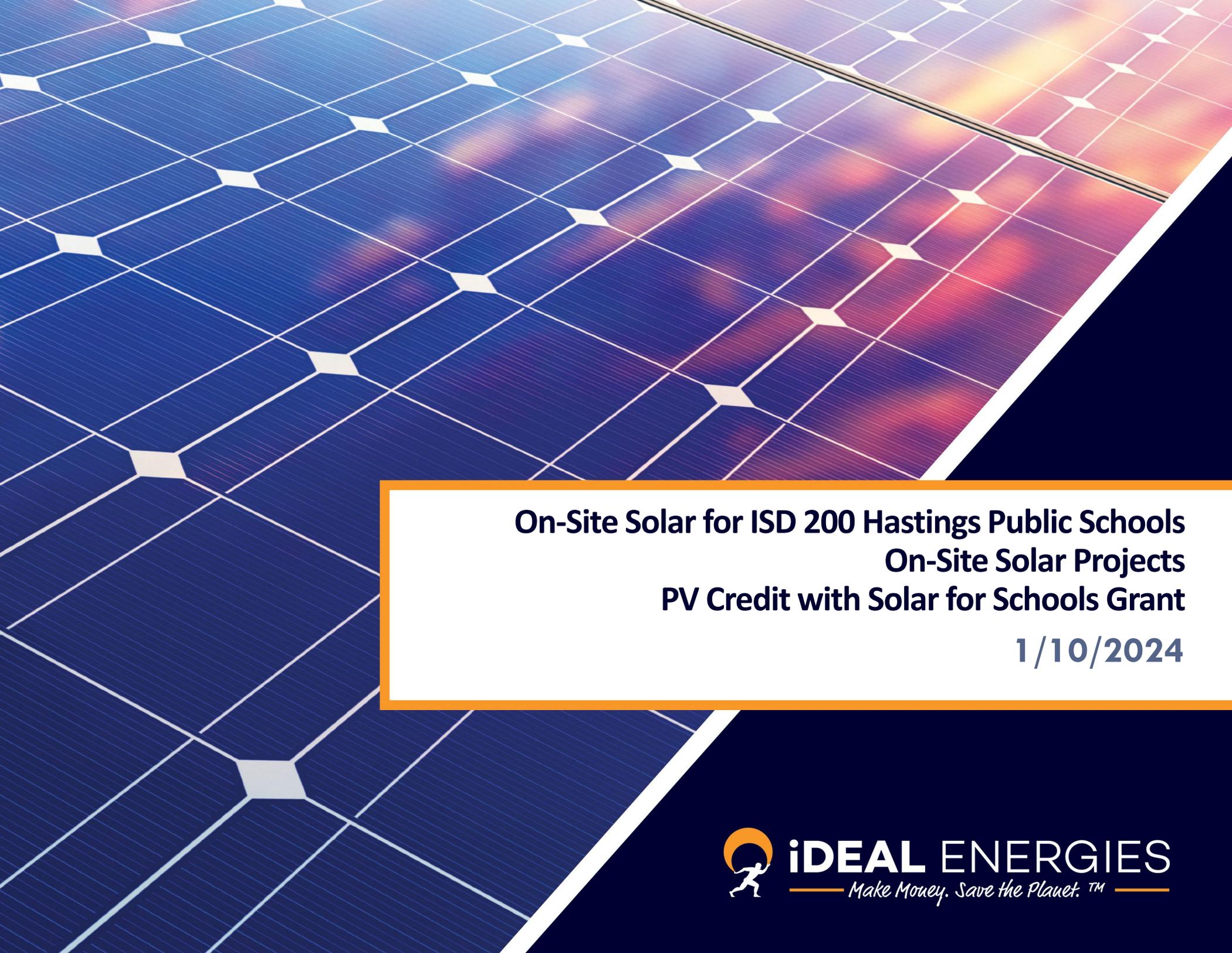


Hastings Area Public Schools - ISD 200
School Board Meeting Agenda

Wednesday, January 10, 2024
Work Session
Middle School Media Center

- I. **Items for Discussion**
 - a. Solar Presentation
 - b. Legislative Agenda
 - c. Onboarding Schedule
 - d. Board Calendar
 - e. Board meeting scheduled with inclement weather
 - f. Board Work Plan
 - g. Committees
 - h. In-District Liaisons
 - i. Public Comment
 - j. School Board Evaluations
 - k. Board Procedures/Operations
 - l. Policies 215, 215.1PR, 301, 302, 303, 304, 305, 306, 401, 402, 404, 408, 410, 413, 414, 416, 601, 620
 - m. Board Member Handbook



**On-Site Solar for ISD 200 Hastings Public Schools
On-Site Solar Projects
PV Credit with Solar for Schools Grant**

1/10/2024

About iDEAL Energies

iDEAL Energies is the premier Minneapolis-based commercial solar energy developer with 600+ commercial systems currently in operation and 100+ projects under construction.

iDEAL has(is) installed ~200 solar arrays at 60+ MN School Districts

Ideal has(is) installed ~60 Solar Projects using the Solar for Schools Program

Our seamless vertical integration allows us to develop, design, install, finance, and operate turn-key solar energy systems across multiple sectors including commercial for-profit businesses, non-profits, cities, counties, schools, and non-profits.

iDEAL's affiliated companies provide development, financing, project management, construction, operation and maintenance.



- KIMBALL CUBS**
- NOMPENG ACADEMY**
of Holy Spirit Academy
"Engineering, Public, Teacher, Business"
- BROOKLYN CENTER COMMUNITY SCHOOLS**
1630 WOODBURY DR. SUITE 100
BROOKLYN CENTER, MN 55430
- WAWY RIVERS MONTESSORI**
EST. 2014
- MLC Fresh**
- NMA NEW MILLENNIUM ACADEMY**
1700 W. WASHINGTON ST. SUITE 100
MINNEAPOLIS, MN 55404
- Columbia HEIGHTS PUBLIC SCHOOLS**
- B**
- ISD 279**
- OSSEO AREA SCHOOLS**
UNITING COMMUNITIES OF EXCELLENCE
- SUMMIT ENERGY FIT**
- M P S**
- MINNEAPOLIS PUBLIC SCHOOLS**
Urban Education. Global Citizens.
- BLAKE**
- EP**
- AURORA CHARTER SCHOOL**
- EDEN PRAIRIE SCHOOLS**
- URBAN VENTURES**
- CRISTO REY**
JESU Y HIGH SCHOOLS
- PA**
- RICHFIELD PUBLIC SCHOOLS**
- one91**
BURNVILLE EAGLE SAVAGE
- LANIER PUBLIC SCHOOLS**
- BLOOMINGTON PUBLIC SCHOOLS**
We help students thrive and dreams come alive.
- Tracy Area Public Schools**
- BYRON**
- LA CRESCENT-HOKAH PUBLIC SCHOOLS**

Sample List of Our School Customers

Athlos Leadership Academy
Aurora Charter School
Blake Schools
Bloomington Public Schools
Brooklyn Center Public Schools
Byron Schools
Burnsville Schools
Central Public Schools
Children's Discovery Child Care & Learning Centers
Cleveland Public Schools
Columbia Heights Schools
Cristo Rey Jesuit High School
Eden Prairie Schools
Floodwood School District
Fridley School District
Hinckley Finlayson District
Kimball Schools
La Crescent Hokah Schools

Lakeview Public Schools
Lakeville Public Schools
Many Rivers Montessori
Maple Lake Schools
Minneapolis Public Schools
Noble Academy
New Millennium Academy Charter School
Orono Public Schools
Osseo Public Schools
Partnership Academy
Richfield Public Schools
Roseville Public Schools
Seven Hills Preparatory Academy
Summit Academy OIC
Tracy Area Public Schools
Urban Ventures Leadership Academy
White Bear Lake Schools

Existing Solar Opportunities for the District Xcel PV Credit Tariff (available since 2019)

- Compensation from Xcel for reducing their peak demand
- Xcel provides bill credit of **\$0.07113** per kWh of energy generated from solar array from the hours of 1:00 to 7:00 PM
- Updated during each rate case by PUC based upon predetermined & Xcel unit cost
- Renewable Energy Credits (REC's) belong to ISD 200

Achieving Additional Savings for ISD 200 by adding the a Solar for Schools Grant!!! (new as of 2024)

- 2024 legislation that provides financial incentives for schools to install solar arrays that are a maximum size of 1MW AC.
- SFS provides an upfront cash Grant ~\$675,000 available maximum for ISD 200; Limited Funding; First Come First Served
- Grant is now available with the PV Credit. The Grant is used to help pay for the project and achieve additional utility expense savings for ISD 200

Hastings High School Rooftop Array

462.2 kWDC

Maximum size that fits building
& the site's energy consumption Profile

SFS Grant Available for Project
\$~450,000



Annual Energy Expense Savings Summary – High School Rooftop Array PVCredit with SFS Grant

Year	Customer's Utility Savings and Rent Income		
	Utility Bill Savings	Rent Revenue	Total Annual Customer Revenue
Year 1	\$ 75,996	\$ 250	\$ 76,246
Year 2	\$ 77,083	\$ 250	\$ 77,333
Year 3	\$ 79,421	\$ 250	\$ 79,671
Year 4	\$ 81,831	\$ 250	\$ 82,081
Year 5	\$ 84,314	\$ 250	\$ 84,564

Year 20	\$ 132,016	\$ 250	\$ 132,266
Year 21	\$ 136,022	\$ -	\$ 136,022
Year 22	\$ 140,149	\$ -	\$ 140,149
Year 23	\$ 144,402	\$ -	\$ 144,402
Year 24	\$ 148,783	\$ -	\$ 148,783
Year 25	\$ 153,297	\$ -	\$ 153,297

Year 38	\$ 226,098	\$ -	\$ 226,098
Year 39	\$ 232,958	\$ -	\$ 232,958
Year 40	\$ 240,027	\$ -	\$ 240,027
TOTAL	\$ 5,686,168	\$ 5,000	\$ 5,691,168

Customer's Expenses		
Energy Payment to Ideal (subject to sales tax)	Insurance, Maintenance Expense & Utility Fees	Total Annual Expenses
\$ (15,959)	\$ (900)	\$ (16,859)
\$ (16,187)	\$ (918)	\$ (17,105)
\$ (16,679)	\$ (936)	\$ (17,615)
\$ (17,185)	\$ (955)	\$ (18,140)
\$ (17,706)	\$ (974)	\$ (18,680)

\$ (27,723)	\$ (1,311)	\$ (29,035)
\$ -	\$ (8,699)	\$ (8,699)
\$ -	\$ (8,984)	\$ (8,984)
\$ -	\$ (9,278)	\$ (9,278)
\$ -	\$ (9,582)	\$ (9,582)
\$ -	\$ (32,732)	\$ (32,732)

\$ -	\$ (15,085)	\$ (15,085)
\$ -	\$ (15,585)	\$ (15,585)
\$ -	\$ (16,102)	\$ (16,102)
\$ (423,875)	\$ (333,246)	\$ (757,122)

Annual Savings	
Total Annual Energy Expense Savings	Total Cumulative Annual Energy Expense Savings
\$ 59,387	\$ 59,387
\$ 60,227	\$ 119,614
\$ 62,057	\$ 181,670
\$ 63,942	\$ 245,612
\$ 65,884	\$ 311,496

\$ 103,232	\$ 1,559,135
\$ 127,322	\$ 1,686,457
\$ 131,165	\$ 1,817,622
\$ 135,124	\$ 1,952,746
\$ 139,201	\$ 2,091,947
\$ 120,566	\$ 2,212,513

\$ 211,013	\$ 4,492,749
\$ 217,373	\$ 4,710,122
\$ 223,925	\$ 4,934,047
\$ 4,934,047	

Cumulative energy expense savings of...
 ~\$1,559,135 during years 1-20 [lease term]
 ~\$2,997,086 during years 1-30 [panel warranty]
 ~\$4,934,047 during years 1-40 [system life]

Hastings Middle School Rooftop Array

219.84 kWDC

Maximum size that fits building
& the site's energy consumption Profile

SFS Grant Available for Project
~\$220,000



Annual Energy Expense Savings Summary – Middle School Rooftop Array PVCredit with SFS Grant

Year	Customer's Utility Savings and Rent Income		
	Utility Bill Savings	Rent Revenue	Total Annual Customer Revenue
Year 1	\$ 36,819	\$ 100	\$ 36,919
Year 2	\$ 37,346	\$ 100	\$ 37,446
Year 3	\$ 38,479	\$ 100	\$ 38,579
Year 4	\$ 39,646	\$ 100	\$ 39,746
Year 5	\$ 40,849	\$ 100	\$ 40,949

Year 20	\$ 63,960	\$ 100	\$ 64,060
Year 21	\$ 65,901	\$ -	\$ 65,901
Year 22	\$ 67,900	\$ -	\$ 67,900
Year 23	\$ 69,960	\$ -	\$ 69,960
Year 24	\$ 72,083	\$ -	\$ 72,083
Year 25	\$ 74,270	\$ -	\$ 74,270

Year 38	\$ 109,541	\$ -	\$ 109,541
Year 39	\$ 112,865	\$ -	\$ 112,865
Year 40	\$ 116,289	\$ -	\$ 116,289
TOTAL	\$ 2,754,864	\$ 2,000	\$ 2,756,864

Customer's Expenses		
Energy Payment to Ideal (subject to sales tax)	Insurance, Maintenance Expense & Utility Fees	Total Annual Expenses
\$ (7,732)	\$ (500)	\$ (8,232)
\$ (7,843)	\$ (510)	\$ (8,353)
\$ (8,081)	\$ (520)	\$ (8,601)
\$ (8,326)	\$ (531)	\$ (8,856)
\$ (8,578)	\$ (541)	\$ (9,120)

\$ (13,432)	\$ (728)	\$ (14,160)
\$ -	\$ (4,245)	\$ (4,245)
\$ -	\$ (4,382)	\$ (4,382)
\$ -	\$ (4,524)	\$ (4,524)
\$ -	\$ (4,671)	\$ (4,671)
\$ -	\$ (21,051)	\$ (21,051)

\$ -	\$ (7,325)	\$ (7,325)
\$ -	\$ (7,566)	\$ (7,566)
\$ -	\$ (7,815)	\$ (7,815)
\$ (205,363)	\$ (180,723)	\$ (386,085)

Annual Savings	
Total Annual Energy Expense Savings	Total Cumulative Annual Energy Expense Savings
\$ 28,687	\$ 28,687
\$ 29,093	\$ 57,780
\$ 29,978	\$ 87,758
\$ 30,890	\$ 118,648
\$ 31,830	\$ 150,478

\$ 49,900	\$ 751,662
\$ 61,656	\$ 813,317
\$ 63,518	\$ 876,835
\$ 65,436	\$ 942,271
\$ 67,412	\$ 1,009,683
\$ 53,219	\$ 1,062,903

\$ 102,216	\$ 2,157,006
\$ 105,299	\$ 2,262,304
\$ 108,474	\$ 2,370,779
\$ 2,370,779	

Cumulative energy expense savings of...
 ~\$751,662 during years 1-20 [lease term]
 ~\$1,442,884 during years 1-30 [panel warranty]
 ~\$2,370,799 during years 1-40 [system life]

Annual Energy Expense Savings Summary – Multiple Schools

PVCredit with SFS Grant

Solar Array System Summary			
Site	Hastings High	Hastings Middle	System Sizing - All Projects
Solar Program	SFS & PVCredit	SFS & PVCredit	Total kW DC / kW AC
kW DC	462	220	682

Net Annual Cashflow			Net Annual Cashflow	
Year	Hastings High	Hastings Middle	Total	Cumulative
Year 1	\$59,387	\$28,687	\$88,074	\$88,074
Year 2	\$60,227	\$29,093	\$89,320	\$177,394
Year 3	\$62,057	\$29,978	\$92,035	\$269,429
Year 4	\$63,942	\$30,890	\$94,831	\$364,260
Year 5	\$65,884	\$31,830	\$97,714	\$461,974

Year 20	\$103,232	\$49,900	\$153,132	\$2,310,796
Year 21	\$127,322	\$61,656	\$188,978	\$2,499,774
Year 22	\$131,165	\$63,518	\$194,683	\$2,694,457
Year 23	\$135,124	\$65,436	\$200,560	\$2,895,017
Year 24	\$139,201	\$67,412	\$206,613	\$3,101,630
Year 25	\$120,566	\$53,219	\$173,785	\$3,275,415

Year 38	\$211,013	\$102,216	\$313,228	\$6,649,754
Year 39	\$217,373	\$105,299	\$322,672	\$6,972,426
Year 40	\$223,925	\$108,474	\$332,399	\$7,304,826
Total	\$4,934,047	\$2,370,779	\$7,304,826	

Cumulative energy expense savings of...

~\$2,310,796 during years 1-20 [lease term]

~\$4,439,969 during years 1-30 [panel warranty]

~\$7,304,826 during years 1-40 [system life]

Applying for a Solar for Schools Grant

- Ideal will apply for the Grant on behalf of the District
- Readiness Applications are open until February 7th, 2024
- Full Grant Applications until June 7th, 2024
- The SFS Requirements for Schools that participate in the SFS Program
 - An education curriculum
 - Live solar energy monitoring in available in a public place

Note: iDEAL currently provides an education curriculum & free web based solar array monitoring to all its School Customers

Ideal's Solar Curriculum for Students

iDEAL provides all its school customers a science-based Solar Energy Education Curriculum that engages students in the real work of STEM professionals to help develop their understanding of solar energy, STEM careers, teamwork, design, and real-world issues for years.

iDEAL's Education Curriculum is aligned with future Minnesota State Standards, Next Generation Science Standards, and 21st Century Learning Frameworks.

GOOD NEWS!

iDEAL's education team is ready to assist your District with implementing the Curriculum!

Current Power 85.79 kW	Energy today 976.98 kWh	Energy this month 37.86 MWh	Lifetime energy 155.67 MWh
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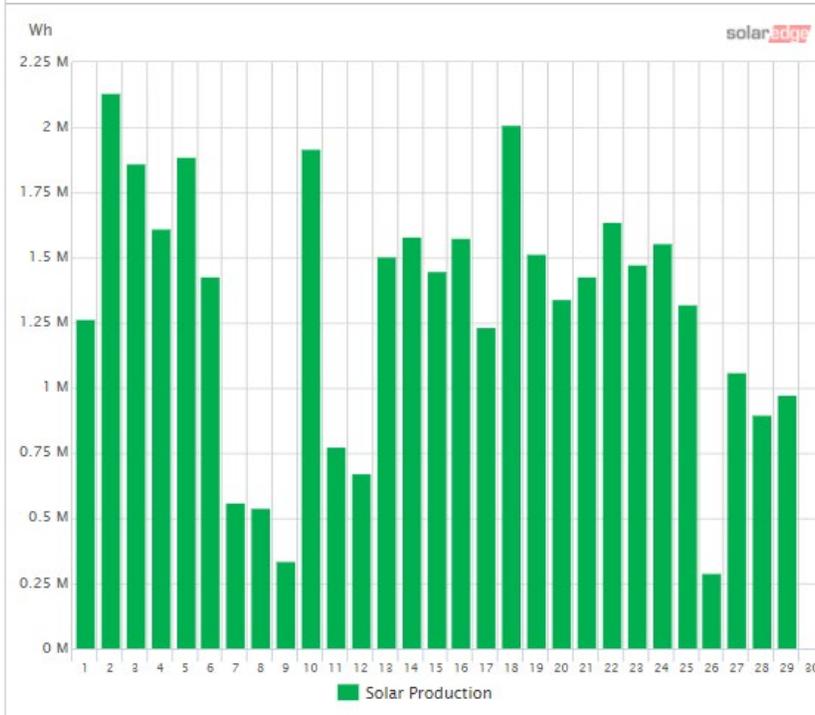


Power and Energy

Day Week **Month** Billing Cycle Year

09/01/2020 - 09/30/2020

System Production: **37.86 MWh**



Site Status	
ID	1576743
Name	
Address	
Installed	04/13/2020
Last Updated	09/29/2020 15:54
Peak Power	300 kWp

Cloudy
60 °F
Feels like 60 °F
Wind SSE, 7 MPH
Humidity 60 %
Sunrise at 07:10
Sunset at 18:57

Tuesday 61 - 48 °F Mostly Cloudy	Wednesday 57 - 45 °F 30% Chance of Rain	Thursday 48 - 36 °F Mostly Cloudy
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Environmental Benefits

CO2 Emission Saved
241,041.77 lb

Equivalent Trees Planted
1,821.29

Monitor your solar array's performance and demonstrate your District's sustainability goals with web-based monitoring tools.

Utilize each school's real time web-based monitoring in the classroom as part of its solar curriculum.

GOOD NEWS!

Our monitoring solution already meets the requirements of the Solar for Schools program.

Ideal's Solar Program

1. District owns the arrays day 1 and at all times
2. No upfront cost
3. Ideal monetizes the Tax Credit for the District and applies it to help pay for the installation cost
4. The District's only financial obligation is to pay Ideal Energies for a 20-year term during which the School will realize significant electric expense savings
5. Free energy after year 20
6. iDEAL Energies monitors, operates and maintains the solar arrays for the District during 20-year term

Next Steps...

Approval to Proceed

Select School Locations for installing Solar to maximize the Grant

- Ideal will provide an updated presentation specifying savings for the District based on schools selected and the total amount of solar installed

Apply for the Grant

- Complete preliminary electrical and structural engineering for the solar arrays
- Apply for Grant

Solar Array Interconnection Approval

- Complete electrical and structural engineering for the solar arrays
- Apply for and receive interconnection approval from Xcel Energy

Solar Array Construction and Startup

- Construct and energize the solar arrays in fall, 2024
- Ideal maintains equipment in its inventory for the projects for 2024 start-up

**GET IN
TOUCH!**

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8318 Pillsbury Ave, Bloomington, MN
P 612.928.5008

iDEALenergies.COM



Supplemental information documenting assumptions in this presentation are available upon request

Make Money. Save the Planet.™

January 2024

M	T	W	Th	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30	31		

February 2024

M	T	W	Th	F
			1	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26	27	28	29	

March 2024

M	T	W	Th	F
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

April 2024

M	T	W	Th	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30			

May 2024

M	T	W	Th	F
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28	29	30	31

June 2024

M	T	W	Th	F
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28

July 2024

M	T	W	Th	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30	31		

August 2024

M	T	W	Th	F
			1	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26	27	28	29	30

September 2024

M	T	W	Th	F
2	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
30				

October 2024

M	T	W	Th	F
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30	31	

November 2024

M	T	W	Th	F
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

December 2024

M	T	W	Th	F
2	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
30	31			

2024 School Board Calendar



Key

- Board Organizational Meeting
- Work Session
- Regular Board Meeting - Wednesdays
- No Meetings Allowed
- Election Days

Dates at a Glance

Jan. 3	School Board Organizational Meeting
Jan. 10	Board Work Session
Jan. 15	No Meetings Allowed
Jan. 24	Regular School Board Meeting
Feb. 13	Board Work Session
Feb. 19 & 27	No Meetings Allowed
Feb. 21	Regular School Board Meeting
Mar. 5 & 12	No meetings 6:00 p.m. - 8:00 p.m.
Mar. 7	Board Work Session
Mar. 27	Regular School Board Meeting
April 9	Board Work Session
April 24	Regular School Board Meeting
May 7	Board Work Session
May 22	Regular School Board Meeting
May 27	No Meetings Allowed
June 4	Board Work Session
June 19	No Meetings Allowed
June 26	Regular School Board Meeting
July 4	No Meetings Allowed
July 9	Board Work Session
July 24	Regular School Board Meeting
Aug. 6	Board Work Session
Aug. 13	No meetings 6:00 p.m. - 8:00 p.m.
Aug. 28	Regular School Board Meeting
Sept. 2	No Meetings Allowed
Sept. 10	Board Work Session
Sept. 25	Regular School Board Meeting
Oct. 8	Board Work Session
Oct. 14	No Meetings Allowed
Oct. 23	Regular School Board Meeting
Nov. 5	No meetings 6:00 p.m. - 8:00 p.m.
Nov. 11	No Meetings Allowed
Nov. 12	Board Work Session
Nov. 20	Regular School Board Meeting
Nov. 28 & 29	No Meetings Allowed
Dec. 3	Board Work Session
Dec. 18	Regular School Board Meeting
Dec. 25	No Meetings Allowed

ISD #200 School Board Work Plan/Calendar 2024 - DRAFT

	January	February	March	April	May	June	July	August	September	October	November	December
					Modified: 1/9/2024							
Working Sessions	Legislative Agenda, Retreat Plan, Board Evaluation Schedule/Plan	Student Behavior Report, Building Construction Projects/Funds Report	Innovation Secondary Recommendation	Even year election consideration, Student board member Committee's recommendation of applicants to interview	Student Behavior Report; Student board member recommendations from committee (top 4)	Review/revise Board procedures and Handbook	Draft Board 3-year work plan and Draft Superintendent Goals	Discipline/Student Behavior Report	1. Vision Card Report to Board	1. Local Literacy Plan 2024-25 report/discussion (note the timing is very dependent on MCA data being released)	Student Behavior Report	1. Review proposed revised budget 2. Truth in Taxation 3. standing committee recommendations
Added Work Sessions & Special Mtgs												
	1/24											
	Vote on Revised Calendar & inclement weather plan for board mtgs	Approve 2024-25 and 2025-26 school calendars	non-renewal of probationary teachers, secondary innovation action		Student board members welcomed & seated at the table	1. Approve 2024-25 Budget 2. Annual/mandatory policies (if modifications necessary, for approval in August);	1. approve referendum if needed 2. policies requiring statutory revision (Light agenda anticipated)	1. Approve Board 3-year work plan 2. Approve Superintendent Goals	1. Vision Card report to community; 1st school year board mtg for student board members	MTSS		1. WBWF 2. Approve Revised Budget
Business Meeting						<i>Student Board Member Attendance OPTIONAL</i>						
Board Member Meeting Conflicts		Phil unavailable 2/13				Carrie unavailable 6/11						



BRIDGE TO SUCCESS

Dr. Tamara Champa
SUPERINTENDENT

Hastings Public Schools

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

2024 Hastings School Board Directed Committees

Policy Committee (3)

Meeting Schedule:

Purpose Statement:

The Hastings School Board Policy Committee serves to review and revise current policies, and propose policy changes for adoption based on statute, at the direction of the School Board or administrator, and as identified for the benefit for the students and staff of ISD 200.

Jessica Dressely (Chair)	Mark Zuzek	Carrie Tate	Tammy Ludwig
Tammy Champa	Guests as determined by policy review		

Finance Committee (2)

Meeting Schedule:

Purpose Statement:

Mark Zuzek (Chair)	Carrie Tate	Jen Seubert	Tammy Champa

Facilities Committee (2)

Meeting Schedule: Quarterly

Purpose Statement:

Melissa Millner (Chair)	Mark Zuzek (Chair)	Jen Seubert	Cam Peterson
Tammy Champa			

Student School Board Committee (2-3 **Proposed**)

Meeting Schedule:

Purpose Statement:

Jessica Dressely (Chair)	Melissa Millner	Matt Bruns	
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Community Collaboration Committee (2-3 Proposed)

Meeting Schedule:

Purpose Statement:

The Community Engagement Committee is a link between the Hastings School District and the ISD200 community. The committee focuses on identifying avenues to continuously improve the district's communication process for increased transparency. It also aims to articulate the district's goals more effectively with community stakeholders. The committee seeks opportunities for shared learning, knowledge, awareness, experience, and growth to create a stronger, more united community

Jenny Pine (Chair)	Matt Bruns	Phil Biermaier	Tammy Champa

917 REP (1)

Commitment: Typical 1 meeting per month

Mark Zuzek		
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MSHSL REP (1)

Jenny Wiederholt-Pine		
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AMSD Liaison (1)

Matt Bruns		
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BRIGHTWORKS (1) If appointment is open

Jessica Dressely		
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215 ADDRESSING SCHOOL BOARD MEMBER VIOLATIONS ~~Addressing School Board Member Violations~~

I. PURPOSE

~~The bBoard and each of its members are committed to faithful compliance with the provisions of the bBoard's policies, and procedures as laid out in 215.1PR.~~

The school board and each of its members are committed to faithful compliance with the provisions of the school board's policies and procedures. The school board recognizes that alleged willful and/or continuing policy violations must be addressed. When a violation occurs each member of the school board is responsible for promptly initiating the steps outlined in 215.1PR Addressing School Board Member Violations Procedure.

