such as Plexiglas or cubicle walls between employees that are above face level; or
  11. When communicating with a person who is deaf or hard of hearing or has a disability, medical condition, or mental health condition that makes communication with a face covering difficult, provided that social distancing is maintained to the extent possible.



## **V. IMPLEMENTATION**

A. This policy will be conspicuously posted in each school building and administrative office and communicated to students, staff, families, and potential visitors to the school building.

B. The school district will provide face coverings and/or face shields to employees and students. Employees and students may choose to wear their own face covering as long as it covers the nose and mouth. To the extent practicable, the school district will maintain an extra supply of face coverings for people who forget to bring their face covering.

C. The school district will teach and reinforce the use of face coverings and/or face shields for students and staff throughout the school day, including on transportation vehicles, inside school buildings, and generally when on school grounds.

D. Individuals who cannot tolerate a face covering due to a medical condition or disability related condition may be permitted to utilize alternative options such as a face shield or other reasonable accommodation. The Superintendent or designee shall have discretion to determine whether an employee, parent, or community member qualifies for a reasonable accommodation and the accommodation to be provided. For a student with a medical condition or disability, the student's education team (i.e. IEP team, Section 504 team, health plan team) will determine whether the student qualifies for a reasonable accommodation and the accommodation to be provided. As a condition to granting a reasonable accommodation, the school district may require an individual to provide a physician's note and/or other relevant information or with respect to the condition or circumstance. Requests for reasonable accommodations from the face covering requirement shall be assessed on a case-by-case basis in accordance with applicable federal and state law.

E. All face coverings shall meet the requirements of applicable dress code policies and/or codes of conduct.

F. The school district will make available distance learning to its enrolled students who may be medically vulnerable or otherwise unwilling to return to in-person or hybrid learning.

## **VI. ENFORCEMENT; CONSEQUENCES FOR NON-COMPLIANCE**

A. In order to promote the health and safety of employees, students and members of the community, and make available a safe environment that is conducive to learning, compliance with this policy is necessary.

B. Employees who fail or refuse to comply with this policy may be subject to discipline, as appropriate, up to and including the termination of employment.



*Hastings Public School District  
ISD #200*

C. Students who fail or refuse to comply with this policy may be subject to discipline or removal from school property. Students unwilling to participate in in-person or hybrid learning in compliance with this policy will be offered distance learning.

D. The school district may, in its discretion, report violators of this policy to law enforcement. Any individual who willfully violates Emergency Executive Order 20-81

or

20-82 is guilty of a petty misdemeanor and upon conviction must be punished by a fine not to exceed \$100. (NOTE: This does not apply to: (1) children younger than 14 years old; or (2) students 14 years old and older who are enrolled in a school identified in Paragraph 12 of Emergency Executive Order 20-81, and who are on the premises of the school for educational purposes).

***Legal References:*** Emergency Executive Order 20-81  
Emergency Executive Order 20-82  
Minn. Stat. § 12.45 (Governor's Orders and Rules, Effect)  
Minn. Stat. § 12.45 (Violations; Penalties)

***Cross References:*** MSBA/MASA Model Policy 807 (Health and Safety Policy)  
MSBA/MASA Model Policy 504 (Student Dress and Appearance)

*Policy Reviewed:*

*Policy Adopted:*

*Policy Revised:*

**Building Construction Fund Projects as of 7/31/2020**

Org	Crs	A	B	C	D	E	A-C-D-E	
		Project Budget	Vendor Bid Amount +/- Change Orders	Vendor Contract Expenses to Date	Wold Fees to Date	Other Expenses Less Rebates to Date	Remaining Funds	Status
		4,645,800	2,944,318	2,944,318	294,530	11,568	1,395,384	Complete
129	082	1,182,000	753,551	753,551	74,842	(34,273)	387,879	Complete
129/610	070	478,500	246,483	246,483	30,569	(26,321)	227,770	Complete
xxx	071	1,841,300	1,084,851	1,084,851	116,970	22,836	616,643	Complete
129/612	078	360,000	286,864	286,864	23,219	3,323	46,593	Complete
129	088	1,240,554	-	-	-	-	1,240,554	Contingency
		(1,347,449)	-	-	-	-	(1,347,449)	Reallocation
		-	-	-	-	-	2,059,047	Interest Earnings
<b>Subtotal</b>		<b>8,400,705</b>	<b>5,316,067</b>	<b>5,316,067</b>	<b>540,130</b>	<b>(22,867)</b>	<b>4,626,421</b>	

*Remaining funds from complete projects are available for excess costs on other identified projects or reallocation for new projects.*

Org	Crs	A	B	C	D	E	A-B-D-E	
xxx	023	382,000	192,975	192,198	24,421	12,636	152,746	In Process
129	041	1,951,100	606,642	596,642	123,429	28,570	1,202,459	In Process
130	070/046/047	23,812,049	21,955,768	18,817,681	1,309,098	371,460	3,313,810	In Process
009	063/064	3,370,000	2,687,632	2,683,632	216,215	280,568	189,585	In Process
610	045	968,000	517,400	261,440	51,100	248	655,211	In Process
129	079	506,000	416,124	-	25,080	14,888	466,032	In Process
610	082	373,000	289,800	186,485	18,865	248	167,401	In Process
611	051	445,000	264,690	-	24,209	1,414	154,687	In Process
611	045/048/082	828,746	688,400	-	52,017	29,121	747,608	In Process
<b>Subtotal</b>		<b>32,635,895</b>	<b>27,619,431</b>	<b>22,738,078</b>	<b>1,844,434</b>	<b>739,153</b>	<b>7,049,540</b>	

*Remaining funds from in process projects are not available for excess costs on other identified projects or reallocation for new projects.*

Org	Crs	A	B	C	D	E	A-B-D-E	
612	045/050	107,100	-	-	-	42,595	64,505	In Design
129	078	50,000	-	-	-	-	50,000	In Design
611	045	18,400	-	-	-	-	18,400	In Design
609/612	082	533,200	-	-	-	-	533,200	In Design
<b>Subtotal</b>		<b>708,700</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>42,595</b>	<b>666,105</b>	

*Remaining funds from in design projects are not available for excess costs on other identified projects or reallocation for new projects.*

