

**Human Resources Committee**  
Duluth Public Schools, ISD 709

Agenda

Tuesday, July 9, 2019

District Services Center

709 Portia Johnson Dr.

Duluth, MN 55811

4:15 PM

1. **Staffing Report Action Items** 2
2. **Other HR Action Items**
  - A. \*Placeholder - Approval of Employment of a School Board Member by the District - Resolution #HR-7-19-3360 5
  - B. \*Placeholder - Revise Policy 401 - Equal Employment Opportunity - First Reading 7
  - C. \*Placeholder - Revise Policy 103 - Complaints - Students, Employees, Parents, Other Persons - First Reading 9
3. **HR Informational Items**
  - A. \*Placeholder - Summary of Harassment Complaints 2018-2019
4. **Other HR Future Items**
  - A. Nepotism Discussion



<u>CERT RESIGNATION</u>	<u>POSITION/LOCATION</u>	<u>EFFECTIVE DATES</u>
VATTHAUER, BRENDA *Placeholder Total: 1	PRINCIPAL/LINCOLN	6/30/2019
<u>CERT RETIREMENT</u>	<u>POSITION/LOCATION</u>	<u>EFFECTIVE DATES</u>
CLAIRMONT, DENISE SEDERBERG, SUSAN *Placeholder Total: 2	PRINCIPAL/RESIDENTIAL SPEC ED SCHOOL NURSE/DW	7/1/2019 6/7/2019
<u>CERTIFIED SUMMER SCHOOL</u>	<u>POSITION/LOCATION</u>	<u>EFFECTIVE DATES</u>
BROWN, PAULA	ENGLISH/GRADES 6-12/ROCKRIDGE, NOT TO EXCEED 104.5 HRS	6/12/2019 7/18/2019
GLOCKLE, NATHAN	.5 SUMMER SCHOOL COORDINATOR/DW, STIPEND \$2500.00	6/13/2019 7/17/2019
GLOCKLE, NATHAN	.5 SUMMER SCHOOL PRINCIPAL/DW	6/13/2019 7/17/2019
HAGSTROM, LINDA	GRADES K-3/CHESTER CREEK, NOT TO EXCEED 104.5 HRS	6/12/2019 7/18/2019
HALLGREN, TANYA	EXCEL/MACARTHUR, NOT TO EXCEED 42 HRS	7/8/2019 7/25/2019
HATTON-WALTERS, AMY	EXCEL/LOWELL, NOT TO EXCEED 42 HRS	7/7/2019 7/25/2019
HOTALING, JOHN	AMERICAN HISTORY/LINCOLN, NOT TO EXCEED 128 HRS	6/13/2019 7/26/2019
HYNES, CHERYL	ENGLISH/GRADES 9-10/LINCOLN, NOT TO EXCEED 128 HRS	6/13/2019 7/26/2019
JARVIS, DEBRA	ENGLISH/GRADES 6-12/ROCKRIDGE, NOT TO EXCEED 104.5 HRS	6/12/2019 7/18/2019
JOHNSON, DEBORAH	MATH/ENGLISH/GRADES 6-12/MERRITT CREEK, NOT TO EXCEED 104.5 HRS	6/12/2019 7/18/2019
KEMP, HEATHER	EXCEL/LESTER, NOT TO EXCEED 42 HRS	7/7/2019 7/25/2019
LEMAY, RONDA	EXCEL/MACARTHUR, NOT TO EXCEED 42 HRS	7/7/2019 7/25/2019
LINDBERG, TIM	MATH/GRADES 6-12/CHESTER CREEK, NOT TO EXCEED 104.5 HRS	6/12/2019 7/18/2019
LIPPITT, MARTHA	DIAGNOSTIC ASSESSMENT/MERRITT CREEK, NOT TO EXCEED 104.5 HRS	6/12/2019 7/18/2019
LUNDORFF, JAMES	EXCEL/CONGDON, NOT TO EXCEED 42 HRS	7/7/2019 7/25/2019
LYLE, HEIDI	MATH/GRADES 6-12/MERRITT CREEK, NOT TO EXCEED 104.5 HRS	6/12/2019 7/18/2019
MAGNUSON, MARK	ENGLISH GRADES 9-12/LINCOLN, NOT TO EXCEED 128 HRS	6/13/2019 7/26/2019
METZER, ADAM	EXCEL/MACARTHUR, NOT TO EXCEED 42 HRS	7/7/2019 7/25/2019
MICHALICEK, KEVIN	PHYSICAL SCIENCE/LINCOLN, NOT TO EXCEED 128 HRS	6/13/2019 7/26/2019
MOE, RACHEL	EXCEL/MYERS-WILKINS, NOT TO EXCEED 45 HRS	7/17/2019 7/25/2019
MOLSTAD, LINDSEY	PHYSICAL SCIENCE/LINCOLN, NOT TO EXCEED 128 HRS	6/13/2019 7/26/2019