II. GENERAL STATEMENT

The bBoard recognizes that its failure to deal with violations of its policies and bBoard member misconduct risks the loss of public confidence in the bBoard's ability to govern effectively. Therefore, in the event of a member's violation of policy, procedure, or law.. ~~or other forms of misconduct, the bBoard shall address the issue by using the following steps: ¶~~

~~Conversation in a private setting between the offending member and the sSchool bBoard eChair or other individual member; such conversation will be reported to the balance of the bBoard ¶~~

- ~~1. If agreement or understanding is reached, consider the issue resolved. ¶~~
- ~~2. If resolution isn't achieved, in accordance with legal counsel, bring the alleged violation to the school board by requesting a closed meeting in accordance with Minnesota Statute 13D.05 for preliminary consideration of allegations or charges against an individual subject to the board's authority. If resolution isn't achieved, in accordance with legal counsel, discussion achieved Discussion in a public meeting between the offending member and the full sSchool bBoard in a private closed meeting unless the member requests the meeting is public.~~
- ~~3. Public censure, by simple majority vote, of the offending member of the School Board, as well as removal from committees and leadership positions, to which the member has been appointed or elected. ¶~~

- ~~4. Removal from the school board for proper cause by a concurrent vote of at least four members. The board member to be removed will be duly notified of the time and place of the meeting for which the vote is to be taken, and for the reasons for the proposed removal. The board member will be given an opportunity to be heard in defense against the removal.¶~~

~~Most board member issues and situations are intended to fall into Category 1. Categories 2, 3, and 4 are intended for extreme and/or repeated instances of violations where Category 1 has not resulted in a change in member behaviors.~~

Legal References:

MN 123.B.09; Subd. 9. Removing board members.

Reviewed: ~~11.29.2023~~12.08.2021

Revised: 12.08.2021

Adopted: 12.02.2021



215.1PR Addressing School Board Member Violations Procedure (draft)

I. The board shall address the issue by using the following steps:

1. Conversation in a private setting between the offending member and the School board chair or other individual member; such conversation will be reported to the balance of the board
2. If agreement or understanding is reached; consider the issue resolved.

Most board member issues and situations are intended to fall into Category 1. Categories ~~2, 3, and 4, and 5~~, are intended for extreme and/or repeated instances of violations where Category 1 has not resulted in a change in member behaviors.

3. If resolution isn't achieved, in accordance with legal counsel, bring the alleged violation to the school board by requesting a closed meeting in accordance with Minnesota Statute 13D.05 for preliminary consideration of allegations or charges against an individual subject to the board's authority
4. Public censure of the offending member of the School Board, as well as removal from committees and leadership positions, to which the member has been appointed or elected, by simple majority vote.;
5. Removal from the school board for proper cause by a concurrent vote of at least four members. The board member to be removed will be duly notified of the time and place of the meeting for which the vote is to be taken, and for the reasons for the proposed removal. The board member will be given an opportunity to be heard in defense against the removal.

~~Most board member issues and situations are intended to fall into Category 1. Categories 2, 3, and 4 are intended for extreme and/or repeated instances of violations where Category 1 has not resulted in a change in member behaviors. ¶~~

Legal References: MN 123.B.09; Subd. 9. Removing board members.

II. ~~PROCEDURE TO ADDRESS ALLEGATIONS OF A VIOLATION ¶~~

- ~~A. Conversation in a private setting between the offending member and the school board chair or other individual member; such conversation will be reported by the chair to the balance of the board. ¶~~
- ~~B. If agreement or understanding is reached; consider the issue resolved. ¶~~

~~C. If resolution isn't achieved, in accordance with legal counsel, bring the alleged violation to the school board by requesting a closed meeting in accordance with Minnesota Statute 13D.05 for preliminary consideration of allegations or charges against an individual subject to the board's authority.¶~~

~~D. If the members conclude that a violation has occurred by a majority vote, all future meetings related to those specific violations, including disciplinary action, shall be held in an open meeting.¶~~

~~III. APPROPRIATE ACTION BY THE SCHOOL BOARD¶~~

~~A. If the school board agrees a violation occurred, the school board shall vote to determine appropriate action regarding the violation. Actions may include, but are not limited to:¶~~

~~1. Issuing a public statement indicating that the board does not condone or agree with behavior or action of the board member's misconduct;¶~~

~~2. Public censure, by simple majority vote, of the school board, as well as removal from committees and leadership positions, to which the member has been appointed or elected.¶~~

~~3. Removal from the school board for proper cause by a concurrent vote of at least four members. The board member to be removed will be duly notified of the time and place of the meeting for which the vote is to be taken, and for the reasons for the proposed removal. The board member will be given an opportunity to be heard in defense against the removal.¶~~

~~4. Note: Most board member issues and situations are intended to be resolved in Subd.H of this procedure and Subd. III (a) (2) & (3) are intended for extreme circumstances and/or for repeated instances of violations where subd.H has not resulted in a change in member behaviors.~~

Reviewed: 11.2908.2023



301 SCHOOL DISTRICT ADMINISTRATION

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

Legal References: Minnesota Statute 123B.143 (Superintendent)
Minnesota Statute 123B.147 (Principals)

Cross References: None

Policy Reviewed: 11.08.2023

Policy Adopted:

Policy Revised:



302 SUPERINTENDENT

I. PURPOSE

The purpose of this policy is to recognize the importance of the role of the superintendent and the overall responsibility of that position within the school district.

II. GENERAL STATEMENT OF POLICY

The school board shall employ a superintendent who shall serve as an ex officio, non-voting member of the school board and as chief executive officer of the school system

III. GENERAL RESPONSIBILITIES

- A. The superintendent is responsible for the management of the schools, the administration of all school district policies, and is directly accountable to the school board.
- B. The superintendent shall annually evaluate each principal assigned responsibility for supervising a school building in the district.
- C. The superintendent may delegate responsibilities to other school district personnel, but shall continue to be accountable for actions taken under such delegation.
- D. Where responsibilities are not specifically prescribed, nor school board policy applicable, the superintendent shall use personal and professional judgment, subject to review by the school board.

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

Cross References: ISD 200 Policy 202 (School Board Officers)
ISD 200 Policy 208 (Development, Adoption, and Implementation of Policies)
ISD 200 Policy 301 (School District Administration)
ISD 200 Policy 303 (Superintendent Selection)
ISD 200 Policy 304 (Superintendent Contract, Duties, and Evaluation)
ISD 200 Policy 305 (Policy Implementation)
ISD 200 Policy 306 (Administrator Code of Ethics)

Policy Reviewed: 11.08.2023

Policy Adopted:

Policy Revised:



303 SUPERINTENDENT SELECTION

I. PURPOSE

The purpose of this policy is to convey to the school community that the authority to select and employ a superintendent is vested in the school board.

II. GENERAL STATEMENT OF POLICY

The school board shall employ a superintendent to serve as the chief executive officer of the school district and to conduct the daily operations of the school district.

~~III. QUALIFICATIONS¶¶~~

~~¶¶~~

~~A. The school board shall consider applicants who meet or exceed the licensing standards set by the Minnesota Board of School Administrators and qualifications established in the job description for the superintendent position. State and federal equal employment and nondiscrimination requirements shall be observed throughout the recruitment and selection process.¶¶~~

~~¶¶~~

~~B. The school board will consider professional preparation, experience, skill, and demonstrated competence of qualified applicants in making a final decision.¶¶~~

~~¶¶~~

~~IV. SELECTION¶¶~~

~~¶¶~~

~~A. A process for recruitment, screening, and interviewing of candidates shall be developed by the school board.¶¶~~

~~¶¶~~

~~B. The school board may contract for assistance in the search for a superintendent.¶¶~~

~~¶¶~~

~~C. The school board shall provide the contract for the superintendent and specifically identify all conditions of employment mutually agreed upon with the superintendent. In so doing, the school board shall observe all requirements of state and federal law and school board policy.¶¶~~

Legal References: Minn. Stat. § 123B.143 (Superintendent)
Minn. Rules, Chapter 3512

Cross References: None

Policy Reviewed: 11.08.2023

Policy Adopted:

Policy Revised:



304 SUPERINTENDENT CONTRACT, DUTIES, AND EVALUATION

I. PURPOSE

The purpose of this policy is to provide for the use of an employment contract with the superintendent, a position description, and the use of an approved instrument to evaluate performance.

~~H. GENERAL STATEMENT OF POLICY ¶~~

~~¶~~

~~A. The superintendent's contract shall be used to formalize the employment relationship and to specifically identify and clarify all conditions of employment with the superintendent. ¶~~

~~¶~~

~~B. The specific duties for which the superintendent is accountable shall be set forth in a position description for the superintendent and shall be measured by a performance appraisal instrument approved by the school board in consultation with the superintendent. The school board shall use this instrument to periodically evaluate the performance of the superintendent. ¶~~

~~¶~~

~~C. The school board may use the model contract approved by the boards of the Minnesota School Boards Association and the Minnesota Association of School Administrators as a model instrument. ¶~~

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

Cross References: None

Policy Reviewed: 11.08.2023

Policy Adopted:

Policy Revised:



305 POLICY IMPLEMENTATION

I. PURPOSE

The purpose of this policy is to clarify the responsibility of the school administration for implementation of school district policy.

II. GENERAL STATEMENT OF POLICY

- A. It shall be the responsibility of the school board to implement procedures for the 200 series policies.
- B. It shall be the responsibility of the superintendent to implement school board policy and to recommend additions or modifications thereto. The administration is authorized to develop procedures, guidelines, and directives to effectuate the implementation of school board policies. These procedures, guidelines, and directives shall not be inconsistent with said policies. At least annually, these written procedures, guidelines, and directives shall be presented to the school board for review.
- C. Employee and student handbooks shall be subject to annual review ~~and approval~~ by the school board.
- D. School principals and other administrators who have handbook responsibilities shall present recommended changes necessary to reflect new or modified policies. Changes of substance within handbooks shall be reviewed by the superintendent to assure compliance with school board policy and ~~may~~ shall be approved by the school board.

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

Cross References: MSBA/MASA Model Policy 208 (Development, Adoption, and Implementation of Policies)

Policy Reviewed: 11.08.2023

Policy Adopted:

Policy Revised:



306 ADMINISTRATOR CODE OF ETHICS

I. PURPOSE

The purpose of this policy is to establish the requirements of the school board that school administrators adhere to the standards of ethics and professional conduct in this policy and Minnesota law.

II. GENERAL STATEMENT OF POLICY

A. An educational administrator's professional behavior must conform to an ethical code. The code must be idealistic and at the same time practical, so that it can apply reasonably to all educational administrators. The administrator acknowledges that the schools belong to the public they serve for the purpose of providing educational opportunities to all. However, the administrator assumes responsibility for providing professional leadership in the school and community. This responsibility requires the administrator to maintain standards of exemplary professional conduct. It must be recognized that the administrator's actions will be viewed and appraised by the community, professional associates, and students. To these ends, the administrator must subscribe to the following standards.

B. The Educational Administrator:

1. Makes the well-being of students the fundamental value of all decision-making and actions.
2. Fulfills professional responsibilities with honesty and integrity.
3. Supports the principle of due process and protects the civil and human rights of all individuals.
4. Obeys local, state, and national laws and does not knowingly join or support organizations that advocate, directly or indirectly, the overthrow of the government.
5. Implements the school board's policies.
6. Pursues appropriate measures to correct those laws, policies, and regulations that are not consistent with sound educational goals.
7. Avoids using positions for personal gain through political, social, religious, economic, or other influence.
8. Accepts academic degrees or professional certification only from duly accredited institutions.

9. Maintains the standards and seeks to improve the effectiveness of the profession through research and continuing professional development.
10. Honors all contracts until fulfillment, release, or dissolution is mutually agreed upon by all parties to the contract.
11. Adheres to the Code of Ethics for School Administrators in Minnesota Rule.

Legal References: Minnesota Statute 122A.14, Subd. 4 (Duties of Board of School Administrators)
Minn. Rules Part 3512.5200 (Code of Ethics for School Administrators)

Cross References: None

Policy Reviewed: 11.08.2023

Policy Adopted:

Policy Revised:



401 EQUAL EMPLOYMENT OPPORTUNITY

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to provide equal employment ~~opportunities~~ opportunity for all applicants and employees. The school district does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, including gender identity or expression, age, family care leave status, or veteran status. The school district also makes reasonable accommodations for disabled employees.
- B. The school district prohibits the harassment of any individual for any of the categories listed above. For information about the types of conduct that constitute impermissible harassment and the school district's internal procedures for addressing complaints of harassment, please refer to the school district's Policy 413 on harassment and violence and Policy 522 on sex nondiscrimination and Title IX grievance procedures.
- C. This policy applies to all areas of employment including hiring, discharge, promotion, compensation, facilities, or privileges of employment.
- D. Every school district employee shall be responsible for following this policy.
- E. Any person having a question regarding this policy should discuss it with the Director of Human Resource or the District Superintendent.

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

Cross References: ~~Policy 103 (Complaints – Students, Employees, Parents, Other Persons)~~
ISD 200 Policy 402 (Disability Nondiscrimination)
~~Policy 405 (Veteran’s Preference)~~
ISD 200 Policy 413 (Harassment and Violence)
ISD 200 Policy 522 (Sex Nondiscrimination Policy, Title IX Grievance
Procedure and Process)

Policy Reviewed: 12.08.2021
Policy Adopted: 12.08.2021
Policy Revised: 12.13.2023~~12.08.2021~~



402 Disability Nondiscrimination

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

Legal References: *Minn. Stat. Ch. 363A (Minnesota Human Rights Act)*
29 U.S.C. § 794 et seq. (Section 504 of the Rehabilitation Act of 1973)
~~*Rehabilitation Act of 1973, § 504*~~
~~*29 U.S.C. 794 et seq. (Rehabilitation Act of 1973, § 504)*~~
~~*42 U.S.C. § 12101, Ch. 126 § 12112 (Americans with Disabilities Act)*~~
29 C.F.R. Part 32 (Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance)
~~*34 C.F.R. Part 35*~~
34 C.F.R. Part 104 (Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance)

Cross References: *ISD 200 Policy 103 (Complaints - Students, Employees, Parents, Other Persons)*
ISD 200 Policy 401 (Equal Employment Opportunity)

ISD 200 Policy 413 (Harassment and Violence)
ISD 200 Policy 521 (Student Disability Nondiscrimination)

Policy Reviewed: 12.08.2021
Policy Adopted: 12.08.2021
Policy Revised: 12.13.2023~~08.20~~



404 EMPLOYMENT BACKGROUND CHECKS

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

III. PROCEDURES

- A. Normally an individual will not commence employment or provide services until the school district receives the results of the criminal history background check. In emergency situations, the superintendent, may conditionally hire an applicant or allow an individual to provide services pending completion of the background check but the individual shall be notified that the individual's employment or

opportunity to provide services may be terminated based on the result of the background check. Background checks will be performed by the Minnesota Bureau of Criminal Apprehension (BCA). The BCA shall conduct the background check by retrieving criminal history data as defined in Minnesota Statutes section 13.87. The school district reserves the right to also have criminal history background checks conducted by other organizations or agencies.

- B. In order for an individual to be eligible for employment or to provide athletic coaching services or other extracurricular academic coaching services to the school district, except for an enrolled student volunteer, the individual must sign a criminal history consent form, which provides permission for the school district to conduct a criminal history background check, and provide ~~a a money order or check payable to and provide~~ payment either the BCA or to the school district, at the election of the school district, in an amount equal to the actual cost ~~to the BCA and the school district~~ of conducting the criminal history background check. The cost of the criminal history background check is the responsibility of the individual, unless the school district decides to pay the costs for a volunteer, an independent contractor, or a student employee. If the individual fails to provide the school district with a signed Informed Consent Form and fee at the time the individual receives a job offer, or permission to provide services, the individual will be considered to have voluntarily withdrawn the application for employment or request to provide services.
- C. The School District, in its discretion, may elect not to request a criminal history background check on an individual who holds an initial entrance license issued by the Minnesota Professional Educator Licensing and Standards Board or the Minnesota Commissioner of Education within the 12 months preceding an offer of employment or permission to provide services.
- D. The school district may use the results of a criminal background check conducted at the request of another school hiring authority if:
 - 1. the results of the criminal background check are on file with the other school hiring authority or otherwise accessible;
 - 2. the other school hiring authority conducted a criminal background check within the previous 12 months;
 - 3. the individual executes a written consent form giving the school district access to the results of the check; and
 - 4. there is no reason to believe that the individual has committed an act subsequent to the check that would disqualify the individual for employment or provision of services.
- E. For all non-state residents who are offered employment with or the opportunity to provide athletic coaching services or other extracurricular academic coaching services to the school district, the school district shall request a criminal history background check on such individuals from the superintendent of the BCA and

from the government agency performing the same function in the resident state or, if no government entity performs the same function in the resident state, from the Federal Bureau of Investigation. The offer of employment or the opportunity to provide services shall be conditioned upon a determination by the school district that an individual's criminal history does not preclude the individual from employment with, or provision of services to, the school district. Such individuals must provide an executed criminal history consent form.

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

~~L.~~

IV. CRIMINAL HISTORY CONSENT FORM

A form to obtain consent for a criminal history background check **can be provided by Human Resources.** ~~is included with this policy.~~

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

Cross References: None

Policy Reviewed: 08.11.2022
Policy Adopted: 10.23.2019
Policy Revised: ~~09.28.2022~~ 12.13.2023



408 SUBPOENA OF A SCHOOL DISTRICT EMPLOYEE

I. PURPOSE

The purpose of this policy is to protect the privacy rights of school district employees and students under both state and federal law when requested to testify or provide educational records for a judicial or administrative proceeding.

II. GENERAL STATEMENT OF POLICY

This policy is to provide guidance and direction for school district employees who may be subpoenaed to testify and/or provide educational records for a judicial or administrative proceeding.

III. DATA CLASSIFICATION

A. Educational Data

1. State Law

The Minnesota Government Data Practices Act (MGDPA), ~~Minnesota Statutes chapter Minn. Stat. Ch.~~ 13, classifies all educational data, except for directory information as designated by the school district, as private data on individuals. The state statute provides that **private data on individuals may not be released, except pursuant to a valid court order or informed consent by the subject of the data or a parent if the subject of the data is a minor.**

2. Federal Law

The Family Educational Rights and Privacy Act (FERPA), 20 ~~United States Code section U.S.C. §~~ 1232g, provides that educational data may not be released, except pursuant to informed consent by the individual subject of the data or any lawfully issued subpoena. Regulations promulgated under the federal law require that the school district must first make a reasonable effort to notify the parent of the student, or the student if the student is 18 years of age or older, of the subpoena in advance of releasing the information pursuant to the subpoena.

B. Personnel Data

The MGDPA, ~~Minn. Stat. Ch. 13~~, also classifies all personnel data, except for

certain data specifically classified as public, as private data on individuals. The state statute provides that **private data on individuals may not be released, except pursuant to a valid court order or informed consent by the subject of the data.**

IV. APPLICATION ~~AND PROCEDURES~~

- A. Any employee who receives a subpoena for any purpose related to employment is to inform the building administrator or designated supervisor when the employee receives the subpoena. The building administrator or designated supervisor shall immediately inform the ~~Director of Human Resources~~ ~~superintendent~~ that the employee has received a subpoena.
- B. No employee may release educational data, personnel data, or any other data of any kind without consultation in advance with the school district official who is designated as the authority responsible for the collection, use and dissemination of data.
- C. Payment for attendance at judicial or administrative proceedings and the retention of witness and mileage fees is to be determined in accordance with the applicable school board policies and collective bargaining agreements.
- D. The administration shall not release any information except in strict compliance with state and federal law and this policy. Recognizing that an unauthorized release may expose the school district or its employees to civil or criminal penalties or loss of employment, the administration shall confer with school district legal counsel prior to release of such data.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Rules 1205.0100, Subp. 5 (~~How These Rules Apply~~)
~~(Minnesota Rules Regarding Data Practices)~~
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)

Cross References: ~~ISD 200MSBA/MASA Model~~ Policy 211 (Criminal or Civil Action Against School District, School Board Member, Employee, or Student)
~~ISD 200MSBA/MASA Model~~ Policy 515 (Protection and Privacy of Pupil Records)
MSBA Law Bulletin “I” (School Records – Privacy – Access to Data)

Policy Reviewed: ~~11.29.2023~~ ~~02.08.2022~~
Policy Adopted: 06.24.2020
Policy Revised: ~~12.13.2023~~ ~~02.23.2022~~



410 FAMILY AND MEDICAL LEAVE POLICY

I. PURPOSE

The purpose of this policy is to provide for family and medical leave to school district employees in accordance with the Family and Medical Leave Act of 1993 (FMLA) and also with parenting leave under state law.

II. GENERAL STATEMENT OF POLICY

The following procedures and policies regarding family and medical leave are adopted by the school district, pursuant to the requirements of the FMLA and consistent with the requirements of the Minnesota parenting leave laws.

III. DEFINITIONS

A. “Covered active duty” means:

1. in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
2. in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in 10 **United States Code section** ~~U.S.C. §~~ 101(a)(13)(B).

B. “Covered servicemember” means:

1. a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
2. a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, and was discharged or released under conditions other than dishonorable, at any time during the period of five years preceding the first date the eligible employee takes FMLA leave to care for the covered veteran.

C. “Eligible employee” means an employee who has been employed by the school district for a total of at least 12 months and who has been employed for at least

1,250 hours of service during the 12-month period immediately preceding the commencement of the leave. An employee returning from fulfilling their Uniformed Services Employment and Reemployment Rights Act (USERRA)-covered service obligation shall be credited with the hours of service that would have been performed but for the period of absence from work due to or necessitated by USERRA-covered service. In determining whether the employee met the hours of service requirement, and to determine the hours that would have been worked during the period of absence from work due to or necessitated by USERRA-covered service, the employee's pre-service work schedule can generally be used for calculations. While the 12 months of employment need not be consecutive, employment periods prior to a break in service of seven years or more may not be counted unless: (1) the break is occasioned by the employee's fulfillment of their USERRA-covered service obligation; or (2) a written agreement, including a collective bargaining agreement, exists concerning the school district's intention to rehire the employee after the break in service.

- D. "Military caregiver leave" means leave taken to care for a covered servicemember with a serious injury or illness.
- E. "Next of kin of a covered servicemember" means the nearest blood relative other than the covered service member's spouse, parent, or child, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as their nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin, and the employee may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin.
- F. "Outpatient status" means, with respect to a covered servicemember who is a current member of the Armed Forces, the status of a member of the Armed Forces assigned to:
 - 1. a military medical treatment facility as an outpatient; or
 - 2. a unit established for the purpose of providing command and control of members of the Armed Forces receiving care as outpatients.
- G. "Qualifying exigency" means a situation where the eligible employee seeks leave for one or more of the following reasons:

1. to address any issues that arise from a short-notice deployment (seven calendar days or less) of a covered military member;
2. to attend military events and related activities of a covered military member;
3. to address issues related to childcare and school activities of a covered military member's child;
4. to address financial and legal arrangements for a covered military member;
5. to attend counseling provided by someone other than a health care provider for oneself, a covered military member, or their child;
6. to spend up to 15 calendar days with a covered military member who is on short-term, temporary rest and recuperation leave during a period of deployment;
7. to attend post-deployment activities related to a covered military member;
8. to address ~~parental~~ care needs of a covered military member's parent who is incapable of self-care; and
9. to address other events related to a covered military member that both the employee and school district agree is a qualifying exigency.

H. "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

1. inpatient care in a hospital, hospice, or residential medical care facility; or
2. continuing treatment by a health care provider.

I. "Spouse" means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This definition includes an individual in a same-sex or common law marriage that either: (1) was entered into in a state that recognizes such marriages; or (2) if entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state.

- J. “Veteran” has the meaning given in 38 ~~United States Code section~~ ~~U.S.C. §~~ 101.

IV. LEAVE ENTITLEMENT

A. Twelve-week Leave under Federal Law

1. Eligible employees are entitled to a total of 12 work weeks of unpaid family or medical leave during the applicable 12-month period as defined below, plus any additional leave as required by law. Leave may be taken for one or more of the following reasons in accordance with applicable law:
 - a. birth of the employee’s child and to care for such child;
 - b. placement of an adopted or foster child with the employee;
 - c. to care for the employee’s spouse, child or parent with a serious health condition; including incapacity due to pregnancy and for prenatal medical care;
 - d. the employee’s serious health condition makes the employee unable to perform the functions of the employee’s job; and/or
 - e. any qualifying exigency arising from the employee’s spouse, child, or parent being on covered active duty, or notified of an impending call or order to cover active duty in the Armed Forces.
2. For the purposes of this policy, “year” is defined as a rolling 12-month period measured backward from the date an employee’s leave is to commence.
3. An employee’s entitlement to FMLA leave for the birth, adoption, or foster care of a child expires at the end of the 12-month period beginning on the date of the birth or placement.
4. A “serious health condition” typically requires either inpatient care or continuing treatment by or under the supervision of a health care provider, as defined by applicable law. Family and medical leave generally is not intended to cover short-term conditions for which treatment and recovery are very brief.
5. A “serious injury or illness,” in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means:
 - a. injury or illness that was incurred by the member in the line of

duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and

b. in the case of a covered veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time, during the period of five years preceding the date on which the veteran undergoes the medical treatment, recuperation, or therapy, means a qualifying injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty in the Armed Forces and that manifested itself before or after the member became a veteran, and is:

(1) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or

(2) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability (VASRD) rating of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

(3) a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

(4) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

6. Eligible spouses employed by the school district are limited to an aggregate of 12 weeks of leave during any 12-month period for the birth

and care of a newborn child or adoption of a child, the placement of a child for foster care, or to care for a parent. This limitation for spouses

employed by the school district does not apply to leave taken: by one spouse to care for the other spouse who is seriously ill; to care for a child with a serious health condition; because of the employee's own serious health condition; or pursuant to Paragraph IV.A.1.e. above.

