

Policy Committee Meeting
Duluth Public Schools, ISD 709
Agenda
Thursday, June 13, 2024
District Services Center
709 Portia Johnson Dr.
Duluth, MN 55811
3:30 PM

1. AGENDA ITEMS	
2. POLICIES FOR FIRST READING	
A. 507.5 School Resource Officers (Deletion of 1155 Police Department Relationship & 2035 Police-School Liaison Officers))	2
3. POLICIES FOR SECOND READING	
A. 902 Use of School District Facilities and Equipment (Deletion of 1130, 1130.1R, 1130.2R, 1130.3R, 1130.4R)	7
B. 205 Open Meetings and Closed Meetings	25
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D. 211 Criminal or Civil Action Against School District, School Board Member, Employee, or Student	53
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A. 204 School Board Meeting Minutes	59
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6. OTHER	

Adopted: _____

MSBA/MASA Model Policy 507.5

Orig. 2024

Revised: _____

507.5 SCHOOL RESOURCE OFFICERS

[Note: The provisions of this policy substantially reflect statutory requirements. School districts utilizing school resource officers may choose to adopt this policy.]

I. PURPOSE

The purpose of this policy is to establish the contractual duties and training requirements of a school resource officer.

II. GENERAL STATEMENT OF POLICY

The school district, upon securing the services of one or more school resource officers, is committed to establishing the qualifications and duties required of these officers. Any contract for the services of a school resources officer with the school district must meet the requirements of this policy.

III. DEFINITIONS

- A. "School" means an elementary school, middle school or secondary school, as defined in Minnesota Statutes, section 120A.05, subdivisions 9, 11, and 13.
- B. "School Resource Officer" means a peace officer who is assigned to work in an elementary school, middle school, or secondary school during the regular instructional school day as one of the officer's regular responsibilities through the terms of a contract entered between the peace officer's employer and the designated school district or charter school.

IV. CONTRACTUAL DUTIES

- A. A school resource officer's contractual duties with the school district shall include:
 - 1. fostering a positive school climate through relationship building and open communication;
 - 2. protecting students, staff, and visitors to the school grounds from criminal activity;
 - 3. serving as a liaison from law enforcement to school officials;
 - 4. providing advice on safety drills;
 - 5. identifying vulnerabilities in school facilities and safety protocols;
 - 6. educating and advising students and staff on law enforcement topics; and,
 - 7. enforcement of criminal laws.
- B. The school district may contract with a school resource officer's employer for the officer to perform additional duties to those described in paragraph IV.A.
- C. A school resource officer must not use force or the authority of their office solely to

enforce school rules or policies or participate in the enforcement of discipline for violations of school rules.

- D. Nothing in this Article limits any other duty or responsibility imposed on peace officers; limits the expectation that peace officers will exercise professional judgment and discretion to protect the health, safety, and general welfare of the public when carrying out their duties; or creates a duty for school resource officers to protect students, staff, or others on school grounds that is different from the duty to protect the public as a whole.

V. TRAINING

- A. Except as provided for in paragraphs V.B., V.C., and V.D. below, beginning September 1, 2025, a peace officer assigned to serve as a school resource officer must complete a training course that provides instruction on the learning objectives identified in Minnesota Statutes, section 626.8482, subdivision 4 prior to assuming the duties of a school resource officer.
- B. A peace officer who has completed either the School Safety Center standardized Basic School Resource Officer Training or the National School Resource Officer Basic School Resource Officer course prior to September 1, 2025, must complete the training mandated under paragraph V.A. above before June 1, 2027. A peace officer covered under this paragraph may complete a supplemental training course approved by the board pursuant to Minnesota Statutes, section 626.8482, subdivision 4, paragraph (b), to satisfy the training requirement.
- C. If an officer's employer is unable to provide the required training course to the officer prior to the officer assuming the duties of a school resource officer, the officer must complete the required training within six months of assuming the duties of a school resource officer. The officer is not required to perform the duties described in Minnesota Statutes, section 626.8482, subdivision 2, paragraph (a), clause (4) or (5), until the officer has completed the required training course. The officer must review any policy adopted by the officer's employer pursuant to section 626.8482, subdivision 6 before assuming the other duties of a school resource officer and must comply with that policy.
- D. An officer who is serving as a substitute school resource officer for fewer than 60 student contact days within a school year is not obligated to complete the required training or perform the duties described in Minnesota Statutes, section 626.8482 subdivision 2, paragraph (a), clause (4) or (5), but must review and comply with any policy adopted pursuant to subdivision 6 by the law enforcement agency that employs the substitute school resource officer.
- E. For each school resource officer employed by an agency, the chief law enforcement officer must maintain a copy of the most recent training certificate issued to the officer for completion of the training mandated under this section.

Legal References: Minn. Stat. § 120A.05, subds. 9, 11, and 13 (Definitions)
Minn. Stat. § 123B.02, subd. 25 (General Powers of Independent School Districts – School Resource Officers)
Minn. Stat. § 626.8482 (School Resource Officers; Duties; Training; Model Policy)

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)

MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
MSBA/MASA Model Policy 506 (Student Discipline)

~~1155 — POLICE DEPARTMENT RELATIONSHIP~~

~~The schools have an obligation to cooperate with police officers in law enforcement and crime prevention. A cooperative climate shall be maintained between School District officials and law enforcement agencies. The schools also have an obligation to protect the legal rights of children who are in their charge. The purpose of this statement of policy is to clarify the responsibility of the principal when police officers want to interrogate a pupil in the course of their investigation of some violation of the law or wish to take a pupil into custody.~~

- ~~1. When a regular Duluth police officer, in the line of duty, makes a demand that a pupil accompany him to police headquarters for questioning, this constitutes technical arrest, and no teacher or principal has a right to interfere. Full responsibility is assumed by the arresting officer. The principal should notify the parents promptly. The arresting officer shall sign a form signifying that he is taking the student into custody.~~
- ~~2. This policy shall apply only to regular officers of the Duluth Police Department. No child shall be surrendered to a "special police officer" serving a private organization. There are circumstances under which a peace officer from some other jurisdiction can make an arrest even without a warrant. If an officer from outside Duluth seeks to arrest a pupil without a warrant, the principal should immediately notify the Duluth Police Department, which will send one of its own officers to make the actual arrest.~~
- ~~3. Agents of the Federal Government, Postal Inspectors, Treasury agents, and agents of the Federal Bureau of Investigation also have the power of arrest. Normally, their contacts with the school will be for the purpose of investigation, and they cooperate with the local police in making arrests. However, on occasion this authority may be exercised directly, and when they feel it necessary to take a student into their custody, they should sign a blank stating this and leave it with the school.~~
- ~~4. A student may be questioned by a police officer at the school in the presence of the principal or some person designated by him. The same opportunity shall be given to members of the Arson Squad, the sheriff or his deputy, and agents of the Federal Government.~~
- ~~5. Occasionally, other kinds of requests may be made by a police officer. Examples are: requesting a child to be a witness, or requesting that a child accompany the officer to the scene of a crime. The parent should be contacted before granting such requests unless it is established that the parent or guardian has given written consent.~~

~~Adopted: 06-09-1970 ISD 709~~

~~Revised: 06-20-1995 ISD 709~~

~~2035 POLICE SCHOOL LIAISON OFFICERS~~

~~For the positions of Police School Officers, when mutually agreed upon by the School District and the City of Duluth, the candidates shall be selected by the Chief of Police, recommended by the Superintendent of Schools, and approved by the School Board. The principal of the school affected will consult with the Superintendent relative to the recommendation being made. It must be understood by all parties involved in the selection process of Police School Liaison Officers that the office must have a particular interest in children and an aptitude for working with them.~~

~~Adopted: 06-09-1970 ISD 709~~

~~Revised: 06-20-1995 ISD 709~~

902 USE OF SCHOOL DISTRICT FACILITIES AND EQUIPMENT

I. PURPOSE

The purpose of this policy is to provide guidelines for community use of school facilities and equipment.

II. GENERAL STATEMENT OF POLICY

The school board encourages maximum use of school facilities and equipment for community purposes if, in its judgment, that use will not interfere with use for school purposes.

III. SCHEDULED COMMUNITY EDUCATION CLASSES AND ACTIVITIES

- A. The school district administration shall be charged with the process of scheduling rooms and special areas for community education classes and activities planned to be offered during each session.
- B. Procedures for providing publicity, registration, and collection of fees shall be the responsibility of the school district administration.
- C. Registration fees may be structured to include a pro-rata portion of costs for custodial services that may be needed.

IV. GENERAL COMMUNITY USE OF SCHOOL FACILITIES

- A. The school board may authorize the use of school facilities by community groups or individuals. It may impose reasonable regulations and conditions upon the use of school facilities as it deems appropriate. The district may also reject requests or cancel permits for facility use for any reason deemed to not align with ISD 709 policies, values, or set requirements.
- B. Requests for use of school facilities by community groups or individuals shall be made through the school district community education office. The district will present recommended procedures for the processing and review of requests to the school board. Upon approval by the school board, such procedures shall be an addendum to this policy.
- C. The school board may require a rental fee for the use of school facilities. Such fee may include the cost of custodial, technician, and supervisory service if deemed necessary. This fee may also be reviewed and adjusted annually. It may also require a deposit or surety bond for the proper use and repair of damage to school facilities. A rental fee schedule, deposit or surety bond schedule, and payment procedure shall be presented for review and approval by the school board.

- D. When emergencies or unusual circumstances arise that necessitate rescheduling the use of school facilities, every effort will be made to find acceptable alternative meeting space.
- E. ISD 709 Group Classification and Priority List
 - a. Class I
 - i. 709 District Groups
 - ii. School sponsored Pre-K – 12 programs, classes, co-curricular activities, meetings
 - iii. Community Education Programming
 - iv. Duluth Pre-School
 - v. Early Childhood and Family Education
 - vi. Professional Development
 - vii. KeyZone – district affiliated after school programming
 - viii. PTO/PTA groups
 - ix. District affiliated athletic booster clubs

Class I users shall not be required to pay a facility use fee, but they may be required to reimburse the District for staff costs or other expenses directly attributable to the activity. ISD 709 Employees are not permitted to rent District space to conduct activities for their own private profit.

- b. Class II - Subject to fees
 - i. Non-profit, tax-exempt youth community groups and organizations with at least 70% ISD 709 resident participants.
 - ii. Scout groups, 4-H, Duluth Community School Collaborative, Valley Youth Center
 - iii. District Area Athletic Associations (serving youth aged 18 and under)
 - iv. Groups sponsored by the City of Duluth, St. Louis County, State of Minnesota, or any federal government group.
 - v. Non-profit, tax-exempt community groups related to political groups (caucuses, polling, or elections), but not to host events that charge admission or are fundraising in nature.
 - vi. Duluth based colleges and universities.
- c. Class III - Subject to fees
 - i. Non-profit, tax-exempt groups and organizations within ISD 709 district boundaries that use school facilities for events to raise money and/or charge admission (youth athletic tournaments, fundraisers). This does not include charging admission to cover direct activity expenses.
 - ii. Other non-profit, tax-exempt organizations and businesses, as well as, residents, and neighborhood groups within ISD 709 district boundaries.
 - iii. Duluth based private and charter schools, religious groups, and groups containing less than 70% ISD 709 serving resident participants.
 - iv. Non-Duluth based non-profits, schools, colleges and

universities, youth sport and athletic associations.

- d. Class IV - Subject to fees
 - i. Commercial and for-profit groups and individuals

V. USE OF SCHOOL EQUIPMENT

The administration will present a procedure to the school board for review and approval regarding the type of equipment that is available for community use, the extent to which it may be utilized, and the manner by which it may be scheduled for use and any charges to be made relating thereto. Upon approval of the school board, such procedure shall be an addendum to this policy.

VI. RULES FOR USE OF FACILITIES AND EQUIPMENT

The school board expects members of the community who use facilities and equipment to do so with respect for school district property and an understanding of proper use. Individuals and groups shall be responsible for damage to facilities and equipment. A certificate of insurance may be required by the school district to ensure payment for these damages and any liability for injuries. The district will determine the need for provided insurance based on risk assessment of the activity and size of permitted groups. Insured individuals, groups and/or organizations that are not ISD 709 school or district affiliated groups should provide proof of liability insurance and submit a Certificate of Insurance verifying liability insurance covering up to \$1,000,000 prior to use of district facilities.

Legal References: Minn. Stat. § 123B.51 (Schoolhouses and Sites; Uses for School and Nonschool Purposes; Closings)

Cross References: MSBA/MASA Model Policy 801 (Equal Access to School Facilities)
MSBA/MASA Model Policy 901 (Community Education)
902R Facilities Use Guide ISD 709

Replacing: Policies 1130, 1130.1R, 1130.2R, 1130.3R, 1130.4R
First Reading: 05.07.24
Second Reading:
Adopted:

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Replacing: Policies 1130, 1130.1R, 1130.2R, 1130.3R, 1130.4R

First Reading:

Second Reading:

Adopted:

~~1130—GENERAL USE OF SCHOOL FACILITIES~~

~~The School Board, being aware of the large capital investment the community has in school facilities, has determined that the community should receive maximum return for this investment. The introduction of the community education program has been made in pursuit of this objective. The policy is further extended to the use of school buildings and facilities by community groups in the promotion of school, civic, or social goals, at no charge, subject to the following conditions:~~

- ~~1. The requirements of the school program will receive priority in the assignment of school facilities.~~
- ~~2. School related organizations, such as parent teacher student organizations and professional educational organizations will be given priority over non related organizations.~~
- ~~3. The community education program will take precedence over non educational programs.~~
- ~~4. Approved student groups will be given priority over adult groups.~~
- ~~5. Regular building custodial personnel are on duty and performing normal in-session activities.~~

~~School equipment may be used by non-school organizations or individuals. Removal of school equipment from buildings to which assigned, to be used for non-school purposes, is not authorized. Requests for equipment to be used shall be made when applying for building permit and noted thereon. A charge will be made for audio-visual equipment as listed in the auditorium fee schedule.~~

~~School facilities will be available for use on Saturdays, Sundays, or holidays. Any permits issued for buildings which are not staffed with custodial personnel at the time requested, will have a usage fee charged for said services. Any group utilizing school facilities must maintain proper and sufficient supervision of the group to ensure continuance of their permit authorization. The building principal and the Community Education Coordinator, in cooperation with the building engineer, will make final determination of adequacy of supervision. If supervision is determined to be inadequate by an agent of the School District, the use permit may be revoked.~~

~~Adopted: 06-09-1970 ISD 709~~

~~Revised: 09-26-1972~~

~~07-18-1978~~

~~08-10-1982~~

~~12-11-1984~~

~~06-20-1995 ISD 709~~

~~1130.1R USE OF SCHOOL FACILITIES INFORMATION – APPLICATION FOR USE OF SCHOOL BUILDING~~

~~Applications for use of buildings and grounds may be obtained at the facility being requested.~~

~~The application must be completed in full and must be signed by at least one adult supervisor and be submitted to the principal and Community Education Office for approval. Such application must be filed at least two days prior to the date requested and at least five days prior when overtime is involved.~~

~~Users of school facilities may be subject to rental fees as determined by the School Board and published in a separate fee schedule.~~

Meeting Place

~~Users must strictly adhere to rules prohibiting the overcrowding of rooms. It will be necessary for all schools to schedule, in advance, the use of their buildings for all school activities to eliminate potential scheduling problems with outside agencies/groups desiring building usage. Schedules of school related events must be submitted to the Community Education office.~~

Regular Meetings and Hours

~~Applications should be made quarterly for use of rooms/facilities for regular meetings.~~

Activities

~~No charge shall be made to the following groups for use of schools on week nights during the school year: regular scouting activities, PTSAs, community clubs, adult community groups, and adult education. Permits will be allowed where there is no conflict with regular school activities. When extra custodial staffing or overtime is required, such costs shall be charged to the program or activity incurring such cost.~~

~~A request for use of a facility, unusual in either character or length of time, shall be submitted to the Superintendent or the Community Education Coordinator for consideration.~~

~~Approved: 06-26-1972 ISD-709~~

~~Revised: 07-18-1978~~

~~08-10-1982~~

~~12-11-1984~~

~~06-20-1995 ISD-709~~

~~1130.2R — USE OF SCHOOL FACILITIES~~

General Regulations

~~No group or organization may sublet use of a building/facility to any other group. Responsibility and liability for injury to persons or damage to School Board property shall be assumed by the organization or individual signing the application.~~

~~Any non-school group using the facilities or building and charging admission or requesting donations shall be subject to a rental fee. Any non-school adult group that pays a fee to another organization will be subject to a rental fee. Permits for use of buildings and facilities on Saturdays, Sundays, holidays and recess periods when school is not in session may be issued upon approval of the principal and Community Education Office. Maximum participation and utilization of buildings and facilities shall be made. Specific attendance requirements shall be determined for special areas such as gymnasiums, swimming pools, lunchrooms, and kitchen facilities.~~

~~When school is not in session during summer recess periods, all requests for building usage shall be processed by the Community Education Office, Central Administration Building. Groups originating outside the boundaries of the School District, requesting school facility usage, shall be charged a usage fee. Permit holders shall be responsible persons at least eighteen (18) years of age. Recreational leaders and instructors must be responsible and qualified individuals. No leader may place a substitute in charge of a group without securing approval from the principal and Community Education Coordinator.~~

~~Attendance shall be based upon the nature of the activity and the facilities used, as stated in the permit. Maximum utilization of school facilities shall be considered when granting a permit. Any group holding a blanket permit for use of school facilities that fails to appear for two (2) consecutive periods, may forfeit the remainder of the permit at the discretion of the principal and/or the Community Education Coordinator. A permit may be canceled by the principal and/or the Community Education Coordinator due to conduct, infractions of rules, or security procedures.~~

~~The custodian-engineer on duty shall supervise the operation of the physical plant and shall not be required to supervise groups or activities. Users will adhere to specific rules for use of special areas such as gymnasiums, swimming pools, kitchen and lunchroom facilities. Buildings shall be vacated by the time specified on the building permit. Activities must be concluded in time to provide clearance of the buildings by the time specified on building use permit or overtime charges will be incurred.~~

~~Flags, other than the United States and the State of Minnesota, cannot be displayed at any time on the school buildings or grounds or within the building except on special permission of the Superintendent of Schools. The United States flag should not be removed from any building, room or facility in which it is displayed.~~

~~The use of golf clubs, golf balls, and hard baseballs is limited to designated areas of school grounds and in school buildings. Permit holders are required to pay for necessary policing and for any damages to bleachers or grounds other than normal wear and tear as determined by the School Board. Use of school physical education equipment, athletic equipment, and supplies shall be permitted. Use of apparatus is permitted only when a qualified instructor is present.~~

~~Audio-visual equipment shall be operated only by individuals certified by the Media Services Department, such as audio-visual cadets.~~

~~Smoking is not permitted in school buildings or on school grounds.~~

~~In conformity with the Uniform Fire Code Article 26, Section 26.106, all decorations used in places of public assembly (classroom, auditoriums, etc.) shall be fireproof materials or sprayed with a fireproof solution. Approval for the use of any decorations shall be obtained from the building engineer prior to the use of and installation of said items.~~

~~Alcoholic beverages are not permitted on school premises. Gambling is not allowed on school property, except for the purpose of raffles as allowed within MN Statute 609.761 sub. 5, and guidelines set forth by the Duluth Public Schools. All raffles must be pre-approved by the Director of Business Services or his/her designee.~~

School Activities Conducted After the Close of the Regular School Day

~~The principal may reserve any part of a school building or grounds for school purposes. Permits shall be required but no limit to the number of meetings will be set for those activities considered part of regular school program. The facility or building must be open and the approval of the principal and the Community Education Office must be obtained. An activity supervisor must be present from the time of entry into the facility until the time of departure of the group. Permits for non-school activities will be processed on a quarterly basis.~~

~~Principals or designated employees of the School District are permitted to use the building without charge after school hours, Saturdays, and Sundays for committee, small group meetings, or School District sponsored co-curricular activities, such groups not to exceed fifteen (15) persons. Regular permit procedures shall apply. The principal or designated employee as identified on the permit shall be subject to the following conditions:~~

- ~~1. Principals or designated employees of the School District shall assume responsibility for securing of the building at the conclusion of such activity.~~
- ~~2. If the building is not secured properly and it is necessary to call an engineer back, the charges for the engineer shall be assessed to the department or individual assuming responsibility for opening the building.~~
- ~~3. Areas that have been used under this procedure shall be left in a condition that will accommodate the program designated for that location on the following day.~~

~~The engineer or a member of the maintenance staff need not be present. The use of the building will be entered on the Building Use Schedule. For groups larger than fifteen (15) persons, the regular permit procedure will apply.~~

Parent Teacher Student Association Meetings

~~Parent Teacher Student Associations and their subdivisions are required to obtain building use permits but shall not be required to pay a rental fee, unless a building is not staffed or overtime charges are incurred. It is recommended that PTSA meetings be scheduled when the building is staffed by the regular custodial staff.~~

~~Approved: 06-26-1972 ISD-709~~

~~Revised: 07-18-1978~~

~~08-10-1982~~

~~12-11-1984~~

~~06-20-1995~~

~~10-18-2005 ISD-709~~

~~1130.3R USE OF SPECIFIC AREAS—SWIMMING POOLS~~

~~Maximum number using pool facility is limited to fifty (50).~~

~~Any clean swimsuit (except wool) may be worn. Cut-offs, shirts, blouses and casual wear shorts are not permitted.~~

~~Participants shall provide their own towels. Mixed groups shall have a male and female adult supervisor in attendance.~~

~~Time allotment in the pool shall be limited to a maximum of one (1) hour. One half (½) hour will be allowed for showering and dressing.~~

~~Permission for use of any foreign objects in the pool shall be granted only when necessary for training which leads to certification or for classes offered by the School District. Approval shall be obtained in advance from the principal and Community Education Coordinator.~~

~~The following rules shall be adhered to by all groups using pool facilities:~~

- ~~1. Take a hot soap shower, without suit, before and after swimming.~~
- ~~2. Use lavatories before swimming.~~
- ~~3. Remove bandages, plasters, tape, bobby pins, and gum before entering pool.~~
- ~~4. Enter and leave the water at lifeguard's request.~~
- ~~5. Avoid all forms of dangerous activities including running, pushing, "dunking," throwing objects, and hanging on diving board.~~
- ~~6. Remain out of the diving area while diving board is used.~~
- ~~7. Wait until others are out of the diving area before completing a dive.~~
- ~~8. Stay off diving board when occupied by another person. Take only one bounce when diving.~~
- ~~9. Swim straight out of diving area after completing a dive.~~
- ~~10. Report illness or injury to lifeguard or swimming instructor.~~
- ~~11. Stay in pool area suited to swimmer's ability or area designated by lifeguard or swimming instructor.~~
- ~~12. If assigned to a buddy, partner, or group, stay with the person or group until dismissed.~~
- ~~13. Persons with long hair are required to wear swim caps.~~
- ~~14. The use of gum, food, and drinks of any kind in the pool area is prohibited and shall be enforced by the lifeguard. The attendant will supervise the locker and shower areas for safety and cleanliness.~~
- ~~15. The lifeguard shall allow the use of approved equipment in the pool. Inner tubes and other inflated objects, towels, and metal objects are not permitted.~~
- ~~16. The lifeguard shall not allow more than fifty (50) swimmers in the swimming pool.~~
- ~~17. There shall be one lifeguard for every twenty-five (25) swimmers.~~
- ~~18. The lifeguard will allow the use of diving bricks, rings, flutter boards, and swimming fins as part of the regular instruction. Goggles, aqua lungs, skin diving equipment and snorkels shall be used only when qualified instructors are present and preliminary approval granted.~~
- ~~19. A first-aid kit shall be available for preliminary first aid.~~
- ~~20. Feats of daring, exhibition, rowdiness, and spouting of water are prohibited.~~

