

**Policy Committee Meeting - Regular School Board Meeting**

Duluth Public Schools, ISD 709

Agenda

Tuesday, August 17, 2021

Historic Old Central High School - Board Room, 2nd Floor

215 N 1st Ave E

Duluth, MN 55802

6:30 PM

**1. AGENDA ITEMS**

**2. POLICIES FOR FIRST READING**

A. Policy 808-COVID-19 Face Covering Policy 2

It is recommended that this policy be deleted with one reading due to the cancellation of the Governor's executive orders.

B. MSBA Model Policy 531 - The Pledge of Allegiance 7

It is recommended that this policy be approved for the first reading.

C. Policy 103 Complaints - Students, Employees, Parents, Other Persons 9

It is recommended that these revisions be approved with one reading due to the small changes.

**3. POLICIES FOR SECOND READING**

**4. REGULATIONS - Informational**

**5. OTHER**

A. Annual Review of Policy 722-Public Data Requests and Public Data Request Form 14

Attached is Policy 722 for annual review. There are not any changes being recommended.

*[Note: The Governor’s Emergency Executive Order 20-81 generally requires Minnesotans to wear a face covering in certain settings and circumstances, including in various school settings. Emergency Executive Order 20-82 states that all Minnesota public schools must adhere to parameters determined by Minnesota Department of Health (“MDH”) in implementing or shifting between in-person learning, hybrid learning and distance learning. MDH’s Safe Learning Plan for 2020-21 and the 2020-2021 Planning Guide for Schools requires school district and charter schools to develop and implement a face covering policy that is clearly posted and communicated to students, staff, families, and potential visitors to the school building. The provisions of this policy substantially reflect the requirements of the 2020-2021 Planning Guide for Schools, Executive Order 20-81, and Executive Order 20-82.]*

*The Minnesota Safe Learning Plan was updated, stating “It is strongly recommended that districts and charter schools require staff to wear face masks and face shields together whenever possible during the school day. School districts and charter schools should strongly consider the following as the only exemptions for their masking and face shield requirement policy.*

*o When staff are serving students in settings where seeing a person’s lips is necessary, staff are strongly encouraged to wear a clear face mask in addition to the required face shield. If they do not have access to a clear face mask, they can choose to only wear the required face shield.*

*o When staff are providing direct services that require close, physical, and prolonged contact, schools should follow MDH’s Guidance for Delivering Direct Student Support Services: Staff Protective Equipment.*

*o When staff are performing duties in which a face mask and a face shield worn together are creating a safety concern (e.g. visual impairment while operating a vehicle, working in a kitchen, lab etc.), staff may choose to only wear the required face mask.”*

*School boards may determine whether to amend this policy in light of these recommendations.]*

## **I. PURPOSE**

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

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

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- A. The policy of the school district is to comply with Executive Order 21-01, 20-103, 20-81, Executive Order 20-82, and applicable face covering requirements from the Minnesota Department of Health and the Minnesota Department of Education.
- B. Face coverings are meant to protect other people in case the wearer does not know they are infected.
- C. Unless an exception described in Part IV below applies, all students, staff, and other people present indoors in school buildings and district offices or riding on school transportation vehicles are required to wear a face covering.
- D. A violation of this policy occurs when any student, staff, or other person present in a school building, in the school district office, or on a school transportation vehicle fails to wear a face covering, unless an enumerated exception applies.

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

- A. A face covering must be worn to cover the nose and mouth completely, should not be overly tight or restrictive, and should feel comfortable to wear. The following are included in the definition of face covering:
  - 1. Paper or disposable mask;
  - 2. Cloth face mask;
  - 3. Scarf;
  - 4. Neck gaiter;
  - 5. Bandana;
  - 6. Religious face covering; and
  - 7. Medical-grade masks and respirators
- B. A face shield is a clear plastic barrier that covers the face and allows visibility of facial expressions and lip movements for speech perception. A face shield should extend below the chin anteriorly, to the ears laterally, and there should be no exposed gap between the forehead and the shield's headpiece.
- C. Masks that incorporate a valve designed to facilitate easy exhaling, mesh masks, or masks with openings, holes, visible gaps in the design or material, or vents are not sufficient face coverings because they allow exhaled droplets to be released into the air.