7. Depending on the type of leave, intermittent or reduced schedule leave may be granted at the discretion of the school district or when medically necessary. However, part-time employees are only eligible for a pro-rata portion of leave to be used on an intermittent or reduced schedule basis, based on their average hours worked per week. Where an intermittent or reduced schedule leave is foreseeable based on planned medical treatment, the school district may transfer the employee temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position, and which has equivalent pay and benefits.
8. If an employee requests a leave for the serious health condition of the employee or the employee's spouse, child, or parent, the employee will be required to submit sufficient medical certification. In such a case, the employee must submit the medical certification within 15 days from the date of the request or as soon as practicable under the circumstances.
9. If the school district has reason to doubt the validity of a health care provider's certification, it may require a second opinion at the school district's expense. If the opinions of the first and second health care providers differ, the school district may require certification from a third health care provider at the school district's expense. An employee may also be required to present a certification from a health care provider indicating that the employee is able to return to work.
10. Requests for leave shall be made to the school district. When leave relates to an employee's spouse, child, parent, or covered servicemember being on covered active duty, or notified of an impending call or order to covered active duty pursuant to Paragraph IV.A.1.e. above, and such leave is foreseeable, the employee shall provide reasonable and practical notice to the school district of the need for leave. For all other leaves, employees must give 30 days' written notice of a leave of absence where practicable. The failure to provide the required notice may result in a delay of the requested leave. Employees are expected to make a reasonable effort to schedule leaves resulting from planned medical treatment so as not to disrupt unduly the operations of the school district, subject to and in coordination with the health care provider.
11. The school district may require that a request for leave under Paragraph IV.A.1.e. above be supported by a copy of the covered military member's

active duty orders or other documentation issued by the military indicating active duty or a call to active duty status and the dates of active duty service. In addition, the school district may require the employee to provide sufficient certification supporting the qualifying exigency for which leave is requested.

12. During the period of a leave permitted under this policy, the school district will provide health insurance under its group health plan under the same conditions coverage would have been provided had the employee not taken the leave. The employee will be responsible for payment of the employee contribution to continue group health insurance coverage during the leave. An employee's failure to make necessary and timely contributions may result in termination of coverage. An employee who does not return to work after the leave may be required, in some situations, to reimburse the school district for the cost of the health plan premiums paid by it.
13. The school district may request or require the employee to substitute accrued paid leave for any part of the 12-week period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines established for the implementation of this policy, if any. Employees eligible for leave must comply with the family and medical leave directives and guidelines prior to starting leave. The superintendent shall be responsible to develop directives and guidelines as necessary to implement this policy. Such directives and guidelines shall be submitted to the school board for annual review. The school district shall comply with written notice requirements as set forth in federal regulations.
14. Employees returning from a leave permitted under this policy are eligible for reinstatement in the same or an equivalent position as provided by law. However, the employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the leave.

B. Twelve-week Leave under State Law

An employee who does not qualify for parenting leave under Paragraphs IV.A.1.a. or IV.A.1.b. above may qualify for a 12-week unpaid leave which is available to a biological or adoptive parent in conjunction with the birth or adoption of a child, or to a female employee for prenatal care or incapacity due to pregnancy, childbirth, or related health conditions. The length of the leave shall be determined by the employee but must not exceed 12 weeks unless agreed to by the school district employer. ~~The employee may qualify if he or she has worked for the school district for at least 12 months and has worked an average number of hours per week equal to one-half of the full time equivalent during the 12-month~~

~~period immediately preceding the leave.~~ This leave is separate and exclusive of the family and medical leave described in the preceding paragraphs but may be reduced by any period of paid parental, disability, per ~~child~~ ~~child~~, or medical, or sick leave, or accrued vacation provided by the ~~school district~~ ~~employer~~ so that the total leave does not exceed 12 weeks, unless agreed to by the ~~school district~~ ~~employer~~, or leave taken for the same purpose under the FMLA. The leave taken under this section shall begin at a time requested by the employee. An employee who plans to take leave under this section must give the ~~school district~~ ~~employer~~ reasonable notice of the date the leave shall commence and the estimated duration of the leave. For leave taken by a biological or adoptive parent in conjunction with the birth or adoption of a child, the leave must begin within 12 months of the birth or adoption; except that, in the case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital.

C. Twenty-six-week Servicemember Family Military Leave

1. An eligible employee who is the spouse, child, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 work weeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall be available only during a single 12-month period. For purposes of this leave, the need to care for a servicemember includes both physical and psychological care.
2. During a single 12-month period, an employee shall be entitled to a combined total of 26 work weeks of leave under Paragraphs IV.A. and IV.C. above.
3. The 12-month period referred to in this section begins on the first day the eligible employee takes leave to care for a covered servicemember and ends 12 months after that date.
4. Eligible spouses employed by the school district are limited to an aggregate of 26 weeks of leave during any 12-month period if leave is taken for birth of the employee's child or to care for the child after birth; for placement of a child with the employee for adoption or foster care or to care for the child after placement; to care for the employee's parent with a serious health condition; or to care for a covered servicemember with a serious injury or illness.
5. The school district may request or require the employee to substitute accrued paid leave for any part of the 26-week period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines established for the implementation of this policy, if any. Employees

eligible for leave must comply with the family and medical leave directives and guidelines prior to starting leave.

6. An employee will be required to submit sufficient medical certification issued by the health care provider of the covered servicemember and other information in support of requested leave and eligibility for such leave under this section within 15 days from the date of the request or as soon as practicable under the circumstances.
7. The provisions of Paragraphs IV.A.7., IV.A.10., IV.A.12., IV.A.13., and IV.A.14. above shall apply to leaves under this section.

V. SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES

- A. An instructional employee is one whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This includes, but is not limited to, teachers, coaches, driver's education instructors, and special education assistants.
- B. Instructional employees who request foreseeable medically necessary intermittent or reduced work schedule leave greater than 20 percent of the work days in the leave period may be required to:
 1. take leave for the entire period or periods of the planned medical treatment; or
 2. move to an available alternative position for which the employee is qualified, and which provides equivalent pay and benefits, but not necessarily equivalent duties.
- C. Instructional employees who request continuous leave near the end of a semester may be required to extend the leave through the end of the semester. The number of weeks remaining before the end of a semester does not include scheduled school breaks, such as summer, winter, or spring break.
 1. If an instructional employee begins leave for any purpose more than five weeks before the end of a semester and it is likely the leave will last at least three weeks, the school district may require that the leave be continued until the end of the semester.
 2. If the **instructional** employee begins leave for a purpose other than the employee's own serious health condition during the last five weeks of a semester, the school district may require that the leave be continued until the end of the semester if the leave will last more than two weeks or if the employee's return from leave would occur during the last two weeks of the semester.

3. If the **instructional** employee begins leave for a purpose other than the employee's own serious health condition during the last three weeks of the semester and the leave will last more than five working days, the school district may require the employee to continue taking leave until the end of the semester.
 4. If the school district requires an instructional employee to extend leave through the end of a semester as set forth in this paragraph, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement. Any additional leave required by the school district to the end of the school term is not counted as FMLA leave but as an unpaid or paid leave, to the extent the instructional employee has accrued paid leave available and the school district shall maintain the employee's group health insurance and restore the employee to the same or equivalent job, including other benefits, at the conclusion of the leave.
- D. The entire period of leave taken under the special rules will be counted as leave. The school district will continue to fulfill the school district's leave responsibilities and obligations, including the obligation to continue the employee's health insurance and other benefits, if an instructional employee's leave entitlement ends before the involuntary leave period expires.

VI. OTHER

- A. The provisions of this policy are intended to comply with applicable law, including the FMLA and applicable regulations. Any terms used from the FMLA will have the same meaning as defined by the FMLA and/or applicable regulations. To the extent that this policy is ambiguous or contradicts applicable law, the language of the applicable law will prevail.
- B. The requirements stated in the collective bargaining agreement between employees in a certified collective bargaining unit and the school district regarding family and medical leaves (if any) shall be followed.

VII. DISSEMINATION OF POLICY

- A. ~~This policy~~ A poster prepared by the U.S. Department of Labor summarizing the major provisions of the Family and Medical Leave Act and informing employees how to file a complaint - shall be conspicuously posted in each school district building in areas accessible to employees and applicants for employmentemployment.
- B. This policy will be reviewed at least annually for compliance with state and federal law.

Legal References: Minn. Stat. §§ 181.940-181.944 (Parenting Leave and Accommodations)
10 U.S.C. § 101 *et seq.* (Armed Forces General Military Law)
29 U.S.C. § 2601 *et seq.* (Family and Medical Leave Act)
38 U.S.C. § 101 (Definitions)
29 C.F.R. Part 825 (Family and Medical Leave Act)

Cross References: ~~None~~ MSBA Service Manual, Chapter 13, School Law Bulletin “M”
(Statutory Provisions Which Grant Leaves to Licensed as well as
Non-Licensed School District Employees – Family and Medical Leave
Act Summary)
~~MSBA School Law Bulletin “M” (Licensed and Non-Licensed School
District Employee Leave)~~

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Policy Revised: ~~02.02.2021~~ 12.13.2023



413 HARASSMENT AND VIOLENCE

I. PURPOSE

The purpose of this policy is to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability.

II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability. The school district prohibits any form of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability.
- B. A violation of this policy occurs when any student, teacher, administrator, or other school district personnel harasses a student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel through conduct or communication based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability, as defined by this policy. (For purposes of this policy, school district personnel include school board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the district.)
- C. A violation of this policy occurs when any student, teacher, administrator, or other school district personnel inflicts, threatens to inflict, or attempts to inflict violence upon any student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability.
- D. The school district will act to investigate all complaints, either formal or informal,

verbal or written, of harassment or violence based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability, and to discipline or take appropriate action against any student, teacher, administrator, or other school district personnel who is found to have violated this policy.

III. DEFINITIONS

- A. "Assault" is:
1. an act done with intent to cause fear in another of immediate bodily harm or death;
 2. the intentional infliction of or attempt to inflict bodily harm upon another; or
 3. the threat to do bodily harm to another with present ability to carry out the threat.
- B. "Harassment" prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals' race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability when the conduct:
1. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
 2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
 3. otherwise adversely affects an individual's employment or academic opportunities.
- C. "Immediately" means as soon as possible but in no event longer than 24 hours.
- D. Protected Classifications; Definitions
1. "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:
 - a. has a physical, sensory, or mental impairment which materially limits one or more major life activities;
 - b. has a record of such an impairment; or

- c. is regarded as having such an impairment.
2. “Familial status” means the condition of one or more minors being domiciled with:
 - a. their parent or parents or the minor’s legal guardian; or
 - b. the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against harassment on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.
3. “Gender Identity” refers to a person’s deeply held sense or knowledge of their own gender.
4. “Gender Expression” refers to the manner in which persons represent or express gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.
5. “Marital status” means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.
6. “National origin” means the place of birth of an individual or of any of the individual’s lineal ancestors.
7. “Sex” includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
8. ~~“Sexual orientation” means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self image or identity not traditionally associated with one’s biological maleness or femaleness. “Sexual orientation” does not include a physical or sexual attachment to children by an adult.~~
“Sexual orientation” means to whom someone is, or is perceived of as being, emotionally, physically, or sexually attracted to based on sex or gender identity. A person may be attracted to men, women, both, neither, or to people who are genderqueer, androgynous, or have other gender identities.
9. “Status with regard to public assistance” means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.

- E. “Remedial response” means a measure to stop and correct acts of harassment or violence, prevent acts of harassment or violence from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of acts of harassment or violence.
- F. Sexual Harassment; Definition for Purposes of this Policy¹
1. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:
 - a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or an education; or
 - b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual’s employment or education; or
 - c. that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual’s employment or education, or creating an intimidating, hostile, or offensive employment or educational environment.
 2. Sexual harassment may include, but is not limited to:
 - a. unwelcome verbal harassment or abuse;
 - b. unwelcome pressure for sexual activity;
 - c. unwelcome, sexually motivated, or inappropriate patting, pinching, or physical contact, other than necessary restraint of student(s) by teachers, administrators, or other school district personnel to avoid physical harm to persons or property;
 - d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual’s employment or educational status;
 - e. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual’s employment or educational status; or

¹ The law defines sexual harassment in different ways. The definition in this policy is consistent with how the term is defined in the Minnesota Human Rights Act. As discussed below, Title IX’s implementing regulations provide for a different definition. To ensure compliance with Title IX requirements, all allegations of sexual harassment must be brought to the attention of the Title IX Coordinator and first processed under the Title IX Grievance Procedures.

- f. unwelcome behavior or words directed at an individual because of sexual orientation, including gender identity or expression.

G. Sexual Violence; Definition

1. Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts or forcing a person to touch any person's intimate parts. Intimate parts, as defined in Minnesota Statute section 609.341, includes the primary genital area, groin, inner thigh, buttocks, or breast, as well as the clothing covering these areas.
2. Sexual violence may include, but is not limited to:
 - a. touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
 - b. coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts;
 - c. coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another; or
 - d. threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

H. Violence; Definition

Violence prohibited by this policy is a physical act of aggression or assault upon another or group of individuals because of, or in a manner reasonably related to, race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability.

IV. SEXUAL HARASSMENT REPORTING AND INVESTIGATION PROCEDURES

- A. Allegations of sexual harassment may be subject to detailed requirements outlined in federal regulations implementing Title IX. To ensure the District's compliance with Title IX requirements, *all allegations involving sexual harassment must be immediately brought to the attention of the District's Title IX Coordinator.*
- B. For Title IX purposes, "sexual harassment" means conduct on the basis of sex that includes one or more of the following elements:
 1. **An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;**
 2. Unwelcome conduct determined by a reasonable person to be so severe,

pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;

3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).
- C. Any District employee who is aware of an allegation of sexual harassment must immediately notify the Title IX Coordinator. Students are strongly encouraged to notify the Title IX Coordinator of sexual harassment allegations, but may report allegations to any District employee. A District employee who receives a report from a student is responsible for immediately notifying the Title IX Coordinator.
 - D. Sexual harassment allegations will be processed in accordance with the Title IX Grievance Procedures attached to School Board Policy 522. The Grievance Procedures must be published and disseminated as required by law. Alleged conduct that does not meet Title IX's definition of "sexual harassment," if proved, may be investigated and addressed pursuant to the procedures outlined below.
 - E. The District's Title IX Coordinator is:

Cathy Moen
Director of Human Resources
Hastings Public Schools
1000 West 11th Street
Hastings, MN 55033
(651) 480-7002
cmoen@isd200.org

V. REPORTING AND INVESTIGATION PROCEDURES IN SITUATIONS NOT INVOLVING SEXUAL HARASSMENT

- A. For complaints other than those involving sexual harassment or retaliation allegations subject to the Title IX grievance procedures outlined above, any person who believes he or she has been the target or victim of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability by a student, teacher, administrator, or other school district personnel, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel should report the alleged acts immediately to the building principal or lead building supervisor ("building report taker"). A person may report conduct which may constitute harassment or violence anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. The school district encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available from the school district office, but oral reports shall be considered complaints as well.

- C. Nothing in this policy shall prevent any person from reporting harassment or violence directly to the school district Human Rights Officer, who is the Director of Human Resources, or to the superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant. The District's Human Rights Officer is:

Cathy Moen
Director of Human Resources
Hastings Public Schools
1000 West 11th Street
Hastings, MN 55033
(651) 480-7002
cmoen@isd200.org

- D. In Each School Building. The building report taker, as defined above, is the person responsible for receiving oral or written reports of harassment or violence prohibited by this policy at the building level. Any adult school district personnel who receives a report of harassment or violence prohibited by this policy shall inform the building report taker immediately. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant. The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as a primary contact on policy and procedural matters.
- E. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include acts of harassment or violence. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute harassment or violence shall make reasonable efforts to address and resolve the harassment or violence and shall inform the building report taker immediately. School district personnel who fail to inform the building report taker of conduct that may constitute harassment or violence or who fail to make reasonable efforts to address and resolve the harassment or violence in a timely manner may be subject to disciplinary action.
- F. Upon receipt of a report, the building report taker must notify the school district human rights officer immediately, without screening or investigating the report. The building report taker may request, but may not insist upon, a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the building report taker to the human rights officer. If the report was given verbally, the building report taker shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any harassment or violence report or complaint as provided herein may result in disciplinary action against the building report taker.

- G. In the District. The school board hereby designates the Director of Human Resources as the school district human rights officer to receive reports or complaints of harassment or violence prohibited by this policy. If the complaint involves the Human Rights Officer, the complaint shall be filed directly with the District Superintendent.
- H. The school district shall conspicuously post the name of the human rights officer, including mailing addresses and telephone numbers.
- I. Submission of a good faith complaint or report of harassment or violence prohibited by this policy will not affect the complainant or reporter's future employment, grades, work assignments, or educational or work environment.
- J. Use of formal reporting forms is not mandatory.
- K. Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.
- L. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.
- M. Retaliation against a victim, good faith reporter, or a witness of violence or harassment is prohibited.
- N. False accusations or reports of violence or harassment against another person are prohibited.
- O. A person who engages in an act of violence or harassment, reprisal, retaliation, or false reporting of violence or harassment, or permits, condones, or tolerates violence or harassment shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures.
- P. Consequences for students who commit, or are a party to, prohibited acts of violence or harassment or who engage in reprisal or intentional false reporting may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion.
- Q. Consequences for employees who permit, condone, or tolerate violence or harassment or engage in an act of reprisal or intentional false reporting of violence or harassment may result in disciplinary action up to and including termination or discharge.
- R. Consequences for other individuals engaging in prohibited acts of violence or harassment may include, but not be limited to, exclusion from school district property and events and/or termination of services and/or contracts.

- S. By authority of the school district, the Human Rights Officer, within three days of the receipt of a report or complaint alleging harassment or violence prohibited by this policy, shall undertake or authorize an investigation. The investigation may be conducted by school district officials or by a third party designated by the school district.
- T. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- U. In determining whether alleged conduct constitutes a violation of this policy, the school district should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
- V. In addition, the school district may take immediate steps, at its discretion, to protect the target or victim, the complainant, and students, teachers, administrators, or other school district personnel pending completion of an investigation of alleged harassment or violence prohibited by this policy.
- W. The alleged perpetrator of the act(s) of harassment or violence shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- X. The investigation will be completed as soon as practicable. The school district human rights officer shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, the report may be filed directly with the school board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

VI. SCHOOL DISTRICT ACTION

- A. Upon completion of an investigation that determines a violation of this policy has occurred, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements,

Minnesota and federal law, and applicable school district policies and regulations.

VII. RETALIATION OR REPRISAL

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

VIII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Minnesota Department of Human Rights, initiating civil action, or seeking redress under state criminal statutes and/or federal law.

IX. HARASSMENT OR VIOLENCE AS ABUSE

- A. Under certain circumstances, alleged harassment or violence may also be possible abuse under Minnesota law. If so, the duties of mandatory reporting under Minnesota Statutes ~~chapter~~ 260E may be applicable.
- B. Nothing in this policy will prohibit the school district from taking immediate action to protect victims of alleged harassment, violence, or abuse.

X. DISSEMINATION OF POLICY AND TRAINING

- A. This policy shall be conspicuously posted throughout each school building in areas accessible to students and staff members.
- B. This policy shall be given to each school district employee and independent contractor who regularly interacts with students at the time of initial employment with the school district.
- C. This policy shall appear in the student handbook.
- D. The school district will develop a method of discussing this policy with students and employees.
- E. The school district may implement violence prevention and character development education programs to prevent and reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, ~~diligence~~, gratefulness,

self-discipline, patience, forgiveness, respect for others, peacemaking, resourcefulness, and/or sexual abuse prevention.

Legal References: Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 120B.234 (Child Sexual Abuse Prevention Education)
Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)
Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act) Minn. Stat. § 609.341 (Definitions)
Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972) 29 U.S.C. § 621 *et seq.* (Age Discrimination in Employment Act)
29 U.S.C. § 794 (Section 504 of the Rehabilitation Act of 1973, § 504)
42 U.S.C. § 1983 (Civil Action for Deprivation of Rights)
42 U.S.C. § 2000d *et seq.* (Title VI of the Civil Rights Act of 1964) 42 U.S.C. § 2000e *et seq.* (Title VII of the Civil Rights Act)¶
42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)

Cross References: ISD 200 Policy 102 (Equal Educational Opportunity)
ISD 200 Policy 401 (Equal Employment Opportunity)
~~ISD 200 Policy Policy 402 (Disability Nondiscrimination Policy)~~
~~ISD 200 Policy Policy 403 (Discipline, Suspension, ISD 200 and Dismissal of School District Employees)¶~~
ISD 200 Policy 406 (Public and Private Personnel Data)
~~ISD 200 Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)~~
ISD 200 Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
ISD 200 Policy 506 (Student Discipline)
ISD 200 Policy 514 (Bullying Prohibition Policy)
ISD 200 Policy 515 (Protection and Privacy of Pupil Records)
ISD 200 Policy 521 (Student Disability Nondiscrimination)
ISD 200 Policy 522 (Title IX Sex Nondiscrimination, Grievance Procedures and Process)
ISD 200 Policy 524 (Internet Acceptable Use and Safety Policy)
~~ISD 200 Policy 525 (Violence Prevention)¶~~
~~ISD 200 Policy 526 (Hazing Prohibition)~~
~~ISD 200 Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)¶~~

Policy Reviewed: ~~11.29.2023~~09.22.2021

Policy Adopted: 08.25.2021

Policy Revised: ~~12.13.2023~~09.22.2021



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

- D. “Mandated reporter” means any school personnel who knows or has reason to believe a child is being ~~maltreated~~~~neglected or physically or sexually abused~~, or has been ~~maltreated~~~~maltreated~~ ~~neglected or physically or sexually abused~~ within the preceding three years.
- E. “Mental Injury” means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child’s ability to function within a normal range of performance and behavior with due regard to the child’s culture.
- F. “Neglect” means the commission or omission of any of the acts specified below, other than by accidental means:
1. failure by a person responsible for a child’s care to supply a child with necessary food, clothing, shelter, health care, medical, 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 ~~the child’s~~~~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 ~~as defined in state law~~ used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child’s birth, ~~or~~ medical effects or developmental delays during the child’s first year of life that medically indicate prenatal exposure to a controlled substance, or the presence of a fetal alcohol spectrum disorder;
 6. medical neglect as defined by ~~Minnesota Statute section~~~~Minn. Stat. §~~ 260C.007, ~~subdivision~~~~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 ~~that~~which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.

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

- G. "Non Maltreatment mistake" ~~occurs when~~means: (1) at the time of the incident, the individual was performing duties identified in the center's child care program plan required under Minnesota 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 MinnesotaMinnesota Rules Chapter: 9503.
- H. "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employee or ~~agenda~~agent, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.
- I. "Physical abuse" means any physical injury, mental injury (under subdivision 13), or threatened injury (under subdivision 23), inflicted by a person responsible for the child's care on a child other than by accidental means; or any physical or mental injury that cannot reasonably be explained by the child's history of injuries or any aversive or deprivation procedures, or regulated interventions, that have not been authorized by Minnesota Statute sectionMinn. Stat. § 125A.0942 or section§ 245.825.

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

Actions ~~that~~ which are not reasonable and moderate include, but are not limited to, any of the following: (1) throwing, kicking, burning, biting, or cutting a child; (2) striking a child with a closed fist; (3) shaking a child under age three; (4) striking or other actions ~~that~~ which result in any 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 ~~that~~ which were not prescribed for the child by a practitioner, in order to control or punish the child, or ~~giving the child~~ other substances that substantially affect the child's behavior, motor coordination, or judgment or that result in sickness or internal injury, or ~~that~~ subject the child to medical procedures that would be unnecessary if the child were not exposed to the substances; (10) unreasonable physical confinement or restraint not permitted under ~~Minnesota Statute section Minn. Stat. §~~ 609.379 including, but not limited to, tying, caging, or chaining; or (11) in a school facility or school zone, an act by a person responsible for the child's care that is a violation under ~~Minnesota Statute section Minn. Stat. §~~ 121A.58.

- J. "Report" means any communication received by the local welfare agency, police department, county sheriff, or agency responsible for child protection pursuant to this section that describes ~~maltreatment, neglect or physical or sexual abuse~~ of a child and contains sufficient content to identify the child and any person believed to be responsible for the ~~maltreatment, neglect or abuse~~; if known.
- K. "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.
- L. "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child (as defined in ~~Minnesota Statute section Minn. Stat. §~~ 609.341, ~~subdivision Subd.~~ 15), or by a person in a current or recent position of authority (as defined in ~~Minnesota Statute section Minn. Stat. §~~ 609.341, ~~subdivision Subd.~~ 10) to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct. Such acts include sexual penetration, sexual contact, solicitation of children to engage in sexual conduct, and communication of sexually explicit materials to children. Sexual abuse also includes any act involving a minor ~~that~~ which constitutes a violation of Minnesota statutes prohibiting prostitution or use of a minor in a sexual performance. Sexual abuse includes 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 ~~that~~^{which} requires registration under Minnesota Statute section ~~Min. Stat. §~~ 243.166, ~~subdivision~~^{Subd.} 1b(a) or (b) (Registration of Predatory Offenders).

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

¶

N. ~~“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.~~¶

¶

O. ~~“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.~~¶

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

IV. REPORTING PROCEDURES

A. A mandated reporter ~~as defined herein~~ shall immediately report the ~~information~~^{neglect or physical or sexual abuse, which he or she knows or has reason to believe is happening or has happened within the preceding three years;} to the local welfare agency, ~~agency responsible for assessing or investigating the report,~~ police department, county sheriff, tribal social services ~~agency,~~ or tribal police department. The reporter will include his or her name and address in the report.

- B. ~~An oral report shall be made immediately 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 ~~assessing~~ assisting or investigating the report ~~maltreatment~~. Any ~~The written~~ report shall be of sufficient content to identify the child, any person believed to be responsible for the ~~maltreatment~~ ~~abuse or neglect~~ of the child if the person is known, the nature and extent of the ~~maltreatment~~, ~~abuse or neglect~~ and the name and address of the reporter.
- C. Regardless of whether a report is made, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident has occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.
- D. A mandated reporter who knows or has reason to know of the deprivation of ~~custodial or~~ parental rights or the kidnapping of a child shall report the information to the local police department or the county sheriff.
- E. With the exception of a health care professional or a social service professional who is providing the woman with prenatal care or other health care services, a mandated reporter shall immediately report to the local welfare agency if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive.
- F. A person mandated by Minnesota law and this policy to report who fails to report may be subject to criminal penalties and/or discipline, up to and including termination of employment.
- G. ~~An employer of a mandated reporter shall not retaliate against the person for reporting in good faith maltreatment against a child with respect to whom a report is made, because of the report. Submission of a good faith report under Minnesota law and this policy will not adversely affect the reporter's employment, or the child's access to school.~~
- H. Any person who knowingly or recklessly makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury, ~~plus costs and reasonable~~ ~~reasonable~~ attorney fees. ~~and the reckless~~ ~~Knowingly or recklessly making a~~ ~~making of a~~ false report ~~also~~ may result in discipline. ~~The court may also award attorney's fees.~~

V. INVESTIGATION

- A. The responsibility for ~~neglect or physical or sexual abuse~~ assessing or investigating reports of suspected ~~neglect or physical or sexual abuse~~ rests with the appropriate ~~state, county, state,~~ state, county, 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 ~~offender~~ perpetrator, and any other person with knowledge of the ~~maltreatment 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 ~~the alleged offender or parent, legal guardian, or~~ a school official. The investigating agency, not the school, is responsible for either notifying or withholding notification of the interview to the parent, guardian or person responsible for the child's care. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded.
- B. When the investigating agency determines that an interview should take place on school property, written notification of intent to interview the child on school property ~~must~~ will be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property.
- C. Except where the alleged ~~offender~~ perpetrator is believed to be a school official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare or law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school officials and the local welfare or law enforcement agency. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school employees when an interview is conducted on school premises.
- D. Where the alleged ~~offender~~ perpetrator is believed to be a school official or employee, the school district shall conduct its own investigation independent of MDE and, if involved, the local welfare or law enforcement agency.
- E. Upon request by MDE, the school district shall provide all requested data that are relevant to a report of maltreatment and are in the possession of a school facility, pursuant to an assessment or investigation of a maltreatment report of a student in school. The school district shall provide the requested data in accordance with the requirements of the Minnesota Government Data Practices Act, ~~Minnesota Statute Chapter Minn. Stat. Ch.~~ Minnesota Statute Chapter 13, and the Family Educational Rights and Privacy Act, 20 ~~United States Codes section U.S.C. §~~ 1232g.