~~Telephones in pool areas are provided for EMERGENCY use only.~~

~~Group or individuals using the pool and/or gym are responsible for their own valuables.~~

~~Duties and Responsibilities of Lifeguard and/or Attendant~~

~~The lifeguard shall be dressed appropriately for swimming with official insignia on suit for identification.~~

~~The lifeguard, while on duty, shall not give swimming instructions.~~

~~The lifeguard, while on duty, shall not go into the water except to perform a rescue operation.~~

~~The lifeguard, while on duty, shall be responsible for the safety of the swimmers and shall never leave the pool area. An attendant shall collect fees, inspect swimmers, and take roll, when necessary. In an emergency all participants shall get out of the water and follow lifeguard's instructions.~~

~~During swimming time, the lifeguard or instructor shall be so located that he/she has an unobstructed view of the entire pool area.~~

~~The lifeguard shall check the lifesaving equipment periodically to determine if it is serviceable, properly racked, and placed in pool area.~~

~~The lifeguard shall check pool area and diving board for safe conditions before allowing swimmers into pool area.~~

~~The attendant shall require all swimmers to report to lifeguard or instructor before entering pool area. Swimmers are subject to any rules and regulations deemed necessary for the good and safety of all.~~

~~The lifeguard or attendant shall make foot checks periodically.~~

~~The lifeguard and attendant shall enforce rules of cleanliness, sanitation, safety, and conduct.~~

~~The lifeguard shall see that lifesaving equipment is not used for play purposes.~~

~~The lifeguard shall see that the exits are not locked when swimmers are using dressing and shower facilities and/or swimming pool.~~

~~The lifeguard shall see that a telephone or signaling device is available for the lifeguard or instructor to summon help in cases of emergency.~~

~~Kitchen and Cafeteria Facilities~~

~~The principal and Community Education Coordinator will grant permission for the use of cafeterias. The organization/individual will pay for any damages. All machinery and technical equipment shall be operated by regular food service employees at the expense of the organization.~~

~~Child Nutrition personnel employed by the renting organization shall be reimbursed at a rate of pay determined by the School Board.~~

~~Banquets or special dinners may be served in the school cafeterias for school-related functions. The cost of these services shall be paid by the group using said facilities.~~

~~All federal, state, and St. Louis County Health Department rules and regulations governing food service shall be adhered to.~~

~~The permit holder shall comply with the following restrictions:~~

- ~~1. No home-canned products including vegetables, meat, poultry, fish or shellfish, or homemade sausage shall be sold or served.~~
- ~~2. None of the following potentially hazardous food shall be prepared in private homes and brought into school buildings for consumption:~~
 - ~~a. Casseroles containing meat, fish or poultry.~~
 - ~~b. Baked ham, roasted poultry, roasted pork.~~
 - ~~c. Salads and sandwiches containing meat, fish, poultry or eggs.~~
 - ~~d. Milk-based cream pies, including banana cream, Boston cream, butterscotch, chocolate, coconut cream or other milk-based mixtures.~~
 - ~~e. Custard-filled pastries including éclairs and cream puffs or other custard filled products.~~
- ~~3. Dishes and silverware of the cafeteria may be used. However, it shall be the responsibility of the organization, under the direction of the food service personnel, to return, clean, and store items in the same manner as before usage.~~

~~Regular School Libraries~~

~~School libraries are geared to school curriculum and not general public use. Should a community feel it important to open a local school library, the following usage procedure is required:~~

- ~~1. A request for library facility usage shall be filed with the principal and Community Education Coordinator and coordinated with the school librarian.~~
- ~~2. A trained person shall be on duty at all times.~~
- ~~3. Any person checking materials out of the library shall be identified by name, address telephone number.~~
- ~~4. Any individual, group, or organization shall be responsible for replacing any materials lost, damaged or destroyed during use of the library facility.~~

~~School Grounds and Athletic Fields~~

~~Application for the use of playgrounds and athletic fields shall be made in the same manner as for the use of buildings and facilities.~~

~~The applicant shall provide police and/or fire supervision for those activities where it is deemed necessary by the Community Education Coordinator.~~

~~There will be no charge for the use of elementary and secondary school grounds. Rental charges for the use of Public Schools Stadium shall be determined by the School Board.~~

~~Professional contests shall not be played on school athletic fields or playgrounds without School Board approval.~~

Industrial Arts Facilities

~~The industrial arts teacher shall be responsible for all equipment in an industrial arts facility.~~

~~Programs using industrial arts facilities shall be approved by the Community Education Office.~~

Gymnasiums

~~Gymnasiums may be used by organizations for recreation and instruction purposes. 1.~~

~~No instructor, member of a gymnasium class, or visitor shall be permitted on the playing portion of the floor wearing street shoes.~~

~~2. Each leader shall use reasonable caution to see that snow, water, or dirt are removed from shoes before admittance to the gymnasium.~~

~~3. Each leader shall be held responsible for enforcement of all safety and security regulations.~~

~~4. Each leader shall conduct only those gymnasium activities that are meaningful and within the physical capabilities of the students/adults expected to perform them.~~

~~5. Use of School District owned physical education and athletic equipment and supplies will be permitted if authorized by the principal or Community Education Coordinator.~~

~~6. Use of physical education apparatus is permitted only when a leader competent to instruct in its use is present and use has prior approval of the principal or Community Education Coordinator.~~

~~Approved: 06-26-1972 ISD-709~~

~~Revised: 07-18-1978~~

~~08-10-1982~~

~~12-11-1984~~

~~06-20-1995 ISD-709~~

~~1130.4R USE OF SCHOOL FACILITIES—CUSTODIAL CHARGES~~

~~Whenever extra custodial costs are generated by programs taking place in the schools, such costs shall be billed to the department involved. The following classifications designate specific departmental codes to be charged for various activities requiring extra staff. Building permits for activities requiring extra custodial staffing which are not related to the regular school program shall receive final approval from the Community Education Office. Custodial costs for activities not part of the regular K-12 program shall be billed to Community Education.~~

~~The groups listed below will pay a facility usage fee only when it is necessary to add extra staff or overtime is incurred during evening, weekend, and holiday hours. If a group charges admission or requests donations for any activity, they shall be charged a usage fee. Approval for usage and fee assessments shall be determined by the Community Education Office. Such groups include:~~

-Churches	-Community Clubs	-PTA/PTSA Activities
-Caucuses	-Dance Studios	-Scouting Activities
-City Council	-Elections	-YMCA
-Civil Service Board	-Hockey Programs	-Youth Basketball
-Commercial Use	-Political Conventions	-YWCA
-Community Adult Activities	-Pow Wows	

Operations

~~The cost of extra custodial staffing will be charged to the building operations for school sponsored programs and school related activities with the approval of the principal.~~

-Basketball Games	-Inservice	School Activities
-Dances	-Lock-In Elementary	Speech Meets
-High School Football	-Plays	Swim Teams

Summer School

~~Custodial staff costs for the summer school gym and swim program will be charged to the summer school budget.~~

Child Nutrition

~~The Child Nutrition Department shall pay its proportionate share of custodial staff costs.~~

~~Approved: 06-26-72 ISD 709~~

~~Revised: 07-18-78~~

~~08-10-82~~

~~12-11-84~~

~~06-20-95 ISD 709~~

205 OPEN MEETINGS AND CLOSED MEETINGS

I. PURPOSE

- A. The school board embraces accountability and transparency in the conduct of its business, in the belief that openness produces better programs, more efficient administration of programs, and an organization more responsive to public interest and less susceptible to private interest. The school board shall conduct its business under a presumption of openness. At the same time, the school board recognizes and respects the privacy rights of individuals as provided by law. The school board also recognizes that there are certain exceptions to the Minnesota Open Meeting Law as recognized in statute where it has been determined that, in limited circumstances, the public interest is best served by closing a meeting of the school board.
- B. The purpose of this policy is to provide guidelines to assure the rights of the public to be present at school board meetings, while also protecting an individual's rights to privacy under law, and to close meetings when the public interest so requires as recognized by law.

II. GENERAL STATEMENT OF POLICY

- A. Except as otherwise expressly provided by statute, all meetings of the school board, including executive sessions, shall be open to the public.
- B. Meetings shall be closed only when expressly authorized by law.

III. DEFINITION

"Meeting" means a gathering of at least a quorum of school board members—or quorum of a committee or subcommittee of school board members, at which members discuss, decide, or receive information as a group on issues relating to the official business of the school board. The term does not include a chance or social gathering or the use of social media by members of a public body so long as the social media use is limited to exchanges with all members of the general public. For purposes of the Open Meeting Law, social media does not include e-mail.

IV. PROCEDURES

A. Meetings

1. Regular Meetings

A schedule of the regular meetings of the school board shall be kept on file at the school district office. If the school board decides to hold a regular meeting at a time or place different from the time or place stated in its regular meeting schedule, it shall give the same notice of the meeting as for a special meeting.

2. Special Meetings

- a. For a special meeting, the school board shall post written notice of the date, time, place, and purpose of the meeting on the principal bulletin board of the school district or on the door of the school board's usual meeting room if there is no principal bulletin board. The school board's actions at the special meeting are limited to those topics included in the notice.
- b. The notice shall also be mailed or otherwise delivered to each person

who has filed a written request for notice of special meetings. This notice shall be posted and mailed or delivered at least three days before the date of the meeting.

- c. As an alternative to mailing or otherwise delivering notice to persons who have filed a written request, the school board may publish the notice once, at least three days before the meeting, in the official newspaper of the school district or, if none, in a qualified newspaper of general circulation within the area of the school district.
- d. A person filing a request for notice of special meetings may limit the request to particular subjects, in which case the school board is required to send notice to that person only concerning those particular subjects.

3. Emergency Meetings

- a. An emergency meeting is a special meeting called because of circumstances that, in the school board's judgment, require immediate consideration.
- b. If matters not directly related to the emergency are discussed or acted upon, the minutes of the meeting shall include a specific description of those matters.
- c. The school board shall make good faith efforts to provide notice of the emergency meeting to each news medium that has filed a written request for notice if the request includes the news medium's telephone number.
- d. Notice of the emergency meeting shall be given by telephone or any other method used to notify the members of the school board.
- e. Notice shall be provided to each news medium which has filed a written request for notice as soon as reasonably practicable after notice has been given to the school board members.
- f. Notice shall include the subject of the meeting.
- g. Posted or published notice of an emergency meeting shall not be required.
- h. The notice requirements for an emergency meeting as set forth in this policy shall supersede any other statutory notice requirement for a special meeting that is an emergency meeting.

4. Recessed or Continued Meetings

If a meeting is a recessed or continued session of a previous meeting, and the time and place of the meeting was established during the previous meeting and recorded in the minutes of that meeting, then no further published or mailed notice is necessary.

5. Closed Meetings

The notice requirements of the Minnesota Open Meeting Law apply to closed meetings.

6. Actual Notice

If a person receives actual notice of a meeting of the school board at least twenty-four (24) hours before the meeting, all notice requirements are satisfied with respect to that person, regardless of the method of receipt of notice.

7. Meetings during Pandemic or Chapter 12 Emergency

In the event of a health pandemic or an emergency declared under Minnesota Statutes chapter 12, a meeting may be conducted by telephone or interactive technology in compliance with Minnesota Statutes section 13D.021.

8. Meetings by Interactive Technology

A meeting may be conducted by interactive technology, Zoom, Skype, or other similar electronic means in compliance with Minnesota Statutes section 13D.02.

B. Votes

The votes of school board members shall be recorded in a journal or minutes kept for that purpose. The journal or any minutes used to record votes of a meeting must be open to the public during all normal business hours at the school district's administrative offices.

C. Written Materials

1. In any open meeting, a copy of any printed materials, including electronic communications, relating to the agenda items of the meeting prepared or distributed by or at the direction of the school board or its employees and distributed to or available to all school board members shall be available in the meeting room for inspection by the public while the school board considers their subject matter.
2. This provision does not apply to materials not classified by law as public, or to materials relating to the agenda items of a closed meeting.

D. Open Meetings and Data

1. Meetings may not be closed to discuss data that are not public data, except as provided under Minnesota law.
2. Data that are not public data may be discussed at an open meeting if the disclosure relates to a matter within the scope of the school board's authority and is reasonably necessary to conduct the business or agenda item before the school board.
3. Data discussed at an open meeting retain the data's original classification; however, a record of the meeting, regardless of form, shall be public.

E. Closed Meetings

1. Labor Negotiations Strategy

- a. The school board may, by a majority vote in a public meeting, decide

to hold a closed meeting to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals, conducted pursuant to Minnesota's Public Employment Labor Relations Act (PELRA)

- b. The time and place of the closed meeting shall be announced at the public meeting. A written roll of school board members and all other persons present at the closed meeting shall be made available to the public after the closed meeting. The proceedings of a closed meeting to discuss negotiation strategies shall be tape recorded, and the tape recording shall be preserved for two years after the contract discussed at the meeting is signed. The recording shall be made available to the public after all labor contracts are signed by the school board for the current budget period.

2. Sessions Closed by Bureau of Mediation Services

All negotiations, mediation meetings, and hearings between the school board and its employees or their respective representatives are public meetings. Mediation meetings may be closed only by the Commissioner of the Bureau of Mediation Services (BMS). The use of recording devices, stenographic records, or other recording methods is prohibited in mediation meetings closed by the BMS.

3. Preliminary Consideration of Allegations or Charges

The school board shall close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority. If the school board members conclude that discipline of any nature may be warranted as a result of those specific charges or allegations, further meetings or hearings relating to those specific charges or allegations held after that conclusion is reached must be open. A meeting must also be open at the request of the individual who is the subject of the meeting. A closed meeting for this purpose must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

4. Performance Evaluations

The school board may close a meeting to evaluate the performance of an individual who is subject to its authority. The school board shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the school board shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting. A closed meeting for this purpose must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

5. Attorney-Client Privilege Meeting

A meeting may be closed if permitted by the attorney-client privilege. Attorney-client privilege applies when litigation is imminent or threatened, or when the school board needs advice above the level of general legal advice,

for example, regarding specific acts and their legal consequences. A meeting may be closed to seek legal advice concerning litigation strategy, but the mere threat that litigation might be a consequence of deciding a matter one way or another does not, by itself, justify closing the meeting. The motion to close the meeting must specifically describe the matter to be discussed at the closed meeting, subject to relevant privacy and confidentiality considerations under state and federal law. The law does not require that such a meeting be recorded.

6. Dismissal Hearing

- a. A hearing on dismissal of a licensed teacher shall be public or private at the teacher's discretion. A hearing regarding placement of teachers on unrequested leave of absence shall be public.
- b. A hearing on dismissal of a student pursuant to the Pupil Fair Dismissal Act shall be closed unless the pupil, parent, or guardian requests an open hearing.
- c. To the extent a teacher or student dismissal hearing is held before the school board and is closed, the closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

7. Coaches; Opportunity to Respond

- a. If the school board has declined to renew the coaching contract of a licensed or nonlicensed head varsity coach, it must notify the coach within fourteen (14) days of that decision.
- b. If the coach requests the reasons for the nonrenewal, the school board must give the coach its reasons in writing within ten (10) days of receiving the request. The existence of parent complaints must not be the sole reason for the school board not to renew a coaching contract.
- c. On the request of the coach, the school board must provide the coach with a reasonable opportunity to respond to the reasons at a school board meeting.
- d. The meeting may be open or closed at the election of the coach unless the meeting is closed as required by Minnesota Statutes section 13D.05 to discuss educational or certain other nonpublic data.
- e. A meeting closed for this purpose must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

8. Meetings to Discuss Certain Not Public Data

- a. Any portion of a meeting must be closed if the following types of data are discussed:

(1) data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults;

(2) active investigative data collected or created by a law enforcement agency;

(3) educational data, health data, medical data, welfare data, or mental health data that are not public data; or

(4) an individual's personal medical records.

- b. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

9. Purchase and Sale of Property

- a. The school board may close a meeting:

(1) to determine the asking price for real or personal property to be sold by the school district;

(2) to review confidential or nonpublic appraisal data; and

(3) to develop or consider offers or counteroffers for the purchase or sale of real or personal property.

- b. Before closing the meeting, the school board must identify on the record the particular real or personal property that is the subject of the closed meeting.

- c. The closed meeting must be tape recorded at the expense of the school district. The tape must be preserved for eight years after the date of the meeting and be made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the school board has abandoned the purchase or sale. The real or personal property that is the subject of the closed meeting must be specifically identified on the tape. A list of school board members and all other persons present at the closed meeting must be made available to the public after the closed meeting.

- d. An agreement reached that is based on an offer considered at a closed meeting is contingent on its approval by the school board at an open meeting. The actual purchase or sale must be approved at an open meeting and the purchase price or sale price is public data.

10. Security Matters

- a. The school board may close a meeting to receive security briefings and reports, to discuss issues related to security systems, to discuss emergency response procedures, and to discuss security deficiencies in

or recommendations regarding public services, infrastructure, and facilities, if disclosure of the information discussed would pose a danger to public safety or compromise security procedures or responses.

- b. Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting.
- c. Before closing a meeting, the school board must refer to the facilities, systems, procedures, services, or infrastructures to be considered during the closed meeting.
- d. The closed meeting must be tape recorded at the expense of the school district and the recording must be preserved for at least four years.

11. Other Meetings

Other meetings shall be closed as provided by law, except as provided above. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

F. Procedures for Closing a Meeting

The school board shall provide notice of a closed meeting just as for an open meeting. A school board meeting may be closed only after a majority vote at a public meeting. Before closing a meeting, the school board shall state on the record the specific authority permitting the meeting to be closed and shall describe the subject to be discussed.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. Ch. 13D (Open Meeting Law)
Minn. Stat. § 121A.47, Subd. 5 (Exclusion and Expulsion Procedures)
Minn. Stat. § 122A.33, Subd. 3 (License and Degree Exemption for Head Coach)
Minn. Stat. § 122A.40, Subd. 14 (Employment; Contracts; Termination)
Minn. Stat. § 179A.14, Subd. 3 (Negotiation Procedures)
Minn. Rules Part 5510.2810 (Petition for Mediation)
Brown v. Cannon Falls Township, 723 N.W.2d 31 (Minn. App. 2006)
Brainerd Daily Dispatch v. Dehen, 693 N.W.2d 435 (Minn. App. 2005)
The Free Press v. County of Blue Earth, 677 N.W.2d 471 (Minn. App. 2004)
Prior Lake American v. Mader, 642 N.W.2d 729 (Minn. 2002)
Star Tribune v. Board of Education, Special School District No. 1, 507 N.W.2d 869 (Minn. App. 1993)
Minnesota Daily v. University of Minnesota, 432 N.W.2d 189 (Minn. App. 1988)
Moberg v. Independent School District No. 281, 336 N.W.2d 510 (Minn. 1983)
Sovereign v. Dunn, 498 N.W.2d 62 (Minn. App. 1993), *rev. denied*. (Minn. 1993)
Dept. of Admin. Advisory Op. No. 21-003 (April 19, 2021)
Dept. of Admin. Advisory Op. No. 21-002 (January 13, 2021)
Dept. of Admin. Advisory Op. No. 19-012 (October 24, 2019)
Dept. of Admin. Advisory Op. No. 19-008 (May 22, 2019)
Dept. of Admin. Advisory Op. No. 19-006 (April 9, 2019)
Dept. of Admin. Advisory Op. No. 18-019 (December 28, 2018)
Dept. of Admin. Advisory Op. No. 17-005 (June 22, 2017)
Dept. of Admin. Advisory Op. No. 13-009 (March 19, 2013)

Dept. of Admin. Advisory Op. No. 12-004 (March 8, 2012)
Dept. of Admin. Advisory Op. No. 11-004 (April 18, 2011)
Dept. of Admin. Advisory Op. No. 10-020 (September 23, 2010)
Dept. of Admin. Advisory Op. No. 09-020 (September 8, 2009)
Dept. of Admin. Advisory Op. No. 08-015 (July 9, 2008)
Dept. of Admin. Advisory Op. No. 06-027 (September 28, 2006)
Dept. of Admin. Advisory Op. No. 04-004 (February 3, 2004)

Cross References: MSBA/MASA Model Policy 204 (School Board Meeting Minutes)
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 207 (Public Hearings)
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA Law Bulletin "C" (Minnesota's Open Meeting Law)

First Reading: 05.07.2024
Second Reading:
Adopted:

Adopted: _____

Revised: _____

MSBA/MASA Model Policy 205

Orig. 1995

Rev. 2022

205 OPEN MEETINGS AND CLOSED MEETINGS

[Note: The provisions of this policy accurately reflect Minnesota's Open Meeting Law statutes and are not discretionary in nature.]

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IV. PROCEDURES

A. Meetings

1. Regular Meetings

A schedule of the regular meetings of the school board shall be kept on file at the school district office. If the school board decides to hold a regular meeting at a time or place different from the time or place stated in its regular meeting schedule, it shall give the same notice of the meeting as for a special meeting.

2. Special Meetings

- a. For a special meeting, the school board shall post written notice of the date, time, place, and purpose of the meeting on the principal bulletin board of the school district or on the door of the school board's usual meeting room if there is no principal bulletin board. The school board's actions at the special meeting are limited to those topics included in the notice.
- b. The notice shall also be mailed or otherwise delivered to each person who has filed a written request for notice of special meetings. This notice shall be posted and mailed or delivered at least three days before the date of the meeting.
- c. As an alternative to mailing or otherwise delivering notice to persons who have filed a written request, the school board may publish the notice once, at least three days before the meeting, in the official newspaper of the school district or, if none, in a qualified newspaper of general circulation within the area of the school district.
- d. A person filing a request for notice of special meetings may limit the request to particular subjects, in which case the school board is required to send notice to that person only concerning those particular subjects.
- e. The school board will establish an expiration date on requests for notice of special meetings and require refiling once each year. Not more than sixty (60) days before the expiration date of request for notice, the school board shall send notice of the refiling requirement to each person who filed during the preceding year.

3. Emergency Meetings

- a. An emergency meeting is a special meeting called because of circumstances that, in the school board's judgment, require immediate consideration.

[Note: While the statute leaves the question to the board of whether the circumstances require immediate consideration at an emergency meeting, advisory opinions of the Minnesota Commissioner of Administration would limit such meetings to responding to natural disasters or health epidemics caused by an event such as an accident or terrorist attack.]

- b. If matters not directly related to the emergency are discussed or acted upon, the minutes of the meeting shall include a specific description of those matters.
- c. The school board shall make good faith efforts to provide notice of the emergency meeting to each news medium that has filed a written request for notice if the request includes the news medium's telephone number.
- d. Notice of the emergency meeting shall be given by telephone or any other method used to notify the members of the school board.
- e. Notice shall be provided to each news medium which has filed a written request for notice as soon as reasonably practicable after notice has been given to the school board members.