MUELLENBACH, ELI	BIOLOGY/LINCOLN, NOT TO EXCEED 128 HRS	6/13/2019 7/26/2019
NORMAN, ADRIAN	.5 SUMMER SCHOOL COORDINATOR/DW, STIPEND \$2500.00	6/13/2019 7/26/2019
NORMAN, ADRIAN	.5 SUMMER SCHOOL PRINCIPAL/DW	6/13/2019 7/26/2019
OWENS, HEIDI	EXCEL/PIEDMONT, NOT TO EXCEED 42 HRS	7/7/2019 7/25/2019
PLASTER, AMANDA	EXCEL/LOWELL, NOT TO EXCEED 42 HRS	7/7/2019 7/25/2019
REINHARD, JANNA	EXCEL/MYERS-WILKINS, NOT TO EXCEED 42 HRS	7/17/2019 7/25/2019
SAMUEL, AMY	EXCEL/LESTER, NOT TO EXCEED 42 HRS	7/7/2019 7/25/2019
SCHULTE, HAYDEN	MATH GRADES 9-12/LINCOLN, NOT TO EXCEED 128 HRS	6/13/2019 7/26/2019
SORBO, GWEN	EXCEL/CONGDON, NOT TO EXCEED 42 HRS	7/7/2019 7/25/2019
STARKS, REBECCA	INTERMEDIATE ALGEBRA/LINCOLN, NOT TO EXCEED 128 HRS	6/13/2019 7/26/2019
USELMAN, DALE	EXCEL/LOWELL, NOT TO EXCEED 42 HRS	7/7/2019 7/25/2019
WADE, MATTHEW	EXCEL/PIEDMONT, NOT TO EXCEED 42 HRS	7/7/2019 7/25/2019
WESTERBERG, BARBARA	EXCEL/LESTER, NOT TO EXCEED 42 HRS	7/7/2019 7/25/2019
WISOCKI, ADAM	CIVICS/GEOGRAPHY/LINCOLN, NOT TO EXCEED 128 HRS	6/13/2019 7/26/2019
WOLFE, SAMANTHA	EXCEL/STOWE, NOT TO EXCEED 42 HRS	7/7/2019 7/25/2019
WYMAN-ANDERSON, AUSTIN *Placeholder Total: 37	ENGLISH GRADES 6-12/ROCKRIDGE, NOT TO EXCEED 104.5 HRS	6/12/2019 7/17/2019
<u>CERT TEMP DECREASE</u>	<u>POSITION/LOCATION/CONDITION</u>	<u>EFFECTIVE DATES</u>
ANDERSON, JESSICA	GUIDANCE COUNSELOR/DENFELD, 1.0 TO .8, VOLUNTARY REDUCTION	8/21/2019 6/15/2020
BOYNTON, SANDRA	BAND LESSONS/LINCOLN PARK, 1.0 TO .7, VOLUNTARY REDUCTION	8/27/2019 6/8/2020
HOLLINDAY, GINA	SOCIAL STUDIES/DENFELD, 1.0 TO .8, VOLUNTARY REDUCTION	8/27/2019 6/8/2020
VAN STAAGEN, STEPHANIE	SPEC ED LD RESOURCE/LAKEWOOD, 1.0 TO .8, VOLUNTARY REDUCTION	8/27/2019
WARD, JACKIE *Placeholder Total: 5	ASST DIRECTOR SPEC SVCS/HOCHS, 1.0 TO .9423, VOLUNTARY REDUCTION	7/1/2019 6/30/2020
<u>CERT TEMP INCREASE</u>	<u>POSITION/LOCATION/CONDITION</u>	<u>EFFECTIVE DATES</u>
TREMBLE, KIAH *Placeholder Total: 1	SOCIAL STUDIES/DENFELD, .9 TO 1.0	8/27/2019



**RESOLUTION**

Employment of a School Board Member by the District

WHEREAS, the School Board member(s) below are/will be employed by the Duluth Public Schools during their service as a School Board member, and

WHEREAS, Minnesota Statute 123B.195 Board Member's Right to Employment requires that the member receive a majority approval by the School Board to be initially employed or to continue in employment at a meeting at which all board members are present, and

WHEREAS, Minnesota Statute 123B.195 Board Member's right to Employment states that the employment relationship will not exceed \$8,000 in a fiscal year, excluding compensation for being a School Board member,

BE IT RESOLVED, that the School Board authorize the employment of the following School Board members as listed, not to exceed \$8,000 in a fiscal year.