VI. MAINTENANCE OF SCHOOL RECORDS CONCERNING ABUSE OR POTENTIAL ABUSE

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

VII. PHYSICAL OR SEXUAL ABUSE AS SEXUAL HARASSMENT OR VIOLENCE

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

VIII. DISSEMINATION OF POLICY AND TRAINING

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

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act) Minn. Stat. § 121A.58 (Corporal Punishment)
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force) Minn. Stat. § 125A.0942 (Standards for Restrictive Procedures)
Minn. Stat. § 243.166, Subd. 1b(a)(b) (Registration of Predatory Offenders) Minn. Stat. § 245.825 (Use of Aversive or Deprivation Procedures)
Minn. Stat. § 260C.007, Subd. 6, Clause (5) (Child in Need of Protection)
Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18)
Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment)
[Minn. Stat. Ch. 260E \(Reporting of Maltreatment of Minors\)](#)
-Minn. Stat. § 609.02, Subd. 6 (Definitions – Dangerous Weapon)

Minn. Stat. § 609.341, Subd. 10 (Definitions – Position of Authority)
Minn. Stat. § 609.341, Subd. 15 (Definitions – Significant Relationship)
Minn. Stat. § 609.379 (Reasonable Force)
~~Minn. Stat. Ch. 260E (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: ~~ISD 200MSBA/MASA Model~~ Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)

Policy Reviewed: 02.08.2022

Policy Adopted: 07.28.2021

Policy Revised: ~~12.1~~ 12.23.2023



416 DRUG, ~~AND~~ ALCOHOL, AND CANNABIS TESTING

I. PURPOSE

- A. The school board recognizes the significant problems created by drug, ~~and~~ alcohol, and cannabis use in society in general, and the public schools in particular. The school board further recognizes the important contribution that the public schools have in shaping the youth of today into the adults of tomorrow.
- B. The school board believes that a work environment free of drug, ~~and~~ alcohol, and cannabis use will be not only safer, healthier, and more productive but also more conducive to effective learning. To provide such an environment, the purpose of this policy is to provide authority so that the school board may require all employees and/or job applicants to submit to drug, ~~and~~ alcohol, and cannabis testing in accordance with the provisions of this policy and as provided in federal law and Minnesota Statutes, sections 181.950- 181.957.

II. GENERAL STATEMENT OF POLICY

- A. All school district employees and job applicants whose positions require a commercial driver's license will be required to undergo drug, ~~and~~ alcohol, and cannabis testing in accordance with federal law and the applicable provisions of this policy. The school district also may request or require that drivers submit to drug, ~~and~~ alcohol, and cannabis testing in accordance with the provisions of this policy and as provided in Minnesota Statutes, sections 181.950-181.957.
- B. The school district may request or require that any school district employee or job applicant, other than an employee or applicant whose position requires a commercial driver's license, submit to drug, ~~and~~ alcohol, and cannabis testing in accordance with the provisions of this policy and as provided in Minnesota Statutes, sections 181.950-181.957.
- C. The use, possession, sale, purchase, transfer, or dispensing of any drugs not medically prescribed, including medical cannabis, whether or not it has been prescribed for the employee, is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of drugs that are not medically prescribed, including medical cannabis, whether or not it has been prescribed for the employee, is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of drugs that are not medically prescribed are prohibited from entering or remaining on school district property.

- D. The use, possession, sale, purchase, transfer, or dispensing of alcohol or cannabis is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of alcohol or cannabis is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of alcohol or cannabis are prohibited from entering or remaining on school district property.
- E. Any employee who violates this section shall be subject to discipline that includes, but is not limited to, immediate suspension without pay and immediate discharge.
- F. The school district may discipline, discharge, or take other adverse personnel action against an employee for cannabis flower, cannabis product, lower-potency hemp edible, or hemp-derived consumer product use, possession, impairment, sale, or transfer while an employee is working, on school district premises, or operating a school district vehicle, machinery, or equipment as follows:
 - 1. if, as the result of consuming cannabis flower, a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer product, the employee does not possess that clearness of intellect and control of self that the employee otherwise would have;
 - 2. if cannabis testing verifies the presence of cannabis flower, a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer product following a confirmatory test;
 - 3. as provided in the school district’s written work rules for cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products and cannabis testing, provided that the rules are in writing and in a written policy that contains the minimum information required by section 181.952; or
 - 4. as otherwise authorized or required under state or federal law or regulations, or if a failure to do so would cause the school district to lose a monetary or licensing-related benefit under federal law or regulations.

III. FEDERALLY MANDATED DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

At this time Hastings Public Schools currently contracts with Hastings Bus Company.

A. General Statement of Policy

All persons subject to commercial driver’s license requirements shall be tested for

alcohol, marijuana (including medical cannabis), cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP), pursuant to federal law. Drivers who test positive for alcohol or drugs shall be subject to disciplinary action, which may include termination of employment.

B. Definitions

1. “Actual Knowledge” means actual knowledge by the school district that a driver has used alcohol or controlled substances based on: (a) direct observation of the employee’s use (not observation of behavior sufficient to warrant reasonable suspicion testing); (b) information provided by a previous employer; (c) a traffic citation; or (d) an employee’s admission, except when made in connection with a qualified employee self-admission program.
2. “Alcohol Screening Device” (ASD) means a breath or saliva device, other than an Evidential Breath Testing Device (EBT), that is approved by the National Highway Traffic Safety Administration and placed on its Conforming Products List for such devices.
3. “Breath Alcohol Technician” (BAT) means an individual who instructs and assists individuals in the alcohol testing process and who operates the EBT.
4. “Commercial Motor Vehicle” (CMV) includes a vehicle that is designed to transport 16 or more passengers, including the driver.
5. “Designated Employer Representative” (DER) means an employee authorized by the school district to take immediate action to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation process. The DER receives test results and other communications for the school district.
6. “Department of Transportation” (DOT) means United States Department of Transportation.
7. “Direct Observation” means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing.
8. “Driver” is any person who operates a CMV, including full-time, regularly employed drivers, casual, intermittent or occasional drivers, leased drivers, and independent owner-operator contractors.
9. “Evidential Breath Testing Device” (EBT) means a device approved by

the National Highway Traffic Safety Administration for the evidentiary testing of breath for alcohol concentration and placed on its Conforming Products List for such devices.

10. “Licensed Medical Practitioner” means a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.
11. “Medical Review Officer” (MRO) means a licensed physician responsible for receiving and reviewing laboratory results generated by the school district’s drug testing program and for evaluating medical explanations for certain drug tests.
12. “Refusal to Submit” (to an alcohol or controlled substances test) means that a driver: (a) fails to appear for any test within a reasonable time, as determined by the school district, consistent with applicable DOT regulations, after being directed to do so; (b) fails to remain at the testing site until the testing process is complete; (c) fails to provide a urine specimen or an adequate amount of saliva or breath for any DOT drug or alcohol test; (d) fails to permit the observation or monitoring of the driver’s provision of a specimen in the case of a directly observed or monitored collection in a drug test; (e) fails to provide a sufficient breath specimen or sufficient amount of urine when directed and a determination has been made that no adequate medical explanation for the failure exists; (f) fails or declines to take an additional test as directed by the school district or the collector; (g) fails to undergo a medical examination or evaluation, as directed by the MRO or the DER; (h) fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process, fails to wash hands after being directed to do so by the collector, fails to sign the certification on the forms); (i) fails to follow the observer’s instructions, in an observed collection, to raise the driver’s clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if the driver has any type of prosthetic or other device that could be used to interfere with the collection process; (j) possesses or wears a prosthetic or other device that could be used to interfere with the collection process; (k) admits to the collector or MRO that the driver adulterated or substituted the specimen; or (l) is reported by the MRO as having a verified adulterated or substituted test result. An applicant who fails to appear for a pre-employment test, who leaves the testing site before the pre-employment testing process commences, or who does not provide a urine specimen because he or she has left before it commences is not deemed to have refused to submit to testing.
13. “Safety-Sensitive Functions” are on-duty functions from the time the

driver begins work or is required to be in readiness to work until relieved from work and all responsibility for performing work, and include such functions as driving, loading and unloading vehicles, or supervising or assisting in the loading or unloading of vehicles, servicing, repairing, obtaining assistance to repair, or remaining in attendance during the repair of a disabled vehicle.

14. “Screening Test Technician” (STT) means anyone who instructs and assists individuals in the alcohol testing process and operates an ASD.
15. “Stand Down” means the practice of temporarily removing an employee from performing safety-sensitive functions based only upon a laboratory reports to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test before the MRO completes the verification process.
16. “Substance Abuse Professional” (SAP) means a qualified person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

C. Policy and Educational Materials

1. The school district shall provide a copy of this policy and procedures to each driver prior to the start of its alcohol and drug testing program and to each driver subsequently hired or transferred into a position requiring driving of a CMV.
2. The school district shall provide to each driver information required under Title 49 of the Code of Federal Regulations, including information concerning the effects of alcohol and controlled substances use on an individual’s health, work, and personal life; signs and symptoms of an alcohol or controlled substance problem (the driver’s or a coworker’s); and available methods of intervening when an alcohol or controlled substance problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management.
3. The school district shall provide written notice to representatives of employee organizations that the information described above is available.
4. The school district shall require each driver to sign a statement certifying that the driver received a copy of the policy and materials. ~~This statement should be in the form of Attachment A to this policy.~~ The school district will maintain the original signed certificate and will provide a copy to the driver if the driver so requests.

D. Alcohol and Controlled Substances Testing Program Manager

1. The program manager will coordinate the implementation, direction, and administration of the alcohol and controlled substances testing policy for bus drivers. The program manager is the principal contact for the collection site, the testing laboratory, the MRO, the BAT, the SAP, and the person submitting to the test. Employee questions concerning this policy shall be directed to the program manager.
2. The school district shall designate a program manager and provide written notice of the designation to each driver along with this policy.

E. Specific Prohibitions for Drivers

1. Alcohol Concentration. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Drivers who test greater than 0.04 will be taken out of service and will be subject to evaluation by a professional and retesting at the driver's expense.
2. Alcohol Possession. No driver shall be on duty or operate a CMV while the driver possesses alcohol.
3. On-Duty Use. No driver shall use alcohol while performing safety-sensitive functions.
4. Pre-Duty Use. No driver shall perform safety-sensitive functions within four (4) hours after using alcohol.
5. Use Following an Accident. No driver required to take a post-accident test shall use alcohol for eight (8) hours following the accident, or until the driver undergoes a post-accident alcohol test, whichever occurs first.
6. Refusal to Submit to a Required Test. No driver shall refuse to submit to an alcohol or controlled substances test required by post-accident, random, reasonable suspicion, return-to-duty, or follow-up testing requirements. A verified adulterated or substituted drug test shall be considered a refusal to test.
7. Use of Controlled Substances. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to instructions (which have been presented to the school district) from a licensed medical practitioner who is familiar with the driver's medical history and has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV. Controlled substance

includes medical cannabis, regardless of whether the driver is enrolled in the state registry program.

8. Positive, Adulterated, or Substituted Test for Controlled Substance. No driver shall report for duty, remain on duty, or perform a safety-sensitive function if the driver tests positive for controlled substances, including medical cannabis, or has adulterated or substituted a test specimen for controlled substances.
9. General Prohibition. Drivers are also subject to the general policies and procedures of the school district that prohibit possession, transfer, sale, exchange, reporting to work under the influence of drugs or alcohol, and consumption of drugs or alcohol while at work or while on school district premises or operating any school district vehicle, machinery, or equipment.

F. Other Alcohol-Related Conduct

No driver found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform safety-sensitive functions for at least twenty-four (24) hours following administration of the test. The school district will not take any action under this policy other than removal from safety-sensitive functions based solely on test results showing an alcohol concentration of less than 0.04 but may take action otherwise consistent with law and the policies of the school district.

G. Prescription Drugs/Cannabinoid Products

A driver shall inform the driver's supervisor if at any time the driver is using a controlled substance pursuant to a physician's prescription. The physician's instructions shall be presented to the school district upon request. Use of a prescription drug shall be allowed if the physician has advised the driver that the prescribed drug will not adversely affect the driver's ability to safely operate a CMV. Use of medical cannabis is prohibited notwithstanding the driver's enrollment in the patient registry. Use of nonintoxicating cannabinoids or edible cannabinoid products is not a legitimate medical explanation for a confirmed positive test result for **cannabismarijuana**. MROs will verify a drug test confirmed as positive, even if a driver claims to have only used nonintoxicating cannabinoids or edible cannabinoid product.

H. Testing Requirements

1. Pre-Employment Testing

- a. A driver applicant shall undergo testing for [alcohol and] controlled substances, including medical cannabis, before the first time the driver performs safety-sensitive functions for the school

district.

- b. Tests shall be conducted only after the applicant has received a conditional offer of employment.
- c. To be hired, the applicant must test negative and must sign an agreement ~~in the form of Attachment B to this policy~~, authorizing former employers to release to the school district all information on the applicant's alcohol tests with results of blood alcohol concentration of 0.04 or higher, or verified positive results for controlled substances, including medical cannabis, or refusals to be tested (including verified adulterated or substituted drug test results), or any other violations of DOT agency drug and alcohol testing regulations, or, if the applicant violated the testing regulations, documentation of the applicant's successful completion of DOT return-to-duty requirements (including follow-up tests), within the preceding two (2) years.
- d. The applicant also must be asked whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee, during the last two (2) years, applied for, but did not obtain, safety-sensitive transportation work covered by DOT testing rules.
- e. Before employing a driver subject to controlled substances and alcohol testing, the school district must conduct a full pre-employment query of the federal Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse ("Clearinghouse") to obtain information about whether the driver (1) has a verified positive, adulterated, or substituted controlled substances test result; (2) has an alcohol confirmation test with a concentration of 0.04 or higher; (3) has refused to submit to a test in violation of federal law; or (4) that an employer has reported actual knowledge that the driver used alcohol on duty, before duty, or following an accident in violation of federal law or used a controlled substance in violation of federal law. The applicant must give specific written or electronic consent for the school district to conduct the Clearinghouse full query. The school district shall retain the consent for three (3) years from the date of the query.

2. Post-Accident Testing

- a. As soon as practicable following an accident involving a CMV, the school district shall test the driver for alcohol and controlled substances, including medical cannabis, if the accident involved the loss of human life or if the driver receives a citation for a

moving traffic violation arising from an accident which results in bodily injury or disabling damage to a motor vehicle.

- b. Drivers should be tested for alcohol use within two (2) hours and no later than eight (8) hours after the accident.
- c. Drivers should be tested for controlled substances, including medical cannabis, no later than thirty-two (32) hours after the accident.
- d. A driver subject to post-accident testing must remain available for testing, or shall be considered to have refused to submit to the test.
- e. If a post-accident alcohol test is not administered within two (2) hours following the accident, the school district shall prepare and maintain on file a record stating the reasons the test was not promptly administered and continue to attempt to administer the alcohol test within eight (8) hours.
- f. If a post-accident alcohol test is not administered within eight (8) hours following the accident or a post-accident controlled substances test is not administered within thirty-two (32) hours following the accident, the school district shall cease attempts to administer the test, and prepare and maintain on file a record stating the reasons for not administering the test.
- g. The school district shall report drug and alcohol program violations to the Clearinghouse as required under federal law.

3. Random Testing

- a. The school district shall conduct tests on a random basis at unannounced times throughout the year, as required by the federal regulations.
- b. The school district shall test for alcohol at a minimum annual percentage rate of 10% of the average number of driver positions, and for controlled substances, including medical cannabis, at a minimum annual percentage of 50%.
- c. The school district shall adopt a scientifically valid method for selecting drivers for testing, such as a random number table or a computer-based random number generator that is matched with identifying numbers of the drivers. Each driver shall have an equal chance of being tested each time selections are made. Each driver selected for testing shall be tested during the ~~selection~~ [selection](#)

period.

- d. Random tests shall be unannounced. Dates for administering random tests shall be spread reasonably throughout the calendar year.
- e. Drivers shall proceed immediately to the collection site upon notification of selection; provided, however, that if the driver is performing a safety-sensitive function, other than driving, at the time of notification, the driver shall cease to perform the function and proceed to the collection site as soon as possible.

4. Reasonable Suspicion Testing

- a. The school district shall require a driver to submit to an alcohol test and/or controlled substances, including medical cannabis, test when a supervisor or school district official, who has been trained in accordance with the regulations, has reasonable suspicion to believe that the driver has used alcohol and/or controlled substances, including medical cannabis, on duty, within four (4) hours before coming on duty, or just after the period of the work day. The test shall be done as soon as practicable following the observation of the behavior indicative of the use of controlled substances or alcohol.
- b. The reasonable suspicion determination must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech, or body odors. The required observations for reasonable suspicion of a controlled substances violation may include indications of the chronic and withdrawal effects of controlled substances.
- c. Alcohol testing shall be administered within two (2) hours following a determination of reasonable suspicion. If it is not done within two (2) hours, the school district shall prepare and maintain a record explaining why it was not promptly administered and continue to attempt to administer the alcohol test within eight (8) hours. If an alcohol test is not administered within eight (8) hours following the determination of reasonable suspicion, the school district shall cease attempts to administer the test and state in the record the reasons for not administering the test.
- d. The supervisor or school district official who makes observations leading to a controlled substances reasonable suspicion test shall make and sign a written record of the observations within twenty-four (24) hours of the observed behavior or before the results of

the drug test are released, whichever is earlier.

5. Return-To-Duty Testing. A driver found to have violated this policy shall not return to work until an SAP has determined the employee has successfully complied with prescribed education and/or treatment and until undergoing return-to-duty tests indicating an alcohol concentration of less than 0.02 and a confirmed negative result for the use of controlled substances. The school district is not required to return a driver to safety-sensitive duties because the driver has met these conditions; this is a personnel decision subject to collective bargaining agreements or other legal requirements.

6. Follow-Up Testing. When an SAP has determined that a driver is in need of assistance in resolving problems with alcohol and/or controlled substances, the driver shall be subject to unannounced follow-up testing as directed by the SAP for up to sixty (60) months after completing a treatment program.

7. Refusal to Submit and Attendant Consequences
 - a. A driver or driver applicant may refuse to submit to drug and alcohol testing.

 - b. Refusal to submit to a required drug or alcohol test subjects the driver or driver applicant to the consequences specified in federal regulations as well as the civil and/or criminal penalty provisions of 49 United States Code section 521(b). In addition, a refusal to submit to testing establishes a presumption that the driver or driver applicant would test positive if a test were conducted and makes the driver or driver applicant subject to discipline or disqualification under this policy.

 - c. A driver applicant who refuses to submit to testing shall be disqualified from further consideration for the conditionally offered position.

 - d. An employee who refuses to submit to testing shall not be permitted to perform safety-sensitive functions and will be considered insubordinate and subject to disciplinary action, up to and including dismissal. If an employee is offered an opportunity to return to a DOT safety-sensitive duty, the employee will be evaluated by an SAP and must submit to a return-to-duty test prior to being considered for reassignment to safety-sensitive functions.

- e. Drivers or driver applicants who refuse to submit to required testing will be required to sign Attachment C to this policy.

I. Testing Procedures

1. Drug Testing

- a. Drug testing is conducted by analyzing a donor's urine specimen. Split urine samples will be collected in accordance with federal regulations. The donor will provide a urine sample at a designated collection site. The collection site personnel will then pour the sample into two sample bottles, labeled "primary" and "split," seal the specimen bottles, complete the chain of custody form, and prepare the specimen bottles for shipment to the testing laboratory for analysis. The specimen preparation shall be conducted in sight of the donor.
- b. If the donor is unable to provide the appropriate quantity of urine, the collection site person shall instruct the individual to drink up to forty (40) ounces of fluid distributed reasonably through a period of up to three (3) hours to attempt to provide a sample. If the individual is still unable to provide a complete sample, the test shall be discontinued and the school district notified. The DER shall refer the donor for a medical evaluation to determine if the donor's inability to provide a specimen is genuine or constitutes a refusal to test. For pre-employment testing, the school district may elect to not have a referral made, and revoke the employment offer.
- c. Drug test results are reported directly to the MRO by the testing laboratory. The MRO reports the results to the DER. If the results are negative, the school district is informed and no further action is necessary. If the test result is confirmed positive, adulterated, substituted, or invalid, the MRO shall give the donor an opportunity to discuss the test result. The MRO will contact the donor directly, on a confidential basis, to determine whether the donor wishes to discuss the test result. The MRO shall notify each donor that the donor has seventy-two (72) hours from the time of notification in which to request a test of the split specimen at the donor's expense. No split specimen testing is done for an invalid result.
- d. If the donor requests an analysis of the split specimen within seventy-two (72) hours of having been informed of a confirmed positive test, the MRO shall direct, in writing, the laboratory to provide the split specimen to another Department of Health and

Human Services – SAMHSA certified laboratory for analysis. If the donor has not contacted the MRO within seventy-two (72) hours, the donor may present the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the confirmed positive test, or other circumstances unavoidably prevented the donor from timely making contact. If the MRO concludes that a legitimate explanation for the donor's failure to contact him/her within seventy-two (72) hours exists, the MRO shall direct the analysis of the split specimen. The MRO will review the confirmed positive test result to determine whether an acceptable medical reason for the positive result exists. The MRO shall confirm and report a positive test result to the DER and the employee when no legitimate medical reason for a positive test result as received from the testing laboratory exists.

- e. If, after making reasonable efforts and documenting those efforts, the MRO is unable to reach the donor directly, the MRO must contact the DER who will direct the donor to contact the MRO. If the DER is unable to contact the donor, the donor will be suspended from performing safety-sensitive functions.
- f. The MRO may confirm the test as a positive without having communicated directly with the donor about the test results under the following circumstances:
 - (1) The donor expressly declines the opportunity to discuss the test results;
 - (2) The donor has not contacted the MRO within seventy-two (72) hours of being instructed to do so by the DER; or
 - (3) The MRO and the DER, after making and documenting all reasonable efforts, have not been able to contact the donor within ten (10) days of the date the confirmed test result was received from the laboratory.

2. Alcohol Testing

- a. The federal alcohol testing regulations require testing to be administered by a BAT using an EBT or an STT using an ASD. EBTs and ASDs can be used for screening tests but only EBTs can be used for confirmation tests.
- b. Any test result less than 0.02 alcohol concentration is considered a “negative” test.

- c. If the donor is unable to provide sufficient saliva for an ASD, the DER will immediately arrange to use an EBT. If the donor attempts and fails to provide an adequate amount of breath, the school district will direct the donor to obtain a written evaluation from a licensed physician to determine if the donor's inability to provide a breath sample is genuine or constitutes a refusal to test.
- d. If the screening test results show alcohol concentration of 0.02 or higher, a confirmatory test conducted on an EBT will be required to be performed between fifteen (15) and thirty (30) minutes after the completion of the screening test.
- e. Alcohol tests are reported directly to the DER.

J. Driver/Driver Applicant Rights

- 1. All drivers and driver applicants subject to the controlled substances testing provisions of this policy who receive a confirmed positive test result for the use of controlled substances have the right to request, at the driver's or driver applicant's expense, a confirming retest of the split urine sample. If the confirming retest is negative, no adverse action will be taken against the driver, and a driver applicant will be considered for employment.
- 2. The school district will not discharge a driver who, for the first time, receives a confirmed positive drug or alcohol test UNLESS:
 - a. The school district has first given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the school district after consultation with the SAP;
 - b. and the employee refuses to participate in the recommended program, or fails to successfully complete the program as evidenced by withdrawal before its completion or by a positive test result on a confirmatory test after completion of the program.
 - c. This limitation on employee discharge does not bar discharge of an employee for reasons independent of the first confirmed positive test result.

K. Testing Laboratory

A testing laboratory for controlled substances certified by the Department of Health and Human Services – SAMHSA, will be used to perform controlled substances testing pursuant to federal regulations.

L. Confidentiality of Test Results

All alcohol and controlled substances test results and required records of the drug and alcohol testing program are considered confidential information under federal law and private data on individuals as that phrase is defined in Minn. Stat. Ch. 13. Any information concerning the individual’s test results and records shall not be released without written permission of the individual, except as provided for by regulation or law.

M. Recordkeeping Requirements and Retention of Records

1. The school district shall keep and maintain records in accordance with the federal regulations in a secure location with controlled access.
2. The required records shall be retained for the following minimum periods:

Basic records 5 years

“Basic records” includes records of: (a) alcohol test results with concentration of 0.02 or greater; (b) verified positive drug test results; (c) refusals to submit to required tests (including substituted or adulterated drug test results); (d) SAP reports; (e) all follow-up tests and schedules for follow-up tests; (f) calibration documentation; (g) administration of the testing programs; and (h) each annual calendar year summary.

Information obtained from previous employers	3 years
Alcohol and controlled substance collection procedures	2 years
Negative and canceled controlled substance tests	1 year
Alcohol tests with less than 0.02 concentration	1 year
Education and training records	indefinite

“Education and training records” must be maintained while the individuals perform the functions which require training and for the two (2) years after ceasing to perform those functions.

3. Personal Information

Personal information about all individuals who undergo any required testing under this policy will be shared with the U.S. DOT Drug & Alcohol Clearinghouse (“Clearinghouse”) as required under federal law, including:

- a. The name of the person tested;
- b. Any verified positive, adulterated, or substituted drug test ~~result~~result;
- c. Any alcohol confirmation test with a BAC concentration of 0.04 or higher;
- d. Any refusal to submit to any test required hereunder;
- e. Any report by a supervisor of actual knowledge of use as follows
 - i. Any on-duty alcohol use;
 - ii. Any pre-duty alcohol use;
 - iii. Any alcohol use following an accident; and
 - iv. Any controlled substance use.
- f. Any report from a substance abuse professional certifying successful completion of the return-to-work process;
- g. Any negative return-to-duty test; and
- h. Any employer's report of completion of follow-up testing.

N. Training

The school district shall ensure all persons designated to supervise drivers receive training. The designated employees shall receive at least sixty (60) minutes of training on alcohol misuse and at least sixty (60) minutes of training on controlled substances use. The training shall include physical, behavioral, speech, and performance indicators of probable misuse of alcohol and use of controlled substances. The training will be used by the supervisors to make determinations of reasonable suspicion.

O. Consequences of Prohibited Conduct and Enforcement

- 1. Removal. The school district shall remove a driver who has engaged in prohibited conduct from safety-sensitive functions. A driver shall not be permitted to return to safety-sensitive functions until and unless the return-to-duty requirements of federal DOT regulations have been completed.
- 2. Referral, Evaluation, and Treatment
 - a. A driver or driver applicant who has engaged in prohibited conduct shall be provided a listing of SAPs readily available to the driver

or applicant and acceptable to the school district.

- b. If the school district offers a driver an opportunity to return to a DOT safety-sensitive duty following a violation, the driver must be evaluated by an SAP and the driver is required to successfully comply with the SAP's evaluation recommendations (education, treatment, follow-up evaluation(s), and/or ongoing services). The school district is not required to provide an SAP evaluation or any subsequent recommended education or treatment.
- c. Drivers are responsible for payment for SAP evaluations and services unless a collective bargaining agreement or employee benefit plan provides otherwise.
- d. Drivers who engage in prohibited conduct also are required to comply with follow-up testing requirements.