Org	Crs	A	B	C	D	E	A	
129	045	604,400	-	-	-	-	604,400	Future
130	082	717,200	-	-	-	-	717,200	Future
609	045	416,100	-	-	-	-	416,100	Future
130	037	365,000	-	-	-	-	365,000	Future
129	037	435,000	-	-	-	-	435,000	Future
		200,000	-	-	-	-	200,000	Future
<b>Subtotal</b>		<b>2,737,700</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2,737,700</b>	

*Remaining funds from future projects are not available for excess costs on other identified projects or reallocation for new projects.*

Org	Crs	A	B	C	D	E	A-B-E	
xxx	022	1,500,000	-	-	na	754,916	745,084	Not Completed
xxx	038	600,000	-	-	na	116,528	483,472	Not Completed
xxx	086	300,000	-	-	na	-	300,000	Not Completed
xxx	084	500,000	-	-	na	-	500,000	Not Completed
xxx	043	160,000	-	-	na	-	160,000	Not Completed
xxx	066	662,100	-	-	na	-	662,100	Not Completed
083,052,053		394,900	-	-	na	133,776	261,124	Not Completed
<b>Subtotal</b>		<b>4,117,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1,005,219</b>	<b>3,111,781</b>	

*Remaining funds from not completed projects are not available for excess costs on other identified projects or reallocation for new projects.*

<b>Total</b>	<b>48,600,000</b>	<b>32,935,498</b>	<b>28,054,145</b>	<b>2,384,564</b>	<b>1,764,100</b>	<b>18,191,548</b>
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Transfers from Contingency:	Complete and In Process (does not include contingency)	41,143,495
\$445,000 Early Childhood Improvements	Project Total	48,600,000
\$ 87,000 High School Athletic Field Parking Lot	%	85%
\$ 44,300 High School Retaining Wall		
\$113,024 Middle School Bathrooms near Auditorium		
\$200,000 High School Bathrooms		
\$158,125 Middle School Bathrooms		
\$300,000 Technology		
TBD High School Privacy Showers (PE Complex)		
TBD High School Privacy Showers (Athletic Locker Rooms)		
TBD Tilden Toilet Piping		



BRIDGE TO SUCCESS

# Hastings Public Schools

INDEPENDENT SCHOOL DISTRICT 200  
1000 11<sup>TH</sup> STREET WEST  
HASTINGS, MN 55033-2597  
Phone (651) 480-7000  
Fax (651) 480-7004

## Facilities Committee Summary

*Committee Mission: The Standing Facilities Committee will provide guidance for proper administration of stated projects and provide information and ensure value to the board:*

- 1) Architectural Vision and Advice: The Committee, in conjunction with the Administration, will undertake specific assignments from the Board to develop a consensus for architectural vision to govern specific construction projects, establish building criteria, conduct design reviews, make recommendations and/or establish an approvals process*
- 2) Facilities Improvements and Tactical Planning: The Committee, in conjunction with the Administration, will make recommendation on needed and/or required improvements, maintenance and general upkeep of the facilities.*

### **August 3, 2020**

1. Discussed showers in the High School locker room and increasing the number, as recommended by the High School administration.
2. We also discussed costs related to COVID.
  - a. We will be adding bottle fill stations to our water fountains as well as making the water fountains ADA compliant
  - b. Dakota County is working on getting internet support into rural areas, but we have also set aside money for better access points as well as more devices in order to make sure each of our students has one.
  - c. For air filtration, we will adjust our sequences in order to make improvements. We will also be overriding our energy saving measures to make sure that our units are operating at their full ability. The buildings that are able to have Merv-13 filters installed will; however, not every building will be able to as it would tax the fans and cause pressure issues. We will be focusing on balancing air filtration with the amount of air that's moving.
3. We continued our discussion around space concerns and early childhood needs and the need to find a long-term solution for our preschool program.
  - a. We discussed the cost of adding two rooms on each elementary building as an addition; however, that cost was far outside of our remaining bond dollars and we will continue looking at alternate solutions.
4. A needs analysis of the storage shed at the Middle School is being conducted. A recommendation will be brought to the Facilities Committee as well as Parks and Rec.
5. Along with the projects listed above, we will be moving forward with a number of additional projects. These include: privacy bathroom pair at the High School, privacy bathroom pair at the Middle School, privacy showers in the PE complex at the High School, privacy showers in the athletic locker rooms at the High School, and Tilden south toilet piping.
6. The estimated total for all of these projects is approximately \$2.3 million.



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## Administrator Negotiations Committee Report of August 11, 2020

We reached a tentative agreement that was accepted after discussions within the administrator team on 8/13/2020.

### **Tentative Agreement:**

1. For the 2020-21 school year, allow for Step Movement and a 1.5% increase to the salary schedule.
2. For the 2021-22 school year, allow for Step Movement and a 1.0% increase to the salary schedule.

### Bereavement Leave

**Eliminate paragraph 2:** At the discretion of the superintendent and dependent upon the circumstances, a staff member may be granted bereavement leave for the death of persons not specified in paragraph 1. At the discretion of the superintendent, up to five (5) prorated days may be allowed per death without deduction in pay or deduction from sick leave.

**Add:** aunt, uncle and step-child to the list of immediate family in paragraph 1 of Bereavement.

### Jury Duty

1. **Add Language:** Employees called to serve on jury duty or subpoenaed to appear in court due to or because of their position with the school district, shall remit jury duty pay or payment for appearing, to the district, not including mileage, and receive their regular pay for each day they are required to appear in court.



BRIDGE TO SUCCESS

# Hastings Public Schools

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HASTINGS, MN 55033-2597  
Phone (651) 480-7000  
Fax (651) 480-7004

## Policy Committee Mission

This ad-hoc board committee serves to review current policies and make recommendations for revision or adoption of new policies. The current goal of the committee is to add critical new policies, insure the mandatory annual review of specific policies per statute, and complete a cycle of policy review to insure that the district policy manual is complete and in a standardized format within a two-year period (January, 2022).

### Topic: Policy Committee Meeting

Time: August 13, 2020 04:30 PM Central Time (US and Canada)

## Committee Agenda & Minutes for August 13, 2020

### **Priority for August 13 policy committee meeting:**

COVID-19 Face Covering Policy: discussing requiring everyone to wear a mask IAW Executive Order 20-81, Executive Order 20-82, and any applicable face covering requirement from the MDH and MDE.

Policy 710A – Co-Curricular and Extracurricular Alternative Transportation Permission Form: need to amend this policy and include parent transportation. Working up a modified version to include pandemic transportation verbiage.