- f. Notice shall include the subject of the meeting.
- g. Posted or published notice of an emergency meeting shall not be required.
- h. The notice requirements for an emergency meeting as set forth in this policy shall supersede any other statutory notice requirement for a special meeting that is an emergency meeting.

4. Recessed or Continued Meetings

If a meeting is a recessed or continued session of a previous meeting, and the time and place of the meeting was established during the previous meeting and recorded in the minutes of that meeting, then no further published or mailed notice is necessary.

5. Closed Meetings

The notice requirements of the Minnesota Open Meeting Law apply to closed meetings.

6. Actual Notice

If a person receives actual notice of a meeting of the school board at least twenty-four (24) hours before the meeting, all notice requirements are satisfied with respect to that person, regardless of the method of receipt of notice.

7. Meetings during Pandemic or Chapter 12 Emergency

In the event of a health pandemic or an emergency declared under Minnesota Statutes chapter 12, a meeting may be conducted by telephone or interactive technology in compliance with Minnesota Statutes section 13D.021.

8. Meetings by Interactive Technology

A meeting may be conducted by interactive technology, Zoom, Skype, or other similar electronic means in compliance with Minnesota Statutes section 13D.02.

B. Votes

The votes of school board members shall be recorded in a journal or minutes kept for that purpose. The journal or any minutes used to record votes of a meeting must be open to the public during all normal business hours at the school district's administrative offices.

C. Written Materials

- 1. In any open meeting, a copy of any printed materials, including electronic communications, relating to the agenda items of the meeting prepared or distributed by or at the direction of the school board or its employees and distributed to or available to all school board members shall be available in the meeting room for inspection by the public while the school board considers their subject matter.
- 2. This provision does not apply to materials not classified by law as public, or to

materials relating to the agenda items of a closed meeting.

D. Open Meetings and Data

1. Meetings may not be closed to discuss data that are not public data, except as provided under Minnesota law.
2. Data that are not public data may be discussed at an open meeting if the disclosure relates to a matter within the scope of the school board's authority and is reasonably necessary to conduct the business or agenda item before the school board.
3. Data discussed at an open meeting retain the data's original classification; however, a record of the meeting, regardless of form, shall be public.

E. Closed Meetings

1. Labor Negotiations Strategy

- a. The school board may, by a majority vote in a public meeting, decide to hold a closed meeting to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals, conducted pursuant to Minnesota's Public Employment Labor Relations Act (PELRA)
- b. The time and place of the closed meeting shall be announced at the public meeting. A written roll of school board members and all other persons present at the closed meeting shall be made available to the public after the closed meeting. The proceedings of a closed meeting to discuss negotiation strategies shall be tape recorded, and the tape recording shall be preserved for two years after the contract discussed at the meeting is signed. The recording shall be made available to the public after all labor contracts are signed by the school board for the current budget period.

2. Sessions Closed by Bureau of Mediation Services

All negotiations, mediation meetings, and hearings between the school board and its employees or their respective representatives are public meetings. Mediation meetings may be closed only by the Commissioner of the Bureau of Mediation Services (BMS). The use of recording devices, stenographic records, or other recording methods is prohibited in mediation meetings closed by the BMS.

3. Preliminary Consideration of Allegations or Charges

The school board shall close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority. If the school board members conclude that discipline of any nature may be warranted as a result of those specific charges or allegations, further meetings or hearings relating to those specific charges or allegations held after that conclusion is reached must be open. A meeting must also be open at the request of the individual who is the subject of the meeting. A closed meeting for this purpose must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

4. Performance Evaluations

The school board may close a meeting to evaluate the performance of an individual who is subject to its authority. The school board shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the school board shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting. A closed meeting for this purpose must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

5. Attorney-Client Privilege Meeting

A meeting may be closed if permitted by the attorney-client privilege. Attorney-client privilege applies when litigation is imminent or threatened, or when the school board needs advice above the level of general legal advice, for example, regarding specific acts and their legal consequences. A meeting may be closed to seek legal advice concerning litigation strategy, but the mere threat that litigation might be a consequence of deciding a matter one way or another does not, by itself, justify closing the meeting. The motion to close the meeting must specifically describe the matter to be discussed at the closed meeting, subject to relevant privacy and confidentiality considerations under state and federal law. The law does not require that such a meeting be recorded.

6. Dismissal Hearing

- a. A hearing on dismissal of a licensed teacher shall be public or private at the teacher's discretion. A hearing regarding placement of teachers on unrequested leave of absence shall be public.
- b. A hearing on dismissal of a student pursuant to the Pupil Fair Dismissal Act shall be closed unless the pupil, parent, or guardian requests an open hearing.
- c. To the extent a teacher or student dismissal hearing is held before the school board and is closed, the closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

7. Coaches; Opportunity to Respond

- a. If the school board has declined to renew the coaching contract of a licensed or nonlicensed head varsity coach, it must notify the coach within fourteen (14) days of that decision.
- b. If the coach requests the reasons for the nonrenewal, the school board must give the coach its reasons in writing within ten (10) days of receiving the request. The existence of parent complaints must not be the sole reason for the school board not to renew a coaching contract.
- c. On the request of the coach, the school board must provide the coach with a reasonable opportunity to respond to the reasons at a school board meeting.
- d. The meeting may be open or closed at the election of the coach unless the meeting is closed as required by Minnesota Statutes section

13D.05 to discuss educational or certain other nonpublic data.

- e. A meeting closed for this purpose must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

8. Meetings to Discuss Certain Not Public Data

- a. Any portion of a meeting must be closed if the following types of data are discussed:
 - (1) data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults;
 - (2) active investigative data collected or created by a law enforcement agency;
 - (3) educational data, health data, medical data, welfare data, or mental health data that are not public data; or
 - (4) an individual's personal medical records.
- b. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

9. Purchase and Sale of Property

- a. The school board may close a meeting:
 - (1) to determine the asking price for real or personal property to be sold by the school district;
 - (2) to review confidential or nonpublic appraisal data; and
 - (3) to develop or consider offers or counteroffers for the purchase or sale of real or personal property.
- b. Before closing the meeting, the school board must identify on the record the particular real or personal property that is the subject of the closed meeting.
- c. The closed meeting must be tape recorded at the expense of the school district. The tape must be preserved for eight years after the date of the meeting and be made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the school board has abandoned the purchase or sale. The real or personal property that is the subject of the closed meeting must be specifically identified on the tape. A list of school board members and all other persons present at the closed meeting must be made available to the public after the closed meeting.
- d. An agreement reached that is based on an offer considered at a closed meeting is contingent on its approval by the school board at an open

meeting. The actual purchase or sale must be approved at an open meeting and the purchase price or sale price is public data.

10. Security Matters

- a. The school board may close a meeting to receive security briefings and reports, to discuss issues related to security systems, to discuss emergency response procedures, and to discuss security deficiencies in or recommendations regarding public services, infrastructure, and facilities, if disclosure of the information discussed would pose a danger to public safety or compromise security procedures or responses.
- b. Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting.
- c. Before closing a meeting, the school board must refer to the facilities, systems, procedures, services, or infrastructures to be considered during the closed meeting.
- d. The closed meeting must be tape recorded at the expense of the school district and the recording must be preserved for at least four years.

11. Other Meetings

Other meetings shall be closed as provided by law, except as provided above. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

F. Procedures for Closing a Meeting

The school board shall provide notice of a closed meeting just as for an open meeting. A school board meeting may be closed only after a majority vote at a public meeting. Before closing a meeting, the school board shall state on the record the specific authority permitting the meeting to be closed and shall describe the subject to be discussed.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. Ch. 13D (Open Meeting Law)
Minn. Stat. § 121A.47, Subd. 5 (Exclusion and Expulsion Procedures)
Minn. Stat. § 122A.33, Subd. 3 (License and Degree Exemption for Head Coach)
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 Dept. of Admin. Advisory Op. No. 04-004 (February 3, 2004)

Cross References:

MSBA/MASA Model Policy 204 (School Board Meeting Minutes)
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 MSBA/MASA Model Policy 207 (Public Hearings)
 MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
 MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
 MSBA Law Bulletin "C" (Minnesota's Open Meeting Law)

First Reading:
 Second Reading:
 Adopted:

205 OPEN MEETINGS AND CLOSED MEETINGS

I. PURPOSE

- A. The school board embraces accountability and transparency in the conduct of its business, in the belief that openness produces better programs, more efficient administration of programs, and an organization more responsive to public interest and less susceptible to private interest. The school board shall conduct its business under a presumption of openness. At the same time, the school board recognizes and respects the privacy rights of individuals as provided by law. The school board also recognizes that there are certain exceptions to the Minnesota Open Meeting Law as recognized in statute where it has been determined that, in limited circumstances, the public interest is best served by closing a meeting of the school board.
- B. The purpose of this policy is to provide guidelines to assure the rights of the public to be present at school board meetings, while also protecting an individual's rights to privacy under law, and to close meetings when the public interest so requires as recognized by law.

II. GENERAL STATEMENT OF POLICY

- A. Except as otherwise expressly provided by statute, all meetings of the school board, including executive sessions, shall be open to the public.
- B. Meetings shall be closed only when expressly authorized by law.

III. DEFINITION

"Meeting" means a gathering of at least a quorum of school board members—or quorum of a committee or subcommittee of school board members, at which members discuss, decide, or receive information as a group on issues relating to the official business of the school board. The term does not include a chance or social gathering or the use of social media by members of a public body so long as the social media use is limited to exchanges with all members of the general public. For purposes of the Open Meeting Law, social media does not include e-mail.

IV. PROCEDURES

A. Meetings

1. Regular Meetings

A schedule of the regular meetings of the school board shall be kept on file at the school district office. If the school board decides to hold a regular meeting at a time or place different from the time or place stated in its regular meeting schedule, it shall give the same notice of the meeting as for a special meeting.

2. Special Meetings

- a. For a special meeting, the school board shall post written notice of the date, time, place, and purpose of the meeting on the principal bulletin board of the school district or on the door of the school board's usual meeting room if there is no principal bulletin board. The school board's actions at the special meeting are limited to those topics included in the notice.
- b. The notice shall also be mailed or otherwise delivered to each person

who has filed a written request for notice of special meetings. This notice shall be posted and mailed or delivered at least three days before the date of the meeting.

- c. As an alternative to mailing or otherwise delivering notice to persons who have filed a written request, the school board may publish the notice once, at least three days before the meeting, in the official newspaper of the school district or, if none, in a qualified newspaper of general circulation within the area of the school district.
- d. A person filing a request for notice of special meetings may limit the request to particular subjects, in which case the school board is required to send notice to that person only concerning those particular subjects.
- e. ~~The school board will establish an expiration date on requests for notice of special meetings and require refiling once each year. Not more than sixty (60) days before the expiration date of request for notice, the school board shall send notice of the refiling requirement to each person who filed during the preceding year.~~

3. Emergency Meetings

- a. An emergency meeting is a special meeting called because of circumstances that, in the school board's judgment, require immediate consideration.
- b. If matters not directly related to the emergency are discussed or acted upon, the minutes of the meeting shall include a specific description of those matters.
- c. The school board shall make good faith efforts to provide notice of the emergency meeting to each news medium that has filed a written request for notice if the request includes the news medium's telephone number.
- d. Notice of the emergency meeting shall be given by telephone or any other method used to notify the members of the school board.
- e. Notice shall be provided to each news medium which has filed a written request for notice as soon as reasonably practicable after notice has been given to the school board members.
- f. Notice shall include the subject of the meeting.
- g. Posted or published notice of an emergency meeting shall not be required.
- h. The notice requirements for an emergency meeting as set forth in this policy shall supersede any other statutory notice requirement for a special meeting that is an emergency meeting.

4. Recessed or Continued Meetings

If a meeting is a recessed or continued session of a previous meeting, and the time and place of the meeting was established during the previous meeting and recorded in the minutes of that meeting, then no further published or mailed notice is necessary.

5. Closed Meetings

The notice requirements of the Minnesota Open Meeting Law apply to closed meetings.

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If a person receives actual notice of a meeting of the school board at least twenty-four (24) hours before the meeting, all notice requirements are satisfied with respect to that person, regardless of the method of receipt of notice.

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B. Votes

The votes of school board members shall be recorded in a journal or minutes kept for that purpose. The journal or any minutes used to record votes of a meeting must be open to the public during all normal business hours at the school district's administrative offices.

C. Written Materials

1. In any open meeting, a copy of any printed materials, including electronic communications, relating to the agenda items of the meeting prepared or distributed by or at the direction of the school board or its employees and distributed to or available to all school board members shall be available in the meeting room for inspection by the public while the school board considers their subject matter.
2. This provision does not apply to materials not classified by law as public, or to materials relating to the agenda items of a closed meeting.

D. Open Meetings and Data

1. Meetings may not be closed to discuss data that are not public data, except as provided under Minnesota law.
2. Data that are not public data may be discussed at an open meeting if the disclosure relates to a matter within the scope of the school board's authority and is reasonably necessary to conduct the business or agenda item before the school board.
3. Data discussed at an open meeting retain the data's original classification; however, a record of the meeting, regardless of form, shall be public.

E. Closed Meetings

1. Labor Negotiations Strategy

- a. The school board may, by a majority vote in a public meeting, decide to hold a closed meeting to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals, conducted pursuant to Minnesota's Public Employment Labor Relations Act (PELRA)
- b. The time and place of the closed meeting shall be announced at the public meeting. A written roll of school board members and all other persons present at the closed meeting shall be made available to the public after the closed meeting. The proceedings of a closed meeting to discuss negotiation strategies shall be tape recorded, and the tape recording shall be preserved for two years after the contract discussed at the meeting is signed. The recording shall be made available to the public after all labor contracts are signed by the school board for the current budget period.

2. Sessions Closed by Bureau of Mediation Services

All negotiations, mediation meetings, and hearings between the school board and its employees or their respective representatives are public meetings. Mediation meetings may be closed only by the Commissioner of the Bureau of Mediation Services (BMS). The use of recording devices, stenographic records, or other recording methods is prohibited in mediation meetings closed by the BMS.

3. Preliminary Consideration of Allegations or Charges

The school board shall close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority. If the school board members conclude that discipline of any nature may be warranted as a result of those specific charges or allegations, further meetings or hearings relating to those specific charges or allegations held after that conclusion is reached must be open. A meeting must also be open at the request of the individual who is the subject of the meeting. A closed meeting for this purpose must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

4. Performance Evaluations

The school board may close a meeting to evaluate the performance of an individual who is subject to its authority. The school board shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the school board shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting. A closed meeting for this purpose must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

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A meeting may be closed if permitted by the attorney-client privilege. Attorney-client privilege applies when litigation is imminent or threatened, or when the school board needs advice above the level of general legal advice, for example, regarding specific acts and their legal consequences. A meeting may be closed to seek legal advice concerning litigation strategy, but the mere threat that litigation might be a consequence of deciding a matter one way or another does not, by itself, justify closing the meeting. The motion to close the meeting must specifically describe the matter to be discussed at the closed meeting, subject to relevant privacy and confidentiality considerations under state and federal law. The law does not require that such a meeting be recorded.

6. Dismissal Hearing

- a. A hearing on dismissal of a licensed teacher shall be public or private at the teacher's discretion. A hearing regarding placement of teachers on unrequested leave of absence shall be public.
- b. A hearing on dismissal of a student pursuant to the Pupil Fair Dismissal Act shall be closed unless the pupil, parent, or guardian requests an open hearing.
- c. To the extent a teacher or student dismissal hearing is held before the school board and is closed, the closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

7. Coaches; Opportunity to Respond

- a. If the school board has declined to renew the coaching contract of a licensed or nonlicensed head varsity coach, it must notify the coach within fourteen (14) days of that decision.
- b. If the coach requests the reasons for the nonrenewal, the school board must give the coach its reasons in writing within ten (10) days of receiving the request. The existence of parent complaints must not be the sole reason for the school board not to renew a coaching contract.
- c. On the request of the coach, the school board must provide the coach with a reasonable opportunity to respond to the reasons at a school board meeting.
- d. The meeting may be open or closed at the election of the coach unless the meeting is closed as required by Minnesota Statutes section 13D.05 to discuss educational or certain other nonpublic data.
- e. A meeting closed for this purpose must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

8. Meetings to Discuss Certain Not Public Data

- a. Any portion of a meeting must be closed if the following types of data are discussed:
 - (1) data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults;
 - (2) active investigative data collected or created by a law enforcement agency;
 - (3) educational data, health data, medical data, welfare data, or mental health data that are not public data; or
 - (4) an individual's personal medical records.
- b. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

9. Purchase and Sale of Property

- a. The school board may close a meeting:
 - (1) to determine the asking price for real or personal property to be sold by the school district;
 - (2) to review confidential or nonpublic appraisal data; and
 - (3) to develop or consider offers or counteroffers for the purchase or sale of real or personal property.
- b. Before closing the meeting, the school board must identify on the record the particular real or personal property that is the subject of the closed meeting.
- c. The closed meeting must be tape recorded at the expense of the school district. The tape must be preserved for eight years after the date of the meeting and be made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the school board has abandoned the purchase or sale. The real or personal property that is the subject of the closed meeting must be specifically identified on the tape. A list of school board members and all other persons present at the closed meeting must be made available to the public after the closed meeting.
- d. An agreement reached that is based on an offer considered at a closed meeting is contingent on its approval by the school board at an open meeting. The actual purchase or sale must be approved at an open meeting and the purchase price or sale price is public data.

10. Security Matters

- a. The school board may close a meeting to receive security briefings and reports, to discuss issues related to security systems, to discuss emergency response procedures, and to discuss security deficiencies in or recommendations regarding public services, infrastructure, and facilities, if disclosure of the information discussed would pose a danger to public safety or compromise security procedures or responses.
- b. Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting.
- c. Before closing a meeting, the school board must refer to the facilities, systems, procedures, services, or infrastructures to be considered during the closed meeting.
- d. The closed meeting must be tape recorded at the expense of the school district and the recording must be preserved for at least four years.

11. Other Meetings

Other meetings shall be closed as provided by law, except as provided above. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

F. Procedures for Closing a Meeting

The school board shall provide notice of a closed meeting just as for an open meeting. A school board meeting may be closed only after a majority vote at a public meeting. Before closing a meeting, the school board shall state on the record the specific authority permitting the meeting to be closed and shall describe the subject to be discussed.

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Minn. Stat. § 121A.47, Subd. 5 (Exclusion and Expulsion Procedures)
Minn. Stat. § 122A.33, Subd. 3 (License and Degree Exemption for Head Coach)
Minn. Stat. § 122A.40, Subd. 14 (Employment; Contracts; Termination)
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The Free Press v. County of Blue Earth, 677 N.W.2d 471 (Minn. App. 2004)
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Star Tribune v. Board of Education, Special School District No. 1, 507 N.W.2d 869 (Minn. App. 1993)
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MSBA/MASA Model Policy 207 (Public Hearings)
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA Law Bulletin "C" (Minnesota's Open Meeting Law)

First Reading: 05.07.2024
Second Reading:
Adopted:

207 PUBLIC HEARINGS

I. PURPOSE

The school board recognizes the importance of obtaining public input on matters properly before the school board during a public hearing. The purpose of this policy is to establish procedures to efficiently receive public input.

II. GENERAL STATEMENT OF POLICY

For the school board to efficiently receive public input on matters properly before the school board, the school board establishes the procedures set forth in this policy are established.

III. PROCEDURES

A. Public Hearings

Public hearings are required by law concerning certain issues, including but not limited to, school closings (Minnesota Statutes section 123B.51), education district establishment (Minnesota Statutes section 123A.15), and agreements for secondary education (Minnesota Statutes section 123A.30). Additionally, other public hearings may be held by the school board on school district matters at the school board's discretion.

B. Notice of Public Hearings

Public notice of a public hearing required by law shall be given as provided by the enabling legislation. Public notice of other hearings shall be given in the manner required for a regular meeting if held in conjunction with a regular meeting, in the manner required for a special meeting if held in conjunction with a special meeting, or as otherwise determined by the school board.

C. Public Participation

The school board retains the right to require that those in attendance at a public hearing indicate their desire to address the school board and complete and file with the clerk of the school board an appropriate request card prior to commencement of the hearing if the school board utilizes this procedure. In that case, any request to address the school board after the commencement of the hearing will be granted only at the school board's discretion.

1. Format of Request: If required by the school board, a written request of an individual or a group to address the school board shall contain the name and address of the person or group seeking to address the school board. It shall also contain the name of the group represented, if any, and a brief statement of the subject to be covered or the issue to be addressed.
2. Time Limitation: The school board retains the discretion to limit the time for each presentation as needs dictate.
3. Groups: The school board retains the discretion to require that any group of persons who desire to address the school board designate one representative or spokesperson. If the school board requires designation of a representative or spokesperson, no other person in the group will be recognized to address the school board, except as the school board otherwise determines.
4. Privilege to Speak: A school board member should direct remarks or questions through the chair. Only those speakers recognized by the chair will

be allowed to speak. Comments by others are out of order. Individuals who interfere with or interrupt speakers, the school board, or the proceedings may be directed to leave.

5. Personal Attacks: Personal attacks by anyone addressing the school board are unacceptable. Persistence in such remarks by an individual shall terminate that person's privilege to address the school board.
6. Limitations on Participation: Depending upon the number of persons in attendance seeking to be heard, the school board reserves the right to impose such other limitations and restrictions as necessary to provide an orderly, efficient, and fair opportunity to be heard.

Legal References: Minn. Stat. § 123A.15 (Establishing Education Districts)
Minn. Stat. § 123A.30 (Agreements for Secondary Education)
Minn. Stat. § 123B.51 (School Closings)

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

First Reading: 05.07.2024
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MSBA/MASA Model Policy 207
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Legal References: Minn. Stat. § 123A.15 (Establishing Education Districts)
Minn. Stat. § 123A.30 (Agreements for Secondary Education)
Minn. Stat. § 123B.51 (School Closings)

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

First Reading:
Second Reading:
Adopted:

211 CRIMINAL OR CIVIL ACTION AGAINST SCHOOL DISTRICT, SCHOOL BOARD MEMBER, EMPLOYEE, OR STUDENT

I. PURPOSE

The purpose of this policy is to provide guidance about the school district's position, rights, and responsibilities when a civil or criminal action is pending against the school district, or a school board member, school district employee, or student.

II. GENERAL STATEMENT OF POLICY

- A. The school district recognizes that, when civil or criminal actions are pending against a school board member, school district employee, or student, the school district may be requested or required to take action.
- B. In responding to such requests and/or requirements, the school district will take such measures as are appropriate to its primary mission of providing for the education of students in an environment that is safe for staff and students and is conducive to learning.
- C. The school district acknowledges its statutory obligations with respect to providing assistance to school board members and teachers who are sued in connection with performance of school district duties. Collective bargaining agreements and school district policies may also apply.

III. CIVIL ACTIONS

- A. Pursuant to Minnesota Statutes section 466.07, subdivision 1, the school district shall defend and indemnify any school board member or school district employee for damages in school-related litigation, including punitive damages, claimed or levied against the school board member or employee, provided that the school board member or employee was acting in the performance of the duties of the position and was not guilty of malfeasance, willful neglect of duty, or bad faith.
- B. Pursuant to Minnesota Statutes section 123B.25(b), with respect to teachers employed by the school district, upon written request of the teacher involved, the school district must provide legal counsel for any school teacher against whom a claim is made or action is brought for recovery of damages in any tort action involving physical injury to any person or property or for wrongful death arising out of or in connection with the employment of the teacher with the school district. The school district will choose legal counsel after consultation with the teacher.