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

- A. Face coverings should not be placed on anyone under age 2, anyone who has trouble breathing or is unconscious, anyone who is incapacitated or otherwise unable to remove the face covering without assistance, or anyone who cannot tolerate a face covering due to a developmental, medical, or behavioral health condition.

- B. A face shield may be used as an alternative to a face covering in the following situations:
1. A student in grades kindergarten through eighth grade may wear a face shield when wearing a face covering is problematic.
  2. A teacher of any grade level may wear a face shield when wearing a face covering may impede the educational process.
  3. Staff, students, or visitors who cannot tolerate a face covering due to a developmental, medical, or behavioral health condition may wear a face shield instead of a face covering.
  4. Staff providing direct support student services may wear a face shield instead of a face covering when a face covering would impede the service being provided.
- C. Staff, students, and other people present in school buildings or in district offices may temporarily remove their face covering or face shield in the following situations:
1. When engaging in classes or activities conducted outdoors, though people participating in these activities should maintain six feet of distance to the extent possible;
  2. ~~When engaging in indoor physical activity where the level of exertion makes wearing a face covering difficult, though people participating in these activities should maintain six feet of distance to the extent possible;~~
- [Note: The Minnesota Department of Health issued the following on December 16, 2020: “Consistent with Executive Order 20-103, face coverings must be worn at all times during indoor physical activity (e.g., when exercising in a gym, fitness center, or during recess), regardless of the level of physical exertion. Previous guidance allowing face coverings to be removed during high exertion activities is no longer applicable.”]***
2. ~~During activities, such as swimming or showering, where the face covering will get wet~~ specific activities that the Minnesota State High School League has identified as exceptions to mask/face covering requirements.
- [Note: The Minnesota State High School League set forth exceptions pursuant to Executive Order 20-81 in its Mask/Face Covering Guidance and Information].***
3. While receiving a service, including nursing, medical, or personal care services, that cannot be performed or is difficult to perform when the individual receiving the service is wearing a face covering;
  4. Pre-kindergarten students age 5 years and younger participating in programming in a school building or district office;

5. When the wearer needs to remove their face covering to eat or drink, though care should be taken to maintain as much space as possible between people while doing so;
6. During indoor practices or performances involving singing, acting, public speaking, or playing musical instruments where a face covering cannot be used while playing the instrument, though people participating in these activities should maintain six feet of distance to the extent possible;
7. When required by school staff for the purposes of identification;
8. Staff working alone in their offices, classrooms, vehicles, or job locations that have no person-to-person interaction;
9. Staff working in communal spaces that have barriers such as Plexiglas or cubicle walls between employees that are above face level; or
10. When communicating with a person who is deaf or hard of hearing or has a disability, medical condition, or mental health condition that makes communication with a face covering difficult, provided that social distancing is maintained to the extent possible.

## **V. IMPLEMENTATION**

- A. This policy will be conspicuously posted in each school building and administrative office and communicated to students, staff, families, and potential visitors to the school building.
- B. The school district will provide face coverings and/or face shields to employees and students. Employees and students may choose to wear their own face covering as long as it covers the nose and mouth. To the extent practicable, the school district will maintain an extra supply of face coverings for people who forget to bring their face covering.
- C. The school district will teach and reinforce the use of face coverings and/or face shields for students and staff throughout the school day, including on transportation vehicles, inside school buildings, and generally when on school grounds.
- D. Individuals who cannot tolerate a face covering due to a medical condition or disability related condition may be permitted to utilize alternative options such as a face shield or other reasonable accommodation. The Superintendent or designee shall have discretion to determine whether an employee, parent, or community member qualifies for a reasonable accommodation and the accommodation to be provided. For a student with a medical condition or disability, the student's education team (i.e. IEP team, Section 504 team, health plan team) will determine whether the student qualifies for a reasonable accommodation and the accommodation to be provided. As a condition to granting a reasonable accommodation, the school district may require an individual to provide a physician's note and/or other relevant information or with respect to the condition

or circumstance. Requests for reasonable accommodations from the face covering requirement shall be assessed on a case-by-case basis in accordance with applicable federal and state law.