Both policies are going to the special board meeting on Tuesday, August 18<sup>th</sup>.

# Budget Adjustment Draft Timeline

August 31 - September 30	Establish Groups, Gain ideas, Guiding Change Document, Parameters, Options
October 7	Board Work Session - Options
October 14	Public Feedback - Optional Board Discussion
October 21	Optional Board Work Session
October 28	Business MTG - Report, Discussion, Direction
November 4	Optional Board Work Session, Public Input
November 10	Revised Options, Work Session
November 18	Business MTG - Report, Discussion, Public Input, Proposal Decision
December 2	Option for Additional Work Session or Business MTG
December 9	"Last Chance" Decision



## Finance Committee Summary

- Received **Budget Adjustment Draft Timeline** (Please Attach)
  - Bob laid out prospective timeline but we want to solicit input from as many as possible but do it efficiently.
  - We acknowledge that we have a \$1.5M - 1.7M challenge that has to be addressed.
  - Expect administrative staff across district to work through this.
  - There is an aggressive time frame to address this as it will multiply year over year.
- 
- District received **\$350k from CARES Act**
  - There is a wide use for these dollars and the deadline is 12/20/2022
- 
- District received **\$1.080M from COVID Relief Fund**
  - Eligible use for dollars includes operations, students, families, staff support.
  - The deadline for use is 12/31/2020 which is a short window
  - These dollars will be used first and will help cover operational costs, digital supports, mental health supports, translation services, etc.

## Personnel Information for Approval

### Employee Resignations/Retirements/Terminations

Effective Date	Name	Reason	Building/Position
6/4/2020	Dawn Anderson	Resignation	Cook
6/5/2020	Jennifer Tix	Resignation	Instructional Asst.
7/16/2020	Allison Reuter	Termination	Cleaner
6/5/2020	Kristen Moon	Resignation	Orchestra Teacher
8/14/2020	Jacob Hammer	Resignation	Custodian
9/30/2020	Dave Haveman	Resignation	Director of Special Services
6/5/2020	Kimberly Laun	Resignation	Civics Teacher/HHS
6/5/2020	Lynette Schmaltz	Resignation	Instructional Asst.
6/5/2020	Lacey Villavicencio	Resignation	Instructional Asst.
6/6/2020	Brittney Rasmussen	Resignation	Instructional Asst.
8/18/2020	Makeesha Gieger	Resignation	2nd Grade Teacher - MEL
6/5/2020	Amanda Pommerening	Resignation	Instructional Asst. SpEd.
6/5/2020	Sandra Storlie	Retirement	Cook - HHS
6/5/2020	Griffin Welshons	Resignation	
6/5/2020	Jennifer Sande	Retirement	Speech/Language - HMS

### Employee Leaves

Effective Date(s)	Name	Leave Type	Building/Position
8/18/2020	Melissa Black	FMLA (Intermittent)	Teacher/KEL
8/18/2020	Sandy Biscoe	FMLA (Intermittent)	Teacher/PEL
10/9/2020 - 10/27/2020	Wendy Livingston	FMLA	Instructional Lab Tech
8/18/2020	Lolene Borsheim	Medical Leave of Absence (2020-21 School year)	Curriculum Coord/Coach TOSA - District Wide

### Employee Change in Grade/Step

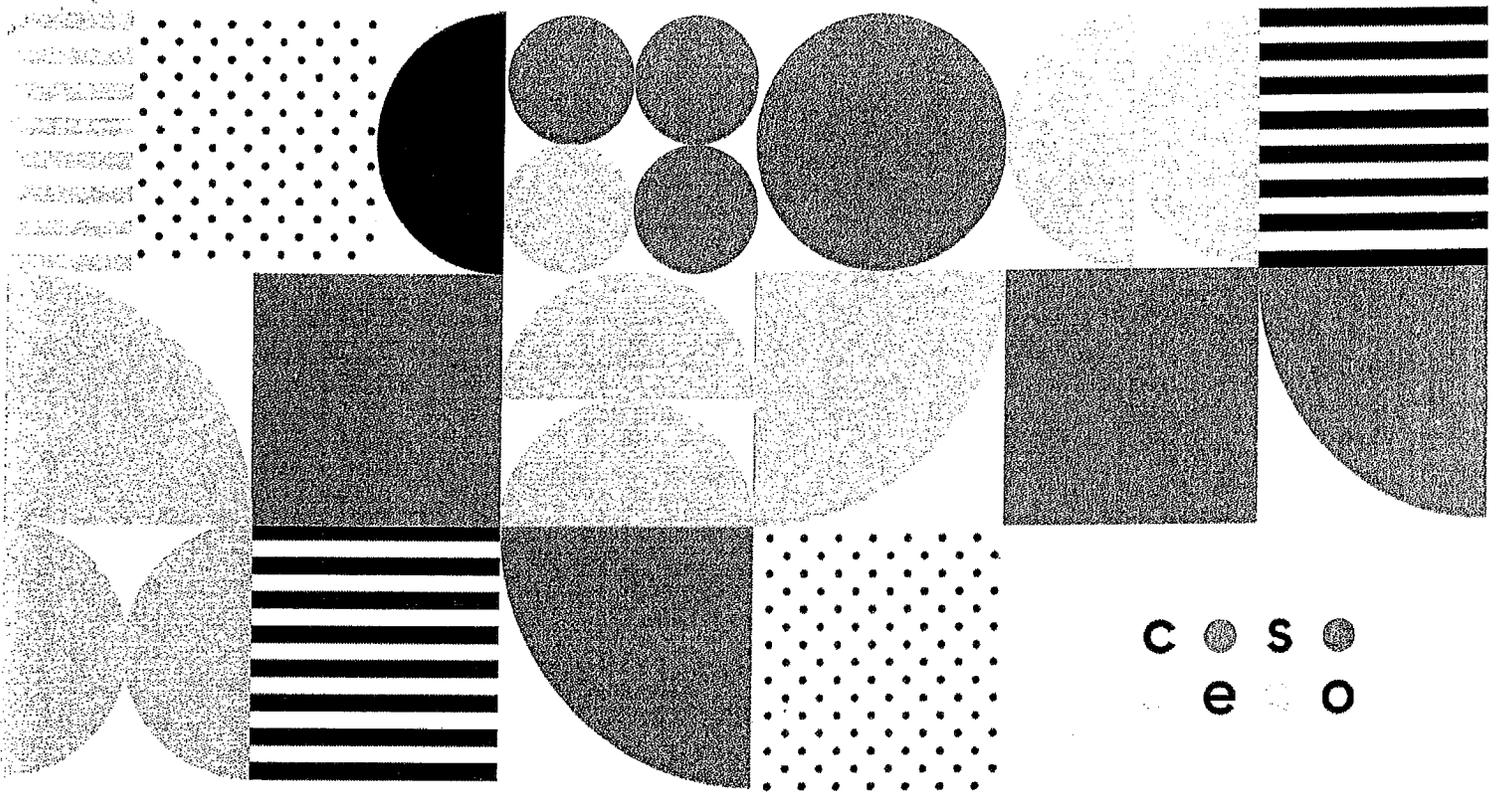
Effective Date	Name	Position	Current Grade/Step	New Grade/Step
8/24/2020	Jared Zetwick	Custodian	Grade 6/Step 2 \$17.04	Gade 5/Step 2 \$15.66