- C. Data Practices

Educational data and personnel data maintained by the school district may be sought as evidence in a civil proceeding. The school district will release the data only pursuant to the Minnesota Government Data Practices Act, Minnesota Statutes chapter 13 and to the Family Educational Rights and Privacy Act, 20 United States Code section 1232g, and related regulations. When an employee is subpoenaed and is expected to testify regarding educational data or personnel data, the employee will inform the building administrator or designated supervisor, who shall immediately inform the superintendent or designee. No school board member or employee may release data without consultation in advance with the school district official designated as the responsible authority for the collection, use, and dissemination of data.

D. Service of Subpoenas

School district officers and employees will normally not be involved in providing service of process for third parties in the school setting.

E. Leave to Testify

Leave for employees appearing in court, either when sued or under subpoena to testify, will be considered in accordance with school district personnel policies and applicable collective bargaining agreements.

IV. CRIMINAL CHARGES OR CONDUCT

A. Employees

1. The school district expects that its employees serve as positive role models for students. As role models for students, employees have a duty to conduct themselves in an exemplary manner.
2. If the school district receives information relating to activities of a criminal nature by an employee, the school district will investigate and take appropriate disciplinary action, which may include discharge, subject to school district policies, statutes, and provisions of applicable collective bargaining agreements.
3. Pursuant to Minnesota Statutes section 123B.02, subdivision 20, if reimbursement for a criminal defense is requested by a school district employee, the school board may, after consulting with its legal counsel, reimburse the employee for any costs and reasonable attorney fees incurred by the employee to defend criminal charges brought against the employee arising out of the performance of duties for the school district. The decision whether to reimburse shall be made in the school board's discretion. A school board member who is a witness or an alleged victim in the case may not vote on the reimbursement. If a quorum of the school board is disqualified from voting on the reimbursement, the reimbursement must be approved by a judge of the district court.

B. Students

The school district has an interest in maintaining a safe and healthful environment and in preventing disruption of the educational process. To promote that interest, the school district will take appropriate action regarding students convicted of crimes that relate to the school environment.

C. Criminal Investigations

1. The policy of the school district is to cooperate with law enforcement officials. The school district will make all efforts, however, to encourage law enforcement officials to question students and employees outside of school hours and off school premises unless extenuating circumstances exist, the matter being investigated is school-related, or as otherwise provided by law.
2. If questioning at school is unavoidable, the school district will attempt to maintain confidentiality to avoid embarrassment to students and employees and to avoid disruption of the educational program. The school district will attempt to notify parents of a student under age 18 that police will be questioning their child. Normally, the superintendent, principal, or other appropriate school official will be present during the interview, except as

otherwise required by law (Minnesota Statutes section 260E.22), or as otherwise determined in consultation with the parent or guardian.

D. Data Practices

The school district will release to juvenile justice and law enforcement authorities educational and personnel data only in accordance with Minnesota Statutes chapter 13 (Minnesota Government Data Practices Act) and 20 United States Code section 1232g (FERPA).

V. STATEMENTS WHEN LITIGATION IS PENDING

The school district recognizes that when a civil or criminal action is commenced or pending, parties to the lawsuit have particular duties in reference to persons involved or named in the lawsuit, as well as insurance carrier(s). Therefore, school board members or school district employees shall make or release statements in that situation only in consultation with legal counsel.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 123B.02, Subd. 20 (Legal Counsel; Reimbursement)
Minn. Stat. § 123B.25(b) (Legal Actions Against Districts and Teachers)
Minn. Stat. § 260E.22 (Interviews)
Minn. Stat. § 466.07, Subd. 1 (Indemnification)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
42 U.S.C. § 1983 (Civil Action for Deprivation of Rights)
Minn. Op. Atty. Gen. 169 (Mar. 7, 1963)
Minn. Op. Atty. Gen. 169 (Nov. 3, 1943)
Dyppress v. School Committee of Boston, 446 N.E.2d 1099 (Mass. App. Ct. 1983)
Wood v. Strickland, 420 U.S. 308(1975)

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
MSBA/MASA Model Policy 408 (Subpoena of a School District Employee)
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

First Reading: 05.07.2024
Second Reading:
Adopted:

Adopted: _____

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MSBA/MASA Model Policy 211
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MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

First Reading:
Second Reading:
Adopted:

204 SCHOOL BOARD MEETING MINUTES

I. PURPOSE

The purpose of this policy is to establish procedures relating to the maintenance of records of the school board and the publication of its official proceedings.

II. GENERAL STATEMENT OF POLICY

It is the policy of the school district to maintain its records so that they will be available for inspection by members of the general public and to provide for the publication of its official proceedings in compliance with law.

III. MAINTENANCE OF MINUTES AND RECORDS

A. The clerk shall keep and maintain permanent records of the school board, including records of the minutes of school board meetings and other required records of the school board. All votes taken at meetings required to be open to the public pursuant to the Minnesota Open Meeting Law shall be recorded in a journal kept for that purpose. Public records maintained by the school district must be available for inspection by members of the public during the regular business hours of the school district. Minutes of meetings shall be available for inspection at the administrative offices of the school district after they have been prepared. Minutes of a school board meeting shall be approved or modified by the school board at a subsequent meeting, which action shall be reflected in the official proceedings of that subsequent meeting.

B. Recordings of Closed Meetings

1. All closed meetings, except those closed as permitted by the attorney-client privilege, must be electronically recorded at the expense of the school district. Recordings of closed meetings shall be made separately from the recordings of an open meeting, to the extent such meetings are recorded. If a meeting is closed to discuss more than one (1) matter, each matter shall be separately recorded.
2. School Board members and other participants in Executive Closed Session meetings are prohibited from bringing or using a recording device during such meetings.
3. Recordings of closed meetings shall be preserved by the school district for the following time periods:
 - a. Meetings closed to discuss labor negotiations strategy shall be preserved for two (2) years after the contract is signed.
 - b. Meetings closed to discuss security matters shall be preserved for at least four (4) years.
 - c. Meetings closed to discuss the purchase or sale of property shall be preserved for at least eight (8) years after the date of the meeting.
 - d. All other closed meetings shall be preserved by the school district for at least three (3) years after the date of the meeting.
 - e. Following the expiration of the above time periods, recordings of closed meetings shall be maintained as set forth in the school district's

Records Retention Schedule.

4. Recordings of closed meetings shall be classified by the school district as protected non-public data that is not accessible by the public or any subject of the data, with the following exceptions:
 - a. Recordings of labor negotiations strategy meetings shall be classified as public data and made available to the public after all labor contracts are signed by the school district for the current budget period.
 - b. Recordings of meetings related to the purchase or sale of property shall be classified as public data and made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the school district has abandoned the purchase or sale.
 - c. Recordings of any other closed meetings shall be classified and/or released as required by court order.
5. Recordings of closed meetings shall be maintained separately from recordings of open meetings, to the extent recordings of open meetings are maintained by the school district, with the exception of recordings that have been classified as public data as set forth in Section III.B.4. above. Recordings of closed meetings classified as non-public data also shall be maintained in a secure location, separate from recordings classified as public data.
6. Recordings of closed meetings shall be maintained in a manner to easily identify the data classification of the recording. The recordings shall be identified with at least the following information:
 - a. The date of the closed meeting;
 - b. The basis upon which the meeting was closed (i.e.: labor negotiations strategy, purchase or sale of real property, educational data, etc.); and
 - c. The classification of the data.
7. Recordings of closed meetings related to labor negotiations strategy and the purchase or sale of property shall be maintained and monitored in a manner that reclassifies the recording as public upon the occurrence of an event reclassifying that data as set forth in Section III.B.4. above.

IV. PUBLICATION OF OFFICIAL PROCEEDINGS

- A. The school board shall cause its official proceedings to be published once in the official newspaper of the school district within thirty (30) days of the meeting at which the proceedings occurred; however, if the school board conducts regular meetings not more than once every thirty (30) days, the school board need not publish the minutes until ten (10) days after they have been approved by the school board.
- B. The proceedings to be published shall be sufficiently full to fairly set forth the proceedings. They must include the substance of all official actions taken by the school board at any regular or special meeting, and at minimum must include the subject matter of a motion, the persons making and seconding the motion, a listing of how each member present voted on the motion, the character of resolutions offered

including a brief description of their subject matter and whether adopted or defeated. The minutes and permanent records of the school board may include more detail than is required to be published with the official proceedings. If the proceedings have not yet been approved by the school board, the proceedings to be published may reflect that fact.

- C. The proceedings to be published may be a summary of the essential elements of the proceedings, and/or of resolutions and other official actions of the school board. Such a summary shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When a summary is published, the publication shall clearly indicate that the published material is only a summary and that the full text is available for public inspection at the administrative offices of the school district and that a copy of the proceedings, other than attachments to the minutes, is available without cost at the offices of the school district or by means of standard or electronic mail.

Legal References: Minn. Stat. § 13D.01, Subds. 4-6 (Open Meeting Law)
Minn. Stat. § 123B.09, Subd. 10 (Boards of Independent School Districts)
Minn. Stat. § 123B.14, Subd. 7 (Officers of Independent School Districts)
Minn. Stat. § 331A.01 (Definitions)
Minn. Stat. § 331A.05, Subd. 8 (Form of Public Notices)
Minn. Stat. § 331A.08, Subd. 3 (Computation of Time)
Op. Atty. Gen. 161-a-20 (December-17, 1970)
Ketterer v. Independent School District No. 1, 248 Minn. 212, 79 N.W.2d 428 (1956)

Cross References: MSBA/MASA Model Policy 205 (Open Meetings and Closed Meetings)

Replaces: Policies 8090, 8095, 8110, 9105, 9110
First Reading: 02-27-2018
Adopted: 03-20-2018 ISD 709
Reviewed:

204 SCHOOL BOARD MEETING MINUTES ~~BYLAW~~

I. PURPOSE

The purpose of this ~~Bylaw~~ policy is to establish procedures relating to the maintenance of records of the school board and the publication of its official proceedings.

II. GENERAL STATEMENT OF POLICY

It is the policy of the school district to maintain its records so that they will be available for inspection by members of the general public and to provide for the publication of its official proceedings in compliance with law.

III. MAINTENANCE OF MINUTES AND RECORDS

A. The clerk shall keep and maintain permanent records of the school board, including records of the minutes of school board meetings and other required records of the school board. All votes taken at meetings required to be open to the public pursuant to the Minnesota Open Meeting Law shall be recorded in a journal ~~or minutes~~ kept for that purpose. Public records maintained by the school district ~~shall~~ must be available for inspection by members of the public during the regular business hours of the school district. Minutes of meetings shall be available for inspection at the administrative offices of the school district after they have been prepared. Minutes of a school board meeting shall be approved or modified by the school board at a subsequent meeting, which action shall be reflected in the official proceedings of that subsequent meeting.

B. Recordings of Closed Meetings

1. All closed meetings, except those closed as permitted by the attorney-client privilege, must be electronically recorded at the ~~school district's~~ expense of the school district. Recordings of closed meetings shall be made separately from the recordings of an open meeting, to the extent such meetings are recorded. If a meeting is closed to discuss more than one (1) matter, each matter shall be separately recorded.

2. School Board members and other participants in Executive Closed Session meetings are prohibited from bringing or using a recording device during such meetings.

23. Recordings of closed meetings shall be preserved by the school district for the following time periods:

- a. Meetings closed to discuss labor negotiations strategy shall be preserved for two (2) years after the contract is signed.
- b. Meetings closed to discuss security matters shall be preserved for at least four (4) years.
- c. Meetings closed to discuss the purchase or sale of property shall be preserved for at least eight (8) years after the date of the meeting.
- d. All other closed meetings shall be preserved by the school district for at least three (3) years after the date of the meeting.
- e. Following the expiration of the above time periods, recordings of

closed meetings shall be maintained as set forth in the school district's Records Retention Schedule.

34. Recordings of closed meetings shall be classified by the school district as protected non-public data that is not accessible by the public or any subject of the data, with the following exceptions:
 - a. Recordings of labor negotiations strategy meetings shall be classified as public data and made available to the public after all labor contracts are signed by the school district for the current budget period.
 - b. Recordings of meetings related to the purchase or sale of property shall be classified as public data and made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the school district has abandoned the purchase or sale.
 - c. Recordings of any other closed meetings shall be classified and/or released as required by court order.
45. Recordings of closed meetings shall be maintained separately from recordings of open meetings, to the extent recordings of open meetings are maintained by the school district, with the exception of recordings that have been classified as public data as set forth in Section III.B.34. above. Recordings of closed meetings classified as non-public data also shall be maintained in a secure location, separate from recordings classified as public data.
56. Recordings of closed meetings shall be maintained in a manner to easily identify the data classification of the recording. The recordings shall be identified with at least the following information:
 - a. The date of the closed meeting;
 - b. The basis upon which the meeting was closed (i.e.: labor negotiations strategy, purchase or sale of real property, educational data, etc.); and
 - c. The classification of the data.
67. Recordings of closed meetings related to labor negotiations strategy and the purchase or sale of property shall be maintained and monitored in a manner that reclassifies the recording as public upon the occurrence of an event reclassifying that data as set forth in Section III.B.34. above.

IV. PUBLICATION OF OFFICIAL PROCEEDINGS

- A. The school board shall cause its official proceedings to be published once in the official newspaper of the school district within thirty (30) days of the meeting at which the proceedings occurred; however, if the school board conducts regular meetings not more than once every thirty (30) days, the school board need not publish the minutes until ten (10) days after they have been approved by the school board.
- B. The proceedings to be published shall be sufficiently full to fairly set forth the proceedings. They must include the substance of all official actions taken by the school board at any regular or special meeting, and at minimum must include the subject matter of a motion, the persons making and seconding the motion, a listing of how

each member present voted on the motion, the character of resolutions offered including a brief description of their subject matter and whether adopted or defeated. The minutes and permanent records of the school board may include more detail than is required to be published with the official proceedings. If the proceedings have not yet been approved by the school board, the proceedings to be published may reflect that fact.

- C. The proceedings to be published may be a summary of the essential elements of the proceedings, and/or of resolutions and other official actions of the school board. Such a summary shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When a summary is published, the publication shall clearly indicate that the published material is only a summary and that the full text is available for public inspection at the administrative offices of the school district and that a copy of the proceedings, other than attachments to the minutes, is available without cost at the offices of the school district or by means of standard or electronic mail.

Legal References: Minn. Stat. § 13D.01, Subds. 4-6 (Open Meeting Law)
Minn. Stat. § 123B.09, Subd. 10 (~~Publishing Proceedings Boards of Independent School Districts~~)
Minn. Stat. § 123B.14, Subd. 7 (~~Record of Meetings Officers of Independent School Districts~~)
Minn. Stat. § 331A.01 (Definitions)
Minn. Stat. § 331A.05, Subd. 8 (~~Notice Regarding Published Summaries Form of Public Notices~~)
Minn. Stat. § 331A.08, Subd. 3 (~~Publication of Proceedings Computation of Time~~)
Op. Atty. Gen. 161-a-20 (December 17, 1970)
Ketterer v. Independent School District No. 1, 248 Minn. 212, 79 N.W.2d 428 (1956)

Cross References: MSBA/MASA Model Policy 205 (Open Meetings and Closed Meetings)
~~MSBA Service Manual, Chapter 1, School District Governance, Powers and Duties~~

Replaces: Policies 8090, 8095, 8110, 9105, 9110
First Reading: 02-27-2018
Adopted: 03-20-2018 ISD 709
Reviewed:

204 SCHOOL BOARD MEETING MINUTES BYLAW

I. PURPOSE

The purpose of this Bylaw is to establish procedures relating to the maintenance of records of the school board and the publication of its official proceedings.

II. GENERAL STATEMENT OF POLICY

It is the policy of the school district to maintain its records so that they will be available for inspection by members of the general public and to provide for the publication of its official proceedings in compliance with law.

III. MAINTENANCE OF MINUTES AND RECORDS

A. The clerk shall keep and maintain permanent records of the school board, including records of the minutes of school board meetings and other required records of the school board. All votes taken at meetings required to be open to the public pursuant to the Minnesota Open Meeting Law shall be recorded in a journal kept for that purpose. Public records maintained by the school district shall be available for inspection by members of the public during the regular business hours of the school district. Minutes of meetings shall be available for inspection at the administrative offices of the school district after they have been prepared. Minutes of a school board meeting shall be approved or modified by the school board at a subsequent meeting, which action shall be reflected in the official proceedings of that subsequent meeting.

B. Recordings of Closed Meetings

1. All closed meetings, except those closed as permitted by the attorney-client privilege, must be electronically recorded at the expense of the school district. Recordings of closed meetings shall be made separately from the recordings of an open meeting, to the extent such meetings are recorded. If a meeting is closed to discuss more than one (1) matter, each matter shall be separately recorded.
2. School Board members and other participants in Executive Closed Session meetings are prohibited from bringing or using a recording device during such meetings.
3. Recordings of closed meetings shall be preserved by the school district for the following time periods:
 - a. Meetings closed to discuss labor negotiations strategy shall be preserved for two (2) years after the contract is signed.
 - b. Meetings closed to discuss security matters shall be preserved for at least four (4) years.
 - c. Meetings closed to discuss the purchase or sale of property shall be preserved for at least eight (8) years after the date of the meeting.
 - d. All other closed meetings shall be preserved by the school district for at least three (3) years after the date of the meeting.
 - e. Following the expiration of the above time periods, recordings of closed meetings shall be maintained as set forth in the school district's

Records Retention Schedule.

4. Recordings of closed meetings shall be classified by the school district as protected non-public data that is not accessible by the public or any subject of the data, with the following exceptions:
 - a. Recordings of labor negotiations strategy meetings shall be classified as public data and made available to the public after all labor contracts are signed by the school district for the current budget period.
 - b. Recordings of meetings related to the purchase or sale of property shall be classified as public data and made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the school district has abandoned the purchase or sale.
 - c. Recordings of any other closed meetings shall be classified and/or released as required by court order.
5. Recordings of closed meetings shall be maintained separately from recordings of open meetings, to the extent recordings of open meetings are maintained by the school district, with the exception of recordings that have been classified as public data as set forth in Section III.B.3. above. Recordings of closed meetings classified as non-public data also shall be maintained in a secure location, separate from recordings classified as public data.
6. Recordings of closed meetings shall be maintained in a manner to easily identify the data classification of the recording. The recordings shall be identified with at least the following information:
 - a. The date of the closed meeting;
 - b. The basis upon which the meeting was closed (i.e.: labor negotiations strategy, purchase or sale of real property, educational data, etc.); and
 - c. The classification of the data.
7. Recordings of closed meetings related to labor negotiations strategy and the purchase or sale of property shall be maintained and monitored in a manner that reclassifies the recording as public upon the occurrence of an event reclassifying that data as set forth in Section III.B.3. above.

IV. PUBLICATION OF OFFICIAL PROCEEDINGS

- A. The school board shall cause its official proceedings to be published once in the official newspaper of the school district within thirty (30) days of the meeting at which the proceedings occurred; however, if the school board conducts regular meetings not more than once every thirty (30) days, the school board need not publish the minutes until ten (10) days after they have been approved by the school board.
- B. The proceedings to be published shall be sufficiently full to fairly set forth the proceedings. They must include the substance of all official actions taken by the school board at any regular or special meeting, and at minimum must include the subject matter of a motion, the persons making and seconding the motion, a listing of how each member present voted on the motion, the character of resolutions offered

including a brief description of their subject matter and whether adopted or defeated. The minutes and permanent records of the school board may include more detail than is required to be published with the official proceedings. If the proceedings have not yet been approved by the school board, the proceedings to be published may reflect that fact.

- C. The proceedings to be published may be a summary of the essential elements of the proceedings, and/or of resolutions and other official actions of the school board. Such a summary shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When a summary is published, the publication shall clearly indicate that the published material is only a summary and that the full text is available for public inspection at the administrative offices of the school district and that a copy of the proceedings, other than attachments to the minutes, is available without cost at the offices of the school district or by means of standard or electronic mail.

Legal References: Minn. Stat. § 13D.01, Subds. 4-6 (Open Meeting Law)
Minn. Stat. § 123B.09, Subd. 10 (Publishing Proceedings)
Minn. Stat. § 123B.14, Subd. 7 (Record of Meetings)
Minn. Stat. § 331A.01 (Definition)
Minn. Stat. § 331A.05, Subd. 8 (Notice Regarding Published Summaries)
Minn. Stat. § 331A.08, Subd. 3 (Publication of Proceedings)
Op. Atty. Gen. 161-a-20 (Dec. 17, 1970)
Ketterer v. Independent School District No. 1, 248 Minn. 212, 79 N.W.2d 428 (1956)

Cross References: MSBA/MASA Model Policy 205 (Open Meetings and Closed Meetings)
MSBA Service Manual, Chapter 1, School District Governance, Powers and Duties

Replaces: Policies 8090, 8095, 8110, 9105, 9110
First Reading: 02-27-2018
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Adopted: _____

Revised: _____

MSBA/MASA Model Policy 204
Orig. 1995
Rev. 2022

204 SCHOOL BOARD MEETING MINUTES

[Note: The provisions of this policy are required by statute.]

I. PURPOSE

The purpose of this policy is to establish procedures relating to the maintenance of records of the school board and the publication of its official proceedings.

II. GENERAL STATEMENT OF POLICY

It is the policy of the school district to maintain its records so that they will be available for inspection by members of the general public and to provide for the publication of its official proceedings in compliance with law.

III. MAINTENANCE OF MINUTES AND RECORDS

A. The clerk shall keep and maintain permanent records of the school board, including records of the minutes of school board meetings and other required records of the school board. All votes taken at meetings required to be open to the public pursuant to the Minnesota Open Meeting Law must be recorded in a journal or minutes kept for that purpose. Public records maintained by the school district must be available for inspection by members of the public during the regular business hours of the school district. Minutes of meetings shall be available for inspection at the administrative offices of the school district after they have been prepared. Minutes of a school board meeting shall be approved or modified by the school board at a subsequent meeting, which action shall be reflected in the official proceedings of that subsequent meeting.

B. Recordings of Closed Meetings

1. All closed meetings, except those closed as permitted by the attorney-client privilege, must be electronically recorded at the school district's expense. Recordings of closed meetings shall be made separately from the recordings of an open meeting to the extent such meetings are recorded. If a meeting is closed to discuss more than one (1) matter, each matter shall be separately recorded.
2. Recordings of closed meetings shall be preserved by the school district for the following time periods:
 - a. Meetings closed to discuss labor negotiations strategy shall be preserved for two (2) years after the contract is signed.
 - b. Meetings closed to discuss security matters shall be preserved for at least four (4) years.
 - c. Meetings closed to discuss the purchase or sale of property shall be preserved for at least eight (8) years after the date of the meeting.
 - d. All other closed meetings shall be preserved by the school district for at least three (3) years after the date of the meeting.