- E. All face coverings shall meet the requirements of applicable dress code policies and/or codes of conduct as written in the student/family handbook.
- F. The school district will make available distance learning to its enrolled students who may be medically vulnerable or otherwise unwilling to return to in-person or hybrid learning.

## VI. ENFORCEMENT; CONSEQUENCES FOR NON-COMPLIANCE

- A. In order to promote the health and safety of employees, students and members of the community, and make available a safe environment that is conducive to learning, compliance with this policy is necessary.
- B. Employees who fail or refuse to comply with this policy may be subject to discipline, as appropriate, up to and including the termination of employment.
- C. Students who fail or refuse to comply with this policy may be subject to discipline or removal from school property. Students unwilling to participate in in-person or hybrid learning in compliance with this policy will be offered distance learning.
- D. **In extreme circumstances, a person may be referred to law enforcement for support in compliance with this important safety measure, and negative consequences could involve a \$100 fine. Any individual who willfully violates Emergency Executive Order 20-81 or 20-82 is guilty of a petty misdemeanor and upon conviction must be punished by a fine not to exceed \$100.** (NOTE: This does not apply to: (1) children younger than 14 years old; or (2) students 14 years old and older who are enrolled in a school identified in Paragraph 12 of Emergency Executive Order 20-81, and who are on the premises of the school for educational purposes).

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

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

Adopted: 8.18.20 – Only required one reading due to pandemic

Revised: 2.23.21 – Only required one reading due to pandemic

Adopted: \_\_\_\_\_

MSBA/MASA Model Policy 531

Orig. 2003

Revised: \_\_\_\_\_

Rev. 2003

## **531 THE PLEDGE OF ALLEGIANCE**

***[Note: Recitation of the Pledge of Allegiance by students and instruction of students as provided in this policy are required by statute. Also, the statement in Part III., below, must be included in the student handbook or a policy guide. A local school board or a charter school board of directors may waive these statutory requirements by a majority vote taken annually. If the local school board or charter school board of directors waives the requirement to recite the Pledge of Allegiance, it may adopt a district or school policy regarding the reciting of the Pledge of Allegiance.]***

### **I. PURPOSE**

The school board recognizes the need to display an appropriate United States flag and to provide instruction to students in the proper etiquette, display, and respect of the flag. The purpose of this policy is to provide for recitation of the Pledge of Allegiance and instruction in school to help further that end.

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

Students in this school district shall recite the Pledge of Allegiance to the flag of the United States of America one or more times each week. The recitation shall be conducted:

- A. By each individual classroom teacher or the teacher's surrogate; or
- B. Over a school intercom system by a person designated by the school principal or other person having administrative control over the school.

### **III. EXCEPTIONS**

Anyone who does not wish to participate in reciting the Pledge of Allegiance for any personal reasons may elect not to do so. Students and school personnel must respect another person's right to make that choice.

### **IV. INSTRUCTION**

Students will be instructed in the proper etiquette toward, correct display of, and respect for the flag, and in patriotic exercises.

**Legal References:** Minn. Stat. § 121A.11, Subd. 3 (Pledge of Allegiance)  
Minn. Stat. § 121A.11, Subd. 4 (Instruction)

**Cross References:**

**First Reading: 08-17-2021**

## **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~~ **Laura Hoffman Hordyk**, 215 N 1<sup>st</sup> Ave E, Duluth, MN 55802, (218) 336-8700 ext. 1062, [timothy.sworsky@isd709.org](mailto:timothy.sworsky@isd709.org) **[laura.hoffmanhordyk@isd709.org](mailto:laura.hoffmanhordyk@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 the Superintendent of Schools.

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 2 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 Complaint 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.