### Employee Change in Position

Effective Date	Name	Current Position	New Position
8/24/2020	Andy Larson	4th Grade Pinecrest	TOSA
8/20/2020	Amanda Pommerening	SpEd PSA	Sub. SpEd PSA

**Employment of the following individuals**

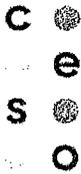
<b>Start Date</b>	<b>Name</b>	<b>Position/Building</b>	<b>Salary/Rate of Pay</b>
8/14/2020	Phil Druszczak	Maintenance Specialist/HMS	\$22.05
8/17/2020	Megan Wojcik	Non Public Nurse/District Wide	\$32.86
8/17/2020	Dan Clarke	Night Lead Custodian/HMS	\$22.05
8/20/2020	Kelly Olsen	Orchestra/HHS	\$42,478.00
8/20/2020	Katie Nye	3rd Grade Teacher/KEL	\$57,143.00
8/20/2020	Hannah Duke	2nd Grade Teacher/MEL	\$46,738.00
	Khendra Johnson	Art Teacher 5- 8/HMS	\$38,663.20
8/20/2020	Steven Sporre	3rd Grade Teacher/PEL	\$51,703.00
8/24/2020	Joanne Teigland	5th Grade Teacher/HOA	\$38,072.00
8/24/2020	Elizabeth Niedermayer	1st Grade Teacher/MEL	\$43,500.00
8/24/2020	Cameron Gorr	School Age Care Program Asst. /Tilden	\$14.34
8/24/2020	Griffin Welshons	School Age Care Program Lead/Tilden	\$20.10



c o s o  
e o

# CESO Facilities Contract

Hastings Public Schools  
July 13, 2020



## 01 | The Ceso Story •

The Center for Effective School Operations (CESO) is excited to continue providing comprehensive management services with the ultimate goal of reducing non-instructional operation costs. We are confident that through the use of technology, financial insight, project aggregation and negotiation skills we will be able to meet the district needs for keeping more educational dollars in the classroom.

## 02 | Scope of Work •

### 2.1 Facilities

- Project Development – Consult with Architects, Engineers and contractors to develop projects and appropriate financial solutions.
- Value Engineering/Purchasing - On an as needed basis key projects will be reviewed to assure maximum cost effectiveness. In addition, a value purchasing process will be implemented to reduce overall project costs.
- Project Implementation - Project bidding, administrative oversight and closeout will be provided for all projects implemented through this process.
- Facility Assessments - Facility assessments that will assist in developing and/or recommending blueprints for ongoing capital and long-term facilities maintenance projects.
- Budgeting and Planning - Based on the facility assessments a comprehensive financial plan will be recommended that will address the capital and deferred maintenance needs of the district, if needed.

### 2.2 Environmental Health and Safety

- General Assessments – Review of current data that the District has generated to confirm the existing conditions. If no current assessment is available, an assessment will be conducted to ensure that MDE requirements are met.
- Plan Review and Update – Review all existing plans and update on an annual basis.
- Training – Conduct training of staff as required by MDE.
- Budgeting - Develop a 10-year budget for Health and Safety expenditures for the School District and make the project application submittals to the Minnesota Department of Education.
- Project Development – Consult with District and contractors to develop projects and appropriate financial solutions based on the Health & Safety Budgets.
- Project Implementation - Project bidding, administrative oversight and closeout will be provided for all projects implemented through this process. This proposal shall cover costs for all projects listed in attachment one with exception of asbestos removal, personnel salaries, and sprinkler system work.



### 2.3 Transportation Oversight

- Contract development - Work with the district and school bus contractor(s) to assure the contract contains updated language as it pertains to equipment, operations, and laws.
- Contract bidding and/or negotiations - Shall be done as annually or as otherwise agreed. Perform an analysis of similar districts to assure the School District is getting a good value from contractors.
- School bell times - Bell time studies shall be done on an as needed basis.
- School boundary analysis - Analysis will be done at the request of the district.
- Transportation Policy - Review of these policies and recommendations shall be provided as requested by the district.

## 03 | Payment Terms and Start/Completion Dates •

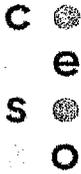
### 3.1 Start and completion dates

Upon execution of the Contract, the contract will be effective on July 1, 2020. The Contract may be terminated upon 120 days written notice prior to June 30 of any school year (June 30 - July 1).

Thank you for this opportunity, and we look forward to our continued partnership with your district! If you have any questions regarding this proposal, please feel free to contact me at any time.

### 3.2 Fee Breakdown

- Facility, Capital and Maintenance Planning: \$8,750.00 quarterly
- Project Management (projects over \$150,000): 1% of total project cost
- Environmental Health & Safety Services: \$8,250.00 quarterly
- Transportation Oversight: \$875.00 quarterly



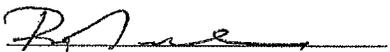
# 04 | Authorization to Proceed •

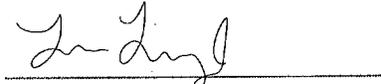
Please sign and return a copy of this contract to CESO as authorization to proceed. Once we receive this signed contract we will return a final contract to you for your records and begin with the implementation stages of this agreement. I have carefully reviewed the above contract and authorize CESO to proceed.