3. Disciplinary Action

- a. Any driver who refuses to submit to post-accident, random, reasonable suspicion, or follow-up testing not only shall not perform or continue to perform safety-sensitive functions, but also may be subject to disciplinary action, which may include immediate suspension without pay and/or immediate discharge.
- b. Drivers who test positive with verification of a confirmatory test or are otherwise found to be in violation of this policy or the federal regulations shall be subject to disciplinary action, which may include immediate suspension without pay and/or immediate discharge.
- c. Nothing in this policy limits or restricts the right of the school district to discipline or discharge a driver for conduct which not only constitutes prohibited conduct under this policy but also violates the school district's other rules or policies.

P. Other Testing

The school district may request or require that drivers submit to drug, ~~and~~ alcohol, ~~and~~ cannabis testing other than that required by federal law. For example, drivers may be requested or required to undergo drug, ~~and~~ alcohol, ~~and~~ cannabis testing on an annual basis as part of a routine physical examination. Such additional testing of drivers will be conducted only in accordance with the provisions of this policy and as provided in Minnesota Statutes, sections 181.950-181.957. For purposes of such additional, non-mandatory testing, drivers fall within the definition of "other employees" covered by Section

IV. of this policy.

Q. Report to Clearinghouse

The school district shall promptly submit to the Clearinghouse any record generated of an individual who refuses to take an alcohol or controlled substance test required under Title 49, Code of Federal Regulations, tests positive for alcohol or a controlled substance in violation of federal regulations, or violates subpart B of Part 382 of Title 49, Code of Federal Regulations (or ~~subsequent~~^{subsequent} corresponding regulations).

R. Annual Clearinghouse Query

1. The school district must conduct a query of the Clearinghouse record at least once per year for information for all employees subject to controlled substance and alcohol testing related to CMV operation to determine whether information exists in the Clearinghouse about those employees. In lieu of a full query, the school district may obtain the individual driver's consent to conduct a limited query to satisfy the annual query requirement. The limited query will tell the employer whether there is information about the driver in the Clearing House but will not release that information to the employer. If the limited query shows that information exists in the Clearinghouse about the driver, the school district must conduct a full query within twenty-four (24) hours or must not allow the driver to continue to perform any safety-sensitive function until the employee conducts the full query and the results confirm the driver's Clearinghouse record contains no prohibitions showing the driver has a verified positive, adulterated or substitute controlled substance test, no alcohol confirmation test with a concentration of 0.04 or higher, refuses to submit to a test, or was reported to have used alcohol on duty, before duty, following an accident or otherwise used a controlled substance in violation of the regulations except where the driver completed the SAP evaluation, referral and education/treatment process as required by the regulations. The school district shall comply with the query requirements set forth in 49 Code of Federal Regulations 382.701.
2. The school district may not access an individual's Clearinghouse record unless the school district (1) obtains the individual's prior written or electronic consent for access to the record; and (2) submits proof of the ~~individual's~~^{individual's} consent to the Clearinghouse. The school district must retain the consent for three (3) years from the date of the last query. The school district shall retain for three (3) years a record of each request for records from the Clearinghouse and the information received pursuant to the request.
3. The school district shall protect the individual's privacy and confidentiality of each Clearinghouse record it receives. The school district shall ensure

that information contained in a Clearinghouse record is not divulged to a person or entity not directly involved in assessing and evaluating whether a prohibition applies with respect to the individual to operate a CMV for the school district.

4. The school district may use an individual's Clearinghouse record only to assess and evaluate whether a prohibition applies with respect to the individual to operate a CMV for the school district.

IV. CANNABIS TESTING OR DRUG AND ALCOHOL TESTING FOR OTHER EMPLOYEES

The school district may request or require drug and alcohol testing for other school district personnel, i.e., employees who are not school bus drivers, or job applicants for such positions. The school district does not have a legal duty to request or require any employee or job applicant to undergo drug and alcohol testing as authorized in this policy, except for school bus drivers and other drivers of CMVs who are subject to federally mandated testing. (See Section III. of this policy.) If a school bus driver is requested or required to submit to drug or alcohol testing beyond that mandated by federal law, the provisions of Section IV. of this policy will be applicable to such testing.

A. Definitions

1. "Cannabis testing" means the analysis of a body component sample according to the standards established under one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1, for the purpose of measuring the presence or absence of cannabis flower, as defined in Minnesota Statutes, section 342.01, subdivision 16, cannabis products, as defined in section 342.01, subdivision 20, lower-potency hemp edibles as defined in section 342.01, subdivision 50, hemp-derived consumer products as defined in section 342.01, subdivision 37, or cannabis metabolites in the sample tested. The definitions in this section apply to cannabis testing unless stated otherwise.
2. "Confirmatory test" and "confirmatory retest" mean a drug or alcohol test that uses a method of analysis allowed under one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1.
3. "Drug" means a controlled substance as defined in Minnesota Statutes, section 152.01, subdivision 4, but does not include marijuana, tetrahydrocannabinols, cannabis flower as defined in section 342.01, subdivision 16, cannabis products as defined in section 342.01, subdivision 20, lower-potency hemp edibles as defined in section 342.01, subdivision 50, and hemp-derived consumer products as defined in section 342.01, subdivision 37.

4. “Drug and Alcohol Testing,” “Drug or Alcohol Testing,” and “Drug or Alcohol Test” mean analysis of a body component sample by a testing laboratory that meets one of the criteria listed in Minnesota Statutes, section 181.953, subdivision 1, for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested. "Drug and alcohol testing," "drug or alcohol testing," and "drug or alcohol test" do not include cannabis or cannabis testing, unless stated otherwise.
5. "Employee" means a person, independent contractor, or person working for an independent contractor who performs services for compensation, in whatever form, for an employer.
6. "Initial screening test" means a drug or alcohol test or cannabis test which uses a method of analysis under one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1.
7. “Job Applicant” means a person, independent contractor, or person working for an independent contractor who applies to become an employee of the charter school in a position that does not require a commercial driver’s license, and includes a person who has received a job offer made contingent on the person’s passing drug or alcohol testing. Job applicants for positions requiring a commercial driver’s license are governed by the provisions of the charter school’s drug and alcohol testing policy relating to school bus drivers (Section III.).
8. “Other Employees” means any persons, independent contractors, or persons working for an independent contractor who perform services for the charter school for compensation, either full time or part time, in whatever form, except for persons whose positions require a commercial driver’s license, and includes both professional and nonprofessional personnel. Persons whose positions require a commercial driver’s license are primarily governed by the provisions of the charter school’s drug and alcohol testing policy relating to school bus drivers (Section III.). To the extent that the drug and alcohol testing of persons whose positions require a commercial driver’s license is not mandated by federal law and regulations, such testing shall be governed by Section IV. of this policy and the drivers shall fall within this definition of “other employees.”
9. “Positive Test Result” means a finding of the presence of drugs, alcohol, or their metabolites in the sample tested in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1.
10. “Random Selection Basis” means a mechanism for selection of employees that:

- a. results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected; and
- b. does not give the charter school discretion to waive the selection of any employee selected under the mechanism.

- 11. “Reasonable Suspicion” means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.
- 12. “Safety-Sensitive Position” means a job, including any supervisory or management position, in which an impairment caused by drug, alcohol, or cannabis usage would threaten the health or safety of any person.

B. Circumstances Under Which Cannabis Testing or Drug or Alcohol Testing May Be Requested or Required; Exceptions*

1. General Limitations

- a. The school district will not request or require an employee or job applicant whose position does not require a commercial driver’s license to undergo drug or alcohol testing **or cannabis testing**, unless the testing is done pursuant to this ~~drug and alcohol testing~~ policy; and is conducted by a testing laboratory that meets one of the criteria listed in Minnesota Statutes, section 181.953, subdivision 1.
- b. The school district will not request or require an employee or job applicant whose position does not require a commercial driver’s license to undergo drug and alcohol testing **or cannabis testing** on an arbitrary and capricious basis.

2. Cannabis Testing Exceptions

For the following positions, cannabis and its metabolites are considered a drug and subject to the drug and alcohol testing provisions in Minnesota Statutes, sections 181.950 to 181.957:

- a. a safety-sensitive position, as defined in Minnesota Statutes, section 181.950, subdivision 13;
- b. a position requiring face-to-face care, training, education, supervision, counseling, consultation, or medical assistance to children;
- c. a position requiring a commercial driver's license or requiring an employee to operate a motor vehicle for which state or federal law requires drug or alcohol testing of a job applicant or an employee;

- d. a position of employment funded by a federal grant; or
- e. any other position for which state or federal law requires testing of a job applicant or an employee for cannabis.

3. Job Applicant Testing

The school district may request or require any job applicant whose position does not require a commercial driver's license to undergo drug and alcohol testing, provided a job offer has been made to the applicant and the same test is requested or required of all job applicants conditionally offered employment for that position. If a job applicant has received a job offer that is contingent on the applicant's passing drug and alcohol testing, the school district may not withdraw the offer based on a positive test result from an initial screening test that has not been verified by a confirmatory test. In the event the job offer is subsequently withdrawn, the school district shall notify the job applicant of the reason for its action.

- a. The school district must not request or require a job applicant to undergo cannabis testing solely for the purpose of determining the presence or absence of cannabis as a condition of employment unless otherwise required by state or federal law.
- b. Unless otherwise required by state or federal law, the school district must not refuse to hire a job applicant solely because the job applicant submits to a cannabis test or a drug and alcohol test authorized by Minnesota law and the results of the test indicate the presence of cannabis.
- c. The school district must not request or require an employee or job applicant to undergo cannabis testing on an arbitrary or capricious basis.
- d. Cannabis testing authorized under paragraph (d) must comply with the safeguards for testing employees provided in Minnesota Statutes, sections 181.953 and 181.954.

4. Random Testing

The school district may request or require employees to undergo cannabis testing or drug and alcohol testing on a random selection basis only if they are employed in safety-sensitive positions.

5. Reasonable Suspicion Testing

The school district may request or require any employee to undergo **cannabis testing or** drug and alcohol testing if the school district has a reasonable suspicion that the employee:

- a. is under the influence of **cannabis**, drugs, or alcohol;
- b. has violated the school district's written work rules prohibiting the use, possession, sale, or transfer of drugs or alcohol, **cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products** while the employee is working or while the employee is on the school district's premises or operating the school district's vehicles, machinery, or equipment;
- c. has sustained a personal injury, as that term is defined in Minnesota Statutes, section 176.011, subdivision 16, or has caused another employee to sustain a personal injury; or
- d. has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.

5. Treatment Program Testing

The school district may request or require any employee to undergo **cannabis testing and** drug and alcohol testing if the employee has been referred by the school district for chemical dependency treatment or evaluation or is participating in a chemical dependency treatment program under an employee benefit plan, in which case the employee may be requested or required to undergo **cannabis testing and** drug and alcohol testing without prior notice during the evaluation or treatment period and for a period of up to two (2) years following completion of any prescribed chemical dependency treatment program.

6. Routine Physical Examination Testing

The school district may request or require any employee to undergo drug and alcohol testing as part of a routine physical examination provided the drug or alcohol test is requested or required no more than once annually and the employee has been given at least two weeks' written notice that a drug or alcohol test may be requested or required as part of the physical examination.

C. No Legal Duty to Test

The school district does not have a legal duty to request or require any employee

or job applicant whose position does not require a commercial driver's license to undergo drug and alcohol testing.

D. Definitions

1. ~~“Drug” means a controlled substance as defined in Minnesota Statutes, including medical cannabis, regardless of enrollment in the state registry program.~~
2. ~~“Drug and Alcohol Testing,” “Drug or Alcohol Testing,” and “Drug or Alcohol Test” mean analysis of a body component sample by a testing laboratory that meets one of the criteria listed in Minnesota Statutes, section 181.953, subdivision 1, for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested.~~
3. ~~“Other Employees” means any persons, independent contractors, or persons working for an independent contractor who perform services for the school district for compensation, either full time or part time, in whatever form, except for persons whose positions require a commercial driver's license, and includes both professional and nonprofessional personnel. Persons whose positions require a commercial driver's license are primarily governed by the provisions of the school district's drug and alcohol testing policy relating to school bus drivers (Section III.). To the extent that the drug and alcohol testing of persons whose positions require a commercial driver's license is not mandated by federal law and regulations, such testing shall be governed by Section IV. of this policy and the drivers shall fall within this definition of “other employees.”~~
4. ~~“Job Applicant” means a person, independent contractor, or person working for an independent contractor who applies to become an employee of the school district in a position that does not require a commercial driver's license, and includes a person who has received a job offer made contingent on the person's passing drug or alcohol testing. Job applicants for positions requiring a commercial driver's license are governed by the provisions of the school district's drug and alcohol testing policy relating to school bus drivers (Section III.).~~
5. ~~“Positive Test Result” means a finding of the presence of drugs, alcohol, or their metabolites in the sample tested in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1.~~
6. ~~“Random Selection Basis” means a mechanism for selection of employees that:~~
 - a. ~~results in an equal probability that any employee from a group of~~

~~employees subject to the selection mechanism will be selected; and~~

~~b. does not give the school district discretion to waive the selection of any employee selected under the mechanism.~~

~~7. “Reasonable Suspicion” means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.~~

~~8. “Safety Sensitive Position” means a job, including any supervisory or management position, in which an impairment caused by drug or alcohol usage would threaten the health or safety of any person.~~

~~9.~~

E. Right of Other Employee or Job Applicant to Refuse Drug and Alcohol Testing and Consequences of Such Refusal

1. Right of Other Employee or Job Applicant to Refuse Drug and Alcohol Testing

Any employee or job applicant whose position does not require a commercial driver’s license has the right to refuse drug and alcohol testing subject to the provisions contained in Paragraphs 2. and 3. of Section IV.D.

2. Consequences of an Employee’s Refusal to Undergo Drug and Alcohol Testing

Any employee in a position that does not require a commercial driver’s license who refuses to undergo drug and alcohol testing in the circumstances set out in the Random Testing, Reasonable Suspicion Testing, and Treatment Program Testing provisions of this policy may be subject to disciplinary action, up to and including immediate discharge.

3. Consequences of a Job Applicant’s Refusal to Undergo Drug and Alcohol Testing

Any job applicant for a position which does not require a commercial driver’s license who refuses to undergo drug and alcohol testing pursuant to the Job Applicant Testing provision of this policy shall not be employed.

F. Reliability and Fairness Safeguards

1. Pretest Notice

Before requesting an employee or job applicant whose position does not require a commercial driver’s license to undergo drug or alcohol testing or

requesting cannabis testing, the school district shall provide the employee or job applicant with a Pretest Notice ~~in the form of Attachment D to this policy on which~~ to acknowledge that the employee or job applicant has received the school district's drug and alcohol testing or cannabis testing policy.

2. Notice of Test Results

Within three (3) working days after receipt of a test result report from the testing laboratory, the school district shall inform in writing an employee or job applicant who has undergone drug or alcohol testing or cannabis testing of a negative test result on an initial screening test or of a negative or positive test result on a confirmatory test.

3. Notice of and Right to Test Result Report

Within three (3) working days after receipt of a test result report from the testing laboratory, the school district shall inform in writing, an employee or job applicant who has undergone drug or alcohol testing of the employee or job applicant's right to request and receive from the school district a copy of the test result report on any drug or alcohol test or cannabis test.

4. Notice of and Right to Explain Positive Test Result

- a. If an employee or job applicant has a positive test result on a confirmatory test, the school district shall provide the individual with notice of the test results and, at the same time, written notice of the right to explain the results and to submit additional information.
- b. The school district may request that the employee or job applicant indicate any over-the-counter or prescription medication that the individual is currently taking or has recently taken and any other information relevant to the reliability of, or explanation for, a positive test result.
- c. The employee may present verification of enrollment in the medical cannabis patient registry or of enrollment in a Tribal medica cannabis program as part of the employee's explanation.
- d. Use of nonintoxicating cannabinoids or edible cannabinoid products is not a legitimate medical explanation for a confirmed positive test result for cannabis marijuana. MROs will verify a drug test confirmed as positive, even if an employee claims to have only used nonintoxicating cannabinoids or edible cannabinoid

product.

- e. Within three (3) working days after notice of a positive test result on a confirmatory test, an employee or job applicant may submit information (in addition to any information already submitted) to the school district to explain that result.

5. Notice of and Right to Request Confirmatory Retests

- a. If an employee or job applicant has a positive test result on a confirmatory test, the school district shall provide the individual with notice of the test results and, at the same time, written notice of the right to request a confirmatory retest of the original sample at his or her expense.
- b. An employee or job applicant may request a confirmatory retest of the original sample at his or her own expense after notice of a positive test result on a confirmatory test. Within five (5) working days after notice of the confirmatory test result, the employee or job applicant shall notify the school district in writing of his or her intention to obtain a confirmatory retest. Within three (3) working days after receipt of the notice, the school district shall notify the original testing laboratory that the employee or job applicant has requested the laboratory to conduct the confirmatory retest or to transfer the sample to another laboratory licensed under Minnesota Statutes, section 181.953, subdivision 1 to conduct the confirmatory retest. The original testing laboratory shall ensure that appropriate chain-of-custody procedures are followed during transfer of the sample to the other laboratory. The confirmatory retest must use the same drug, ~~or~~ alcohol, or cannabis threshold detection levels as used in the original confirmatory test. If the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test may be taken against the employee or job applicant.

- 6. If an employee or job applicant has a positive test result on a confirmatory test, the school district, at the time of providing notice of the test results, shall also provide written notice to inform the individual of other rights provided under Sections F. or G., below, whichever is applicable.

Attachments E and F to this policy provide the Notices described in Paragraphs 2. through 6. of this Section E.

G. Discharge and Discipline of Employees Whose Positions Do Not Require a Commercial Driver's License

1. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee on the basis of a positive test result from an initial screening test that has not been verified by a confirmatory test.
2. In the case of a positive test result on a confirmatory test, the employee shall be subject to discipline which includes, but is not limited to, immediate suspension without pay and immediate discharge, pursuant to the provisions of this policy.
3. The school district may not discharge an employee for whom a positive test result on a confirmatory test was the first such result for the employee on a drug or alcohol test or cannabis test requested by the school district, unless the following conditions have been met:
 - a. The school district has first given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a, drug, ~~or~~ alcohol, or cannabis —counseling or rehabilitation program, whichever is more appropriate, as determined by the school district after consultation with a certified chemical abuse counselor or a physician trained in the diagnosis and treatment of chemical dependency; and
 - b. The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a positive test result on a confirmatory test after completion of the program.
4. Notwithstanding Paragraph 1., the school district may temporarily suspend the tested employee or transfer that employee to another position at the same rate of pay pending the outcome of the confirmatory test and, if requested, the confirmatory retest, provided the school district believes that it is reasonably necessary to protect the health or safety of the employee, co- employees or the public. An employee who has been suspended without pay must be reinstated with back pay if the outcome of the confirmatory test or requested confirmatory retest is negative.
5. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee on the basis of medical history information or the employee's status as a patient enrolled in the medical cannabis registry program revealed to the school district, unless the employee was under an affirmative duty to provide the information before, upon, or after hire, or failing to do so would violate federal law or

regulations or cause the school district to lose money or licensing-related benefit under federal law or regulations.

6. The school district may not discriminate against any employee in termination, discharge, or any term of condition of employment or otherwise penalize an employee based upon an employee registered patient's positive drug test for cannabis components or metabolites, unless the employee used, possessed, or was impaired by medical cannabis on school district property during the hours of employment.
7. An employee must be given access to information in the individual's personnel file relating to positive test result reports and other information acquired in the drug and alcohol testing process or cannabis testing process and conclusions drawn from and actions taken based on the reports or other acquired information.

H. Withdrawal of Job Offer for an Applicant for a Position That Does Not Require a Commercial Driver's License

If a job applicant has received a job offer made contingent on the applicant's passing drug and alcohol testing, the school district may not withdraw the offer based on a positive test result from an initial screening test that has not been verified by a confirmatory test. In the case of a positive test result on a confirmatory test, the school district may withdraw the job offer.

I. Chain-of-Custody Procedures

The school district has established its own reliable chain-of-custody procedures to ensure proper record keeping, handling, labeling, and identification of the samples to be tested. The procedures require the following:

1. Possession of a sample must be traceable to the employee from whom the sample is collected, from the time the sample is collected through the time the sample is delivered to the laboratory;
2. The sample must always be in the possession of, must always be in view of, or must be placed in a secure area by a person authorized to handle the sample;
3. A sample must be accompanied by a written chain-of-custody record; and
4. Individuals relinquishing or accepting possession of the sample must record the time the possession of the sample was transferred and must sign and date the chain-of-custody record at the time of transfer.

J. Privacy, Confidentiality and Privilege Safeguards

1. Privacy Limitations

A laboratory may only disclose to the school district test result data regarding the presence or absence of drugs, alcohol or their metabolites in a sample tested.

2. Confidentiality Limitations

With respect to employees and job applicants, test result reports and other information acquired in the drug or alcohol testing process are private data on individuals as that phrase is defined in Minnesota Statutes Chapter 13, and may not be disclosed by the school district or laboratory to another employer or to a third-party individual, governmental agency, or private organization without the written consent of the employee or job applicant tested.

3. Exceptions to Privacy and Confidentiality Disclosure Limitations

Notwithstanding Paragraphs 1. and 2., evidence of a positive test result on a confirmatory test may be: (1) used in an arbitration proceeding pursuant to a collective bargaining agreement, an administrative hearing under Minnesota Statutes, Chapter 43A or other applicable state or local law, or a judicial proceeding, provided that information is relevant to the hearing or proceeding; (2) disclosed to any federal agency or other unit of the United States government as required under federal law, regulation or order, or in accordance with compliance requirements of a federal government contract; and (3) disclosed to a substance abuse treatment facility for the purpose of evaluation or treatment of the employee.

4. Privilege

Positive test results from the school district drug or alcohol testing program may not be used as evidence in a criminal action against the employee or job applicant tested.

K. Notice of Testing Policy to Affected Employees

The school district shall provide written notice of this drug, ~~and~~ alcohol, or **cannabis** testing policy to all affected employees upon adoption of the policy, to a previously non-affected employee upon transfer to an affected position under the policy, and to a job applicant upon hire and before any testing of the applicant if the job offer is made contingent on the applicant's passing drug and alcohol testing. Affected employees and applicants will acknowledge receipt of this written notice ~~in the form of Attachment G to this policy.~~

V. POSTING

The school district shall post notice in an appropriate and conspicuous location on its premises that it has adopted a drug and alcohol testing policy and that copies of the

policy are available for inspection during regular business hours by its employees or job applicants in its personnel office or other suitable locations.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. Ch. 43A (State Personnel Management)
Minn. Stat. § 151.72 (Sale of Certain Cannabinoid Products)
Minn. Stat. § 152.01 (Definitions)
Minn. Stat. § 152.22 (Definitions; Medical Cannabis)
Minn. Stat. § 152.23 (Limitations; Medical Cannabis)
Minn. Stat. § 152.32 (Protections for Registry Program Participation)
Minn. Stat. § 176.011, subd. 16 (Definitions; Personal Injury)
Minn. Stat. §§ 181.950-181.957 (Drug and Alcohol Testing in the Workplace)
Minn. Stat. § 221.031 (Motor Carrier Rules)
49 U.S.C. § 31306 (Omnibus Transportation Employee Testing Act of 1991)
49 U.S.C. 31306a (National Clearinghouse for Controlled Substance and Alcohol Test Results of Commercial Motor Vehicle Operators)
49 U.S.C. § 521(b) (Civil and Criminal Penalties for Violations)
49 C.F.R. Parts 40 and 382 (Department of Transportation Rules Implementing Omnibus Transportation Employee Testing Act of 1991)
49 C.F.R. Part 382 (Controlled Substances and Alcohol Use and Testing)

Cross-References: ~~ISD 200MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)~~
ISD 200MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
ISD 200MSBA/MASA Model Policy 417 (Chemical Use and Abuse)
ISD 200MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug-Free School)

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601 SCHOOL DISTRICT CURRICULUM AND INSTRUCTION GOALS

I. PURPOSE

The purpose of this policy is to establish broad curriculum parameters for the school district that encompass the Minnesota Academic Standards and federal law and are aligned with creating the world's best workforce.:

II. GENERAL STATEMENT OF POLICY

The policy of the school district is to establish the “World’s Best Workforce” in which all learning in the school district should be directed and for which all school district learners should be held accountable.

III. DEFINITIONS

- A. “Academic standard” means a summary description of student learning in a required content area or elective content area.
- B. “Antiracist” means actively working to identify and eliminate racism in all forms in order to change policies, behaviors, and beliefs that perpetuate racist ideas and actions.
- C. “Benchmark” means specific knowledge or skill that a student must master to complete part of an academic standard by the end of the grade level or grade band.
- D. “Culturally sustaining” means integrating content and practices that infuse the culture and language of Black, Indigenous, and People of Color communities who have been and continue to be harmed and erased through the education system.
- E. “Curriculum” means district or school adopted programs and written plans for providing students with learning experiences that lead to expected knowledge, skills, and career and college readiness; ~~including standards, benchmarks, essential questions, an assessment plan, instructional resources and strategies, and time allocations for emphasis and pacing for the content to be taught.~~
- F. “Ethnic studies” as defined in Minnesota Statutes, section 120B.25, has the same meaning for purposes of this section. Ethnic studies curriculum may be integrated in existing curricular opportunities or provided through additional curricular offerings.
- G. “Experiential learning” means learning for students that includes career exploration through a specific class or course or through work-based experiences such as job shadowing, mentoring, entrepreneurship, service learning, volunteering, internships, other cooperative work experience, youth apprenticeship, or employment.

- H. “Institutional racism” means structures, policies, and practices within and across institutions that produce outcomes that disadvantage those who are Black, Indigenous, and People of Color.
- I. “Instruction” means methods of providing learning experiences that enable students to meet state and district academic standards and graduation requirements including applied and experiential learning. ~~“Instruction” means methods of providing learning experiences, through a teacher lead standards focused process, that enables students to meet state and district academic standards and graduation requirements including applied and experiential learning, and enables all students to master academic content and achieve personal goals.~~
- J. “Performance measures” are measures to determine school district and school site progress in striving to create the World’s Best Workforce and must include at least the following:
1. the size of the academic achievement gap; rigorous course taking, including college-level advanced placement, international baccalaureate, postsecondary enrollment options, including concurrent enrollment, other rigorous courses of study or industry certification courses or programs, and enrichment experiences by student subgroup;
 2. student performance on the Minnesota Comprehensive Assessments;
 3. high school graduation rates; and
 4. career and college readiness under Minnesota Statutes Section 120B.30, subdivision 1.