- e. Following the expiration of the above time periods, recordings of closed meetings shall be maintained as set forth in the school district's Records Retention Schedule.
- 3. Recordings of closed meetings shall be classified by the school district as protected non-public data that is not accessible by the public or any subject of the data, with the following exceptions:
 - a. Recordings of labor negotiations strategy meetings shall be classified as public data and made available to the public after all labor contracts are signed by the school district for the current budget period.
 - b. Recordings of meetings related to the purchase or sale of property shall be classified as public data and made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the school district has abandoned the purchase or sale.
 - c. Recordings of any other closed meetings shall be classified and/or released as required by court order.
- 4. Recordings of closed meetings shall be maintained separately from recordings of open meetings, to the extent recordings of open meetings are maintained by the school district, with the exception of recordings that have been classified as public data as set forth in Section III.B.3. above. Recordings of closed meetings classified as non-public data also shall be maintained in a secure location, separate from recordings classified as public data.
- 5. Recordings of closed meetings shall be maintained in a manner to easily identify the data classification of the recording. The recordings shall be identified with at least the following information:
 - a. The date of the closed meeting;
 - b. The basis upon which the meeting was closed (i.e.: labor negotiations strategy, purchase or sale of real property, educational data, etc.); and
 - c. The classification of the data.
- 6. Recordings of closed meetings related to labor negotiations strategy and the purchase or sale of property shall be maintained and monitored in a manner that reclassifies the recording as public upon the occurrence of an event reclassifying that data as set forth in Section III.B.3. above.

IV. PUBLICATION OF OFFICIAL PROCEEDINGS

- A. The school board shall cause its official proceedings to be published once in the official newspaper of the school district within thirty (30) days of the meeting at which the proceedings occurred; however, if the school board conducts regular meetings not more than once every thirty (30) days, the school board need not publish the minutes until ten (10) days after they have been approved by the school board.
- B. The proceedings to be published shall be sufficiently full to fairly set forth the proceedings. They must include the substance of all official actions taken by the school board at any regular or special meeting, and at minimum must include the subject matter of a motion, the persons making and seconding the motion, a listing of how each member present voted on the motion, the character of resolutions offered including a brief description of their subject matter and whether adopted or defeated.

The minutes and permanent records of the school board may include more detail than is required to be published with the official proceedings. If the proceedings have not yet been approved by the school board, the proceedings to be published may reflect that fact.

- C. The proceedings to be published may be a summary of the essential elements of the proceedings, and/or of resolutions and other official actions of the school board. Such a summary shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When a summary is published, the publication shall clearly indicate that the published material is only a summary and that the full text is available for public inspection at the administrative offices of the school district and that a copy of the proceedings, other than attachments to the minutes, is available without cost at the offices of the school district or by means of standard or electronic mail.

Legal References: Minn. Stat. § 13D.01, Subds. 4-6 (Open Meeting Law)
Minn. Stat. § 123B.09, Subd. 10 (Boards of Independent School Districts)
Minn. Stat. § 123B.14, Subd. 7 (Officers of Independent School Districts)
Minn. Stat. § 331A.01 (Definitions)
Minn. Stat. § 331A.05, Subd. 8 (Form of Public Notices)
Minn. Stat. § 331A.08, Subd. 3 (Computation of Time)
Op. Atty. Gen. 161-a-20, December 17, 1970
Ketterer v. Independent School District No. 1, 248 Minn. 212, 79 N.W.2d 428 (1956)

Cross References: MSBA/MASA Model Policy 205 (Open Meetings and Closed Meetings)

507 CORPORAL PUNISHMENT AND PRONE RESTRAINT

I. PURPOSE

The purpose of this policy is to describe limitations on the use of corporal punishment and prone restraint upon a student.

II. GENERAL STATEMENT OF POLICY

No employee or agent of the school district shall inflict corporal punishment or use prone restraint upon a student except as provided below.

III. DEFINITIONS

1. "Corporal punishment" means conduct involving:
 - a. hitting or spanking a person with or without an object; or
 - b. unreasonable physical force that causes bodily harm or substantial emotional harm.
2. "Employee or agent of the district" does not include a school resource officer as defined in Minnesota Statutes, section 626.8482, subdivision 1. paragraph (c).
3. "Prone restraint" means placing a child in a face-down position.

IV. PROHIBITIONS

1. An employee or agent of a district shall not inflict corporal punishment or cause corporal punishment to be inflicted upon a pupil to reform unacceptable conduct or as a penalty for unacceptable conduct.
2. An employee or agent of the school district shall not use prone restraint.
3. An employee or agent of a district shall not inflict any form of physical holding that restricts or impairs a pupil's ability to breathe; restricts or impairs a pupil's ability to communicate distress; places pressure or weight on a pupil's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a pupil's torso.
4. Conduct that violates this Article is not a crime under Minnesota Statutes, section 645.241, but may be a crime under Minnesota Statutes, chapter 609 if the conduct violates a provision of Minnesota Statutes, chapter 609. Conduct that violates IV.1 above is not per se corporal punishment under the statute. Nothing in this Minnesota Statutes, section 121A.58 or 125A.0941 precludes the use of reasonable force under Minnesota Statutes, section 121A.582. The use of reasonable force as set forth in Section V does not authorize conduct prohibited pursuant to Minnesota Statutes, section 125A.0942.

V. REASONABLE FORCE

1. Reasonable force may be used upon or toward the person of another without the other's consent when used by a teacher, school principal, school employee, school bus driver, or other agent of the school in the exercise of lawful authority, to restrain a

child or pupil to prevent bodily harm or death to the child, pupil, or another.

2. Reasonable force may be used upon or toward the person of a child without the child's consent when used by a teacher, school principal, school employee, school bus driver, other agent of the district, or other member of the instructional, support, or supervisory staff upon or toward a child or pupil when necessary to restrain the child or pupil to prevent bodily harm or death to the child, pupil, or another pursuant to Minnesota Statutes, section 609.379. Nothing in section 609.379 limits any other authorization to use reasonable force including but not limited to authorizations under Minnesota Statutes, section 121A.582, subdivision 1, and section 609.06, subdivision 1.
3. A teacher school principal, and other school staff may use reasonable force under the conditions set forth in Policy 506 (Student Discipline).

VI. VIOLATION

Employees who violate the provisions of this policy shall be subject to disciplinary action as appropriate. Any such disciplinary action shall be made pursuant to and in accordance with applicable statutory authority, collective bargaining agreements and school district policies. Violation of this policy may also result in civil or criminal liability for the employee.

Legal References: Minn. Stat. § 121A.58 (Corporal Punishment)
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)
Minn. Stat. § 123B.25 (Legal Actions Against Districts and Teachers)
Minn. Stat. § 125A.0941 (Definitions)
Minn. Stat. § 125A.0942 (Standards for Restrictive Procedures)
Minn. Stat. § 609.06 (Authorized Use of Force)
Minn. Stat. § 609.379 (Permitted Actions)
Minn. Stat. § 626.8482 (School Resource Officers; Duties; Training; Model Policy)
Minn. Stat. § 645.241 (Punishment for Prohibited Acts)

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 507.5 (School Resource Officers)

First Reading: 11.21.23
Second Reading: 12.19.23
Adopted: 12.19.23
Revised:

507 CORPORAL PUNISHMENT AND PRONE RESTRAINT

I. PURPOSE

The purpose of this policy is to describe limitations on the use of corporal punishment and prone restraint upon a student.

II. GENERAL STATEMENT OF POLICY

No employee or agent of the school district shall inflict corporal punishment or use prone restraint upon a student except as provided below.

III. DEFINITIONS

1. "Corporal punishment" means conduct involving:
 - a. hitting or spanking a person with or without an object; or
 - b. unreasonable physical force that causes bodily harm or substantial emotional harm.
2. "Employee or agent of the district" does not include a school resource officer as defined in Minnesota Statutes, section 626.8482, subdivision 1. paragraph (c).
23. "Prone restraint" means placing a child in a face-down position.

IV. PROHIBITIONS

1. An employee or agent of a district shall not inflict corporal punishment or cause corporal punishment to be inflicted upon a pupil to reform unacceptable conduct or as a penalty for unacceptable conduct.
2. An employee or agent of the school district shall not use prone restraint.
- ~~2. An employee or agent of a district, including a school resource officer, security personnel, or police officer contracted with a district, shall not use prone or compressive restraint except that the restrictions on prone and compressive restraints do not apply under the circumstances enumerated in Minnesota Statutes, section 609.06, subdivision 1(1). All peace officers, including those who are school resource officers or otherwise agents of a school district, may use force as reasonably necessary to carry out official duties, including, but not limited to, making arrests and enforcing orders of the court.~~
3. An employee or agent of a district, ~~including a school resource officer, security personnel, or police officer contracted with a district,~~ shall not inflict any form of physical holding that restricts or impairs a pupil's ability to breathe; restricts or impairs a pupil's ability to communicate distress; places pressure or weight on a pupil's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a pupil's torso.
4. Conduct that violates this Article is not a crime under Minnesota Statutes, section 645.241, but may be a crime under Minnesota Statutes, chapter 609 if the conduct violates a provision of Minnesota Statutes, chapter 609. Conduct that violates IV.1

above is not per se corporal punishment under the statute. Nothing in this Minnesota Statutes, section 121A.58 or 125A.0941 precludes the use of reasonable force under Minnesota Statutes, section 121A.582. ~~The use of reasonable force as set forth in Section V does not authorize conduct prohibited pursuant to Minnesota Statutes, section 125A.0942.~~

V. EXCEPTIONS REASONABLE FORCE

1. Reasonable force may be used upon or toward the person of another without the other's consent when used by a teacher, school principal, school employee, school bus driver, or other agent of the school in the exercise of lawful authority, to restrain a child or pupil to prevent bodily harm or death to the child, pupil, or another.
2. Reasonable force may be used upon or toward the person of a child without the child's consent when used by a teacher, school principal, school employee, school bus driver, other agent of the district, or other member of the instructional, support, or supervisory staff upon or toward a child or pupil when necessary to restrain the child or pupil to prevent bodily harm or death to the child, pupil, or another pursuant to Minnesota Statutes, section 609.379. Nothing in section 609.379 limits any other authorization to use reasonable force including but not limited to authorizations under Minnesota Statutes, section 121A.582, subdivision 1, and section 609.06, subdivision 1.
3. A teacher school principal, and other school staff may use reasonable force under the conditions set forth in Policy 506 (Student Discipline).

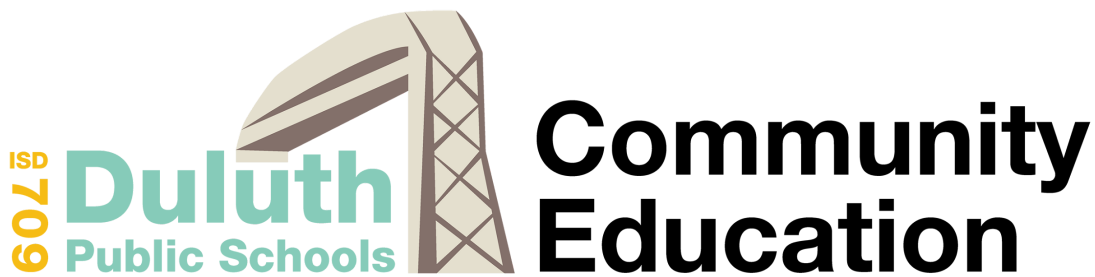
VI. VIOLATION

Employees who violate the provisions of this policy shall be subject to disciplinary action as appropriate. Any such disciplinary action shall be made pursuant to and in accordance with applicable statutory authority, collective bargaining agreements and school district policies. Violation of this policy may also result in civil or criminal liability for the employee.

Legal References: Minn. Stat. § 121A.58 (Corporal Punishment)
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)
Minn. Stat. § 123B.25 (Legal Actions Against Districts and Teachers)
~~Minn. Stat. § 125A.0941 (Definitions)~~
~~Minn. Stat. § 125A.0942 (Standards for Restrictive Procedures)~~
~~Minn. Stat. § 609.06 Subd. 1 (6)(7) (Authorized Use of Force)~~
~~Minn. Stat. § 609.379 (Permitted Actions)~~
~~Minn. Stat. § 626.8482 (School Resource Officers; Duties; Training; Model Policy)~~
~~Minn. Stat. § 645,241 (Punishment for Prohibited Acts)~~
~~Op. Atty. Gen. 169f (August 22, 2023) (School Pupils: Discipline)~~
~~Op. Atty. Gen. 169f Supp. (September 20, 2023) (School Pupils: Discipline)~~

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
MSBA/MASA Model Policy 506 (Student Discipline)
~~MSBA/MASA Model Policy 507.5 (School Resource Officers)~~

First Reading:	11.21.23
Second Reading:	12.19.23
Adopted:	12.19.23
Revised:	



Building bridges through lifelong learning

Duluth Public Schools Facilities Use Guidelines and Procedures

School Board Policy 902

<https://www.isd709.org/community/facilities-use>

The following guidelines have been established for the use of Duluth Public Schools' facilities by our students and staff, our extracurricular programs and community members.

The district reserves the right to adjust these guidelines to fit unique circumstances as determined by the Superintendent and School Board.

Effective Date: July 1st, 2024

Community Use of School Policy Statement

The School Board, being aware of the large capital investment the community has in school facilities, has determined that the community should receive maximum return for this investment. The introduction of the community education program has been made in pursuit of this objective. The policy is further extended to the use of school buildings and facilities by community groups in the promotion of school, civic, or social goals.

Public school facilities exist primarily for the purpose of serving the educational needs of the youth in the community. No group or organization will be scheduled if requested use interferes with regular school programs or school sponsored activities. The school district will determine the most appropriate and available use of the district's facility space.

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902 USE OF SCHOOL DISTRICT FACILITIES AND EQUIPMENT

I. PURPOSE

The purpose of this policy is to provide guidelines for community use of school facilities and equipment.

II. GENERAL STATEMENT OF POLICY

The school board encourages maximum use of school facilities and equipment for community purposes if, in its judgment, that use will not interfere with use for school purposes.

III. SCHEDULED COMMUNITY EDUCATION CLASSES AND ACTIVITIES

- A. The school district administration shall be charged with the process of scheduling rooms and special areas for community education classes and activities planned to be offered during each session.
- B. Procedures for providing publicity, registration, and collection of fees shall be the responsibility of the school district administration.
- C. Registration fees may be structured to include a pro-rata portion of costs for custodial services that may be needed.

IV. GENERAL COMMUNITY USE OF SCHOOL FACILITIES

- A. The school board may authorize the use of school facilities by community groups or individuals. It may impose reasonable regulations and conditions upon the use of school facilities as it deems appropriate. The district may also reject requests or cancel permits for facility use for any reason deemed to not align with ISD 709 policies, values, or set requirements.
- B. Requests for use of school facilities by community groups or individuals shall be made through the school district community education office. The district will present recommended procedures for the processing and review of requests to the school board. Upon approval by the school board, such procedures shall be an addendum to this policy.
- C. The school board may require a rental fee for the use of school facilities. Such fee may include the cost of custodial, technician, and supervisory service if deemed necessary. This fee may also be reviewed and adjusted annually. It may also require a deposit or surety bond for the proper use and repair of damage to school facilities. A rental fee schedule, deposit or surety bond schedule, and payment procedure shall be presented for review and approval by the school board.

- D. When emergencies or unusual circumstances arise that necessitate rescheduling the use of school facilities, every effort will be made to find acceptable alternative meeting space.
- E. ISD 709 Group Classification and Priority List
 - a. Class I
 - i. 709 District Groups
 - ii. School sponsored Pre-K – 12 programs, classes, co-curricular activities, meetings
 - iii. Community Education Programming
 - iv. Duluth Pre-School
 - v. Early Childhood and Family Education
 - vi. Professional Development
 - vii. KeyZone – district affiliated after school programming
 - viii. PTO/PTA groups
 - ix. District affiliated athletic booster clubs

Class I users shall not be required to pay a facility use fee, but they may be required to reimburse the District for staff costs or other expenses directly attributable to the activity. ISD 709 Employees are not permitted to rent District space to conduct activities for their own private profit.

- b. Class II - Subject to fees
 - i. Non-profit, tax-exempt youth community groups and organizations with at least 70% ISD 709 resident participants.
 - ii. Scout groups, 4-H, Duluth Community School Collaborative, Valley Youth Center
 - iii. District Area Athletic Associations (serving youth aged 18 and under)
 - iv. Groups sponsored by the City of Duluth, St. Louis County, State of Minnesota, or any federal government group.
 - v. Non-profit, tax-exempt community groups related to political groups (caucuses, polling, or elections), but not to host events that charge admission or are fundraising in nature.
 - vi. Duluth based colleges and universities.
- c. Class III - Subject to fees
 - i. Non-profit, tax-exempt groups and organizations within ISD 709 district boundaries that use school facilities for events to raise money and/or charge admission (youth athletic tournaments, fundraisers). This does not include charging admission to cover direct activity expenses.
 - ii. Other non-profit, tax-exempt organizations and businesses, as well as, residents, and neighborhood groups within ISD 709 district boundaries.
 - iii. Duluth based private and charter schools, religious groups, and groups containing less than 70% ISD 709 serving resident participants.
 - iv. Non-Duluth based non-profits, schools, colleges and universities, youth sport and athletic associations.

- d. Class IV - Subject to fees
 - i. Commercial and for-profit groups and individuals

V. USE OF SCHOOL EQUIPMENT

The administration will present a procedure to the school board for review and approval regarding the type of equipment that is available for community use, the extent to which it may be utilized, and the manner by which it may be scheduled for use and any charges to be made relating thereto. Upon approval of the school board, such procedure shall be an addendum to this policy.

VI. RULES FOR USE OF FACILITIES AND EQUIPMENT

The school board expects members of the community who use facilities and equipment to do so with respect for school district property and an understanding of proper use. Individuals and groups shall be responsible for damage to facilities and equipment. A certificate of insurance may be required by the school district to ensure payment for these damages and any liability for injuries. The district will determine the need for provided insurance based on risk assessment of the activity and size of permitted groups. Insured individuals, groups and/or organizations that are not ISD 709 school or district affiliated groups should provide proof of liability insurance and submit a Certificate of Insurance verifying liability insurance covering up to \$1,000,000 prior to use of district facilities.

Legal References: Minn. Stat. § 123B.51 (Schoolhouses and Sites; Uses for School and Nonschool Purposes; Closings)

Cross References: MSBA/MASA Model Policy 801 (Equal Access to School Facilities)
MSBA/MASA Model Policy 901 (Community Education)
902R Facilities Use Guide ISD 709

Replacing: Policies 1130, 1130.1R, 1130.2R, 1130.3R, 1130.4R
First Reading: 05.07.24
Second Reading:
Adopted:

Process & Procedures for Scheduling School District Facilities

Contact Information:

Danielle Sunday, Facilities Use Coordinator

Email: facilitiesrequest@isd709.org

Phone: 218-336-8760 x4

713 Portia Johnson Drive, Door F, Duluth, MN 55811

All facility requests are to be made online following the facility use request process found on the district website: <https://www.isd709.org/community/facilities-use>

Permits:

Online requests are to be electronically submitted and signed five (5) business days prior to the event, requests made less than 5 days in advance will be considered as space and personnel allow. Each group is required to have the approved permit available for review during the event. In addition, the electronic signature is part of the requirement for securing a space with Duluth Public Schools. Permit holders must be at least 18 years old.

Insurance:

Applicants and/or organizations agree to assume all responsibility for damage or liability of any kind and further agree to hold harmless Independent School District 709 from any liability and/or expense in connection with the use of the school facilities. The district may require the applicant and/or organization to sign a Waiver of Release or furnish a Certificate of Liability/Property Insurance in the amount of \$1,000,000 combined, single limit, for general liability, naming the school district as an additional insured.

Tax Exempt Status:

For tax exempt users, a completed Certificate of Exemption—MN Revenue Form ST 3 must accompany your request. This may be submitted by email to facilitiesrequest@isd709.org.

Right of Refusal:

The school district reserves the right to cancel any reservations should district needs arise. Regular school activities and organizations of the school district shall have first priority in the use of any facility. The district may also reject requests or cancel permits for facility use for any reason deemed to not align with ISD 709 policies, values, or set requirements.

Invoice Payment:

Payment for use of facilities, equipment, and district personnel fees are due immediately upon receipt of the billing statement. Contract holders with unpaid invoices of 60 days or more will not be allowed to reserve district facilities until the account has been settled.

Community Use Rules and Regulations

Rules and regulations exist to protect property owned by our school district, and to ensure safety to users. The following rules are to be adhered to when using school district facilities, grounds and equipment in accordance with Minnesota School Board Association Policy 902. It is the facility user group's responsibility to communicate these rules and regulations to their leaders, participants and spectators.

- Regular school activities, programs and organizations shall have first priority in the use of any district facility or grounds.
- After the Facility Use Permit has been approved by the facility scheduler and signed by the requestor, it becomes an agreement with the requestor and/or the organization.
- Contract holders cannot sublet or transfer their rights and privileges to any other individual, group, business or organization.
- If any damage is found after a group has used the district facilities, grounds or equipment, the group scheduled will be held responsible for the cost of repair or replacement of any items damaged, lost or stolen from school district property.
- Facility user groups will be responsible for leaving the facilities and property in the same condition or better as upon arrival (including returning furniture to original configuration and any other clean up needed).
- The Facility Use Permit is granted for specific dates, equipment, room or areas of building for specific periods of time and for specific uses including the nearest restrooms and drinking fountain. Using a building for other purposes, using additional facilities, loitering in other areas, entering or remaining in the building beyond the allotted time will be considered as unauthorized use of the facilities.
- Additional charges may be added to the facility use fee as well as denial of future use.
- Any propping of doors, or doors remaining open during the time of your event will result in denial of future facility use requests.
- For use of kitchens (food service areas), classrooms with cooking facilities, stadium, pools, sound booths, lighting booths and all related technology equipment usage will require appropriate district trained personnel and/or permission. The facility user group will be billed at the current hourly rate. Use of computer facilities must comply with the district's Internet Acceptable Use Guidelines as defined in Policy 524.
- Facility user groups receiving approval to use district facilities, grounds and equipment are responsible for ensuring adequate supervision for the approved activity. For safety reasons, no children will be allowed entrance to a building until a responsible adult is in attendance and ready to take charge of the group. The adult responsible for the activity must remain with the group the entire time that they are in the building and must not leave until he/she is certain that all members of his/her group are out of the building and picked up by parents/guardians.
- The adult responsible for the activity is also accountable for the conduct and behavior of both participants and spectators. Responsibility includes enforcing rules and regulations

as well as restricting group activity to the areas listed on the facility use permit. All children must be under parental/leader supervision. Running or ball play is not permitted outside of the gym.

Cancellations and No-Shows

If a permit needs to be canceled, please contact the Community Education office as soon as possible. Last minute cancellations should notify the Community Education office and call the site's engineer office. Phone numbers can be found in the ISD 709 Buildings and Locations section of this document.

The district reserves the right to charge a cancellation fee and/or full payment if cancellation is not requested 7 days prior to the event or for no-shows.

Exceptions are for weather related cancellation or canceled by ISD 709. There will be no charge for cancellations for these reasons.

The district will make every effort to provide alternative locations or reschedule the event.

Equipment Use

Use of ISD 709 equipment such as athletic equipment, sound and lighting equipment, instruments, etc., may require a rental fee. All fees will be pre-approved and listed on the group's facility use permit.

A group will be charged if damages of ISD 709 equipment results from non-supervision of those in attendance, carelessness, inappropriate use of equipment, etc.