TITLE IX COORDINATOR  
~~Jeffrey Horton~~ Anthony Bonds, Assistant

SECTION 504 COORDINATOR  
~~Jeffrey Horton~~ Anthony Bonds, Assistant

Superintendent  
 ISD 709, HOCHS Room 203  
 215 N 1<sup>st</sup> Ave E  
 Duluth, MN 55802  
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[jeffrey.horton@isd709.org](mailto:jeffrey.horton@isd709.org)  
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## **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  
 540 Fairview Ave N, Ste. 201  
 St. Paul, MN 55104  
 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:

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<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)

Replacing: Policy 1090  
 Adopted: 06-19-2018  
 Revised: 07-17-2018  
 07-16-2019  
**08-20-2019 ISD 709**

**First Reading: 08-17-2021**

## **722 PUBLIC DATA REQUESTS**

### **I. PURPOSE**

The school district recognizes its responsibility relative to the collection, maintenance, and dissemination of public data as provided in state statutes.

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

The school district will comply with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13 (MGDPA), and Minn. Rules Parts 1205.0100-1205.2000 in responding to requests for public data.

### **III. DEFINITIONS**

#### A. Government Data

“Government data” means all recorded information that the school district has, including paper, email, flash drives, CDs, DVDs, photographs, etc.

#### B. Inspection

“Inspection” means the visual inspection of paper and similar types of government data. Inspection does not include printing copies by the school district, unless printing a copy is the only method to provide for inspection of the data. For data stored in electronic form and made available in electronic form on a remote access basis to the public by the school district, inspection includes remote access to the data by the public and the ability to print copies of or download the data on the public’s own computer equipment.

#### C. Public Data

“Public data” means all government data collected, created, received, maintained, or disseminated by the school district, unless classified by statute, temporary classification pursuant to statute, or federal law, as nonpublic or protected nonpublic; or, with respect to data on individuals, as private or confidential.

#### D. Responsible Authority

“Responsible authority” means the individual designated by the school board as the individual responsible for the collection, use, and dissemination of any set of data on individuals, government data, or summary data, unless otherwise provided by state law. Until an individual is designated by the school board, the responsible authority is the superintendent.

#### E. Summary Data

“Summary data” means statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify an individual is

ascertainable.

#### **IV. REQUESTS FOR PUBLIC DATA**

A. All requests for public data must be made in writing directed to the responsible authority. A member of the public may use the Data Request Form (which appears at the end of this policy), or submit a written request which must include the following information:

- Date the request is made;
- A clear description of the data requested, including date spans if applicable;
- Identification of the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and
- Method to contact the requestor (such as phone number, address, or email address).

1. A requestor is not required to explain the reason for the data request.
2. The identity of the requestor is public, if provided, but cannot be required by the government entity.
3. The responsible authority may seek clarification from the requestor if the request is not clear before providing a response to the data request.
4. Written requests for data can be returned several ways:

Email: [data.request@isd709.org](mailto:data.request@isd709.org)  
 Fax: 218-336-8773  
 Mail: ISD 709 – Attn: Business Services  
 215 N 1<sup>st</sup> Ave E, Room 215  
 Duluth, MN 55802  
 In Person: see mail address above

B. The responsible authority will respond to a data request at reasonable times and places as follows:

1. The responsible authority will notify the requestor in writing as follows:
  - a. The requested data does not exist; or
  - b. The requested data does exist but either all or a portion of the data is not accessible to the requestor; or

(1) If the responsible authority determines that the requested data is classified so that access to the requestor is denied, the responsible authority will inform the requestor of the

determination in writing, as soon thereafter as possible, and shall cite the specific statutory section, temporary classification, or specific provision of federal law on which the determination is based.

- (2) Upon the request of a requestor who is denied access to data, the responsible authority shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of federal law upon which the denial was based.
- c. The requested data does exist and provide arrangements for inspection of the data, identify when the data will be available for pick-up, or indicate that the data will be sent by mail. If the requestor does not appear at the time and place established for inspection of the data or the data is not picked up within ten (10) business days after the requestor is notified, the school district will conclude that the data is no longer wanted and will consider the request closed.
2. The school district's response time may be affected by the size and complexity of the particular request, including necessary redactions of the data, and also by the number of requests made within a particular period of time.
3. The school district will provide an explanation of technical terminology, abbreviations, or acronyms contained in the responsive data on request.
4. The school district is not required by the MGDPA to create or collect new data in response to a data request, or to provide responsive data in a specific form or arrangement if the school district does not keep the data in that form or arrangement.
5. The school district is not required to respond to questions that are not about a particular data request or requests for data in general.