~~“Resources” means core and supplementary materials used by educators to deliver the defined curriculum.¶¶~~

~~¶¶~~

~~1. Core Instructional Materials: resources recommended through a District process, approved by the School Board and used by teachers to provide a required common content for students to achieve intended learning.¶¶~~

~~2. Supplementary Materials: resources determined by teachers and principals, as monitored by the Superintendent or designee, which supplement the core materials and provide for different student needs as required to meet the intended student learning.~~

~~“Instruction” means methods of providing learning experiences, through a teacher lead standards focused process, that enables students to meet state and district academic standards and graduation requirements, and enables all students to master academic content and achieve personal goals.~~

- K. “World’s Best Workforce” means striving to: meet school readiness goals; close the academic achievement gap among all racial and ethnic groups of students and

between students living in poverty and students not living in poverty; have all students attain career and college readiness before graduating from high school; and have all students graduate from high school. ~~have all third-grade students achieve grade-level literacy, close the academic achievement gap among all racial and ethnic groups of students and between students living in poverty and students not living in poverty; have all students attain career and college readiness before graduating from high school; and have all students graduate from high school.~~

~~“Performance measures” are measures to determine school district and school site progress in striving to create the World’s Best Workforce and must include at least the following:~~

~~¶~~

~~1. the size of the academic achievement gap and rigorous course taking, including college-level advanced placement, international baccalaureate, postsecondary enrollment options, including concurrent enrollment, other rigorous courses of study or industry certification courses or programs, and enrichment experiences by student subgroup; ¶~~

~~¶~~

~~2. student performance on the Minnesota Comprehensive Assessments; ¶~~

~~¶~~

~~high school graduation rates; and career and college readiness under Minnesota Statutes Section 120B.30, subdivision 1.~~

L. “Inclusive educational programming” employs a curriculum that is developed and delivered so that students and staff gain an understanding and appreciation of the cultural diversity of the United States, the historical and contemporary contributions of women and men to society, the historical and contemporary contributions to society by people with disabilities.

IV. LONG-TERM STRATEGIC PLAN

A. The school board, at a public meeting, ~~must~~~~shall~~ adopt a comprehensive, long-term strategic plan to support and improve teaching and learning as well as inclusive educational programming, that is aligned with creating the world’s best workforce and includes the following:

1. clearly defined school district and school site goals and benchmarks for instruction and student achievement for all student categories identified in Minnesota Statutes, section 120B.345, subdivision 3, paragraph (b)(2).; ~~state and federal law;~~

2. a process to assess and evaluate each student’s progress toward meeting state and local academic standards, assess and identify students for participation in gifted and talented programs and services and accelerate their instruction, adopt ~~procedures for~~ early admission ~~procedures consistent with Minnesota Statutes, section 120B.15 to kindergarten or first grade of~~ gifted and talented learners which are sensitive to under-represented groups, and identifying the strengths and weaknesses of instruction in pursuit of student and school success and curriculum affecting students’ progress and growth toward career and college readiness and leading to the

world's best workforce;

3. a system to periodically review and evaluate the effectiveness of all instruction and curriculum, taking into account strategies and best practices, student outcomes, principal evaluations under Minnesota Statutes section 123B.147, subdivision 3, students' access to effective teachers who are members of populations under-represented among the licensed teachers in the district or school and who reflect the diversity of enrolled students under Minnesota Statutes section § 120B.35, subdivision 3(b)(2), and teacher evaluations under Minnesota Statutes section 122A.40, subdivision 8, or 122A.41, subdivision 5;
 4. strategies for improving instruction, curriculum, and student achievement, including the English and, where practicable, the native language development and the academic achievement of English learners;
 5. a process to examine the equitable distribution of teachers and strategies to ensure children in low-income families,, children in families of People of Color, and children in American Indian families—and minority children are not taught at higher rates than other children by inexperienced, ineffective, or out-of-field teachers;
 6. education effectiveness practices that
 - a. integrate high-quality instruction, ~~rigorous curriculum~~, technology, and curriculum that is rigorous, accurate, antiracist, and culturally sustaining;
 - b. ensure learning and work environments validate, affirm, embrace, and integrate cultural and community strengths for all students, families, and employees;
 - c. provide a collaborative professional culture that seeks to retain qualified, racially and ethnically diverse staff effective at working with diverse students while developing and supporting teacher quality, performance, and effectiveness; and
 7. an annual budget for continuing to implement the school district plan; and
 8. identifying a list of suggested and required materials, resources, sample curricula, and pedagogical skills for use in kindergarten through grade 12 that accurately reflect the diversity of the state of Minnesota.
- B. The school district is not required to include information regarding literacy in a plan or report required under this section, except with regard to the academic achievement of English learners.
- C. Every child is reading at or above grade level every year, beginning in kindergarten, and multilingual learners and students receiving special education

services are receiving support in achieving their individualized reading goals pursuant to Policy 621 (Literacy and the READ Act)~~an annual budget for continuing to implement the school district plan.~~

~~D. School district site and school site goals shall include the following:~~

- ~~7. All students will be required to demonstrate essential skills to effectively participate in lifelong learning. These skills include the following:~~
 - ~~a) reading, writing, speaking, listening, and viewing in the English language;~~
 - ~~b) mathematical and scientific concepts;~~
 - ~~c) locating, organizing, communicating, and evaluating information and developing methods of inquiry (i.e., problem solving);~~
 - ~~d) creative and critical thinking, decision making, and study skills;~~
 - ~~e) work readiness skills;~~
 - ~~f) global and cultural understanding.~~
- ~~8. Each student will have the opportunity and will be expected to develop and apply essential knowledge that enables that student to:~~
 - ~~a) live as a responsible, productive citizen and consumer within local, state, national, and global political, social, and economic systems;~~
 - ~~b) bring many perspectives, including historical, to contemporary issues;~~
 - ~~c) develop an appreciation and respect for democratic institutions;~~
 - ~~d) communicate and relate effectively in languages and with cultures other than the student's own;~~
 - ~~e) practice stewardship of the land, natural resources, and environment;~~
 - ~~f) use a variety of tools and technology to gather and use information, enhance learning, solve problems, and increase human productivity.~~
- ~~9. Students will have the opportunity to develop creativity and self-expression through visual and verbal images, music, literature, world languages, movement, and the performing arts.~~
- ~~10. School practices and instruction will be directed toward developing within each student a positive self-image and a sense of personal responsibility for.~~

- ~~a) establishing and achieving personal and career goals;~~
- ~~b) adapting to change;~~
- ~~c) leading a healthy and fulfilling life, both physically and mentally;~~
- ~~d) living a life that will contribute to the well-being of society;~~
- ~~e) becoming a self-directed learner;~~
- ~~f) exercising ethical behavior.~~

~~11. Students will be given the opportunity to acquire human relations skills necessary to:~~

- ~~a) appreciate, understand, and accept human diversity and interdependence;~~
- ~~b) address human problems through team effort;~~
- ~~c) resolve conflicts with and among others;~~
- ~~d) function constructively within a family unit;~~
- ~~e) promote a multicultural, gender-fair, disability-sensitive society.~~

~~E. Every child is reading at or above grade level no later than the end of grade 3, including English learners, and teachers provide comprehensive, scientifically-based reading instruction, including a program or collection of instructional practices that is based on valid, replicable evidence showing that, when the programs or practices are used, students can be expected to achieve, at a minimum, satisfactory reading progress. The program or collection of practices must include, at a minimum, effective, evidenced-based balanced instruction in all five areas of reading (phonemic awareness, phonics, fluency, vocabulary development, and reading comprehension), as well as instructional strategies for continuously assessing, evaluating, and communicating the student's reading progress and needs.~~

~~12. The school district must identify, before the end of kindergarten, grade 1, and grade 2, all students who are not reading at grade level. Students identified as not reading at grade level by the end of kindergarten, grade 1, and grade 2 must be screened for characteristics of dyslexia, unless a different reason for the reading difficulty has been identified.~~

~~13. Students in grade 3 or higher who demonstrate a reading difficulty to a classroom teacher must be screened for characteristics of dyslexia, unless a different reason for the reading difficulty has been identified.~~

~~14. Reading assessments in English and in the predominant languages of district~~

~~students, where practicable, must identify and evaluate students' areas of academic need related to literacy. The school district also must monitor the progress and provide reading instruction appropriate to the specific needs of English learners. The school district must use locally adopted, developmentally appropriate, and culturally responsive assessment and annually report summary assessment results to the Commissioner of Education by July 1.~~

~~15. The school district must annually report to the Commissioner of Education by July 1 a summary of the district's efforts to screen and identify students who demonstrate characteristics of dyslexia using screening tools such as those recommended by the Minnesota Department of Education's dyslexia specialist. With respect to students screened or identified, the report must include:~~

~~(1) a summary of the district's efforts to screen for dyslexia;~~

~~(2) the number of students screened for that reporting year; and~~

~~(3) the number of students demonstrating characteristics of dyslexia for that year.~~

~~16. A student identified as having a reading difficulty must be provided with alternate instruction under Minnesota Statutes section 125A.56, subdivision 1.~~

~~17. At least annually, the school district must give the parent of each student who is not reading at or above grade level timely information about:~~

~~a) the student's reading proficiency as measured by a locally adopted assessment;~~

~~b) reading-related services currently being provided to the student and the student's progress; and~~

~~c) strategies for parents to use at home in helping their students succeed in becoming grade-level proficient in reading English and their native languages.~~

~~d) This provision may not be used to deny a student's right to a special education evaluation.~~

~~18. For each student who is not reading at or above grade level, the school district shall provide reading intervention to accelerate student growth and reach the goal of reading at or above grade level by the end of the current grade and school year. If a student does not read at or above grade level by the end of grade 3, the school district must continue to provide reading intervention until the student reads at grade level. Intervention methods shall encourage family engagement and, where possible, collaboration with~~

~~appropriate school and community programs. Intervention methods may include, but are not limited to, requiring attendance in summer school, intensified reading instruction that may require that the student be removed from the regular classroom for part of the school day, extended day programs, or programs that strengthen students' cultural connections.~~ ¶

¶

- ~~19. The school district will provide a personal learning plan for a student who is unable to demonstrate grade-level proficiency, as measured by the statewide reading assessment in grade 3. The school district will determine the format of the personal learning plan in collaboration with the student's educators and other appropriate professionals. The school district will develop the personal learning plan in consultation with the student's parent or guardian. The personal learning plan will address knowledge gaps and skill deficiencies through strategies such as specific exercises and practices during and outside of the school day, periodic assessments, and reasonable timelines. The personal learning plan may include grade retention if it is in the student's best interest. The student's school will maintain and regularly update and modify the personal learning plan until the student reads at grade level. This paragraph does not apply to a student under an Individualized Education Program.~~ ¶

¶

Legal References:

Minn. Stat. § 120B.018 (Definitions)
Minn. Stat. § 120B.02 (Educational Expectations and Graduation Requirements for Minnesota Students)
Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum Instruction, and Student Achievement; Striving for the World's Best Workforce)
Minn. Stat. § 120B.12 (~~Read Act Goal and Intervention~~ ~~Reading Proficiently no Later than the End of Grade 3~~)
Minn. Stat. § 120B.15 (Gifted and Talented Students Programs and Services)
Minn. Stat. § 120B.25 (Ethnic Studies)
Minn. Stat. § 120B.30, Subd. 1 (Statewide Testing and Reporting System)
Minn. Stat. § 120B.35, Subd. 3 (Student Academic Achievement and Growth)
Minn. Stat. § 122A.40, Subd. 8 (Employment; Contracts; Termination)
Minn. Stat. § 122A.41, Subd. 5 (Teacher Tenure Act; Cities of the First Class; Definitions)
Minn. Stat. § 123B.147, Subd. 3 (Principals)
Minn. Stat. § 125A.56, Subd. 1 (Alternate Instruction Required before Assessment Referral)
20 U.S.C. § 5801, *et seq.* (National Education Goals)
20 U.S.C. § 6301, *et seq.* (Every Student Succeeds Act)
~~Minn. Rules Part 3500.0550 (Inclusive Educational Program)~~ ¶

Cross References:

ISD 200 Policy 613 (Graduation Requirements)
ISD 200 Policy 614 (School District Testing Plan and Procedures)
ISD 200 Policy 615 (Basic Standards Testing)

Policy Reviewed: ~~08-11-2022~~ 11.29.2023
Policy Adopted: 12.09.2020
Policy Revised: 04.26.2023



620 CREDIT FOR LEARNING

I. PURPOSE

This policy ~~is to~~ recognizes student achievement that occurs in postsecondary enrollment option and other advanced enrichment programs. This policy also ~~is to~~ recognizes student achievement which occurs in other schools, in alternative learning sites, and in out-of-school experiences such as community organizations, work-based learning, and other educational activities and opportunities. This policy addresses transfer of student credit from out-of-state, private, or home schools and online learning programs and to address how the school district will recognize student achievement obtained outside of the school district.

II. GENERAL STATEMENT OF POLICY

The policy of the school district is to provide a process for awarding students credit toward graduation requirements for credits and grades students complete in other schools, postsecondary or higher education institutions, other learning environments, and online courses and programs.

III. DEFINITIONS

- A. “Accredited school” means a school that is accredited by an accrediting agency, recognized according to Minnesota Statutes section 123B.445 or recognized by the Commissioner of the Minnesota Department of Education (Commissioner).
- B. “Concurrent enrollment” means nonsectarian courses in which an eligible pupil under [Minnesota Statutes, section 124D.095](#), subdivision 5 or 5b enrolls to earn both secondary and postsecondary credits, are taught by a secondary teacher or a postsecondary faculty member, and are offered at a high school for which the district is eligible to receive concurrent enrollment program aid under Minnesota Statutes, section 124D.091.
- C. “Course” means a course or program.
- D. “Eligible institution” means a Minnesota public post-secondary institution, a private, nonprofit two-year trade and technical school granting associate degrees, an opportunities industrialization center accredited by an accreditor recognized by the United States Department of Education, or a private, residential, two-year or four-year, liberal arts, degree-granting college or university located in Minnesota. ~~An eligible institution must not require a faith statement from a secondary student seeking to enroll in a postsecondary course under this section during the application process or base any part of the admission decision on a student’s race,~~

~~creed, ethnicity, disability, gender, or sexual orientation or religious beliefs or affiliations.~~

- E. “Nonpublic school” is a private school or home school in which a child is provided instruction in compliance with the Minnesota compulsory attendance laws.
- F. “Weighted grade” is a letter or numerical grade that is assigned a numerical advantage when calculating the grade point average.

IV. TRANSFER OF CREDIT FROM OTHER SCHOOLS

A. Transfer of Academic Requirements from Other Minnesota Public Secondary Schools

- 1. The school district will accept and transfer secondary credits and grades awarded to a student from another Minnesota public secondary school upon presentation of a certified transcript from the transferring public secondary school evidencing the course taken and the grade and credit awarded.

B. Transfer of Academic Requirements from Other Schools

- 1. The school district will accept secondary credits and grades awarded to a student for courses successfully completed at a public school outside of Minnesota or an accredited nonpublic school upon presentation of a certified transcript from the transferring public school in another state or nonpublic school evidencing the course taken and the grade and credit awarded.
 - a. When a determination is made that the content of the course aligns directly with school district graduation requirements, the student will be awarded commensurate credits and grades.
 - b. In the event the content of a course taken at an accredited nonpublic school or public school in another state does not fully align with the content of the school district’s high school graduation requirements but is comparable to elective credits offered by the school district for graduation, the student may be provided elective credit applied toward graduation requirements. Credit that does not fully align with the school district’s high school graduation requirements will not be used to compute honor roll and/or class rank.
 - c. If no comparable course is offered by the school district for which

high school graduation credit would be provided, no credit will be provided to the student.

2. Students transferring from a non-accredited, nonpublic school shall receive credit from the school district upon presentation of a transcript or other documentation evidencing the course taken and grade and credit awarded.
 - a. Students will be required to provide copies of course descriptions, syllabi, or work samples for determination of appropriate credit. In addition, students also may be asked to provide interviews/conferences with the student and/or student's parent and/or former administrator or teacher; review of a record of the student's entire curriculum at the nonpublic school; and review of the student's complete record of academic achievement.
 - b. Where the school district determines that a course completed by a student at a non-accredited, nonpublic school is commensurate with school district graduation requirements, credit shall be awarded, but the grade shall be "P" (pass).
 - c. In the event the content of a course taken at a non-accredited, nonpublic school does not fully align with the content of the school district's high school graduation requirements but is comparable to elective credits offered by the school district for graduation, the student may be provided elective credit applied toward graduation requirements.
 - d. If no comparable course is offered by the school district for which local high school graduation credit would be provided, no credit will be provided to the student.
 - e. Credit and grades earned from a non-accredited nonpublic school shall not be used to compute honor roll and/or class rank.
3. A student must provide the school with a copy of the student's grades in each course taken for secondary credit under this policy, including interim or non-final grades earned during the academic term.

V. POST-SECONDARY ENROLLMENT CREDIT

- A. A student who satisfactorily completes a post-secondary enrollment options course or program under Minnesota Statutes section 124D.09 that has been approved as meeting the necessary requirements is not required to complete other requirements of the Minnesota Academic Standards content standards

corresponding to that specific rigorous course of study.

- B. Secondary credits granted to a student through a post-secondary enrollment options course or or program must be counted toward the graduation requirements and subject area requirements of the district.

~~program that meets or exceeds a graduation standard or requirement shall be counted toward the graduation and credit requirements of a student completing the Minnesota Academic Standards.~~

1. Course credit will be considered by the school district only upon presentation of a certified transcript from an eligible institution evidencing the course taken and the grade and credit awarded.
 2. Seven quarter or four semester post-secondary credits shall equal at least one full year of high school credit. Fewer post-secondary credits may be prorated.
 3. When a determination is made that the content of the post-secondary course aligns directly with a required course for high school graduation, the commensurate credit and grade will be recorded on the student's transcript as a course credit applied toward graduation requirements.
 4. In the event the content of the post-secondary course does not fully align with the content of a high school course required for graduation but is comparable to elective credits offered by the school district for graduation, the school district may provide elective credit and the grade will be recorded on the student's transcript as an elective course credit applied toward graduation requirements.
 5. If no comparable course is offered by the school district for which high school graduation credit would be provided, the school district will notify the Commissioner, who shall determine the number of credits that shall be granted to a student.
 6. When secondary credit is granted for post-secondary credits taken by a student, the school district will record those credits on the student's transcript as credits earned at a post-secondary institution.
- C. A list of the courses or programs meeting the necessary requirements may be obtained from the school district.
- D. By the earlier of (1) three weeks prior to the date by which a student must register for district courses for the following school year, or (2) March 1 of each year, the school district must provide up-to-date information on the district's website and in

materials that are distributed to parents and students about the program, including information about enrollment requirements and the ability to earn postsecondary credit to all pupils in grades 8,9,10, and 11.

VII. CREDIT FOR EMPLOYMENT WITH HEALTH CARE PROVIDERS

In the event that a medical pathways program exists in Hastings Public Schools, then consistent with the career and technical pathways program, a student in grade 11 or 12 who is employed by an institutional long-term care or licensed assisted living facility, a home and community-based services and supports provider, a hospital or health system clinic, or a child care center may earn up to two elective credits each year toward graduation under Minnesota Statutes, section 120B.024, subdivision 1, paragraph (a), clause (7), at the discretion of the enrolling school district. A student may earn one elective credit for every 350 hours workdays, including hours worked during the summer. A student who is employed by an eligible employer must submit an application, in the form or manner required by the school district, for elective credit to the school district in order to receive elective credit. The school district must verify the hours worked with the employer before awarding elective credit.

VIII. ADVANCED ACADEMIC CREDIT

- A. The school district will grant academic credit to a student attending an accelerated or advanced academic course offered by a higher education institution or a nonprofit public agency, other than the school district.
- B. Course credit will be considered only upon official documentation from the higher education institution or nonprofit public agency that the student successfully completed the course attended and passed an examination approved by the school district.
- C. When a determination is made that the content of the advanced academic course aligns directly with a required course for high school graduation, the commensurate credit and grade will be recorded on the student's transcript as a course credit applied toward graduation requirements.
- D. In the event the content of the advanced academic course does not fully align with the content of a high school course required for graduation but is comparable to elective credits offered by the school district for graduation, the school district may provide elective credit and the grade will be recorded on the student's transcript as an elective course credit applied toward graduation requirements.
- E. If no comparable course is offered by the school district for which high school graduation credit would be provided, the school district will notify the Commissioner and request a determination of the number of credits that shall be granted to a student.

IX. WEIGHTED GRADES

- A. The school district does not offer weighted grades.

X. PROCESS FOR AWARDING CREDIT

- A. The building principal will be responsible for carrying out the process to award credits and grades pursuant to this policy. The building principal will notify students in writing of the decision as to how credits and grades will be awarded.
- B. A student or the student's parent or guardian may seek reconsideration of the decision by the building principal as to credits and/or grades awarded upon request of a student or the student's parent or guardian if the request is made in writing to the superintendent within five school days of the date of the building principal's decision. The request should set forth the credit and/or grade requested and the reason(s) why credit(s)/grade(s) should be provided as requested. Any pertinent documentation in support of the request should be submitted.
- C. The decision of the superintendent as to the award of credits or grades shall be a final decision by the school district and shall not be appealable by the student or student's parent or guardian except as set forth in Section IX.D. below.
- D. If a student disputes the number of credits granted by the school district for a particular post-secondary enrollment course, online learning course, or advanced academic credit course, the student may appeal the school district's decision to the Commissioner. The decision of the Commissioner shall be final.
- E. At any time during the process, the building principal or superintendent may ask for course descriptions, syllabi, or work samples from a course where content of the course is in question for purposes of determining alignment with graduation requirements or the number of credits to be granted. Students will not be provided credit until requested documentation is available for review, if requested.

Legal References: Minn. Stat. § 120B.02 (Educational Expectations and Graduation Requirements for Minnesota's Students)
Minn. Stat. § 120B.021 (Required Academic Standards)
Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum, Instruction, and Student Achievement; Striving for the World's Best Workforces)
Minn. Stat. § 120B.14 (Advanced Academic Credit)
Minn. Stat. § 123B.02 (General Powers of Independent School Districts)
Minn. Stat. § 123B.024 (Credits)
Minn. Stat. § 123B.445 (Nonpublic Education Council)
Minn. Stat. § 124D.03, Subd. 9 (Enrollment Options Program)

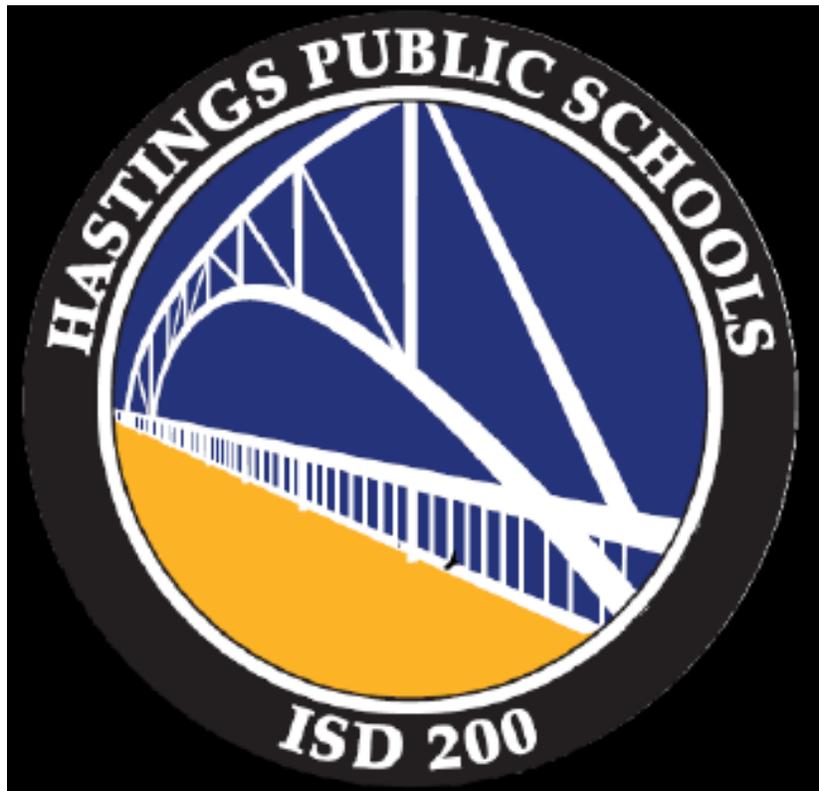
Minn. Stat. § 124D.09 (Post-Secondary Enrollment Options Act)
Minn. Stat. § 124D.091 (Concurrent Enrollment Program Aid)
Minn. Stat. § 124D.094 (Online Instruction Act)
Minn. Rules Parts 3501.0640-3501.0655 (Academic Standards for Language Arts)
Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)
Minn. Rules Parts 3501.0820(Academic Standards for the Arts)
Minn. Rules Parts 3501.0900-3501.0960 (Academic Standards in Science)
Minn. Rules Parts 3501.1200-3501.1210 (Academic Standards for English Language Development)
Minn. Rules Parts 3501.1300-3501.1345 (Academic Standards for Social Studies)
Minn. Rules Parts 3501.1400-3501.1410 (Academic Standards for Physical Education)

Cross References: ISD 200 Policy 601 (School District Curriculum and Instruction Goals)
ISD 200 Policy 613 (Graduation Requirements)
ISD 200 Policy 614 (School District Testing Plan and Procedure)
~~ISD 200 Policy 615 (Basic Standards Testing Testing Accommodations, Modifications, and Exemptions for IEPs, Section 504 Plans, and LEP Students)~~
ISD 200 Policy 616 (School District System Accountability)

Policy Reviewed: 08.11.2022
Policy Adopted: 06.24.2020
Policy Revised: 08.23.2023

BOARD MEMBER HANDBOOK

A Guide for
Hastings Public Schools
Board of Education Members



1000 West 11th Street
Hastings, MN, 55033
<http://www.hastings.k12.mn.us>

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HASTINGS PUBLIC SCHOOLS LEADERSHIP DIRECTORY

2024-2026

BOARD MEMBERS

	EMAIL ADDRESS	PHONE NUMBER
Director Philip Biermaier	pbiermaier@isd200.org	651-295-3064
Director Matt Bruns	mbruns@isd200.org	651-226-5697
Director Jessica Dressely	jdressely@isd200.org	651-366-7130
Director Melissa Millner	mmillner@isd200.org	651-353-4325
Director Carrie Tate	ctate@isd200.org	651-755-4822
Director Jenny Wiederholt-Pine	jwiederholtpine@isd200.org	651-503-3161
Director Mark Zuzek	mzuzek@isd200.org	651-335-0786

EXECUTIVE STAFF

Superintendent Dr.Tamera Champa	tchampa@isd200.org	651-480-7001
Administrative Assistant Tammy Ludwig	tludwig@isd200.org	651-480-7013

LEADERSHIP CABINET

Building & Grounds Director Cam Peterson	cpeterson@isd200.org
Community Education Director Kari Gorr	kgorr@isd200.org
Finance Director Jen Seubert	jseubert@isd200.org
High School Principal Scott Doran	sdoran@isd200.org
Human Resource Director Cathy Moen	cmoen@isd200.org
Kennedy Principal Paul Bakker	pbakker@isd200.org
McAuliffe Principal Matt Esterby	mesterby@isd200.org
Middle School Principal Steve Kovach	skovach@isd200.org
Special Education Director Megan Miller	mmiller@isd200.org
Teaching & Learning Director Rachel Larson	rlarson@isd200.org
Technology Director Missy Williams	mwilliams@isd200.org

DISTRICT BUILDINGS



District Office

1000 West 11th Street, Hastings, MN 55033
(651) 480-7000



Hastings High School
Grades 9 -12

200 General Sieben Drive, Hastings, MN 55033
(651) 480-7470
(651) 480-7690



Hastings Middle School
Grades 5 - 8

1000 West 11th Street, Hastings, MN 55033
(651) 480-7060



Kennedy Elementary
Grades K - 4

1175 Tyler Street, Hastings, MN 55033
(651) 480-7220



McAuliffe Elementary
Grades K - 4

1601 West 12th Street Hastings, MN 55033
(651) 480-7390



Pinecrest Elementary
Grades K -4

975 West 12th Street Hastings, MN 55033
(651) 457-9426



Tilden Community Center
Early Learning Programming,
Adult Education,
Family Education,
Community Education

310 River Street, Hastings, MN 55033
(651) 480-7680

THE STORY OF HASTINGS PUBLIC SCHOOLS

OUR HISTORY

In February 1866, the Minnesota legislature passed an act that allowed Hastings to establish an independent school district, provided that all children between the ages of five and twenty-one be admitted to schools for free. In April 1866, the board of education for the school district of Hastings was organized. The newly formed board sought bids to construct two schoolhouses, Everett grade school in the First Ward and Cooper grade school in the Third Ward.