Custodial Services

Events that require special or heavy set-up or clean-up, involve meals, are large enough to require the cleaning of public areas and/or rest rooms, or involve other issues requiring custodial support will have a custodian assigned and the group will be responsible for the cost. Cost is dependent on space rented. Renters scheduling events that extend beyond the custodian's normal work schedule will pay overtime rates.

District 709 Policies and Procedures

Duluth Public Schools policies, local and state ordinances and laws, and fire codes pertaining to the use of public facilities must be observed. Copies of all school district policies are available online at <https://www.isd709.org/about-us/policies>. Policies include but are not limited to the following:

- Duluth Public Schools are tobacco free. Use of tobacco products is prohibited on school district property including buildings and grounds as defined in Policy 419.
- Possession or consumption of intoxicating beverages or illegal substances, (drugs) of any form is prohibited on school district property including facilities and grounds as defined in Policy 418.
- No weapons or look-a-like weapons, as defined in Policy 501, shall be allowed on school property for any reason other than in conjunction with an authorized firearm safety program with the exception of legally authorized officials.
- Facility user groups agree to go over any safety concerns and rules related to the scheduled activity including proper sportsmanship, location of fire extinguishers, and proper use of equipment. Facility user groups must furnish their own first aid kits and instructional supplies.
- The district prohibits all forms of harassment and violence as defined in Policy 413.
- If a fire alarm sounds in any area of a building the entire building must be evacuated according to evacuation maps posted in each room near the exits.
- If an alarm sounds related to tornado warning the entire building must take cover in the nearest location as indicated on maps posted in each room/space.
- Consumption of food (including snacks and refreshments) and beverages in school facilities is allowed in designated areas only, this does not include instructional areas, gymnasiums, auditoriums, and other special use rooms.
- Disorderly conduct is prohibited and punishable by ejection from the facility or grounds. This includes inappropriate communication and disrespect for authority, event supervisor and/or custodian by group leaders and/or participants of a group. The proper authorities will be notified. Law enforcement may be called to intervene.
- Parking is allowed in designated areas only.

ISD 709 Group Classification and Priority List

Class I

- 709 District Groups
- School sponsored Pre-K – 12 programs, classes, co-curricular activities, meetings
- Community Education Programming*
- Duluth Pre-School
- Early Childhood and Family Education
- Professional Development
- KeyZone – district affiliated after school programming
- PTO/PTA groups
- District affiliated athletic booster clubs

Class I users shall not be required to pay a facility use fee, but they may be required to reimburse the district for staff costs or other expenses directly attributable to the activity. ISD 709 Employees are not permitted to rent district space to conduct activities for their own private profit.

Class II

- Non-profit, tax-exempt youth community groups and organizations with at least 70% ISD 709 resident participants.
- Scout groups, 4-H, Duluth Community School Collaborative, Valley Youth Center
- District Area Athletic Associations (serving youth aged 18 and under)
- Groups sponsored by the City of Duluth, St. Louis County, State of Minnesota, or any federal government group.
- Non-profit, tax-exempt community groups related to political groups (caucuses, polling, or elections), but not to host events that charge admission or are fundraising in nature.
- Duluth based colleges and universities.

Class III

- Non-profit, tax-exempt groups and organizations within ISD 709 district boundaries that use school facilities for events to raise money and/or charge admission (youth athletic tournaments, fundraisers). This does not include charging admission to cover direct activity expenses.
- Other non-profit, tax-exempt organizations and businesses, as well as, residents, and neighborhood groups within ISD 709 district boundaries.
- Duluth based private and charter schools, religious groups, and groups containing less than 70% ISD 709 serving resident participants.
- Non-Duluth based non-profits, schools, colleges and universities, youth sport and athletic associations.

Class IV

- Commercial and for-profit groups and individuals

Special Use Areas: Pools, Kitchens, Athletic Fields/Gyms, etc.

Swimming Pools

Maximum number using the pool facility is limited to fifty (50).

Any clean swimsuit (except wool) may be worn. Cut-offs, shirts, blouses and casual wear shorts are not permitted. Participants shall provide their own towels.

Permission for use of any foreign objects in the pool shall be granted only when necessary for training which leads to certification or for classes offered/approved by the School District. Approval shall be obtained in advance from the Facilities Use Coordinator or Aquatics Manager.

The following rules shall be adhered to by all groups using pool facilities:

- Take a hot soap shower, without a suit, before and after swimming.
- Use lavatories before swimming.
- Remove bandages, plasters, tape, bobby pins, and gum before entering the pool.
- Enter and leave the water at lifeguard's request.
- Avoid all forms of dangerous activities including running, pushing, "dunking," throwing objects, and hanging on diving boards, platforms, or blocks.
- Remain out of the diving area while the diving board is used. Stay off the diving board when occupied by another person. Take only one bounce when diving. Wait until others are out of the diving area before completing a dive. Swim straight out of the diving area after completing a dive.
- Report illness or injury to a lifeguard or swimming instructor.
- Stay in the pool area suited to the swimmer's ability or area designated by a lifeguard or swimming instructor.
- The use of gum, food, and drinks of any kind in the pool area is prohibited and shall be enforced by the lifeguard.
- Inner tubes and other inflated objects, towels, and metal objects are not permitted.
- The lifeguard will allow the use of diving bricks, rings, flutter boards, and swimming fins as part of the regular instruction. Goggles, aqua lungs, skin-diving equipment and snorkels shall be used only when qualified instructors are present and preliminary approval granted.
- A first-aid kit shall be available for preliminary first aid.
- Feats of daring, exhibition, rowdiness, and spouting of water are prohibited.
- Groups or individuals using the pool and/or gym are responsible for their own valuables.

Kitchen and Cafeteria Areas, Food Sales, and Concessions

The principal and Facilities Use Coordinator will grant permission for the use of cafeterias. The organization/individual will pay for any damages. All machinery and technical equipment shall be operated by regular food service employees at the expense of the organization. Certified staff shall be on-site at all times with kitchen use.

Child Nutrition personnel employed by the renting organization shall be reimbursed at a rate of pay determined by the School Board. Banquets or special dinners may be served in the school cafeterias for school-related functions. The cost of these services shall be paid by the group using said facilities.

All federal, state, and St. Louis County Health Department rules and regulations governing food service shall be adhered to. Items bought from a licensed bakery, grocery store, or other commercial kitchens may be allowed.

The permit holder shall comply with the following restrictions:

- No home-canned products including vegetables, meat, poultry, fish or shellfish, or homemade sausage shall be sold or served.
- None of the following potentially hazardous food shall be prepared in private homes and brought into school buildings for consumption:
 - Casseroles containing meat, fish or poultry.
 - Baked ham, roasted poultry, roasted pork.
 - Salads and sandwiches containing meat, fish, poultry or eggs.
 - Milk-based cream pies, including banana cream, Boston cream, butterscotch, chocolate, coconut cream or other milk-based mixtures.
 - Custard-filled pastries including éclairs and cream puffs or other custard filled products.
- Potluck style foods and events are exempt from any licensing requirements so long as the food is brought by the people attending and the food is not prepared in or brought into a licensed kitchen at the site of the potluck.
 - Information about Potluck Events can be found here:
<https://www.health.state.mn.us/communities/environment/food/docs/fs/potluckfs.pdf>
- Dishes and silverware of the cafeteria may be used. However, it shall be the responsibility of the organization, under the direction of the food service personnel, to return, clean, and store items in the same manner as before usage.

Bake Sales

Any bake sale must be approved by the district and hold a permit from the Community Education Department. All items sold shall adhere to the restrictions above and only sell non-potentially hazardous food items. A sign needs to be posted (see #48 on the MN Department of Agriculture's Cottage Food Law Guidance for the sign for non-potentially

hazardous foods). According to MN State Law 28A.152, an individual selling allowable foods under this section is limited to total sales with gross receipts of \$78,000 or less in a calendar year.

MN Department of Agriculture Cottage Food Law:

<https://www.mda.state.mn.us/food-feed/cottage-food-law-guidance>

Independent Concession Stand Operation

Any and all service of food to the public must be licensed. The practice of student or parent booster clubs, activity clubs, or class groups preparing or selling food at games and activities is not allowed without the proper food license and approval from the district.

All license requirements must be met and provided to the Duluth Public School District prior to any and all events along with obtaining a facility use permit from Community Education. Any food or drink item to be sold must meet all federal, state, and St. Louis County Health Department rules and regulations governing food service.

To come into compliance, groups will need to either:

- Obtain the correct license to sell food.
- Construct a seasonal food permanent food stand with all commercial equipment.

The type of food license needed, and the regulatory agency that will approve/issue it, depends on the predominant type of foods that will be sold by the group.

- If a group anticipates more sales (dollar amount; not quantity) from prepackaged foods/beverages, baked goods, popcorn, candy, nuts, or snow cones, then they would need a license from the Minnesota Department of Agriculture (MDA). “More” meaning 51% or more of total sales. They would need to apply for either a Special Event Food Stand license (if selling for 10 or fewer dates), or a Retail Mobile Food Handler license.
 - Information for the Special Events Food Stand Licence can be found here:
<https://www.mda.state.mn.us/special-event-food-stand-license-application-guide>
- If a group anticipates more sales from foods prepared or dispensed/served onsite per customer order like hot dogs, burgers, sandwiches, pizza slices, nachos, soft serve ice cream, beverage dispensing, etc., then a license would be needed from the Minnesota Department of Health.
 - The MDH Duluth district office can be reached at 218-302-6166 for further information or on their website at
<https://www.health.state.mn.us/communities/environment/food/license/index.html>.

Media Centers

School Media Centers are geared to school curriculum and not general public use. Should a community feel it important to open a Media Center, the following usage procedure is required:

- A request for Media Center usage shall be filed with the Facilities Use Coordinator and coordinated with the school Media Center Technician.
- No person may check materials out of the Media Center or remove items from that space. Library media supplies such as markers, crayons, puzzles, games, legos and other maker space items should not be used.
- Any individual, group, or organization shall be responsible for replacing any materials lost, damaged or destroyed during use of the Media Center.
- No food or drink shall be brought into any Media Centers.
- If the use of AV equipment is requested, it must be approved by the Media Center Technician and the user must have ISD 709 district credentials whether as a staff member or requested through the Facilities Use Coordinator who shall request guest credentials from the Technology and Digital Innovation Department. Any use while accessing ISD 709 equipment and networks must follow district Policy 524 Internet Acceptable Use and Safety Policy.
- After use of the Media Center, return all furniture and equipment to their original locations, wipe off white boards, tables should be cleaned as necessary, and turn off lights. If using AV equipment, sign out of computers and Smartboards and restore all technology settings (i.e. speaker selection).

Career and Technical Education (CTE) Facilities

CTE Faculty and Staff shall be responsible for all equipment in an CTE facility. Programs using career and technical education facilities shall be approved by the Community Education Office with permission from CTE faculty.

School Grounds and Athletic Fields

Application for the use of playgrounds and athletic fields shall be made in the same manner as for the use of buildings and facilities.

The applicant shall provide police and/or fire supervision for those activities where it is deemed necessary by the Facilities Use Coordinator.

Professional contests shall not be played on school athletic fields or playgrounds without district approval whether from the Community Education Office or Activities Directors.

Gymnasiums

Gymnasiums may be used by organizations for recreation and instruction purposes.

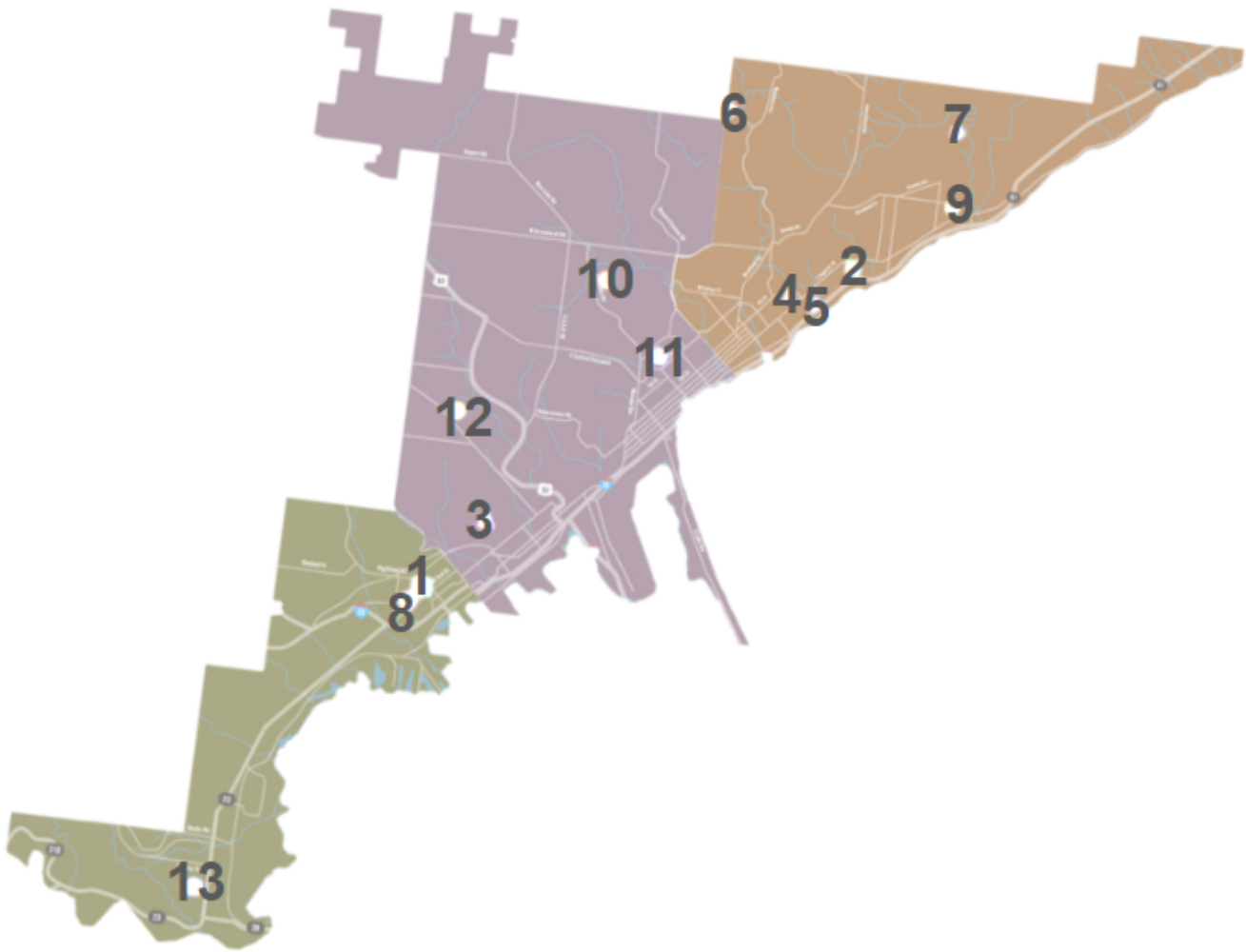
- No instructor, member of a gymnasium class, or visitor shall be permitted on the playing portion of the floor wearing street shoes.
- Each leader shall use reasonable caution to see that snow, water, or dirt are removed from shoes before admittance to the gymnasium.
- Each leader shall be held responsible for enforcement of all safety and security regulations.
- Each leader shall conduct only those gymnasium activities that are meaningful and within the physical capabilities of the students/adults expected to perform them.
- Use of school district owned physical education and athletic equipment and supplies will be permitted if authorized by the principal, gym teachers, or Facilities Use Coordinator.
- Use of physical education apparatus is permitted only when a leader competent to instruct in its use is present and use has prior approval of the principal, gym teachers, or Facilities Use Coordinator.

Facility Use Fee Schedule

ISD 709 Buildings and Locations

	School	Address	School Number	Engineer Ext.
1	Denfeld HS	401 N 40th Ave W 55807	218-336-8830	x 1932
2	East HS	301 N 40th Ave E 55804	218-336-8845	x 2146
3	Lincoln Park MS	3215 W 3rd St 55807	218-336-8880	x 3285
4	Ordean MS	2900 E 4th St 55812	218-336-8940	x 4111
5	Congdon Park ES	3116 E. Superior St 55812	218-336-8825	x 1834
6	Homecroft ES	4784 Howard Gnesen Rd 55803	218-336-8865	x 2542
7	Lakewood ES	5207 N Tischer Rd 55804	218-336-8870	x 2620
8	Laura MacArthur	720 N Central Ave 55807	218-336-8900	x 3112
9	Lester Park ES	5300 Glenwood St 55804	218-336-8875	x 2655
10	Lowell ES	2000 Rice Lake Rd 55811	218-336-8895	x 2974
11	Myers-Wilkins ES	1027 N 8th Ave E 55805	218-336-8860	x 2443
12	Piedmont ES	2827 Chambersburg Ave 55811	218-336-8950	x 2735
13	Stowe ES	715 - 101st Ave W 55808	218-336-8965	x 3919

Map of Duluth and School Locations



Dates with Meeting Restrictions 2024-2025

January 1, 2024	New Year's Day Holiday	No school, no meetings
January 15, 2024	Martin Luther King, Jr.'s Birthday Observed *	No meetings
February 19, 2024	Presidents' Day *	No meetings
February 27, 2024	Precinct Caucus Day	No meetings or activities after 6:00 p.m.
March 5, 2024	Presidential Nomination Primary	No meetings or activities 6:00 p.m. – 8:00 p.m.
March 12, 2024	Township Election Day (if applicable)	No meetings or activities 6:00 p.m. - 8:00 p.m.
May 27, 2024	Memorial Day	No school, no meetings
June 19, 2024	Juneteenth ^	No school, no meetings
July 4, 2024	Independence Day	No school, no meetings
August 13, 2024	Primary Election Day	No meetings or activities 6:00 p.m. - 8:00 p.m.
September 2, 2024	Labor Day	No school, no meetings
October 14, 2024	Indigenous Peoples Day (Optional Holiday) ^^	No meetings if this is a school district holiday
November 5, 2024	Election Day	No meetings or activities 6:00 p.m. – 8:00 p.m.
November 11, 2024	Veterans Day	No meetings
November 28, 2024	Thanksgiving Day	No school, no meetings
November 29, 2024	Day After Thanksgiving (Optional Holiday)	No meetings if this is a school district holiday
December 25, 2024	Christmas Day	No school, no meetings
January 1, 2025	New Year's Day Holiday	No school, no meetings
January 20, 2025	Martin Luther King, Jr.'s Birthday Observed *	No meetings

February 17, 2025	Presidents' Day *	No meetings
March 11, 2025	Township Election Day (if applicable)	No meetings or activities 6:00 p.m. - 8:00 p.m.
May 26, 2025	Memorial Day	No school, no meetings
June 19, 2025	Juneteenth ^	No school, no meetings

* [Minnesota Statutes Section 645.44](#) list dates that are "holidays" under state law. Minnesota's political subdivisions have the option of determining whether Indigenous Peoples Day or the Friday after Thanksgiving shall be holidays. Where it is determined that either day is not a holiday, public business may be conducted.

If the date is determined to be a school day, it must be reflected in the teacher's contract. If Martin Luther King's birthday, Presidents Day, Veterans Day is determined to be a school day, at least one hour of the school program must be devoted to a patriotic observance of the day. For more information, see [Minnesota Statutes Section 120A.42](#) (*Conduct of School on Certain Holidays*).

When the following holidays fall on a **Saturday**, the holiday is observed on the preceding **Friday**; when the following holidays fall on a **Sunday**, the holiday is observed on the following **Monday**:

New Year's Day (January 1) Veterans Day (November 11)
Juneteenth (June 19) [new] Christmas Day (December 25)
Independence Day (July 4)

Juneteenth ^

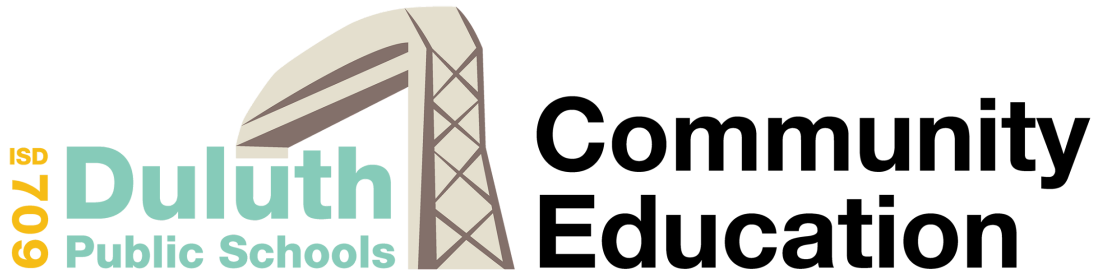
On Juneteenth (June 19), "public schools may offer instruction and programs on the occasion." For more information, see [Minnesota Statutes 10.55](#) (*Juneteenth*). The Minnesota Department of Education takes the position that school may not be offered on this holiday. MSBA continues to work with MDE to determine the "instruction and programs on the occasion" that may be offered.

Indigenous Peoples Day ^^

In 2023, the Minnesota legislature replaced Christopher Columbus Day (the second Monday in October) with Indigenous Peoples Day. All references to "Christopher Columbus Day" or "Columbus Day" are to be changed to "Indigenous Peoples Day" in Minnesota Statutes and Minnesota Rules. Thus, the conditions set forth in [Minnesota Statutes Section 120A.42](#) (*Conduct of School on Certain Holidays*) continue to apply on this date.



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Building bridges through lifelong learning

Duluth Public Schools Facilities Use Guidelines and Procedures

School Board Policy 902

<https://www.isd709.org/community/facilities-use>

The following guidelines have been established for the use of Duluth Public Schools' facilities by our students and staff, our extracurricular programs and community members.

The district reserves the right to adjust these guidelines to fit unique circumstances as determined by the Superintendent and School Board.

Effective Date: July 1st, 2024

Community Use of School Policy Statement

The School Board, being aware of the large capital investment the community has in school facilities, has determined that the community should receive maximum return for this investment. The introduction of the community education program has been made in pursuit of this objective. The policy is further extended to the use of school buildings and facilities by community groups in the promotion of school, civic, or social goals.

Public school facilities exist primarily for the purpose of serving the educational needs of the youth in the community. No group or organization will be scheduled if requested use interferes with regular school programs or school sponsored activities. The school district will determine the most appropriate and available use of the district's facility space.

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Policy 902 - Use of School District Facilities and Equipment

I. PURPOSE

The purpose of this policy is to provide guidelines for community use of school facilities and equipment.

II. GENERAL STATEMENT OF POLICY

The school board encourages maximum use of school facilities and equipment for community purposes if, in its judgment, that use will not interfere with use for school purposes.

III. SCHEDULED COMMUNITY EDUCATION CLASSES AND ACTIVITIES

- A. The school district administration shall be charged with the process of scheduling rooms and special areas for community education classes and activities planned to be offered during each session.
- B. Procedures for providing publicity, registration, and collection of fees shall be the responsibility of the school district administration.
- C. Registration fees may be structured to include a pro-rata portion of costs for custodial services that may be needed.