BOARD MEMBER

TIME FRAME

Jill Lofald

July 2019 - June 2020

Alanna Oswald

July 2019 - June 2020

**123B.195 BOARD MEMBERS' RIGHT TO EMPLOYMENT.**

Notwithstanding section 471.88, subdivision 5, a school board member may be newly employed or may continue to be employed by a school district as an employee only if there is a reasonable expectation at the beginning of the fiscal year or at the time the contract is entered into or extended that the amount to be earned by that officer under that contract or employment relationship will not exceed \$8,000 in that fiscal year. Notwithstanding section 122A.40 or 122A.41 or other law, if the officer does not receive majority approval to be initially employed or to continue in employment at a meeting at which all board members are present, that employment is immediately terminated and that officer has no further rights to employment while serving as a school board member in the district.

**History:** 1961 c 651 s 1; 1965 c 806 s 1-4; 1969 c 26 s 1; 1973 c 123 art 5 s 7; 1977 c 55 s 1-3; 1978 c 651 s 1; 1979 c 20 s 1; 1986 c 399 art 2 s 38-40; 1986 c 400 s 38-40; 1986 c 444; 1Sp1986 c 3 art 2 s 41; 1991 c 65 s 1,2; 1992 c 380 s 7; 1992 c 522 s 42,43; 1993 c 224 art 9 s 43; 1996 c 471 art 7 s 18; 1998 c 269 s 1; 1998 c 397 art 11 s 3; 1999 c 241 art 6 s 3; 2004 c 294 art 2 s 12

## 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 and promotional opportunities 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 employee with a disability.

The School District, in accordance with all applicable federal, state, and local anti-discrimination laws, including Chapter 363A of Minnesota Statutes, will use approved traditional and non-traditional methods to recruit, employ, train, assign, transfer, retain, and to promote equity in employment of women, people of color and other legally protected characteristics.

- B. The school district prohibits the harassment of any individual for any of the categories listed above. For information about the types of conduct that constitute impermissible harassment and the school district's internal procedures for addressing complaints of harassment, please refer to the school district's policy on harassment and violence.
- C. This policy applies to all areas of employment including hiring, discharge, promotion, compensation, facilities, or privileges of employment.
- D. Every school district employee shall be responsible for following this policy.
- E. Any person having a question regarding this policy should discuss it with the Senior Human Resource Manager in Human Resources, **the Title IX Coordinator or the Section 504 Coordinator.**

**Title IX Coordinator:**  
**Darren Sheldon, Principal**  
**ISD 709, HOCHS Room 319**  
**215 N 1<sup>st</sup> Ave E**  
**Duluth, MN 55802**  
**218-336-8700, ext. 1011**  
**darren.sheldon@isd709.org**

**Section 504 Coordinator:**  
**Jeffrey Horton, Assistant Superintendent**  
**ISD 709, HOCHS Room 203**  
**215 N 1<sup>st</sup> Ave E**  
**Duluth, MN 55802**  
**218-336-8700, ext. 1930**  
**Jeffrey.horton@isd709.org**

**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.* (Title VII of the Civil Rights Act)  
 42 U.S.C. § 12101 *et seq.* (Equal Opportunity for Individuals with Disabilities)

**Cross References:** MSBA/MASA Model Policy 402 (Disability Nondiscrimination)  
 MSBA/MASA Model Policy 405 (Veteran’s Preference)  
 MSBA/MASA Model Policy 413 (Harassment and Violence)

Replacing:	Policy 4010
First Reading:	10-16-2018
Second Reading:	11-20-2018
Adopted:	11-20-2018
First Reading:	07-16-2019

## **103 COMPLAINTS – STUDENTS, EMPLOYEES, PARENTS, OTHER PERSONS**

### **I. PURPOSE**

The school district takes seriously all concerns or complaints by students, employees, parents or other persons. If a specific complaint procedure is provided within any other policy of the school district, the specific procedure shall be followed in reference to such a complaint. If a specific complaint procedure is not provided, the purpose of this policy is to provide a procedure that may be used.