## **V. REQUEST FOR SUMMARY DATA**

- A. A request for the preparation of summary data shall be made in writing directed to the responsible authority.
  1. A request for the preparation of summary data must include the following information:
    - a. Date the request is made;
    - b. A clear description of the data requested;
    - c. Identify the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and
    - d. Method to contact requestor (phone number, address, or email

address).

- B. The responsible authority will respond within ten (10) business days of the receipt of a request to prepare summary data and inform the requestor of the following:
1. The estimated costs of preparing the summary data, if any; and
  2. The summary data requested; or
  3. A written statement describing a time schedule for preparing the requested summary data, including reasons for any time delays; or
  4. A written statement describing the reasons why the responsible authority has determined that the requestor's access would compromise the private or confidential data.
- C. The school district may require the requestor to pre-pay all or a portion of the cost of creating the summary data before the school district begins to prepare the summary data.

## **VI. COSTS**

### A. Public Data

1. The school district will charge for copies provided as follows:
  - a. 100 or fewer pages of black and white, letter or legal sized paper copies will be charged at 25 cents for a one-sided copy or 50 cents for a two-sided copy.
  - b. More than 100 pages or copies on other materials are charged based upon the actual cost of searching for and retrieving the data and making the copies or electronically sending the data, unless the cost is specifically set by statute or rule.
    - (1) The actual cost of making copies includes employee time, the cost of the materials onto which the data is copied (paper, CD, DVD, etc.), and mailing costs (if any).
    - (2) Also, if the school district does not have the capacity to make the copies, e.g., photographs, the actual cost paid by the school district to an outside vendor will be charged.
2. All charges must be paid for in cash in advance of receiving the copies.

### B. Summary Data

1. Any costs incurred in the preparation of summary data shall be paid by the requestor prior to preparing or supplying the summary data.
2. The school district may assess costs associated with the preparation of summary data as follows:
  - a. The cost of materials, including paper, the cost of the labor required to prepare the copies, any schedule of standard copying charges established by the school district, any special costs necessary to produce such copies from a machine-based record-keeping system, including computers and microfilm systems;
  - b. The school district may consider the reasonable value of the summary data prepared and, where appropriate, reduce the costs assessed to the requestor.

### **Data Practices Contacts**

#### **Responsible Authority:**

Superintendent  
 215 North First Avenue East, Room 213  
 Duluth, MN 55802  
 Data.Request@isd709.org

#### **Data Practices Compliance Official:**

Chief Financial Officer  
 215 North First Avenue East, Room 215  
 Duluth, MN 55802  
 Data.Request@isd709.org

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

**Cross References:** MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
 MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

New Policy  
 Replacing: Policy 108  
 First Reading: 09-18-2018  
 Adopted: 10-16-2018  
 Reviewed: 10-15-2019  
 Reviewed: 07-21-2020

# DULUTH PUBLIC SCHOOLS - DATA REQUEST FORM



Date of Request: \_\_\_\_\_

Description of requested data (please be specific, include date spans):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Requested method to access data:

Inspection Only: \_\_\_\_\_ Copies Only:\* \_\_\_\_\_ Both Inspection and Copies:\* \_\_\_\_\_

\* **Note:** There will be a cost charged to provide copies of public data

### Contact Information (optional) \*\*

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email address: \_\_\_\_\_

Address: \_\_\_\_\_

\*\* **Note:** You do not have to provide any contact information. However, if you want Duluth Public Schools to mail/email copies of data to you, some type of contact information must be provided. Duluth Public Schools would also need contact information from you if it is necessary to clarify your request. We will not work on such a request until clarified.

**Duluth Public Schools will respond to your request as soon as possible.**

### Written requests for data can be returned several ways:

Email: [data.request@isd709.org](mailto:data.request@isd709.org)

Fax: 218-336-8773

Mail: ISD 709 – Attn: Business Services  
215 N 1<sup>st</sup> Ave E, Room 215  
Duluth, MN 55802

In Person: see mail address above