IV. GENERAL COMMUNITY USE OF SCHOOL FACILITIES

- A. The school board may authorize the use of school facilities by community groups or individuals. It may impose reasonable regulations and conditions upon the use of school facilities as it deems appropriate. The district may also reject requests or cancel permits for facility use for any reason deemed to not align with ISD 709 policies, values, or set requirements.
- B. Requests for use of school facilities by community groups or individuals shall be made through the school district administrative office community education office. The administration district will present recommended procedures for the processing and review of requests to the school board. Upon approval by the school board, such procedures shall be an addendum to this policy.
- C. The school board may require a rental fee for the use of school facilities. Such fee may include the cost of custodial, technician, and supervisory service if deemed necessary. This fee may also be reviewed and adjusted annually. It may also require a deposit or surety bond for the proper use and repair of damage to school facilities. A rental fee schedule, deposit or surety bond schedule, and payment procedure shall be presented for review and approval by the school board.

- D. When emergencies or unusual circumstances arise that necessitate rescheduling the use of school facilities, every effort will be made to find acceptable alternative meeting space.

E. ISD 709 Group Classification and Priority List

a. Class I

- i. 709 District Groups
- ii. School sponsored Pre-K – 12 programs, classes, co-curricular activities, meetings
- iii. Community Education Programming
- iv. Duluth Pre-School
- v. Early Childhood and Family Education
- vi. Professional Development
- vii. KeyZone – district affiliated after school programming
- viii. PTO/PTA groups
- ix. District affiliated athletic booster clubs

Class I users shall not be required to pay a permit fee or a facility use fee, but they may be required to reimburse the District for staff costs or other expenses directly attributable to the activity. ISD 709 Employees are not permitted to rent District space to conduct activities for their own private profit.

b. Class II - Subject to fees

- i. Non-profit, tax-exempt youth community groups and organizations with at least 70% ISD 709 resident participants.
- ii. Scout groups, 4-H, Duluth Community School Collaborative, Valley Youth Center
- iii. District Area Athletic Associations (serving youth aged 18 and under)
- iv. Groups sponsored by the City of Duluth, St. Louis County, State of Minnesota, or any federal government group.
- v. Non-profit, tax-exempt community groups related to political groups (caucuses, polling, or elections), but not to host events that charge admission or are fundraising in nature.
- vi. Duluth based colleges and universities.

c. Class III - Subject to fees

- i. Non-profit, tax-exempt groups and organizations within ISD 709 district boundaries that use school facilities for events to raise money and/or charge admission (youth athletic tournaments, fundraisers).
- ii. This does not include charging admission to cover direct activity expenses.
- iii. Other non-profit, tax-exempt organizations and businesses, as well as, residents, and neighborhood groups within ISD 709 district boundaries.
- iv. Duluth based private and charter schools, religious groups, and

groups containing less than 70% ISD 709 serving resident participants.

v. Non-Duluth based non-profits, schools, colleges and universities, youth sport and athletic associations.

d. Class IV - Subject to fees

i. Commercial and for-profit groups and individuals

V. USE OF SCHOOL EQUIPMENT

The administration will present a procedure to the school board for review and approval regarding the type of equipment that is available for community use, the extent to which it may be utilized, and the manner by which it may be scheduled for use and any charges to be made relating thereto. Upon approval of the school board, such procedure shall be an addendum to this policy.

VI. RULES FOR USE OF FACILITIES AND EQUIPMENT

The school board expects members of the community who use facilities and equipment to do so with respect for school district property and an understanding of proper use. Individuals and groups shall be responsible for damage to facilities and equipment. A certificate of insurance may be required by the school district to ensure payment for these damages and any liability for injuries. The district will determine the need for provided insurance based on risk assessment of the activity and size of permitted groups. Insured individuals, groups and/or organizations that are not ISD 709 school or district affiliated groups should provide proof of liability insurance and submit a Certificate of Insurance verifying liability insurance covering up to \$1,000,000 prior to use of district facilities.

Legal References: Minn. Stat. § 123B.51 (Schoolhouses and Sites; Uses for School and Nonschool Purposes; Closings)

Cross References: MSBA/MASA Model Policy 801 (Equal Access to School Facilities)
MSBA/MASA Model Policy 901 (Community Education)
902R Facilities Use Guide ISD 709

Replacing: Policies 1130, 1130.1R, 1130.2R, 1130.3R, 1130.4R

First Reading:

Second Reading:

Adopted:

Process & Procedures for Scheduling School District Facilities

Contact Information:

Danielle Sunday, Facilities Use Coordinator

Email: facilitiesrequest@isd709.org

Phone: 218-336-8760 x4

713 Portia Johnson Drive, Door F, Duluth, MN 55811

All facility requests are to be made online following the facility use request process found on the district website: <https://www.isd709.org/community/facilities-use>

Permits:

Online requests are to be electronically submitted and signed five (5) business days prior to the event, requests made less than 5 days in advance will be considered as space and personnel allow. Each group is required to have the approved permit available for review during the event. In addition, the electronic signature is part of the requirement for securing a space with Duluth Public Schools. Permit holders must be at least 18 years old.

Insurance:

Applicants and/or organizations agree to assume all responsibility for damage or liability of any kind and further agree to hold harmless Independent School District 709 from any liability and/or expense in connection with the use of the school facilities. The district may require the applicant and/or organization to **sign a Waiver of Release or** furnish a Certificate of Liability/Property Insurance in the amount of \$1,000,000 combined, single limit, for general liability, naming the school district as an additional insured.

Tax Exempt Status:

For tax exempt users, a completed Certificate of Exemption—MN Revenue Form ST 3 must accompany your request. This may be submitted by email to facilitiesrequest@isd709.org.

Right of Refusal:

The school district reserves the right to cancel any reservations should district needs arise. Regular school activities and organizations of the school district shall have first priority in the use of any facility. **The district may also reject requests or cancel permits for facility use for any reason deemed to not align with ISD 709 policies, values, or set requirements.**

Invoice Payment:

Payment for use of facilities, equipment, and district personnel fees are due immediately upon receipt of the billing statement. Contract holders with unpaid invoices of 60 days or more will not be allowed to reserve district facilities until the account has been settled.

Community Use Rules and Regulations

Rules and regulations exist to protect property owned by our school district, and to ensure safety to users. The following rules are to be adhered to when using school district facilities, grounds and equipment in accordance with Minnesota School Board Association Policy 902. It is the facility user group's responsibility to communicate these rules and regulations to their leaders, participants and spectators.

- Regular school activities, programs and organizations shall have first priority in the use of any district facility or grounds.
- After the Facility Use Permit has been approved by the facility scheduler and signed by the requestor, it becomes an agreement with the requestor and/or the organization.
- Contract holders cannot sublet or transfer their rights and privileges to any other individual, group, business or organization.
- If any damage is found after a group has used the district facilities, grounds or equipment, the group scheduled will be held responsible for the cost of repair or replacement of any items damaged, lost or stolen from school district property.
- Facility user groups will be responsible for leaving the facilities and property in the same condition or better as upon arrival (including returning furniture to original configuration and any other clean up needed).
- The Facility Use Permit is granted for specific dates, equipment, room or areas of building for specific periods of time and for specific uses including the nearest restrooms and drinking fountain. Using a building for other purposes, using additional facilities, loitering in other areas, entering or remaining in the building beyond the allotted time will be considered as unauthorized use of the facilities.
- Additional charges may be added to the facility use fee as well as denial of future use.
- Any propping of doors, or doors remaining open during the time of your event will result in denial of future facility use requests.
- For use of kitchens (food service areas), classrooms with cooking facilities, stadium, pools, sound booths, lighting booths and all related technology equipment usage will require appropriate district trained personnel and/or permission. The facility user group will be billed at the current hourly rate. Use of computer facilities must comply with the district's Internet Acceptable Use Guidelines as defined in Policy 524.
- Facility user groups receiving approval to use district facilities, grounds and equipment are responsible for ensuring adequate supervision for the approved activity. For safety reasons, no children will be allowed entrance to a building until a responsible adult is in attendance and ready to take charge of the group. The adult responsible for the activity must remain with the group the entire time that they are in the building and must not leave until he/she is certain that all members of his/her group are out of the building and picked up by parents/guardians.
- The adult responsible for the activity is also accountable for the conduct and behavior of both participants and spectators. Responsibility includes enforcing rules and regulations

as well as restricting group activity to the areas listed on the facility use permit. All children must be under parental/leader supervision. Running or ball play is not permitted outside of the gym.

Cancellations and No-Shows

If a permit needs to be canceled, please contact the Community Education office as soon as possible. Last minute cancellations should notify the Community Education office and call the site's engineer office. Phone numbers can be found in the ISD 709 Buildings and Locations section of this document.

The district reserves the right to charge a cancellation fee and/or full payment if cancellation is not requested 7 days prior to the event or for no-shows.

Exceptions are for weather related cancellation or canceled by ISD 709. There will be no charge for cancellations for these reasons.

The district will make every effort to provide alternative locations or reschedule the event.

Equipment Use

Use of ISD 709 equipment such as athletic equipment, sound and lighting equipment, instruments, etc., may require a rental fee. All fees will be pre-approved and listed on the group's facility use permit.

A group will be charged if damages of ISD 709 equipment results from non-supervision of those in attendance, carelessness, inappropriate use of equipment, etc.

Custodial Services

Events that require special or heavy set-up or clean-up, involve meals, are large enough to require the cleaning of public areas and/or rest rooms, or involve other issues requiring custodial support will have a custodian assigned and the group will be responsible for the cost. Cost is dependent on space rented. Renters scheduling events that extend beyond the custodian's normal work schedule will pay overtime rates.

District 709 Policies and Procedures

Duluth Public Schools policies, local and state ordinances and laws, and fire codes pertaining to the use of public facilities must be observed. Copies of all school district policies are available online at <https://www.isd709.org/about-us/policies>. Policies include but are not limited to the following:

- Duluth Public Schools are tobacco free. Use of tobacco products is prohibited on school district property including buildings and grounds as defined in Policy 419.
- Possession or consumption of intoxicating beverages or illegal substances, (drugs) of any form is prohibited on school district property including facilities and grounds as defined in Policy 418.
- No weapons or look-a-like weapons, as defined in Policy 501, shall be allowed on school property for any reason other than in conjunction with an authorized firearm safety program with the exception of legally authorized officials.
- Facility user groups agree to go over any safety concerns and rules related to the scheduled activity including proper sportsmanship, location of fire extinguishers, and proper use of equipment. Facility user groups must furnish their own first aid kits and instructional supplies.
- The district prohibits all forms of harassment and violence as defined in Policy 413.
- If a fire alarm sounds in any area of a building the entire building must be evacuated according to evacuation maps posted in each room near the exits.
- If an alarm sounds related to tornado warning the entire building must take cover in the nearest location as indicated on maps posted in each room/space.
- Consumption of food (including snacks and refreshments) and beverages in school facilities is allowed in designated areas only, this does not include instructional areas, gymnasiums, auditoriums, and other special use rooms.
- Disorderly conduct is prohibited and punishable by ejection from the facility or grounds. This includes inappropriate communication and disrespect for authority, event supervisor and/or custodian by group leaders and/or participants of a group. The proper authorities will be notified. Law enforcement may be called to intervene.
- Parking is allowed in designated areas only.

ISD 709 Group Classification and Priority List

Class I

- 709 District Groups
- School sponsored Pre-K – 12 programs, classes, co-curricular activities, meetings
- Community Education Programming*
- Duluth Pre-School
- Early Childhood and Family Education
- Professional Development
- KeyZone – district affiliated after school programming
- PTO/PTA groups
- District affiliated athletic booster clubs

Class I users shall not be required to pay a facility use fee, but they may be required to reimburse the district for staff costs or other expenses directly attributable to the activity. ISD 709 Employees are not permitted to rent district space to conduct activities for their own private profit.

Class II

- Non-profit, tax-exempt youth community groups and organizations with at least 70% ISD 709 resident participants.
- Scout groups, 4-H, Duluth Community School Collaborative, Valley Youth Center
- District Area Athletic Associations (serving youth aged 18 and under)
- Groups sponsored by the City of Duluth, St. Louis County, State of Minnesota, or any federal government group.
- Non-profit, tax-exempt community groups related to political groups (caucuses, polling, or elections), but not to host events that charge admission or are fundraising in nature.
- Duluth based colleges and universities.

Class III

- Non-profit, tax-exempt groups and organizations within ISD 709 district boundaries that use school facilities for events to raise money and/or charge admission (youth athletic tournaments, fundraisers). This does not include charging admission to cover direct activity expenses.
- Other non-profit, tax-exempt organizations and businesses, as well as, residents, and neighborhood groups within ISD 709 district boundaries.
- Duluth based private and charter schools, religious groups, and groups containing less than 70% ISD 709 serving resident participants.
- Non-Duluth based non-profits, schools, colleges and universities, youth sport and athletic associations.

Class IV

- Commercial and for-profit groups and individuals

Special Use Areas: Pools, Kitchens, Athletic Fields/Gyms, etc.

Swimming Pools

Maximum number using the pool facility is limited to fifty (50).

Any clean swimsuit (except wool) may be worn. Cut-offs, shirts, blouses and casual wear shorts are not permitted. Participants shall provide their own towels.

Permission for use of any foreign objects in the pool shall be granted only when necessary for training which leads to certification or for classes offered/approved by the School District. Approval shall be obtained in advance from the Facilities Use Coordinator or Aquatics Manager.

The following rules shall be adhered to by all groups using pool facilities:

- Take a hot soap shower, without a suit, before and after swimming.
- Use lavatories before swimming.
- Remove bandages, plasters, tape, bobby pins, and gum before entering the pool.
- Enter and leave the water at lifeguard's request.
- Avoid all forms of dangerous activities including running, pushing, "dunking," throwing objects, and hanging on diving boards, platforms, or blocks.
- Remain out of the diving area while the diving board is used. Stay off the diving board when occupied by another person. Take only one bounce when diving. Wait until others are out of the diving area before completing a dive. Swim straight out of the diving area after completing a dive.
- Report illness or injury to a lifeguard or swimming instructor.
- Stay in the pool area suited to the swimmer's ability or area designated by a lifeguard or swimming instructor.
- The use of gum, food, and drinks of any kind in the pool area is prohibited and shall be enforced by the lifeguard.
- Inner tubes and other inflated objects, towels, and metal objects are not permitted.
- The lifeguard will allow the use of diving bricks, rings, flutter boards, and swimming fins as part of the regular instruction. Goggles, aqua lungs, skin-diving equipment and snorkels shall be used only when qualified instructors are present and preliminary approval granted.
- A first-aid kit shall be available for preliminary first aid.
- Feats of daring, exhibition, rowdiness, and spouting of water are prohibited.
- Groups or individuals using the pool and/or gym are responsible for their own valuables.

Kitchen and Cafeteria Areas, Food Sales, and Concessions

The principal and Facilities Use Coordinator will grant permission for the use of cafeterias. The organization/individual will pay for any damages. All machinery and technical equipment shall be operated by regular food service employees at the expense of the organization. Certified staff shall be on-site at all times with kitchen use.

Child Nutrition personnel employed by the renting organization shall be reimbursed at a rate of pay determined by the School Board. Banquets or special dinners may be served in the school cafeterias for school-related functions. The cost of these services shall be paid by the group using said facilities.

All federal, state, and St. Louis County Health Department rules and regulations governing food service shall be adhered to. Items bought from a licensed bakery, grocery store, or other commercial kitchens may be allowed.

The permit holder shall comply with the following restrictions:

- No home-canned products including vegetables, meat, poultry, fish or shellfish, or homemade sausage shall be sold or served.
- None of the following potentially hazardous food shall be prepared in private homes and brought into school buildings for consumption:
 - Casseroles containing meat, fish or poultry.
 - Baked ham, roasted poultry, roasted pork.
 - Salads and sandwiches containing meat, fish, poultry or eggs.
 - Milk-based cream pies, including banana cream, Boston cream, butterscotch, chocolate, coconut cream or other milk-based mixtures.
 - Custard-filled pastries including éclairs and cream puffs or other custard filled products.
- Potluck style foods and events are ~~not allowed~~ exempt from any licensing requirements so long as the food is brought by the people attending and the food is not prepared in or brought into a licensed kitchen at the site of the potluck.
 - Information about Potluck Events can be found here:
<https://www.health.state.mn.us/communities/environment/food/docs/fs/potluckfs.pdf>
- Dishes and silverware of the cafeteria may be used. However, it shall be the responsibility of the organization, under the direction of the food service personnel, to return, clean, and store items in the same manner as before usage.

Bake Sales

Any bake sale must be approved by the district and hold a permit from the Community Education Department. All items sold shall adhere to the restrictions above and only sell non-potentially hazardous food items. A sign needs to be posted (see #48 on the MN Department of Agriculture's Cottage Food Law Guidance for the sign for non-potentially

hazardous foods). According to MN State Law 28A.152, an individual selling allowable foods under this section is limited to total sales with gross receipts of \$78,000 or less in a calendar year.

MN Department of Agriculture Cottage Food Law:

<https://www.mda.state.mn.us/food-feed/cottage-food-law-guidance>

Independent Concession Stand Operation

Any and all service of food to the public must be licensed. The practice of student or parent booster clubs, activity clubs, or class groups preparing or selling food at games and activities is not allowed without the proper food license and approval from the district.

All license requirements must be met and provided to the Duluth Public School District prior to any and all events along with obtaining a facility use permit from Community Education. Any food or drink item to be sold must meet all federal, state, and St. Louis County Health Department rules and regulations governing food service.

To come into compliance, groups will need to either:

- Obtain the correct license to sell food.
- Construct a seasonal food permanent food stand with all commercial equipment.

The type of food license needed, and the regulatory agency that will approve/issue it, depends on the predominant type of foods that will be sold by the group.

- If a group anticipates more sales (dollar amount; not quantity) from prepackaged foods/beverages, baked goods, popcorn, candy, nuts, or snow cones, then they would need a license from our agency, the Minnesota Department of Agriculture (MDA). “More” meaning 51% or more of total sales. They would need to apply for either a Special Event Food Stand license (if selling for 10 or fewer dates), or a Retail Mobile Food Handler license.
 - Information for the Special Events Food Stand Licence can be found here: <https://www.mda.state.mn.us/special-event-food-stand-license-application-guide>
- If a group anticipates more sales from foods prepared or dispensed/served onsite per customer order like hot dogs, burgers, sandwiches, pizza slices, nachos, soft serve ice cream, beverage dispensing, etc., then a license would be needed from the Minnesota Department of Health.
 - The MDH Duluth district office can be reached at 218-302-6166 for further information or on their website at <https://www.health.state.mn.us/communities/environment/food/license/index.html>.

Regular School Libraries- Media Centers

School libraries- Media Centers are geared to school curriculum and not general public use. Should a community feel it important to open a local school library Media Center, the following usage procedure is required:

- A request for library facility- Media Center usage shall be filed with the principal and Facilities Use Coordinator and coordinated with the school librarian Media Center Technician.
- No person may check materials out of the library Media Center or remove items from that space. Library media supplies such as markers, crayons, puzzles, games, legos and other maker space items should not be used.
- Any individual, group, or organization shall be responsible for replacing any materials lost, damaged or destroyed during use of the library Media Center.
- No food or drink shall be brought into any Media Centers.
- If the use of AV equipment is requested, it must be approved by the Media Center Technician and the user must have ISD 709 district credentials whether as a staff member or requested through the Facilities Use Coordinator who shall request guest credentials from the Technology and Digital Innovation Department. Any use while accessing ID 709 equipment and networks must follow district Policy 524 Internet Acceptable Use and Safety Policy.
- After use of the Media Center, return all furniture and equipment to their original locations, wipe off white boards, tables should be cleaned as necessary, and turn off lights. If using AV equipment, sign out of computers and Smartboards and restore all technology settings (i.e. speaker selection).

Industrial Arts Facilities Career and Technical Education (CTE) Facilities

The industrial arts teacher CTE Faculty and Staff shall be responsible for all equipment in an industrial arts CTE facility. Programs using industrial arts facilities shall be approved by the Community Education Office with permission from CTE faculty.

School Grounds and Athletic Fields

Application for the use of playgrounds and athletic fields shall be made in the same manner as for the use of buildings and facilities.

The applicant shall provide police and/or fire supervision for those activities where it is deemed necessary by the Facilities Use Coordinator.

Professional contests shall not be played on school athletic fields or playgrounds without ~~School Board approval.~~ district approval whether from the Community Education Office or Activities Directors.

Gymnasiums

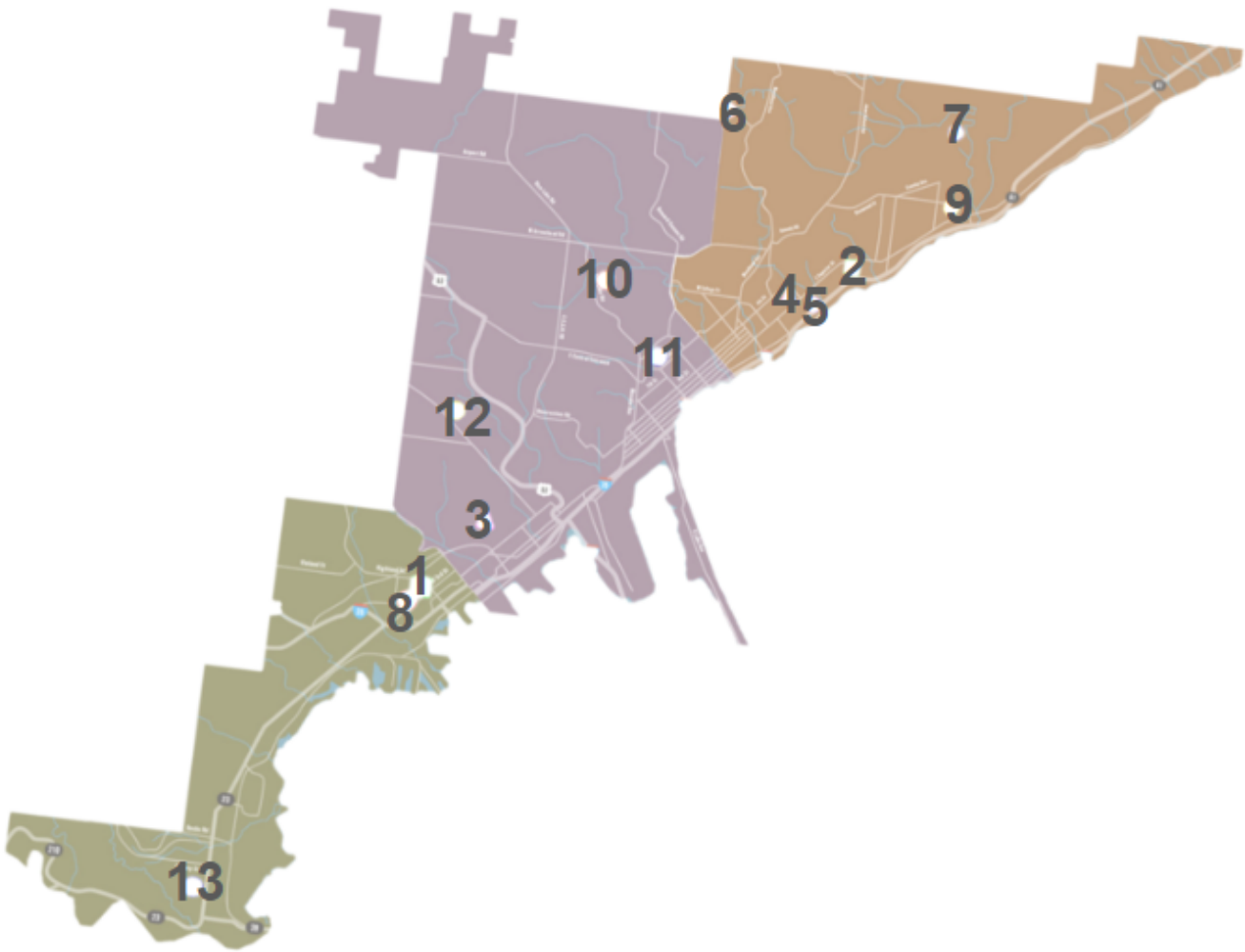
Gymnasiums may be used by organizations for recreation and instruction purposes.