August 13, 1866, the board of education authorized school terms of nine months.

Bryant school building was sold to the school board in 1867 for \$6,000 and renamed Irving School. In 1870, Tilden school was built and named after Samuel Tilden, New York Governor and the Democratic candidate for president in the disputed election of 1876. Irving School was replaced by Central school in 1899. Six decades of Hastings students went to classes in "Old Central" between 1899 and 1959. In 1954, the Hastings Middle/High school was built alongside Central school. Several additions to the building later, it became the Hastings Middle School until 1999. Many schools were built between 1959-1988, including the new Tilden and Cooper buildings, John F. Kennedy Elementary School, Pinecrest Elementary School, the current Middle School, and McAuliffe Elementary School.

Our newest addition was the 100-acre Hastings High School, which was completed in August of 2001. The new Hastings High School offered our students the ability to connect to the community with up-to-date facilities that enhance the learning environment. Also, during this time, ISD #200 adopted a new school district logo depicting the bridge to learning. On April 3, 2003, the board of education approved a proposal to close Cooper school, which resulted in over a million in budget reductions. In addition, Tilden became a Kindergarten site and eventually changed to the Community Education Center in 2011.

HASTINGS PUBLIC SCHOOLS TODAY

The Hastings School District encompasses over 170 square miles and is geographically one of the largest school districts in the Twin Cities metropolitan area. The school system has a Kindergarten through grade twelve enrollment of approx. 4,300 students and a total district population of about 28,000 residents. Independent School District #200 serves Hampton, Hastings, Miesville, New Trier, and Vermillion, and portions of Denmark, Douglas, Hampton, Marshan, Nininger, Ravenna, and Vermillion townships. While most of the school district is located in Dakota County, parts of ISD #200 are in Washington and Goodhue Counties.



INTRODUCTION: ONBOARDING

The purpose of this handbook is to outline the board's operating procedures and norms. It also includes important information on policies, meetings, committees, partnerships and communication. Its ongoing guidance is meant to enable each board member to fulfill essential governance duties and to exercise their responsibilities as a board member, while also providing expectations, and standards of behavior for the conduct of the board.

Through our commitment and work, the members of the Hastings Public Schools Board of Education will strive to provide an excellent public education that meets the needs of all students in our district. As a board, we will model with each other the leadership and relationships we seek to build with others. The way we run meetings and interact with one another sends clear signals about how we value the mission of the district. Collaborative relationships based on trust and accountability inspire confidence in our leadership, and the vision of what we intend to create for Hastings Public Schools.

SCHOOL BOARD NORMS

Norms are not dictated by policy, nor mandated by law, but by explicitly stating board norms, every board member will understand how the board operates to complete its work and how to interact with one another. Norms provide a standard against which board members can give each other feedback, evaluate efficiencies, and improve board operations. The board maintains its ability to be flexible and through general consensus at a working session, the board may add, remove, and/or replace norms to improve the board's operations. **When we know better, we do better!**

NAVIGATING THE HANDBOOK

- All active links are underlined
- Five general terms used throughout this handbook should be explained. From this point forward, the words, "board", "board member", "district", "chair", and "meeting" will have the same meaning as the formal terms, "school board", "school board member", "school district", "school board chair", and "school board meeting".

HANDBOOK MAINTENANCE & REVIEW PROCEDURE

- During each year, the handbook may undergo a brief review by the policy committee that will:
 - Ensure consistency with the 200 series policies, and procedures;
 - Be presented to the board for discussion during a working session; and
 - Be adopted by a majority vote during a single board meeting.
- During the review of the 200 series policies, the handbook will undergo a full review that will:
 - Ensure consistency with the 200 series policies, and procedures;
 - Seek input and feedback regarding best practices;
 - Be presented to the board for discussion at a working session; and
 - Be adopted by a majority vote of the board following the 3 reading procedure.
- Board members may propose additions/revisions to the handbook by sending an email to the chair & superintendent requesting to add "handbook discussion" as a topic for an upcoming working session.
- The handbook may be updated to reflect adopted policy changes without further board action;
- Links to policies, procedures, and board norms may be updated without further board action;
- The date that this handbook was last reviewed, updated, and/or revised, is included on the last page of this handbook.

SCHOOL BOARD MEMBERS

Board members have the duty of the care, management, and control of the public schools of the school district in accordance with the authority granted them in law.

AS A MEMBER OF THE SCHOOL BOARD, I WILL:

- Attend all school board meetings, working sessions, committee meetings, and board retreats;
- Come to the meetings prepared for discussion of the agenda items;
- Listen to the opinions and views of others;
- Vote my conscience unless I abstain because a conflict of interest exists;
- Support the majority decision. This does not mean that my position has changed, but it does mean that I support & I respect the fairness of the board's voting process;
- Seek to understand the context of the decisions made by previous boards; and
- Be motivated by a desire to provide the best possible education for all students in Independent School District 200.

IN PERFORMING THE FUNCTIONS OF A SCHOOL BOARD MEMBER, I WILL:

- Focus on students, and education;
- Consider myself a trustee of public education and I will do my best to protect, conserve, and advance its progress;
- Recognize that my responsibility, exercised through the actions of the board as a whole, is to see that the schools are properly run – not to run them myself;
- Work collaboratively with the superintendent; and
- Delegate the implementation of board decisions to the superintendent.

LEGAL OBLIGATIONS OF A SCHOOL BOARD MEMBER

- Comply with all federal, state and local laws relating to my work as a board member;
- Comply with all policies and procedures as adopted by the board;
- Abide by all rules and regulations as promulgated by the Minnesota Department of Education and other state and federal agencies with jurisdiction over school districts;
- Transact district business in an open meeting of the board;
- Avoid conflicts of interest and refrain from using a board position for personal gain; and
- Guard the confidentiality of information that is protected under applicable law.

RESPONSIBILITY TO THE COMMUNITY THAT WE SERVE

- Plan for both the present and future educational needs of students;
- Obtain adequate financial support for the school district's programs;
- Insist that business transactions of the school district be ethical and open;
- Strive to uphold my responsibilities and accountability to the taxpayers in my school district; and
- Fully accept my fiduciary responsibility to focus on the district's need for resources to carry out its mission and goals, approve a school district budget that protects the future fiscal integrity of the district and is an effective use of public funds.

DUTIES OF THE SCHOOL BOARD

ISD 200 Policy 201

THE SCHOOL BOARD SHALL PERFORM THE FOLLOWING:

- provide by levy of tax, necessary funds for the conduct of schools, the payment of indebtedness, and all proper expenses of the school district;
- conduct the business of the schools and pay indebtedness and proper expenses;
- employ/contract with necessary qualified teachers and discharge the same for cause;
- provide services to promote the health of its pupils;
- provide school buildings and erect needed buildings;
- purchase, sell, and exchange school district property and equipment as deemed necessary by the school board for school purposes;
- provide for payment of claims against the school district, and prosecute and defend actions by or against the school district, in all proper cases;
- employ and discharge necessary employees and contract for other services;
- provide for transportation of pupils to and from school, as governed by statute; and
- procure insurance against liability of the school district, its officers, and employees.

THE SCHOOL BOARD MAY PERFORM THE FOLLOWING:

- provide library facilities, public evening schools, adult and continuing education programs, summer school programs, and intersession classes of flexible school year programs;
- provide free breakfast & lunch for pupils in accordance with MN statute and furnish lunch for teachers on such terms and prices as the school board determines;
- enter into agreements with one or more other independent school districts to provide for agreed-upon educational services;
- lease rooms or buildings for school purposes;
- authorize the use of school facilities for community purposes that will not interfere with their use for school purpose;
- authorize co-curricular and extracurricular activities;
- receive, for the benefit of the school district, bequests, donations, or gifts for any proper purpose; and
- perform other acts as the school board shall deem to be reasonably necessary or required for the governance of the schools.



**INDEPENDENT
SCHOOL
DISTRICT 200**

STRATEGIC PLAN

ONE MISSION. SEVEN CORE VALUES. ALL LEARNERS.



MISSION

Our Core Purpose

We Care
We Empower
We Achieve

Students are the heart of all we do

OUR CORE VALUES

Drivers of Our Words and Actions

- 1 Student-Centered** - Students at the heart of our words, actions, and decisions
- 2 Compassion and Respect** - How we treat each other daily
- 3 Agility** - Building capacity and skill to proactively respond to the signs of the times, the conditions, and the needs of oneself and others
- 4 Innovation** - Constantly striving to improve and to creatively address challenges and opportunities
- 5 Voice and Choice** - Expressing one's experiences and pursue one's passions
- 6 Partnership** - Seeking to connect, to engage, to leverage the assets and interests of others to improve our students, schools, and communities
- 7 Empathy** - Aspiring to understand and share the feelings of another

VISION

What We Intend to Create

Hastings Public Schools is The Choice of Families for:

A Caring and Inclusive Culture for All

- Safe, accepting, and respectful schools where individual uniqueness, talents, and interests are nurtured
- One's voice is expressed, heard, and valued
- A united and resilient culture of family and community

That Empowers Students, Families, and Staff

- Opportunities and choices are accessible and diverse
- Community collaborations and connections are abundant, robust, and engaging
- Service and support to school and community is energized, recognized, and celebrated

Focused on Achievement and Engagement in All We Do

- All students and staff realize the depth and breadth of their passions and are supported academically, socially, and emotionally to achieve
- Learning and development as a whole person is energizing, empowering, engaging, and excelling for students and staff

STRATEGIC ANCHORS

Drivers of Our Continuous Improvement

A. Engaged Learners

B. Effective Operations

C. Communication and Collaboration

THE ELECTION IS OVER; WHAT'S NEXT?

CERTIFICATION OF FILING

The Certification of Filing is due no later than seven days after the general election. Access form [here](#).

CANVASS

Between the third and tenth days after a school district election, the school board shall canvass the returns and declare the results of the election.

CERTIFYING RESULTS

The school district clerk shall certify the results of the school district election to the county auditor.

CAMPAIGN FINANCE REPORTING

Candidates must submit all campaign finance reports required by *MN Statute Section 211A.02* to the school district clerk.

CERTIFICATE OF ELECTION

After the time for contesting results has passed (five days after the canvass is completed) and after confirming that all campaign financial reports have been filed, the school district clerk shall issue a certificate of election to each successful candidate. The successful candidates shall sign & file "Acceptance and Oath of Office" (document provided by the district) with the clerk within 30 days. **NORM:** The school district clerk will contact successful candidates to complete this process at the district office.

DISTRICT HUMAN RESOURCES & Human Resources will contact you

- Complete intake
- Provide Forms
- Collect contact information
- Background check
- Set up email, and payroll

ADMINISTRATIVE ASSISTANT Administrative Assistant will contact you

- Request your photo
- Request telephone number for website
- Schedule one on one with the superintendent
- Provide & explain access to electronic resources
- Provide MSBA website login

OATH OF OFFICE

Every person elected or appointed to any public office shall take an oath or affirmation to support the U.S. Constitution and the Constitution of Minnesota, and to discharge faithfully the duties of their office to the best of their judgment and ability. **NORM:** Newly elected school board members participate in a Ceremonial Oath of Office prior to being seated at the board table during the Organizational Meeting. (Group board photo will be taken at the start of the Organizational Meeting).

TERM OF OFFICE

Board members are elected to four-year terms commencing on the first Monday in January of the year following the November election and ending the first Monday in January, four years later. There is no limit on the number of consecutive terms a member can serve.

WHAT'S NEXT CONTINUED . . .

APPOINTMENTS TO FILL VACANCIES

A vacancy on the board shall occur when a member dies, resigns, or ceases to be a resident of Independent School District #200. Any vacancy on the board must be filled by a board appointment at a regular or special meeting. The board will fill all vacancies in accordance with legal requirements and MN Statute Section 123B.09 subd.5b.

RESOURCES TO PREPARE

Review content available on the [district's website](#) or click on the links below:

- [District Policies](#)
- [Strategic Plan](#)
- [Previous meeting minutes & agendas](#)
- [Board meeting information and schedule](#)
- Board meetings: Attend in person or [watch online](#)
- Connect with current board members

MINNESOTA SCHOOL BOARD ASSOCIATION

MN Statute Section 123B.09 subd.2 - A board member shall receive training in school finance and management developed in consultation with the Minnesota School Boards Association. Attending the Minnesota School Boards Association's "Learning to Lead Workshops I & II" fulfills this requirement. **NORM:** Sign up for MSBA workshops & conferences by contacting the district's administrative assistant.

Learning to Lead Workshops;

- Phase I: Learning to Lead – School Board Basics
- Phase II: Leadership Foundations – School Finance and Management
- Phase III: Building a High-Performance School Board Team
- Phase IV: Representing your Community through Policy and Engagement
 - Virtual workshops are held in late November, and early December.
 - In-person workshops are held during MSBA Leadership Conference in January

BOARD MEMBER COMPENSATION

During the Organizational Meeting the board will vote to establish annual board member compensation. Pay dates are the 5th and 20th of each month.

- Board member annual compensation: \$4,250
- Board chair annual compensation: \$4,750
- Board member serving as the liaison to Intermediate School District #917 annual compensation: \$4,250 plus amount determined by 917's board

AGENDAS AND MINUTES

AGENDA PREPARATION

The board will conduct business during meetings through an adopted agenda that advances board work and district goals. While each board member has the right to request additions, amendments, or revisions to the agenda prior to its adoption during a regular board meeting, it shall be the responsibility of the board chair and superintendent to develop, prepare, and arrange the tentative items for the agenda of each board meeting and working session. **NORM:** For an item, presentation or material request to be considered for placement on the agenda, board members will strive to make email requests to the board chair and superintendent at least seven (7) days prior to the scheduled meeting. If the request is not added to the next meeting agenda, the board chair will follow up with the board member regarding the status of the request.

POSTED AGENDAS FOR REGULAR MEETINGS

The preliminary agenda with supporting documents will be posted in BoardBook, five (5) days prior to the scheduled meeting (Friday afternoon). It is expected that all board members read the agenda prior to the meeting. **NORM:** It may be necessary to add items to the agenda after it has been posted in BoardBook. The superintendent or designee will send an email informing board members of any additions or changes to the posted agenda.

POSTED AGENDAS FOR WORKING SESSIONS

The agenda and available supporting documents will be posted in BoardBook, five (5) days prior to the scheduled meeting. If supporting documents are not available at the time of posting, the board expects to receive a printed packet containing these materials at the working session.

NORM: A board member's questions pertaining to agenda items requiring time and preparation for response should be emailed to the superintendent as soon as possible, and at least three days [72 hours] in advance of the meeting. The superintendent will review the question to determine if the information is readily available. If the information is readily available, it will be provided by email to the full board. If the information is not readily available, the superintendent or designee will follow up with the board member regarding the status of the request.

NORM: If a clerical error is identified in a presentation, report, agenda or minutes, board members will email requests for corrections to the district's administrative assistant, this ensures that the correction can be made prior to the meeting. Clerical errors should not be addressed during the meeting.

MEETING MINUTES

Minutes will be carefully recorded to include all actions of the board and all votes taken at a board meeting by the board's clerk or designee. Meeting minutes shall be adopted or modified by the board at a subsequent meeting. Once adopted, the meeting minutes shall be available at the district office and may be posted in BoardBook. A summary of the meeting shall be published in the official newspaper of the district.

MEETING OPERATION NORMS

OPEN MEETING LAW

The Open Meeting Law is intended to preserve the rights of the public to observe actions and decisions of its representatives. To satisfy this, all meetings of the board will be open to the public for attendance, and a schedule of the board's regular meetings and working sessions will include times and locations, and shall be kept on file at the district office. Additionally, the board will ensure that a schedule of meetings is posted on the district's website. The Open Meeting Law applies to all meetings of the public body and, in general, meetings of its committees and subcommittees. For the law to apply, a quorum (a majority of the members of the board) must be present. Although the responsibility to ensure that meetings are properly noticed lies with the board, this operational activity is typically carried out by the individual who functions as the clerk to the board.

LOCATION OF MEETINGS

Regular board meetings and working sessions are held at the Hastings Middle School in the Media Center. Committee meetings are held at the District Office in Conference Room A. All meeting location changes will be posted on the district's website.

QUORUM

In order for a board meeting to be official and before any action can be taken by the board, at least a quorum of board members (four or more of the seven members) must be present. In the absence of a quorum, the only official action that the board may take is to adjourn the meeting. The gathering of a quorum constitutes a meeting if "members discuss, decide, or receive information as a group on issues relating to the official business of the district."

PRESIDING OFFICER

The chair will preside over all board meetings. In the event that the chair is unable to preside, the vice-chair will perform the duties of the chair. Should both the chair and vice-chair be unable to preside, the clerk will perform the duties of the chair. In the unlikely event that the chair, vice-chair, and clerk are unable to preside, the treasurer will perform the duties of the chair.

PARLIAMENTARY AUTHORITY DURING MEETINGS

Robert's Rules of Order will govern the board in its deliberations of "Action Items" during regular, closed, emergency, and special board meetings. The board must discuss and vote on each "Action Item" one motion at a time. All motions that require a second, shall receive a second prior to discussion or debate. The member that makes the motion, has the first opportunity to speak to the motion. Additional members may speak to the motion, by raising their hand to request the floor. When a member has the floor, no other member shall interrupt unless allowed per Robert's Rules. Once a motion has been made and received a second, all discussion should be focused on the motion that is on the table.

Motion	A member makes a motion or the chair may ask for a motion & a second
Second	Another member seconds the motion
Restate Motion	The chair restates the motion
Discuss/Debate	The members debate/discuss the motion
Vote	The chair restates motion and asks for affirmative votes, and then negative votes
Announce Vote	The chair announces the results of the vote

MEETINGS OF THE BOARD

ATTENDANCE TO MEETINGS

All board members are expected to attend all meetings. However, it is recognized that scheduling conflicts will occur. **NORM:** A board member should notify the board chair and the district’s administrative assistant by email as soon as they are aware of a scheduling conflict.

VOTING

Each elected member of the board will have one vote. A roll call vote will be taken when required by law or when requested by any board member.

ORGANIZATIONAL MEETING

The first meeting in January will be devoted to business required for the proper organization of the board. The board will take their annual group photo. The agenda may include;

- Administering the *Oath of Office* for new board members, new members seated;
- Electing officers for chair, vice-chair, clerk, and treasurer (see election procedure on pg.19);
- Setting board member compensation and meeting dates & times for the calendar year;
- Establishing standing committees & committee members;
- Determining time, place, and manner for public comments;
- Designating District Depositories; and
- Selecting the official newspaper & the district’s legal counsel.

REGULAR BOARD MEETINGS

Regular board meetings are the formal process where the board meets as a whole to conduct the business of the school district. Meetings shall be conducted in a manner that allows board members the opportunity to review district related topics, discuss district business, and vote on action items in a timely and consistent manner. Regular Board Meetings are recorded and live streamed by Hastings Community TV.

NORM: Addressing others during regular board meetings - it is appropriate to use official titles followed by last name:

Administrative			
Assistant	(last name)	Principal	(last name)
Chair	(last name)	Superintendent	(last name)
Clerk	(last name)	Treasurer	(last name)
Director	(last name)	Vice Chair	(last name)

WORKING SESSIONS

Working sessions are for board members to receive detailed reports, for district staff & board committees to introduce recommendations, and also provides time for the board to discuss topics prior to board action. Board members should utilize this time to ask clarifying questions, and request additional information. Working sessions are not recorded or live streamed. **NORM:** Addressing others during working sessions - it is appropriate to use first names.

MEETINGS OF THE BOARD CONTINUED . . .

SPECIAL MEETING

Any meeting that was not previously approved during the Organizational Meeting is considered a “special meeting”. When it is necessary to call a special meeting, the district’s administrative assistant will post a notice including the meeting date, time, place, and purpose on the district’s website three days before the meeting. The board’s actions during a special meeting are limited to the topics included in the notice.

EMERGENCY MEETING

An emergency meeting is a special meeting called because of circumstances that require immediate consideration by the board. Notice of an emergency meeting must be given to the members of the board. Posted or published notice is not required per *MN statute 13D.05 subd.3*.

CLOSED MEETING MN Statute 13D.05, subd. 2 & 3 govern what constitutes a closed meeting

What meetings MUST be closed? Meetings that discuss:	What meetings MAY be closed? Meetings that discuss:
Alleged victims or mandated reporters of criminal sexual conduct, domestic violence, or maltreatment	Employee performance evaluations, but the meeting must be open at employee's request
Active criminal investigations and law enforcement officer misconduct	Labor negotiations
An individual's medical records	Certain security matters
Not public education data, medical data, welfare data and mental health data	Certain property transactions (asking price for property, review of confidential appraisals, develop offers or counteroffers)
Preliminary consideration of allegations or charges, but the meeting must be open at employee's request	
Meetings closed as permitted by the attorney-client privilege	
Meetings closed as expressly authorized by statute	

BOARD RETREAT

The board will hold at least one annual retreat for board development. These meetings are not open to the public since no board business will be discussed. In addition, the superintendent may provide various opportunities throughout each calendar year for board member development.

MEETINGS CANCELED DUE TO WEATHER

When a meeting is canceled due to weather, it will automatically be rescheduled for the following day.

PUBLIC COMMENTS TO THE BOARD

This time is for citizens who wish to address the board regarding school district related topics. Board members will not engage in discussion or provide responses during this time. For additional details regarding public comments, see Policy 206 and 206.1FRM. Prior to opening public comment and recognizing the first speaker, the chair will provide a verbal reminder of expectations.

- Data Privacy rules and the penalties for violations in accordance with *MN Statute Section 13.09*;
- The chair will recognize one speaker at a time, and will rule out of order other speakers who are not recognized;
- Only those speakers recognized by the school board chair will be allowed to speak;
- Individuals who interfere with or interrupt a speaker may be directed to leave;
- If a group or organization wishes to address the school board on a topic, the school board reserves the right to require designation of one representatives or spokespersons to speak on behalf of the group or organization; and
- Board members will not provide responses during public comments.

206.2PR - PUBLIC COMMENTS PROCEDURE

In accordance with Policy 206, section X, the school board will develop the procedures for public comment during the Organizational Meeting, or as otherwise necessary. Procedures outlined include the time, place and manner for public comment.

Update this section after the Org. Meeting

- Meeting start time and day of the week
Current practice: During each regular board meeting.
- Start time of the public comment session
Current practice: Following the recognition of visitors on the agenda.
- The location of the public comment session
Current practice: Hastings Middle School Media Center
- If the public comment sessions will be recorded/live streamed
Current practice: TBD
- If public comment sessions will be summarized as outlined in Policy 203.2.
Current practice: TBD based on streaming/recording ability.

COMMUNICATION & SOUND GOVERNANCE

Situation	Sound Governance Practice
<p>If I get a phone call with concerns from a:</p> <ul style="list-style-type: none"> ● Staff member ● Student ● Parent ● Community Member 	<p>Request name and phone number of the caller. Always seek to identify the situation/interest. Board members should:</p> <ul style="list-style-type: none"> ● Redirect staff to principal; ● Redirect student to teacher/principal; (Caution: Follow district procedures if a safety concern is raised) ● Redirect parent to teacher/principal/administrator as appropriate; ● In all situations notify the superintendent by email or phone call; <ul style="list-style-type: none"> ○ Be available for contact in the future if redirecting does not address the concern; ○ Be alert to “patterns” of like concerns, and if present, notify the superintendent by email; and ○ If concern raises governance questions, contact the board chair in addition to the superintendent.
<p>If I get an email with concerns from a:</p> <ul style="list-style-type: none"> ● Staff member ● Student ● Parent ● Community Member 	<ul style="list-style-type: none"> ● It is important to send an acknowledgment email to the person who emailed, thanking them for reaching out and letting them know that you forwarded their concern to the superintendent; ● Do not cc or bc any individual or group, nor “reply to all”; ● Be alert to “patterns” of like concerns, and if present, notify the superintendent by email or phone call; and ● If concern raises governance questions, contact the board chair in addition to the superintendent.
<p>If I get an email that is addressed to the entire board with concerns from a:</p> <ul style="list-style-type: none"> ● Staff member ● Student ● Parent ● Community Member 	<p>The board chair responds on behalf of the board using these guidelines:</p> <ul style="list-style-type: none"> ● Response is sent within 72 hours; ● Reply will include all board members for situational awareness; ● In the event of a conflict of interest, the chair will coordinate with the superintendent and vice chair to identify responsibility for responding (the chair will communicate any delegation of duty to the entire board); and ● In maintaining a topic register in the board’s shared Google Drive, the chair will: <ul style="list-style-type: none"> ○ Input topic, sender’s name, and date; and ○ Upon resolution, input resolution date.

COMMUNICATIONS CONTINUED . . .

Situation	Sound Governance Practice
<p>What do I do if I get stopped at the grocery store with concerns from a:</p> <ul style="list-style-type: none"> ● Staff member ● Student ● Parent ● Community Member 	<p>Request name and phone number for contact Always seek to identify the situation or interest</p> <ul style="list-style-type: none"> ● Redirect staff to supervisor, & notify the superintendent by email; (Caution: do not get involved in employment/contractual issues) ● Redirect student to principal & notify the superintendent by email; (Caution: If a concern about safety is raised, follow district procedures) ● Redirect parent and community members to teacher/principal/administrator as appropriate & notify the superintendent by email; <ul style="list-style-type: none"> ○ Be available for contact in the future if redirecting does not address the concern; ○ Be alert to “patterns” of like concerns, and if present, & notify the superintendent by email; and ○ If concern raises governance or political edge questions, email the board chair in addition to the superintendent.
<p>As a board member, what should I do if I have a concern or complaint?</p>	<ul style="list-style-type: none"> ● Contact the chair and the superintendent directly, in person, by phone or by email; ● Don’t engage in serial meetings or emails with other board members; ● Be clear, explain your concern and/or complaint <ul style="list-style-type: none"> ○ If it relates to the board’s operations, offer a solution; ● Identify what in the concern is governance work and what is management work; ● Seek to increase your understanding, with an assumption of trust and competence for employees; and ● Don’t raise an issue as a surprise in a working session or a regular meeting. Allow the board chair, and superintendent time to research and prepare for a board discussion.
<p>What if I disagree with a report or presentation to the board?</p>	<ul style="list-style-type: none"> ● Submit questions & concerns by email to the superintendent; ● If the disagreement is in the details, request a meeting with the superintendent to discuss; ● Do not surprise administrators or your fellow board members at a meeting; and ● Praise publicly, confront privately

COMMUNICATIONS CONTINUED . . .