*Robert McDowell, Superintendent*

Jennifer Seubert, Director of Business  
Hastings Public Schools  
1000 West 11th Street  
Hastings, MN 55033

Lance Libengood, President  
The Center for Effective School Operations  
615 1st Avenue NE - Suite 115  
Minneapolis, MN 55413

  
Authorized Signature

  
Authorized Signature

*ROBERT MCDOWELL 7-21-20*  
Authorized Print      Date

Lance Libengood      7/21/20  
Authorized Print      Date

***Principal Contract Negotiations for 2020-22***

School Board – Kelsey Waits, Scott Gergen, Stephanie Malm

Principals – Paul Bakker, Mike Johnson, Steve Kovach

Superintendent – Bob McDowell

Director of Business – Jen Seubert

August 13, 2020

Tentative Agreement:

1. For the 2020-21 school year, allow for Step Movement and a 1.5% increase to the salary schedule.
2. For the 2021-22 school year, allow for Step Movement and a 1.0% increase to the salary schedule.

**Bereavement Leave**

**Eliminate** paragraph 2: At the discretion of the superintendent and dependent upon the circumstances, a staff member may be granted bereavement leave for the death of persons not specified in paragraph 1. At the discretion of the superintendent, up to five (5) prorated days may be allowed per death without deduction in pay or deduction from sick leave.

**Add**: aunt, uncle and step-child to the list of immediate family in paragraph 1 of Bereavement.

**Jury Duty**

1. **Add** Language Employees called to serve on jury duty or subpoenaed to appear in court due to or because of their position with the school district, shall remit jury duty pay or payment for appearing, to the district, not including mileage, and receive their regular pay for each day they are required to appear in court.



*Hastings Public School District  
ISD #200*

*MSBA/MASA Model Policy 203.2  
Orig. 1997  
Rev. 2007*

## **203.2 ORDER OF THE REGULAR SCHOOL BOARD MEETING**

### **I. PURPOSE**

The purpose of this policy is to ensure consistency in the order of business at regular school board meetings.

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

It is the policy of the school board to consider matters that come before it in a consistent and orderly manner.

### **III. ORDER**

A. The school board shall conduct an orderly school board meeting. The school board will, at all regular school board meetings, follow an agenda order similar to:

1. Call to order.
2. Approval of agenda, table agenda, and minutes.
3. Recognition of visitors, correspondence, and public comment.
4. Items for discussion.
5. Reports.
6. Action Items.
7. Future Meetings.
8. Adjournment.

B. Items in this order may be considered as part of a consent agenda.

C. The school board may depart from the order of business with the consent of the

majority of members present.

***Legal References:*** Minn. Stat. § 123B.09, Subd. 7 (School Board Powers)

***Cross References:*** MSBA/MASA Model Policy 203 (Operation of the School Board –  
Governing Rules)  
MSBA/MASA Model Policy 203.5 (School Board Meeting Agenda)  
MSBA/MASA Model Policy 203.6 (Consent Agendas)

*Policy Reviewed:* 02.19.2020

*Policy Adopted:*

*Policy Revised:* 02.21.2020



*Hastings Public School District*  
*ISD #200*

*MSBA/MASA Model Policy 203.6*  
*Orig. 1997*  
*Rev. 1999*

## **203.6 CONSENT AGENDAS**

### **I. PURPOSE**

The purpose of this policy is to allow the use of a consent agenda.

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

In order for a more efficient administration of school board meetings, the school board may elect to use a consent agenda for the passage of noncontroversial items or items of a similar nature.

### **III. CONSENT AGENDAS**

- A. The superintendent, in consultation with the school board chair, may place items on the consent agenda. By using a consent agenda, the school board has consented to the consideration of certain items as a group under one motion. Should a consent agenda be used, an appropriate amount of discussion time will be allowed to review any item upon request.
- B. Consent items are those which usually do not require discussion or explanation prior to school board action, are noncontroversial and/or similar in content, or are those items which have already been discussed and/or explained and do not require further discussion or explanation. Such agenda items might include ministerial tasks such as, but not limited to, the approval of the agenda, approval of previous minutes, approval of bills, approval of reports, etc. These items might also include similar groups of decisions such as, but not limited to, approval of staff contracts, approval of maintenance details for the school district buildings and grounds or approval of various schedules.
- C. Items shall be removed from the consent agenda by a timely request by an individual school board member for independent consideration. A request is timely if made prior to the vote on the consent agenda. The request does not require a second or a vote by the school board. An item removed from the consent agenda will then be discussed and acted on separately immediately following the consideration of the consent agenda.

- D. Consent agenda items are approved en masse by one vote of the school board. The consent agenda items shall be separately recorded in the minutes.

***Legal References:*** Minn. Stat. § 123B.09, Subd. 7 (School Board Powers)

***Cross References:*** MSBA/MASA Model Policy 203.2 (Order of the Regular School Board Meeting)  
MSBA/MASA Model Policy 203.5 (School Board Meeting Agenda)  
MSBA/MASA Model Policy 204 (School Board Meeting Minutes)

*Policy Reviewed: 02.19.2020*

*Policy Adopted:*

*Policy Revised:*



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

### **I. PURPOSE**

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

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

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

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

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

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

- A. The school board shall give notice of proposed policy changes or adoption of new policies by placing the item on the agenda of two school board meetings. The proposals shall be distributed and public comment will be allowed at both meetings prior to final school board action. The Board may vote after the second policy reading.
- B. The final action taken to adopt the proposed policy shall be approved by a simple



*Hastings Public School District  
ISD #200*

majority vote of the school board at a subsequent meeting after the meetings at which public input was received. The policy will be effective on the later of the date of passage or the date stated in the motion.

- C. In the case of an emergency, a new or modified policy may be adopted by a majority vote of a quorum of the school board. A statement regarding the emergency and the need for immediate adoption of the policy shall be included in the minutes. The emergency policy shall expire within one year following the emergency action unless the policy adoption procedure stated above is followed and the policy is reaffirmed. The school board shall have discretion to determine what constitutes an emergency situation.
- D. If a policy is modified with minor changes that do not affect the substance of the policy or because of a legal change over which the school board has no control, the modified policy may be approved at one meeting at the discretion of the school board.