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

- A. Students, parents, employees or other persons, may report concerns or complaints to the school district. While written reports are encouraged, a complaint may be made orally. Any employee receiving a complaint shall advise the principal or immediate supervisor of the receipt of the complaint. The supervisor shall make an initial determination as to the seriousness of the complaint and whether the matter should be referred to the superintendent. A person may file a complaint at any level of the school district; i.e., principal, superintendent or school board. However, persons are encouraged to file a complaint at the building level when appropriate.
- B. Depending upon the nature and seriousness of the complaint, the supervisor or other administrator receiving the complaint shall determine the nature and scope of the investigation or follow-up procedures. If the complaint involves serious allegations, the matter shall promptly be referred to the superintendent who shall determine whether an internal or external investigation should be conducted. In either case, the superintendent shall determine the nature and scope of the investigation and designate the person responsible for the investigation or follow-up relating to the complaint. The designated investigator shall ascertain details concerning the complaint and respond promptly to the appropriate administrator concerning the status or outcome of the matter.
- C. The appropriate administrator shall respond in the same communication method as the complaint was received to the complaining party concerning the outcome of the investigation or follow-up, including any appropriate action or corrective measure that was taken. The superintendent shall be copied on the correspondence and consulted in advance of the written response when appropriate. The response to the complaining party shall be consistent with the rights of others pursuant to the applicable provisions of Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act) or other law.

### **III. GRIEVANCE PROCEDURE FOR COMPLAINTS OF DISCRIMINATION**

**The following grievance procedure applies to claims of sex, disability, and racial discrimination:**

**A. Any person who believes he or she has been the victim of unlawful discrimination or any person with knowledge or belief of conduct that may constitute unlawful discrimination shall report the alleged acts immediately to an appropriate school district official designated by this policy. The complaint must be filed within 90 calendar days of the alleged violation.**

**B. The Human Rights Officer is responsible for receiving oral or written complaints of unlawful discrimination toward an employee or student. However, nothing in this policy shall prevent any person from reporting unlawful discrimination toward an employee or student directly with the Human Rights Officer, the school board or other school district official.**

**C. The school board hereby designates Timothy Sworsky, 215 N 1<sup>st</sup> Ave E, Duluth, MN 55802, (218) 336-8700 ext. 1062, timothy.sworsky@isd709.org, as the school district Human Rights Officer(s) to receive reports, complaints, or grievances of unlawful discrimination. If the complaint involves a Human Rights Officer, the complaint shall be filed directly with [a different staff member, such as the superintendent or school board chair, designated by the school board].**

**D. Upon receipt of a complaint, the Human Rights Officer shall immediately notify the superintendent. If the superintendent is the subject of the complaint, the Human Rights Officer shall immediately notify the school board.**

**E. The Human Rights Officer may request but not insist upon a written complaint. Alternative means of filing a complaint, such as through a personal interview or by tape recording, shall be made available upon request for qualified persons with a disability. If the complaint is oral, it shall be reduced to writing within 24 hours<sup>2</sup> business days and forwarded to the superintendent. Failure to do so may result in disciplinary action. The school district encourages the reporting party to complete the complaint form for written complaints. It is available from the principal of each building or the school district office.**

**F. The school district shall respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses, consistent with the school district's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligations.**

### **INVESTIGATION**

**A. The Human Rights Officer, upon receipt of a complaint alleging unlawful discrimination shall promptly undertake an investigation if deemed appropriate. The investigation may be conducted by the Title IX coordinator for complaints of sex discrimination or the Section 504 Coordinator for complaints of disability discrimination, or a school district official or neutral third party designated by the Title IX coordinator, Section 504 coordinator or Human Rights Officer. The investigation shall be completed within 30 days of the complaint, unless impracticable.**

**B. 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 other methods deemed pertinent by the investigator.**

**C. In determining whether the alleged conduct constitutes a violation of this policy, the school district shall consider the facts and the surrounding circumstances such as the nature of the behavior, past incidents or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incident occurred.**

**D. The school district may take immediate steps to protect the parties involved in the complaint process, pending completion of an investigation of alleged unlawful discrimination.**

**E. Upon completion of the investigation, the school district investigator shall make a written report to the Human Rights Officer. If the complaint involves the Human Rights Officer, the report may be filed directly with the superintendent or school board. The report shall include the facts, a determination of whether the allegations have been substantiated, whether a violation of this policy has occurred as well as a description of any proposed resolution which may include alternative dispute resolution.**