Situation	Sound Governance Practice
<p>Communications:</p> <ul style="list-style-type: none"> ● Board chair to board members ● Superintendent to board members 	<ul style="list-style-type: none"> ● Notes from the Chair - weekly email to all board members and the superintendent to celebrate successes from the previous week, identify upcoming activities, and note changes/additions in future board work. This is a one-way communication, do not reply-all; ● The chair may send other informational emails (If a questions arises, email the chair separately) ● Weekly Wrap - weekly email from the superintendent each week; ● One way communications to distribute information to the entire board should come from the board chair, superintendent, or the district’s administrative assistant; <ul style="list-style-type: none"> ○ A board member should never Reply All ○ If you receive information that you feel the entire board needs; email the information to the board chair and superintendent
<p>Accessing the school board’s shared Google Drive folder</p>	<ol style="list-style-type: none"> 1. Login to your district email 2. Top right corner, click <i>Google Apps</i> 3. From drop down click the <i>Drive</i> logo 4. Click <i>Shared Drives</i> 5. From dropdown click <i>School Board</i> 
<p>Communication Among Board Members</p>	<p>No open meeting violation occurs when mail (electronic or printed) is used to distribute materials to board members. A problem or violation may arise when the board members respond to the information and begin a discussion of the materials.</p>

ELECTION OF OFFICERS

The chair, vice-chair, treasurer, and clerk of the board are elected annually at the Organizational Meeting in January.

ELECTION OF OFFICERS PROCEDURE

- The acting chair asks for nominations. Any member of the board may nominate any other board member, and nominations do not require a second.
- If no other nominations are immediately offered, the acting chair should pause and repeat the call for nominations.
- The acting chair should again pause and repeat the call for nominations a third time to ensure that any board members wishing to make a nomination has ample opportunity to do so.
- After the third call for nominations, if no other nominations are forthcoming, the acting chair should close the nomination for the office.

SCRIPT FOR NOMINATION PROCEDURE

- **Acting Chair:** "Nominations are now in order for the office of chair."
- **Director_____:** "I nominate Director_____."
- **Acting Chair:** "Director_____ is nominated. Are there any other nominations for the office of chair?"
- **Acting Chair:** "Are there any further nominations for the office of chair?"
- **Acting Chair:** "Are there any further nominations for the office of chair?"
- **Acting Chair:** "If there are no further nominations ... [pause] ... nominations for the office of chair are closed."

SCRIPT FOR VOTING PROCEDURE

All votes must be recorded as required by Minnesota's Open Meeting Law

1. If a single nomination
 - **Acting Chair:** "Director_____ is the only candidate nominated for the office of chair, can I see a show of hands for those in support?"
 - **Acting Chair:** Announces the vote "Let the minutes show that Director_____ has been elected to the office of chair." **MOVE TO STEP 3**
2. If multiple nominations, vote is required and will be in the order of the nominations
 - Acting Chair:** "All those in favor of the Director_____ for the office of chair raise your hands."
 - Acting Chair:** "All those in favor of the Director_____ for the office of chair raise your hands."
 - Three or more candidates, requires a roll call vote.
 - Acting Chair:** "Director_____ received a majority of the votes cast and is elected chair of the school board." **MOVE TO STEP 3**
3. The newly elected chair then immediately assumes the duties of the presiding officer and conducts the election of other officers following the same procedure.

ROLES OF OFFICERS

ROLES OF BOARD OFFICERS

Once elected and sworn in, officers will immediately assume their duties. All board members maintain equal rights, equal voices, and equal access to information.

Chair

- Presides at all school board meetings, countersigns all orders upon the treasurer for claims allowed by the board, represents the school district in all actions, and performs all duties a chair usually performs. See pages 22 & 23 for board chair norms.

Vice-Chair

- Perform the duties of the chair in the event of the chair's temporary absence.

Clerk

- Reads resolutions and, when necessary, records attendance and roll call votes;
- Signs documents when necessary;
- Perform such duties of the chair in the event of the chair's and vice-chair's temporary absence; and
- Since certain duties of the clerk require the clerk to be available regularly in the district office, Minnesota law allows other persons (such as the district's administrative assistant under the direction of the board clerk) to perform some duties of clerk. Including but not limited to the following:
 - Keep and maintain permanent records of the school board, including records of the minutes;
 - Ensure all public records maintained by the district are available for inspection by the public during the district's regular business hours at the district office;
 - Perform election duties as required by the Minnesota Election Law or other applicable laws relating to the conduct of elections; and
 - Notify all persons elected within three days after an election.

Treasurer

- Signs documents when necessary;
- The treasurer shall perform such duties of the chair in the event of the chair's, vice-chair's, and clerk's temporary absence; and
- Since certain tasks of the treasurer require the treasurer to be available regularly to the district's administration. The law allows the board by resolution to name a person (such as Director of Finance) to perform certain duties of treasurer. Including but not limited to the following:
 - Deposit district funds in the official depository;
 - Make reports called for by the board and perform other duties a treasurer usually performs; and
 - In the event of insufficient funds to pay valid orders presented to the treasurer, receive, endorse, and process the orders according to the law.

School Board Student Representative

Four student representatives serve on the school board as non-voting members for a 1-year term.

BOARD CHAIR NORMS

ANNUALLY

- Make Committee Assignments (January) - consider board member interest, experience, time availability and equivalent distribution of workload. Make sure 917 and policy committee members understand the level of work required;
- Make Mentor Assignments (January following election years) - consider board member temperament, experience, previous relationship, and time availability;
- Initiate conversations related to the 200 Series - School Board Policies, Procedures and Norms. Highlighting Policy 209 Ethics and Policy 215 Addressing School Board Member Violations (as necessary);
- Set up Board Work Calendar (prior year chair starts a draft in Sept/Oct and responsibility is transferred to new chair in January) - incorporate board working sessions, regular meetings, board development, responsibilities to superintendent, legislative work, and board member meeting conflicts. Board Work Calendar is maintained in the board's shared google drive;
- Develop a draft 3-year work plan during the July/August working session, to get board response prior to final approval during July/August regular meeting; and
- Maintain the board's shared folder in Google Drive.

 School Board Governance Work Plan DRAFT August 2023 			
Key Roles	2023/24 SY	2024/25 SY	2025/26 SY
District Policy	<ul style="list-style-type: none"> • 1/3 District Policy Review + Annual Policy Review 	<ul style="list-style-type: none"> • 1/3 District Policy Review + Annual Policy Review 	<ul style="list-style-type: none"> • 1/3 District Policy Review + Annual Policy Review
Operations Oversight and Long-Range Planning	<ul style="list-style-type: none"> • Budget Approval • District Long Range Model/Goals • Operational Plan Monitoring Reports • District Sizing to Enrollment and Trends • Supporting culture/climate for learning success (mental health and behavior) • Secondary Innovation programmatic recommendation 	<ul style="list-style-type: none"> • Budget Approval • District Long Range Model/Goals • Operational Plan Monitoring Reports • District Sizing to Enrollment and Trends • Supporting culture/climate for learning success (mental health and behavior) • Support Secondary Innovation programmatic implementation 	<ul style="list-style-type: none"> • Budget Approval • District Long Range Model/Goals • Operational Plan Monitoring Reports • District Sizing to Enrollment and Trends • Supporting culture/climate for learning success (mental health and behavior)
Board Operations and Development	<ul style="list-style-type: none"> • School Board Annual Evaluation • Board 3 Year Governance Work Plan • 4 Board Seats • New Board Member Training • Board Member Deep Learning/Retreat • Staff engagement design • Consider Board Election Cycle • Update Board Handbook (establish practice/process) • Seat Student Board Member 	<ul style="list-style-type: none"> • School Board Annual Evaluation • Board 3 Year Governance Work Plan • Board Candidate Recruitment • Board Member Deep Learning/Retreat 	<ul style="list-style-type: none"> • School Board Annual Evaluation • Board 3 Year Governance Work Plan • 3 Board Seats • New Board Member Training • Board Member Deep Learning/Retreat
Superintendent Relations and Development	<ul style="list-style-type: none"> • Superintendent Evaluation • District Quarterly Benchmark Reports 	<ul style="list-style-type: none"> • Superintendent Evaluation • District Quarterly Benchmark Reports 	<ul style="list-style-type: none"> • Superintendent Contract (Extension/New Search) • Superintendent Evaluation • District Quarterly Benchmark Reports
Public Engagement	<ul style="list-style-type: none"> • Legislative Engagement - Platform • Community Communications • Assess enrollment choice, decline, and engagement • Staff engagement design 	<ul style="list-style-type: none"> • Legislative Action Committee • Community Communications • Assess enrollment choice, decline, and engagement • Staff engagement 	<ul style="list-style-type: none"> • Legislative Engagement - Platform • Community Communications • Assess enrollment choice, decline and engagement • Staff engagement

BOARD CHAIR NORMS CONTINUED . . .

WEEKLY

- Meet with the superintendent to look at upcoming work and assign it to the board work calendar. This could be every other week. Consistency is important; and
- Notes from the Chair - weekly email to all board members and the superintendent celebrating successes from the previous week, identifying upcoming activities, and announcing changes/additions to future work.

AT REGULAR MEETINGS

- Preside over meetings in accordance with policies and procedures (200 Series);
- Specifically for the Future Meetings and Topics, have a summary of the next 3-4 meetings (working and regular), ready to share with the board and community; and
- Maintain decorum during working sessions and regular meetings using Robert's Rules & established board norms.

AS NEEDED

Prepare responses to community/board member/media questions

- Maintain a topic register in the board's shared Google Drive - chair editor; board members and superintendent viewers:
 - Input topic, sender, method and date;
 - Coordinate with superintendent on developing a response;
 - Reply, including all board members for situational awareness (aim for 24-72 hour response time; allowing for weekends/holidays/info gathering);
 - Update Topic Register when response is provided - date and by whom;
- If a conflict of interest exists, coordinate with the superintendent and vice chair to identify responsibility for responding. Communicate any delegation of duty to the entire board;
- In the rare instance where factually inaccurate information is released to the public (Letter to the Editor or other local media source) coordinate accurate response with superintendent;
- Keep the Board Work Calendar accurate!
- Establish and foster board member development, growth, accountability, and focus towards and to student achievement; and
- Delegate specified duties to vice chair, when necessary. Communicate any delegation of duties to the entire board.

SUPERINTENDENT

The superintendent is a leader who aspires to improve student achievement, while ensuring that students truly are at the heart of all we do. The superintendent manages the day-to-day operation of the school district, implements decisions and policies as adopted by the school board, and supervises administrators, educators, & staff. The school board recognizes the superintendent as the chief executive officer of the school district, and a non-voting member of the board. The board expects the superintendent to inform the board of needs related to the school district's current and future operations, and to make recommendations, proposals and suggestions regarding topics before the board.

Effective school boards know that they have a duty to themselves and their communities to determine whether the authority delegated to the superintendent is being used as intended. As a result, evaluating the superintendent's performance is a major focus of the school board and, by extension, the superintendent.

STRATEGIC ANCHORS

Drivers of Our Continuous Improvement

A. Engaged Learners

B. Effective Operations

C. Communication and Collaboration

2023/2024 SUPERINTENDENT GOALS

ENGAGED LEARNERS:

- Guide and support a process to ensure that district programming and schedules meet the needs of our students at both the middle and high school.
- Support the school board and administration to ensure that the entire scope of the READ Act is strategically implemented to provide evidence-based professional development and curriculum while maximizing financial resource opportunities.

EFFECTIVE OPERATIONS:

- Develop and execute an intentional and strategic plan to connect and communicate with all stakeholders to inform, engage and support the decision-making process regarding the school district's technology levy.

COMMUNICATION AND COLLABORATION:

- Provide reliable and consistent communication to board, staff and community stakeholders.
- Work to provide a nationally normed survey to establish baseline data for parent satisfaction, and student and staff experience.

SUPERINTENDENT EVALUATION NORM

SUPERINTENDENT EVALUATION TIMELINE

Summer: Share superintendent goals with the school board and come to a mutual agreement.

Fall: Superintendent provides the school board with a benchmark report of strategic/operational plan and applicable goal progress update.

November: The board chair sends out mid-year superintendent evaluations to board members. Evaluation will use a rating system of 1-4.

- Each board member completes and returns evaluation to the board chair within 7 days.
- The school board chair completes a mid-year formative evaluation summary document consisting of each school board member's ratings and comments.

December Closed Session: The school board chair brings the mid-year evaluation summary document to the superintendent's evaluation meeting (closed session).

- The school board shares and discusses the formative evaluation of performance.
- Superintendent (may or may not) complete and share goal progress self-evaluation with the school board.

December Board Meeting: The school board chair, at the next open meeting, summarizes conclusions regarding the mid-year evaluation. The mid-year evaluation shall be attached to the summative evaluation and placed in the superintendent's personnel file.

January: Superintendent provides the school board with a benchmark report of strategic/operational plan and applicable goal benchmark progress.

May: The board chair sends out summative superintendent evaluations to board members. Evaluation will use a rating system of 1-4.

- Each board member completes and returns evaluation to the board chair within 7 days.
- The school board chair creates a summative evaluation summary document consisting of each school board member's ratings and comments.

June Closed Session: The school board chair brings the summative evaluation summary document to the superintendent's evaluation meeting (closed session).

- The school board shares and discusses the summative evaluation of performance. Changes to the evaluation may be made as a result of the discussions.
- Superintendent may or may not complete and share goal progress self-evaluation with the school board.

June Board Meeting: The school board chair, at the next open meeting, summarizes conclusions regarding the summative evaluation. A copy of the final written summative evaluation is placed in the superintendent's personnel file.

SCHOOL BOARD COMMITTEES

Committees may be established to address recurring needs of the school board. Committees are in place to make the board’s work more efficient and effective. They serve in advisory capacities and bring recommendations to the full school board for decision making.

ESTABLISHING SCHOOL BOARD COMMITTEES

During the Organizational Meeting, the school board shall establish each standing committee, as well as the number of committee members. Ad hoc committees may be established by general consensus to address temporary needs or perform special functions, after the completion of which the ad hoc committee will automatically dissolve. **NORM:** To ensure all board members are prepared to establish standing committees at the Organizational Meeting, the chair may add “standing committee recommendations” as a discussion topic to the board’s calendar for the December working session.

COMMITTEE MEMBERSHIP

Each school board committee will consist of two or three school board members, the superintendent, and/or administrators as delegated by the superintendent. It is the responsibility of the school board chair to appoint the members for each standing committee.

COMMITTEE MEETINGS

Committees should meet as often as necessary to accomplish their work and should meet only when there is substantive work to be done. Meeting dates and times will be determined by the committee and proper notice will be posted for the public. **NORM:** Committee chairs are responsible for documenting committee recommendations, providing written committee reports to the district’s administrative assistant, and shall provide a verbal summary of the committee recommendations for board consideration during regular board meetings.

COMMUNITY COLLABORATION COMMITTEE

Serves to support the Strategic Anchor: Communication and Collaboration by advising the board on strategic opportunities to expand and strengthen connections with the district’s parents, community, and area legislators.

FACILITIES COMMITTEE

Mission statement TBD by the committee.

FINANCE COMMITTEE

The finance committee works with the superintendent and the director of finance. Topics may include district budget, annual audit, right sizing, LTFM, fund balance, grants, and projects under construction. Communicating the work of the finance committee and educating the public regarding the district’s financial position enhances public confidence in the district’s ability to effectively handle its financial affairs. Chair for this committee shall be the board’s treasurer.

POLICY COMMITTEE

The Policy Committee serves to review and revise current policies, and propose policy changes for adoption, as identified for the benefit of students and staff.

STUDENT SCHOOL BOARD MEMBER COMMITTEE

MEMBERSHIPS AND LIAISONS

Partnerships with various organizations that are affiliated with the school district, require that a board member be appointed as a liaison. It is the responsibility of the board chair to appoint members to serve as liaisons at the Organizational Meeting. **NORM:** The board chair will consult with each individual board member and determine each member's interests & their ability to fulfill the role of liaison prior to appointment.

ASSOCIATION OF METROPOLITAN SCHOOL DISTRICTS (AMSD)

Forty- seven K-12 school districts, six intermediate/ educational cooperative districts – ONE voice. AMSD's primary task is to lobby at the state level for the needs of metropolitan school districts. The appointed liaison will attend virtual meetings and report relevant information back to the board.

INTERMEDIATE SCHOOL DISTRICT #917

In partnership with nine member districts, Intermediate School District #917 provides special education, career and technical education, and alternative education for students in the southeast metro area. ISD #917's Board of Education is composed of one board member from each of its nine-member districts. One board member from ISD 200, will be appointed to serve as a liaison on the board of ISD #917 for a three-year term. The appointed liaison will:

- attend ISD #917 meetings, one Tuesday a month from 4:45pm -6:15pm;
- first meeting: January 9, 2024 from 4:45pm - 6:30pm;
- provide a brief ISD #917 update during the reports portion of ISD 200 's regular meeting;
- receive additional compensation as determined by the board of ISD #917;

MINNESOTA STATE HIGH SCHOOL LEAGUE (MSHSL)

The Minnesota State High School League provides educational opportunities for students through interscholastic athletics and fine arts programs and provides leadership and support for member schools. The appointed liaison will vote on ISD 200's behalf when necessary.

BRIGHTWORKS (formally MetroECSU)

Provide cost-effective, high quality education services and programs to public schools/districts in the Twins Cities. A liaison is appointed but no additional meetings are required .

MINNESOTA SCHOOL BOARDS ASSOCIATION (MSBA)

The Minnesota School Boards Association (MSBA) is a leading advocate for public education, they support, promote, and strengthen the work of Minnesota school boards. Board members are provided a login to access available resources. The Delegate Assembly is held annually to vote on resolutions proposed by school boards across Minnesota. One or two liaisons are appointed to serve a two-year term as delegates. Delegates attend one zoom meeting in November, and one in person meeting in December. See page 11 for Learning to Lead Workshop Series & Annual Leadership Conference details.

IN DISTRICT LIAISONS

TBD by the board in January 2024

POLICY NORMS

MSBA POLICY REFERENCE MANUAL

As a service the Minnesota School Board Association provides our district with access to MSBA's Policy Reference Manual. This access assists the board and administrators in the development of proper policies and procedures in managing the district. MSBA's model policies are designed to provide accurate and authoritative information regarding the subject matter covered. Most ISD 200 policies are developed using the MSBA model policy as a starting point.

POLICY COMMITTEE

The policy committee serves in an advisory capacity to the board. The committee researches, reviews, and develops policy recommendations. In maintaining the district's policies, this committee meets twice a month, working collaboratively with the superintendent, the district's administrative assistant, department directors and building administrators. The committee's work is guided by a three- year policy review cycle. It is common for a policy to be under review for multiple months before the committee has a recommendation to bring forward for the full board to review, discuss, and possibly adopt.

THREE YEAR POLICY REVIEW CYCLE

The three- year policy review cycle ensures compliance with Policy 208 subd.VI (D) which states *"The school board shall review policies at least once every three years."* The review cycle began in January 2023 and goes in order of series with the committee reviewing 12-15 policies each quarter.

MANDATORY POLICIES

A number of policies are mandatory as state or federal law requires a policy. From 2019- 2021, the policy committee worked diligently to ensure that ISD 200 adopted all mandatory policies. In addition to mandatory policies, there are also a number of policies that need to be consistent with state or federal laws which specify how a policy is to be stated or implemented. The school district's legal counsel should be consulted prior to deviation from the recommended language in an MSBA Model Policy to ensure that any variances are not inconsistent with legal requirements.

POLICY DEVELOPMENT

Policy development may be initiated by school board members, the superintendent, district employees, students, parents, and/or community members. Proposed policy requests should be emailed to the policy committee chair and the district's administrative assistant, these requests will be placed on the policy committee's agenda for consideration. **NORM:** Policy topics that are covered by an MSBA model policy, shall be developed using the model policy as a starting point. Policies shall meet the educational goals of ISD 200, be within the scope of the board's authority, and be consistent with law and existing policies.

- New policy shall be proposed to the board for consideration.
- Adopted policies are posted in the policy manual on the district's website.

ANNUAL REVIEW POLICIES

Per state statute, a number of policies must be reviewed annually by the board. The policy committee will begin the review of these policies in April or May. **NORM:** Annual review policies will be presented to the board for a first reading, no later than June of each year. This ensures that annual review policies are ready for the start of the new school year.

POLICY NORMS CONTINUED . . .

POLICY REVIEW

The policy committee reviews 12-15 policies each quarter following the review cycle. MSBA Model Policies are the starting point for each review. MSBA may also provide updates to existing policies. The objective of policy review is to determine whether the policy is consistent with:

- State and federal law;
- Current policies and procedures;
- Best practice;
- Strategic direction of the school district; and
- Meets the needs of students, families, and staff.

In addition to the review cycle, the committee may review policies that require revision based on changes made in state/federal law, and/or at the request of the board or superintendent. **NORM:** Procedures may be reviewed and revised as determined by the board and superintendent. The 200 series procedures and the school board member handbook will undergo a full review during the committee's review of the 200 series policies.

POLICY READINGS

Readings serve as an introduction to a new policy and/or a notice of proposed changes to a current policy as recommended by the policy committee. A policy is included as an attachment to the agenda for at least three regular board meetings; this provides three opportunities for board members and the public to read the proposed policy. Policies will be proposed in the following format:

- Meeting 1 = 1st Reading: a red-lined version of the policy showing all proposed changes is included as an attachment to the agenda. Members of the public may offer suggestions regarding a policy during the public comments portion of the board meeting. The policy committee chair provides a written and verbal summary of newly proposed policies and recommended changes to current policies. At this point, suggestions and revisions to a policy are discussed by the board and additional revisions may be agreed upon. The policy is sent back to the committee. (The committee implements revisions to the policy and researches any questions asked by the board); **NORM:** Board members may make suggestions for a policy during the first and second reading and should also email those suggestions to the policy committee chair. **NORM:** As a general rule of practice, board members should refrain from making grammatical, spelling, spacing, numbering, and general formatting suggestions during the regular board meeting; these may be emailed to the policy committee chair and administrative assistant. Corrections will be reflected in the final policy once adopted by the board.
- Meeting 2 = 2nd Reading: a red-lined version of the policy showing all proposed changes and any previously agreed upon revisions is included as an attachment to the agenda. Members of the public may offer suggestions regarding a policy during the public comments portion of the board meeting. The policy committee chair provides a written and verbal summary of the policy revisions. Suggestions and revisions to the policy are discussed by the board and additional revisions may be agreed upon. The policy is sent back to the committee. (The committee implements the agreed upon revisions).
- Meeting 3 = 3rd Reading/Consent Agenda: a red-lined version of the policy showing all proposed changes and revisions is included in the agenda. The board votes to approve or reject the recommended policy or policy changes.

POLICY NORMS CONTINUED . . .

POLICY ADOPTION

A policy is approved by a majority vote of the board, and once approved, the policy is considered adopted and is added to the district’s policy manual on the district’s website. **NORM:** Minor editorial changes to a policy that do not affect the purpose, scope, or policy statement may be made without board action.

- In compliance with the district’s record retention schedule, the red-lined version of a policy shall be maintained digitally in an archive folder in the policy committees shared Google Drive for up to three years. Upon completion of a three year policy review cycle, the archived folder should be re-titled to “Policy Review Cycle 20__ - 20__”

USE OF THE CONSENT AGENDA FOR POLICY ADOPTION

Revisions to policies that are required due to a change in statute, or other governmental mandate, may be made by the policy committee and adopted through the consent agenda in a single meeting. A policy that is on an agenda for 3rd reading may also be included in the consent agenda.

POLICY MANUAL

The district’s policy manual contains nine series, each series focuses on a specific content area. There are three document formats contained within the manual, Policies are identified by number, Procedures are identified by a number followed by PR, and forms are identified by a number followed by FRM.

100 Series - School District	600 Series - Educational Programs
200 Series - School Board	700 Series - Non-Instructional Operations
400 Series - Employee's/Personnel	800 Series - Health & Safety
500 Series - Students	900 Series - School District/Community Relations

Policies are the formal guidelines adopted by the school board ensuring that ISD 200 operates in an effective and efficient manner in order to achieve its mission. Policies define the desire and intent of the board, while policy implementation is delegated to the superintendent (with the exception of the 200 series - school board policies).

Procedures (PR) contain administration's guidelines as determined by the superintendent for the operational implementation of its respective policy. The superintendent will determine if a procedure is needed. No board action is required for new procedures or for changing existing procedures. Procedures shall be titled in accordance with *Policy 208.2PR* and shall be available in the policy manual on the district’s website.

Forms (FRM) may accompany a policy at the direction of the superintendent.

200 SERIES – SCHOOL BOARD POLICIES

MN Statute 129B.09 Subd. 7 “The board shall make, and when deemed advisable, change or repeal rules relating to the organization and management of the board and the duties of its officers.”

The policies within the 200 series govern the board’s operation. The policy committee is responsible for the development of the policies, procedures, and norms within this series and the board is responsible for implementation of this series.

201 -	<u>LEGAL STATUS OF THE SCHOOL BOARD</u>
202 -	<u>SCHOOL BOARD OFFICERS</u>
203 -	<u>OPERATION OF THE SCHOOL BOARD – GOVERNING RULES</u>
203.1PR	<u>SCHOOL BOARD PROCEDURES; RULES OF ORDER</u>
203.2PR -	<u>ORDER OF THE REGULAR SCHOOL BOARD MEETING PROCEDURE</u>
203.5PR -	<u>SCHOOL BOARD MEETING AGENDA PROCEDURE</u>
203.6PR -	<u>CONSENT AGENDAS PROCEDURE</u>
204 -	<u>SCHOOL BOARD MEETING MINUTES</u>
205 -	<u>OPEN MEETINGS AND CLOSED MEETINGS</u>
206 -	<u>PUBLIC PARTICIPATION IN SCHOOL BOARD MEETINGS/COMPLAINTS</u>
206.1FRM -	<u>PUBLIC PARTICIPATION AT SCHOOL BOARD MEETING REQUEST FORM</u>
206.2PR -	<u>PUBLIC PARTICIPATION AT SCHOOL BOARD MEETING PROCEDURE</u>
207 -	<u>PUBLIC HEARINGS</u>
208 -	<u>DEVELOPMENT, ADOPTION, AND IMPLEMENTATION OF POLICIES</u>
208.1PR -	<u>DEVELOPMENT, ADOPTION, AND IMPLEMENTATION OF POLICIES PROCEDURE</u>
208.2PR	<u>200 SERIES POLICY PROCEDURE NORM</u>
209 -	<u>CODE OF ETHICS</u>
210 -	<u>CONFLICT OF INTEREST – SCHOOL BOARD MEMBERS</u>
211 -	<u>CRIMINAL OR CIVIL ACTION AGAINST SCHOOL DISTRICT, SCHOOL BOARD MEMBER</u>
212 -	<u>SCHOOL BOARD MEMBER DEVELOPMENT</u>
213 -	<u>SCHOOL BOARD COMMITTEES</u>
213.1PR -	<u>SCHOOL BOARD COMMITTEE PROCEDURE</u>
214 -	<u>OUT-OF-STATE TRAVEL BY SCHOOL BOARD MEMBERS</u>
215 -	<u>ADDRESSING SCHOOL BOARD MEMBER VIOLATIONS</u>
215.1PR -	<u>ADDRESSING SCHOOL BOARD MEMBER VIOLATIONS PROCEDURE</u>

[SCHOOL BOARD MEMBER HANDBOOK REVIEW NORM](#)

[STUDENT SCHOOL BOARD REPRESENTATIVES NORM](#)

MINNESOTA STATUTES CITED

MN Statute Section 211A.02

MN Statute Section 123B.09 subd.2

MN Statute Section 123B.09 subd.5b

MN Statute 129B.09 Subd. 7

MN Statute Section 13D.05, subd. 2 & 3

MN Statute Section 13.09

Date of Review: 1.3.2024