**V. IMPLEMENTATION OF POLICY**

- A. The superintendent shall be responsible for implementing school board policies, other than the policies that cover how the school board will operate. The superintendent shall develop administrative guidelines and directives to provide greater specificity and consistency in the process of implementation. These guidelines and directives, including employee and student handbooks, shall be subject to annual review and approval by the school board.
- B. All School Board policies will be posted on the official district website. Each school board member shall have access to this policy manual. A copy shall be placed in the office of each school attendance center. A physical copy of the policy manual will be maintained at the District Office and made available for reference purposes to other interested persons.
- C. The superintendent, employees designated by the superintendent, and individual school board members shall be responsible for keeping the policy manuals current.
- D. The school board shall review policies at least once every three years. The superintendent shall be responsible for developing a system of periodic review, addressing approximately one third of the policies annually. In addition, the school board shall review the following policies annually: 410 Family and Medical Leave Policy; 413 Harassment and Violence; 414 Mandated Reporting of Child Neglect or Physical or Sexual Abuse; 415 Mandated Reporting of Maltreatment of Vulnerable Adults; 506 Student Discipline; 514 Bullying Prohibition Policy; 522 Student Sex Nondiscrimination; 524 Internet Acceptable Use and Safety Policy; 616 School District System Accountability; and 806 Crisis Management Policy.



*Hastings Public School District*  
*ISD #200*

- E. When no school board policy exists to provide guidance on a matter, the superintendent is authorized to act appropriately under the circumstances keeping in mind the educational philosophy and financial condition of the school district. Under such circumstances, the superintendent shall advise the school board of the need for a policy and present a recommended policy to the school board for approval.

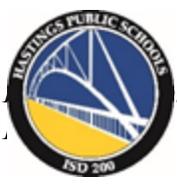
***Legal References:*** Minn. Stat. § 123B.02, Subd. 1 (School District Powers)  
Minn. Stat. § 123B.09, Subd. 1 (School Board Powers)

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

*Policy Reviewed: 02.19.2020*

*Policy Adopted:*

*Policy Revised: 02.21.2020*



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

**I. PURPOSE**

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

**II. GENERAL STATEMENT OF POLICY**

- A. The policy of the school district is to fully comply with Minn. Stat. § 626.556 requiring school personnel to report suspected child neglect or physical or sexual abuse.
- B. A violation of this policy occurs when any school personnel fails to immediately report instances of child neglect or physical or sexual abuse when the school personnel knows or has reason to believe a child is being neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years.

**III. DEFINITIONS**

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



- D. “Mandated reporter” means any school personnel who knows or has reason to believe a child is being neglected or physically or sexually abused, or has been neglected or physically or sexually abused within the preceding three years.
- E. “Neglect” means the commission or omission of any of the acts specified below, other than by accidental means:
1. failure by a person responsible for a child’s care to supply a child with necessary food, clothing, shelter, health care, medical care, or other care required for the child’s physical or mental health when reasonably able to do so, including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;
  2. failure to protect a child from conditions or actions that seriously endanger the child’s physical or mental health when reasonably able to do so;
  3. failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors such as the child’s age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for his or her own basic needs or safety or the basic needs or safety of another child in his or her care;
  4. failure to ensure that a child is educated in accordance with state law, which does not include a parent’s refusal to provide his or her child with sympathomimetic medications;
  5. prenatal exposure to a controlled substance used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child’s birth, or medical effects or developmental delays during the child’s first year of life that medically indicate prenatal exposure to a controlled substance or the presence of a fetal alcohol spectrum disorder;
  6. medical neglect as defined by Minn. Stat. § 260C.007, Subd. 6, Clause (5);
  7. chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child’s basic needs and safety; or
  8. emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child’s behavior, emotional response, or cognition that is not within the normal range for the child’s age and stage of development, with due regard to the child’s culture.

Neglect does not include spiritual means or prayer for treatment or care of disease



where the person responsible for the child's care in good faith has selected and depended on those means for treatment or care of disease, except where the lack of medical care may cause serious danger to the child's health.

- F. "Non Maltreatment mistake" means: (1) at the time of the incident, the individual was performing duties identified in the center's child care program plan required under Minn. Rules Part 9503.0045; (2) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years; (3) the individual has not been determined to have committed a similar non maltreatment mistake under this paragraph for at least four years; (4) any injury to a child resulting from the incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical professional or not; and (5) except for the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing requirements relevant to the incident. This definition only applies to child care centers licensed under Minn. Rules Ch. 9503.
- G. "Physical abuse" means any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child's care other than by accidental means; or any physical or mental injury that cannot reasonably be explained by the child's history of injuries or any aversive or deprivation procedures, or regulated interventions, that have not been authorized by Minn. Stat. § 125A.0942 or § 245.825.

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

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



or school zone, an act by a person responsible for the child's care that is a violation under Minn. Stat. § 121A.58.

- H. "Report" means any communication received by the local welfare agency, police department, county sheriff, or agency responsible for child protection pursuant to this section that describes neglect or physical or sexual abuse of a child and contains sufficient content to identify the child and any person believed to be responsible for the neglect or abuse, if known.
- I. "School personnel" means professional employee or professional's delegate of the school district who provides health, educational, social, psychological, law enforcement, or child care services.
- J. "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child (as defined in Minn. Stat. § 609.341, Subd. 15), or by a person in a current or recent position of authority (as defined in Minn. Stat. § 609.341, Subd. 10) to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct. Such acts include sexual penetration, sexual contact, solicitation of children to engage in sexual conduct, and communication of sexually explicit materials to children. Sexual abuse also includes any act involving a minor which constitutes a violation of Minnesota statutes prohibiting prostitution or use of a minor in a sexual performance. Sexual abuse includes all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation which requires registration under Minn. Stat. § 243.166, Subd. 1b(a) or (b) (Registration of Predatory Offenders).
- K. "Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.
- L. "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.
- M. "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person



responsible for the child's care who has subjected the child to, or failed to protect a child from, egregious harm, or a person whose parental rights were involuntarily terminated, been found palpably unfit, or one from whom legal and physical custody of a child has been involuntarily transferred to another.