**F. The district shall comply with federal and state law pertaining to retention of records.**

### **APPEAL**

**If the grievance has not been resolved to the satisfaction of the complainant, s/he may appeal to the Human Rights Officer within ten (10) school days of receipt of the findings of the school district investigation. The school district investigator shall conduct a review of the appeal and within ten (10) school days of receipt of the appeal, shall affirm, reverse, or modify the findings of the report. The decision of the school district investigator is final but does not preclude pursuit of alternative complaint procedures noted in the section entitled "Right to Alternative Compliant Procedures."**

### **SCHOOL DISTRICT ACTION**

**A. Upon conclusion of the investigation and receipt of the findings, the school district shall take appropriate action. If it is determined that a violation has occurred, such action may include, but is not limited to, warning, suspension, expulsion, transfer, remediation or termination.**

**School district action taken for violation of this policy shall be consistent with the requirements of applicable collective bargaining agreements, Minnesota and federal law and school district policies.**

**B. The result of the school district's investigation of each complaint filed under these procedures shall be reported in writing to the complainant by the school district in**

**accordance with state and federal law regarding data or records privacy.**

### **RETALIATION**

**The school district shall take appropriate action against any student, teacher, administrator or other school personnel who retaliates against any person who reports alleged unlawful discrimination toward an employee or student or any person who testifies, assists or participates in an investigation or hearing relating to such unlawful discrimination. Retaliation includes, but is not limited to, any form of intimidation or harassment.**

### **CONFLICT OF INTEREST**

**If there is a conflict of interest with respect to any party affected by this policy, appropriate action shall be taken such as, but not limited to, appointing or contracting with a neutral third party investigator to conduct the investigation or recusal from the process by the person for whom a conflict or potential conflict of interest exists.**

### **DISSEMINATION OF POLICY**

**The school district shall adopt and publish these procedures.**

<b><u>TITLE IX COORDINATOR</u></b>	<b><u>SECTION 504 COORDINATOR</u></b>
<b><u>Darren Sheldon, Principal</u></b>	<b><u>Jeffery Horton, Assistant Superintendent</u></b>
<b><u>ISD 709, HOCHS Room 319</u></b>	<b><u>ISD709, HOCHS Room 203</u></b>
<b><u>215 N 1<sup>st</sup> Ave E</u></b>	<b><u>215 N 1<sup>st</sup> Ave E</u></b>
<b><u>Duluth, MN 55802</u></b>	<b><u>Duluth, MN 55802</u></b>
<b><u>darren.sheldon@isd709.org</u></b>	<b><u>jeffrey.horton@isd709.org</u></b>

### **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 agencies listed below or initiating action in state or federal court.**

**Claims of discrimination may also be pursued through the following agencies where appropriate:**

**U.S. Department of Education**  
**Office for Civil Rights, Region V**  
**500 W. Madison Street – Suite 1475**  
**Chicago, IL 60661**  
**Tel: 312-730-1560**  
**TDD: 312-730-1609**

**MN Department of Human Rights**  
**190 E 5<sup>th</sup> Street**  
**St. Paul, MN 55101**  
**800.657.3704**  
**651.296.5663**

**TDD 651.296.1283**

**For complaints of employment discrimination:**

**Equal Employment Opportunity Commission**

**330 S. 2<sup>nd</sup> Avenue**

**Suite 430**

**Minneapolis, MN 55401**

**800.669.4000**

**612.335.4040**

**TDD 612.335.4045**

**This document provides general information and is not to be a substitute for legal advice. Changes in the law, including timelines for filing a complaint, may affect your rights.**

**Resources:**

**U.S. Department of Education**

**Office for Civil Rights, Region V**

**500 W. Madison Street – Suite 1475**

**Chicago, IL 60661**

**Tel: 312-730-1560**

**TDD: 312-730-1609**

**Reading Room, U.S. Department of Education, Office for Civil Rights:**

**<http://www2.ed.gov/about/offices/list/ocr/publications.html>**

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

**34 C.F.R. Section 104.7(b) (Section 504 of the Rehabilitation Act)**

**34 C.F.R. Section 106.8(b) (Title IX of the Education Amendments of 1972)**

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

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

MSBA/MASA Model Policy 413 (Harassment and Violence)

MSBA/MASA Model Policy 514 (Bullying Prohibition)

MSBA Service Manual, Chapter 13, School Law Bulletin "I" (School Records – Privacy – Access to Data)

New Policy

Replacing: Policy 1090

First Reading: 06-19-2018

Adopted: 07-17-2018

First Reading: 07-16-2019