#### **IV. REPORTING PROCEDURES**

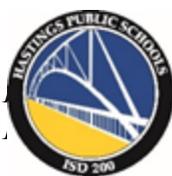
- A. A mandated reporter as defined herein shall immediately report the neglect or physical or sexual abuse, which he or she knows or has reason to believe is happening or has happened within the preceding three years, to the local welfare agency, police department, county sheriff, tribal social services,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



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

## V. INVESTIGATION

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



- E. Upon request by MDE, the school district shall provide all requested data that are relevant to a report of maltreatment and are in the possession of a school facility, pursuant to an assessment or investigation of a maltreatment report of a student in school. The school district shall provide the requested data in accordance with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

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

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

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

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

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

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

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 121A.58 (Corporal Punishment)  
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)



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

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

*Policy Reviewed: 07.22.2020*

*Policy Adopted:*

*Policy Revised:*



## **415 MANDATED REPORTING OF MALTREATMENT OF VULNERABLE ADULTS**

### **I. PURPOSE**

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

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

- A. The policy of the school district is to fully comply with Minn. Stat. § 626.557 requiring school personnel to report suspected maltreatment of vulnerable adults.
- B. A violation of this policy occurs when any school personnel fails to report suspected maltreatment of vulnerable adults when the school personnel has reason to believe that a vulnerable adult is being or has been maltreated, or has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained.

### **III. DEFINITIONS**

- A. “Mandated Reporters” means any school personnel who has reason to believe that a vulnerable adult is being or has been maltreated.
- B. “Maltreatment” means the neglect, abuse, or financial exploitation of a vulnerable adult.
- C. “Neglect” means the failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care, or supervision which is: (1) reasonable and necessary to obtain or maintain the vulnerable adult’s physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and (2) which is not the result of an accident or therapeutic conduct. Neglect also includes the absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health of the vulnerable adult which a reasonable person would deem essential to obtain or maintain the vulnerable adult’s health, safety, or comfort considering the physical or mental capacity or dysfunction of the vulnerable adult. Neglect does not include actions specifically excluded by Minn. Stat. § 626.5572, Subd. 17.
- D. “Abuse” means: (a) An act against a vulnerable adult that constitutes a violation



of, an attempt to violate, or aiding and abetting a violation of: (1) assault in the first through fifth degrees as defined in sections 609.221 to 609.224; (2) the use of drugs to injure or facilitate crime as defined in section 609.235; (3) the solicitation, inducement, and promotion of prostitution as defined in section 609.322; and (4) criminal sexual conduct in the first through fifth degrees as defined in sections 609.342 to 609.3451. A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction. (b) Conduct which is not an accident or therapeutic conduct as defined in this section, which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following: (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult; (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening; (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and (4) use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under section 245.825. (c) Any sexual contact or penetration as defined in section 609.341, between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility. (d) The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another. Abuse does not include actions specifically excluded by Minn. Stat. § 626.5572, Subd. 2.

- E. "Financial Exploitation" means a breach of a fiduciary duty by an actor's unauthorized expenditure of funds entrusted to the actor for the benefit of the vulnerable adult or by an actor's failure to provide food, clothing, shelter, health care, therapeutic conduct or supervision, the failure of which results or is likely to result in detriment to the vulnerable adult. Financial exploitation also includes: the willful use, withholding or disposal of funds or property of a vulnerable adult; the obtaining of services for wrongful profit or advantage which results in detriment to the vulnerable adult; the acquisition of a vulnerable adult's funds or property through undue influence, harassment, duress, deception or fraud; and the use of force, coercion, or enticement to cause a vulnerable adult to perform services against the vulnerable adult's will for the profit or advantage of another.
  
- F. "Vulnerable Adult" means any person 18 years of age or older who: (1) is a resident or inpatient of a facility; (2) receives services required to be licensed under Minn. Stat. Ch. 245A, except as excluded under Minn. Stat. § 626.5572, Subd. 21(a)(2); (3) receives services from a licensed home care provider or person or organization that offers, provides, or arranges for personal care assistance services under the medical assistance program; or (4) regardless of residence or type of service received possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the individual's ability to adequately provide



the person's own care without assistance or supervision and, because of the dysfunction or infirmity and need for care or services, has an impaired ability to protect the individual's self from maltreatment.

- G. "Caregiver" means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement.
- H. "School Personnel" means professional employees or their delegates of the school district engaged in providing health, educational, social, psychological, law enforcement, or other caretaking services of vulnerable adults.
- I. "Immediately" means as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.

#### **IV. REPORTING PROCEDURES**

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



- F. Any person who intentionally makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury. The intentional making of a false report may result in discipline.

## V. INVESTIGATION

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

## VI. DISSEMINATION OF POLICY AND TRAINING

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

**Legal References:** Minn. Stat. § 13.02 (Collection, Security, and Dissemination of Records; Definitions)  
Minn. Stat. § 245.825 (Aversive and Deprivation Procedures; Licensed Facilities and Services)  
Minn. Stat. §§ 609.221-609.224 (Assault)  
Minn. Stat. § 609.234 (Crimes Against the Person)  
Minn. Stat. § 609.235 (Use of Drugs to Injure or Facilitate Crime)  
Minn. Stat. § 609.322 (Solicitation, Inducement, and Promotion of Prostitution; Sex Trafficking)  
Minn. Stat. § 609.341 (Definitions)  
Minn. Stat. §§ 609.342-609.3451 (Criminal Sexual Conduct)  
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)  
Minn. Stat. § 626.5572 (Definitions)  
*In re Kleven*, 736 N.W.2d 707 (Minn. App. 2007)

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



*Public School District*

*Policy Reviewed: 07.22.2020*

*Policy Adopted:*

*Policy Revised: 07.17.2020*



## **808 COVID-19 FACE COVERING POLICY**

### **I. PURPOSE**

The purpose of this policy is to establish requirements for employees, students, and other persons (including visitors, guests, contractors, etc.) present on school property to wear face coverings in classrooms, preschool, child care settings and other indoor areas, as well as outdoor areas where a physical distance of 6 feet cannot be maintained between persons, in order to minimize exposure to COVID-19.

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

- A. The policy of the school district is to comply with Executive Order 20-81, Executive Order 20-82, and applicable face covering requirements from the Minnesota Department of Health and the Minnesota Department of Education.
- B. Face coverings are meant to protect other people in case the wearer does not know they are infected.
- C. Unless an exception described in Part IV below applies, all students, staff, and other people present indoors in school buildings and district offices or riding on school transportation vehicles are required to wear a face covering.
- D. A violation of this policy occurs when any student, staff, or other person present in a school building, in the school district office, or on a school transportation vehicle fails to wear a face covering, unless an enumerated exception applies.

### **III. DEFINITION OF FACE COVERING**

A. A face covering must be worn to cover the nose and mouth completely, should not be overly tight or restrictive, and should feel comfortable to wear. The following are included in the definition of face covering:

1. Paper or disposable mask;
2. Cloth face mask;
3. Scarf;



4. Neck gaiter;
5. Bandana;
6. Religious face covering; and
7. Medical-grade masks and respirators

B. A face shield is a clear plastic barrier that covers the face and allows visibility of facial expressions and lip movements for speech perception. A face shield should extend below the chin anteriorly, to the ears laterally, and there should be no exposed gap between the forehead and the shield's headpiece.

C. Masks that incorporate a valve designed to facilitate easy exhaling, mesh masks, or masks with openings, holes, visible gaps in the design or material, or vents are not sufficient face coverings because they allow exhaled droplets to be released into the air.

#### **IV. EXCEPTIONS AND ALTERNATIVES; TEMPORARY REMOVAL OF FACE COVERING**

- A. Face coverings should not be placed on anyone under age 2, anyone who has trouble breathing or is unconscious, anyone who is incapacitated or otherwise unable to remove the face covering without assistance, or anyone who cannot tolerate a face covering due to a developmental, medical, or behavioral health condition.
- B. A face shield does not provide the same level of protection as a face covering, and may only be used as an alternative to a face covering in the following situations:
  1. A student in grades kindergarten through eighth grade may wear a face shield when wearing a face covering is problematic.
  2. A teacher of any grade level may wear a face shield when wearing a face covering may impede the educational process.
  3. Staff, students, or visitors who cannot tolerate a face covering due to a developmental, medical, or behavioral health condition may wear a face shield instead of a face covering.
  4. Staff providing direct support student services may wear a face shield instead of a face covering when a face covering would impede the service being provided.



- C. Staff, students, and other people present in school buildings or in district offices may temporarily remove their face covering or face shield in the following situations:
1. When engaging in classes or activities conducted outdoors, though people participating in these activities should maintain six feet of distance to the extent possible;
  2. When engaging in indoor physical activity where the level of exertion makes wearing a face covering difficult, though people participating in these activities should maintain six feet of distance to the extent possible;
  3. During activities, such as swimming or showering, where the face covering will get wet;
  4. While receiving a service, including nursing, medical, or personal care services, that cannot be performed or is difficult to perform when the individual receiving the service is wearing a face covering;
  5. Pre-kindergarten students age 5 years and younger participating in programming in a school building or district office;
  6. When the wearer needs to remove their face covering to eat or drink, though care should be taken to maintain as much space as possible between people while doing so;
  7. During indoor practices or performances involving singing, acting, public speaking, or playing musical instruments where a face covering cannot be used while playing the instrument, though people participating in these activities should maintain six feet of distance to the extent possible;
  8. When required by school staff for the purposes of identification;
  9. Staff working alone in their offices, classrooms, vehicles, or job locations that have no person-to-person interaction;
  10. Staff working in communal spaces that have barriers such as Plexiglas or cubicle walls between employees that are above face level; or
  11. When communicating with a person who is deaf or hard of hearing or has a disability, medical condition, or mental health condition that makes communication with a face covering difficult, provided that social distancing is maintained to the extent possible.



## **V. IMPLEMENTATION**

A. This policy will be conspicuously posted in each school building and administrative office and communicated to students, staff, families, and potential visitors to the school building.

B. The school district will provide face coverings and/or face shields to employees and students. Employees and students may choose to wear their own face covering as long as it covers the nose and mouth. To the extent practicable, the school district will maintain an extra supply of face coverings for people who forget to bring their face covering.

C. The school district will teach and reinforce the use of face coverings and/or face shields for students and staff throughout the school day, including on transportation vehicles, inside school buildings, and generally when on school grounds.

D. Individuals who cannot tolerate a face covering due to a medical condition or disability related condition may be permitted to utilize alternative options such as a face shield or other reasonable accommodation. The Superintendent or designee shall have discretion to determine whether an employee, parent, or community member qualifies for a reasonable accommodation and the accommodation to be provided. For a student with a medical condition or disability, the student's education team (i.e. IEP team, Section 504 team, health plan team) will determine whether the student qualifies for a reasonable accommodation and the accommodation to be provided. As a condition to granting a reasonable accommodation, the school district may require an individual to provide a physician's note and/or other relevant information or with respect to the condition or circumstance. Requests for reasonable accommodations from the face covering requirement shall be assessed on a case-by-case basis in accordance with applicable federal and state law.

E. All face coverings shall meet the requirements of applicable dress code policies and/or codes of conduct.

F. The school district will make available distance learning to its enrolled students who may be medically vulnerable or otherwise unwilling to return to in-person or hybrid learning.

## **VI. ENFORCEMENT; CONSEQUENCES FOR NON-COMPLIANCE**

A. In order to promote the health and safety of employees, students and members of the community, and make available a safe environment that is conducive to learning, compliance with this policy is necessary.

B. Employees who fail or refuse to comply with this policy may be subject to discipline, as appropriate, up to and including the termination of employment.



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C. Students who fail or refuse to comply with this policy may be subject to discipline or removal from school property. Students unwilling to participate in in-person or hybrid learning in compliance with this policy will be offered distance learning.

D. The school district may, in its discretion, report violators of this policy to law enforcement. Any individual who willfully violates Emergency Executive Order 20-81

or

20-82 is guilty of a petty misdemeanor and upon conviction must be punished by a fine not to exceed \$100. (NOTE: This does not apply to: (1) children younger than 14 years old; or (2) students 14 years old and older who are enrolled in a school identified in Paragraph 12 of Emergency Executive Order 20-81, and who are on the premises of the school for educational purposes).

***Legal References:*** Emergency Executive Order 20-81  
Emergency Executive Order 20-82  
Minn. Stat. § 12.45 (Governor's Orders and Rules, Effect)  
Minn. Stat. § 12.45 (Violations; Penalties)

***Cross References:*** MSBA/MASA Model Policy 807 (Health and Safety Policy)  
MSBA/MASA Model Policy 504 (Student Dress and Appearance)

*Policy Reviewed:*

*Policy Adopted:*

*Policy Revised:*

### Future Board Meetings

Date	Time	Location	Description
9/9/2020	6:00 PM		School Board Work Session
9/23/2020	6:00 PM		Regular School Board Meeting