- No instructor, member of a gymnasium class, or visitor shall be permitted on the playing portion of the floor wearing street shoes.
- Each leader shall use reasonable caution to see that snow, water, or dirt are removed from shoes before admittance to the gymnasium.
- Each leader shall be held responsible for enforcement of all safety and security regulations.
- Each leader shall conduct only those gymnasium activities that are meaningful and within the physical capabilities of the students/adults expected to perform them.
- Use of school district owned physical education and athletic equipment and supplies will be permitted if authorized by the principal, gym teachers, or Facilities Use Coordinator.
- Use of physical education apparatus is permitted only when a leader competent to instruct in its use is present and use has prior approval of the principal, gym teachers, or Facilities Use Coordinator.

ISD 709 Buildings and Locations

	School	Address	School Number	Engineer Ext.
1	Denfeld HS	401 N 40th Ave W 55807	218-336-8830	x 1932
2	East HS	301 N 40th Ave E 55804	218-336-8845	x 2146
3	Lincoln Park MS	3215 W 3rd St 55807	218-336-8880	x 3285
4	Ordean MS	2900 E 4th St 55812	218-336-8940	x 4111
5	Congdon Park ES	3116 E. Superior St 55812	218-336-8825	x 1834
6	Homecroft ES	4784 Howard Gnesen Rd 55803	218-336-8865	x 2542
7	Lakewood ES	5207 N Tischer Rd 55804	218-336-8870	x 2620
8	Laura MacArthur	720 N Central Ave 55807	218-336-8900	x 3112
9	Lester Park ES	5300 Glenwood St 55804	218-336-8875	x 2655
10	Lowell ES	2000 Rice Lake Rd 55811	218-336-8895	x 2974
11	Myers-Wilkins ES	1027 N 8th Ave E 55805	218-336-8860	x 2443
12	Piedmont ES	2827 Chambersburg Ave 55811	218-336-8950	x 2735
13	Stowe ES	715 - 101st Ave W 55808	218-336-8965	x 3919

Map of Duluth and School Locations



Dates with Meeting Restrictions 2024-2025

January 1, 2024	New Year's Day Holiday	No school, no meetings
January 15, 2024	Martin Luther King, Jr.'s Birthday Observed *	No meetings
February 19, 2024	Presidents' Day *	No meetings
February 27, 2024	Precinct Caucus Day	No meetings or activities after 6:00 p.m.
March 5, 2024	Presidential Nomination Primary	No meetings or activities 6:00 p.m. – 8:00 p.m.
March 12, 2024	Township Election Day (if applicable)	No meetings or activities 6:00 p.m. - 8:00 p.m.
May 27, 2024	Memorial Day	No school, no meetings
June 19, 2024	Juneteenth ^	No school, no meetings
July 4, 2024	Independence Day	No school, no meetings
August 13, 2024	Primary Election Day	No meetings or activities 6:00 p.m. - 8:00 p.m.
September 2, 2024	Labor Day	No school, no meetings
October 14, 2024	Indigenous Peoples Day (Optional Holiday) ^^	No meetings if this is a school district holiday
November 5, 2024	Election Day	No meetings or activities 6:00 p.m. – 8:00 p.m.
November 11, 2024	Veterans Day	No meetings
November 28, 2024	Thanksgiving Day	No school, no meetings
November 29, 2024	Day After Thanksgiving (Optional Holiday)	No meetings if this is a school district holiday
December 25, 2024	Christmas Day	No school, no meetings
January 1, 2025	New Year's Day Holiday	No school, no meetings
January 20, 2025	Martin Luther King, Jr.'s Birthday Observed *	No meetings

February 17, 2025	Presidents' Day *	No meetings
March 11, 2025	Township Election Day (if applicable)	No meetings or activities 6:00 p.m. - 8:00 p.m.
May 26, 2025	Memorial Day	No school, no meetings
June 19, 2025	Juneteenth ^	No school, no meetings

* [Minnesota Statutes Section 645.44](#) list dates that are "holidays" under state law. Minnesota's political subdivisions have the option of determining whether Indigenous Peoples Day or the Friday after Thanksgiving shall be holidays. Where it is determined that either day is not a holiday, public business may be conducted.

If the date is determined to be a school day, it must be reflected in the teacher's contract. If Martin Luther King's birthday, Presidents Day, Veterans Day is determined to be a school day, at least one hour of the school program must be devoted to a patriotic observance of the day. For more information, see [Minnesota Statutes Section 120A.42](#) (*Conduct of School on Certain Holidays*).

When the following holidays fall on a **Saturday**, the holiday is observed on the preceding **Friday**; when the following holidays fall on a **Sunday**, the holiday is observed on the following **Monday**:

New Year's Day (January 1) Veterans Day (November 11)
Juneteenth (June 19) [new] Christmas Day (December 25)
Independence Day (July 4)

Juneteenth ^

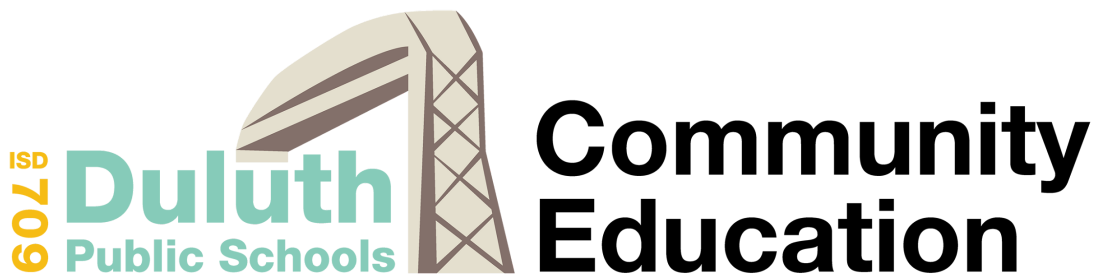
On Juneteenth (June 19), "public schools may offer instruction and programs on the occasion." For more information, see [Minnesota Statutes 10.55](#) (*Juneteenth*). The Minnesota Department of Education takes the position that school may not be offered on this holiday. MSBA continues to work with MDE to determine the "instruction and programs on the occasion" that may be offered.

Indigenous Peoples Day ^^

In 2023, the Minnesota legislature replaced Christopher Columbus Day (the second Monday in October) with Indigenous Peoples Day. All references to "Christopher Columbus Day" or "Columbus Day" are to be changed to "Indigenous Peoples Day" in Minnesota Statutes and Minnesota Rules. Thus, the conditions set forth in [Minnesota Statutes Section 120A.42](#) (*Conduct of School on Certain Holidays*) continue to apply on this date.



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Building bridges through lifelong learning

Duluth Public Schools Facilities Use Guidelines and Procedures

School Board Policy 902

<https://www.isd709.org/community/facilities-use>

The following guidelines have been established for the use of Duluth Public Schools' facilities by our students and staff, our extracurricular programs and community members.

The district reserves the right to adjust these guidelines to fit unique circumstances as determined by the Superintendent and School Board.

Effective Date: July 1st, 2024

Community Use of School Policy Statement

The School Board, being aware of the large capital investment the community has in school facilities, has determined that the community should receive maximum return for this investment. The introduction of the community education program has been made in pursuit of this objective. The policy is further extended to the use of school buildings and facilities by community groups in the promotion of school, civic, or social goals.

Public school facilities exist primarily for the purpose of serving the educational needs of the youth in the community. No group or organization will be scheduled if requested use interferes with regular school programs or school sponsored activities. The school district will determine the most appropriate and available use of the district's facility space.

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Policy 902 - Use of School District Facilities and Equipment

I. PURPOSE

The purpose of this policy is to provide guidelines for community use of school facilities and equipment.

II. GENERAL STATEMENT OF POLICY

The school board encourages maximum use of school facilities and equipment for community purposes if, in its judgment, that use will not interfere with use for school purposes.

III. SCHEDULED COMMUNITY EDUCATION CLASSES AND ACTIVITIES

- A. The school district administration shall be charged with the process of scheduling rooms and special areas for community education classes and activities planned to be offered during each session.
- B. Procedures for providing publicity, registration, and collection of fees shall be the responsibility of the school district administration.
- C. Registration fees may be structured to include a pro-rata portion of costs for custodial services that may be needed.

IV. GENERAL COMMUNITY USE OF SCHOOL FACILITIES

- A. The school board may authorize the use of school facilities by community groups or individuals. It may impose reasonable regulations and conditions upon the use of school facilities as it deems appropriate. The district may also reject requests or cancel permits for facility use for any reason deemed to not align with ISD 709 policies, values, or set requirements.
- B. Requests for use of school facilities by community groups or individuals shall be made through the school district administrative office community education office. The administration district will present recommended procedures for the processing and review of requests to the school board. Upon approval by the school board, such procedures shall be an addendum to this policy.
- C. The school board may require a rental fee for the use of school facilities. Such fee may include the cost of custodial, technician, and supervisory service if deemed necessary. This fee may also be reviewed and adjusted annually. It may also require a deposit or surety bond for the proper use and repair of damage to school facilities. A rental fee schedule, deposit or surety bond schedule, and payment procedure shall be presented for review and approval by the school board.

- D. When emergencies or unusual circumstances arise that necessitate rescheduling the use of school facilities, every effort will be made to find acceptable alternative meeting space.

E. ISD 709 Group Classification and Priority List

a. Class I

- i. 709 District Groups
- ii. School sponsored Pre-K – 12 programs, classes, co-curricular activities, meetings
- iii. Community Education Programming
- iv. Duluth Pre-School
- v. Early Childhood and Family Education
- vi. Professional Development
- vii. KeyZone – district affiliated after school programming
- viii. PTO/PTA groups
- ix. District affiliated athletic booster clubs

Class I users shall not be required to pay a permit fee or a facility use fee, but they may be required to reimburse the District for staff costs or other expenses directly attributable to the activity. ISD 709 Employees are not permitted to rent District space to conduct activities for their own private profit.

b. Class II - Subject to fees

- i. Non-profit, tax-exempt youth community groups and organizations with at least 70% ISD 709 resident participants.
- ii. Scout groups, 4-H, Duluth Community School Collaborative, Valley Youth Center
- iii. District Area Athletic Associations (serving youth aged 18 and under)
- iv. Groups sponsored by the City of Duluth, St. Louis County, State of Minnesota, or any federal government group.
- v. Non-profit, tax-exempt community groups related to political groups (caucuses, polling, or elections), but not to host events that charge admission or are fundraising in nature.
- vi. Duluth based colleges and universities.

c. Class III - Subject to fees

- i. Non-profit, tax-exempt groups and organizations within ISD 709 district boundaries that use school facilities for events to raise money and/or charge admission (youth athletic tournaments, fundraisers).
- ii. This does not include charging admission to cover direct activity expenses.
- iii. Other non-profit, tax-exempt organizations and businesses, as well as, residents, and neighborhood groups within ISD 709 district boundaries.
- iv. Duluth based private and charter schools, religious groups, and

groups containing less than 70% ISD 709 serving resident participants.

v. Non-Duluth based non-profits, schools, colleges and universities, youth sport and athletic associations.

d. Class IV - Subject to fees

i. Commercial and for-profit groups and individuals

V. USE OF SCHOOL EQUIPMENT

The administration will present a procedure to the school board for review and approval regarding the type of equipment that is available for community use, the extent to which it may be utilized, and the manner by which it may be scheduled for use and any charges to be made relating thereto. Upon approval of the school board, such procedure shall be an addendum to this policy.

VI. RULES FOR USE OF FACILITIES AND EQUIPMENT

The school board expects members of the community who use facilities and equipment to do so with respect for school district property and an understanding of proper use. Individuals and groups shall be responsible for damage to facilities and equipment. A certificate of insurance may be required by the school district to ensure payment for these damages and any liability for injuries. The district will determine the need for provided insurance based on risk assessment of the activity and size of permitted groups. Insured individuals, groups and/or organizations that are not ISD 709 school or district affiliated groups should provide proof of liability insurance and submit a Certificate of Insurance verifying liability insurance covering up to \$1,000,000 prior to use of district facilities.

Legal References: Minn. Stat. § 123B.51 (Schoolhouses and Sites; Uses for School and Nonschool Purposes; Closings)

Cross References: MSBA/MASA Model Policy 801 (Equal Access to School Facilities)
MSBA/MASA Model Policy 901 (Community Education)
902R Facilities Use Guide ISD 709

Replacing: Policies 1130, 1130.1R, 1130.2R, 1130.3R, 1130.4R

First Reading:

Second Reading:

Adopted:

Process & Procedures for Scheduling School District Facilities

Contact Information:

Danielle Sunday, Facilities Use Coordinator

Email: facilitiesrequest@isd709.org

Phone: 218-336-8760 x4

713 Portia Johnson Drive, Door F, Duluth, MN 55811

All facility requests are to be made online following the facility use request process found on the district website: <https://www.isd709.org/community/facilities-use>

Permits:

Online requests are to be electronically submitted and signed five (5) business days prior to the event, requests made less than 5 days in advance will be considered as space and personnel allow. Each group is required to have the approved permit available for review during the event. In addition, the electronic signature is part of the requirement for securing a space with Duluth Public Schools. Permit holders must be at least 18 years old.

Insurance:

Applicants and/or organizations agree to assume all responsibility for damage or liability of any kind and further agree to hold harmless Independent School District 709 from any liability and/or expense in connection with the use of the school facilities. The district may require the applicant and/or organization to **sign a Waiver of Release or** furnish a Certificate of Liability/Property Insurance in the amount of \$1,000,000 combined, single limit, for general liability, naming the school district as an additional insured.

Tax Exempt Status:

For tax exempt users, a completed Certificate of Exemption—MN Revenue Form ST 3 must accompany your request. This may be submitted by email to facilitiesrequest@isd709.org.

Right of Refusal:

The school district reserves the right to cancel any reservations should district needs arise. Regular school activities and organizations of the school district shall have first priority in the use of any facility. **The district may also reject requests or cancel permits for facility use for any reason deemed to not align with ISD 709 policies, values, or set requirements.**

Invoice Payment:

Payment for use of facilities, equipment, and district personnel fees are due immediately upon receipt of the billing statement. Contract holders with unpaid invoices of 60 days or more will not be allowed to reserve district facilities until the account has been settled.

Community Use Rules and Regulations

Rules and regulations exist to protect property owned by our school district, and to ensure safety to users. The following rules are to be adhered to when using school district facilities, grounds and equipment in accordance with Minnesota School Board Association Policy 902. It is the facility user group's responsibility to communicate these rules and regulations to their leaders, participants and spectators.

- Regular school activities, programs and organizations shall have first priority in the use of any district facility or grounds.
- After the Facility Use Permit has been approved by the facility scheduler and signed by the requestor, it becomes an agreement with the requestor and/or the organization.
- Contract holders cannot sublet or transfer their rights and privileges to any other individual, group, business or organization.
- If any damage is found after a group has used the district facilities, grounds or equipment, the group scheduled will be held responsible for the cost of repair or replacement of any items damaged, lost or stolen from school district property.
- Facility user groups will be responsible for leaving the facilities and property in the same condition or better as upon arrival (including returning furniture to original configuration and any other clean up needed).
- The Facility Use Permit is granted for specific dates, equipment, room or areas of building for specific periods of time and for specific uses including the nearest restrooms and drinking fountain. Using a building for other purposes, using additional facilities, loitering in other areas, entering or remaining in the building beyond the allotted time will be considered as unauthorized use of the facilities.
- Additional charges may be added to the facility use fee as well as denial of future use.
- Any propping of doors, or doors remaining open during the time of your event will result in denial of future facility use requests.
- For use of kitchens (food service areas), classrooms with cooking facilities, stadium, pools, sound booths, lighting booths and all related technology equipment usage will require appropriate district trained personnel and/or permission. The facility user group will be billed at the current hourly rate. Use of computer facilities must comply with the district's Internet Acceptable Use Guidelines as defined in Policy 524.
- Facility user groups receiving approval to use district facilities, grounds and equipment are responsible for ensuring adequate supervision for the approved activity. For safety reasons, no children will be allowed entrance to a building until a responsible adult is in attendance and ready to take charge of the group. The adult responsible for the activity must remain with the group the entire time that they are in the building and must not leave until he/she is certain that all members of his/her group are out of the building and picked up by parents/guardians.
- The adult responsible for the activity is also accountable for the conduct and behavior of both participants and spectators. Responsibility includes enforcing rules and regulations

as well as restricting group activity to the areas listed on the facility use permit. All children must be under parental/leader supervision. Running or ball play is not permitted outside of the gym.

Cancellations and No-Shows

If a permit needs to be canceled, please contact the Community Education office as soon as possible. Last minute cancellations should notify the Community Education office and call the site's engineer office. Phone numbers can be found in the ISD 709 Buildings and Locations section of this document.

The district reserves the right to charge a cancellation fee and/or full payment if cancellation is not requested 7 days prior to the event or for no-shows.

Exceptions are for weather related cancellation or canceled by ISD 709. There will be no charge for cancellations for these reasons.

The district will make every effort to provide alternative locations or reschedule the event.

Equipment Use

Use of ISD 709 equipment such as athletic equipment, sound and lighting equipment, instruments, etc., may require a rental fee. All fees will be pre-approved and listed on the group's facility use permit.

A group will be charged if damages of ISD 709 equipment results from non-supervision of those in attendance, carelessness, inappropriate use of equipment, etc.

Custodial Services

Events that require special or heavy set-up or clean-up, involve meals, are large enough to require the cleaning of public areas and/or rest rooms, or involve other issues requiring custodial support will have a custodian assigned and the group will be responsible for the cost. Cost is dependent on space rented. Renters scheduling events that extend beyond the custodian's normal work schedule will pay overtime rates.

District 709 Policies and Procedures

Duluth Public Schools policies, local and state ordinances and laws, and fire codes pertaining to the use of public facilities must be observed. Copies of all school district policies are available online at <https://www.isd709.org/about-us/policies>. Policies include but are not limited to the following:

- Duluth Public Schools are tobacco free. Use of tobacco products is prohibited on school district property including buildings and grounds as defined in Policy 419.
- Possession or consumption of intoxicating beverages or illegal substances, (drugs) of any form is prohibited on school district property including facilities and grounds as defined in Policy 418.
- No weapons or look-a-like weapons, as defined in Policy 501, shall be allowed on school property for any reason other than in conjunction with an authorized firearm safety program with the exception of legally authorized officials.
- Facility user groups agree to go over any safety concerns and rules related to the scheduled activity including proper sportsmanship, location of fire extinguishers, and proper use of equipment. Facility user groups must furnish their own first aid kits and instructional supplies.
- The district prohibits all forms of harassment and violence as defined in Policy 413.
- If a fire alarm sounds in any area of a building the entire building must be evacuated according to evacuation maps posted in each room near the exits.
- If an alarm sounds related to tornado warning the entire building must take cover in the nearest location as indicated on maps posted in each room/space.
- Consumption of food (including snacks and refreshments) and beverages in school facilities is allowed in designated areas only, this does not include instructional areas, gymnasiums, auditoriums, and other special use rooms.
- Disorderly conduct is prohibited and punishable by ejection from the facility or grounds. This includes inappropriate communication and disrespect for authority, event supervisor and/or custodian by group leaders and/or participants of a group. The proper authorities will be notified. Law enforcement may be called to intervene.
- Parking is allowed in designated areas only.

ISD 709 Group Classification and Priority List

Class I

- 709 District Groups
- School sponsored Pre-K – 12 programs, classes, co-curricular activities, meetings
- Community Education Programming*
- Duluth Pre-School
- Early Childhood and Family Education
- Professional Development
- KeyZone – district affiliated after school programming
- PTO/PTA groups
- District affiliated athletic booster clubs

Class I users shall not be required to pay a facility use fee, but they may be required to reimburse the district for staff costs or other expenses directly attributable to the activity. ISD 709 Employees are not permitted to rent district space to conduct activities for their own private profit.

Class II

- Non-profit, tax-exempt youth community groups and organizations with at least 70% ISD 709 resident participants.
- Scout groups, 4-H, Duluth Community School Collaborative, Valley Youth Center
- District Area Athletic Associations (serving youth aged 18 and under)
- Groups sponsored by the City of Duluth, St. Louis County, State of Minnesota, or any federal government group.
- Non-profit, tax-exempt community groups related to political groups (caucuses, polling, or elections), but not to host events that charge admission or are fundraising in nature.
- Duluth based colleges and universities.

Class III

- Non-profit, tax-exempt groups and organizations within ISD 709 district boundaries that use school facilities for events to raise money and/or charge admission (youth athletic tournaments, fundraisers). This does not include charging admission to cover direct activity expenses.
- Other non-profit, tax-exempt organizations and businesses, as well as, residents, and neighborhood groups within ISD 709 district boundaries.
- Duluth based private and charter schools, religious groups, and groups containing less than 70% ISD 709 serving resident participants.
- Non-Duluth based non-profits, schools, colleges and universities, youth sport and athletic associations.

Class IV

- Commercial and for-profit groups and individuals

Special Use Areas: Pools, Kitchens, Athletic Fields/Gyms, etc.

Swimming Pools

Maximum number using the pool facility is limited to fifty (50).

Any clean swimsuit (except wool) may be worn. Cut-offs, shirts, blouses and casual wear shorts are not permitted. Participants shall provide their own towels.

Permission for use of any foreign objects in the pool shall be granted only when necessary for training which leads to certification or for classes offered/approved by the School District. Approval shall be obtained in advance from the Facilities Use Coordinator or Aquatics Manager.

The following rules shall be adhered to by all groups using pool facilities:

- Take a hot soap shower, without a suit, before and after swimming.
- Use lavatories before swimming.
- Remove bandages, plasters, tape, bobby pins, and gum before entering the pool.
- Enter and leave the water at lifeguard's request.
- Avoid all forms of dangerous activities including running, pushing, "dunking," throwing objects, and hanging on diving boards, platforms, or blocks.
- Remain out of the diving area while the diving board is used. Stay off the diving board when occupied by another person. Take only one bounce when diving. Wait until others are out of the diving area before completing a dive. Swim straight out of the diving area after completing a dive.
- Report illness or injury to a lifeguard or swimming instructor.
- Stay in the pool area suited to the swimmer's ability or area designated by a lifeguard or swimming instructor.
- The use of gum, food, and drinks of any kind in the pool area is prohibited and shall be enforced by the lifeguard.
- Inner tubes and other inflated objects, towels, and metal objects are not permitted.
- The lifeguard will allow the use of diving bricks, rings, flutter boards, and swimming fins as part of the regular instruction. Goggles, aqua lungs, skin-diving equipment and snorkels shall be used only when qualified instructors are present and preliminary approval granted.
- A first-aid kit shall be available for preliminary first aid.
- Feats of daring, exhibition, rowdiness, and spouting of water are prohibited.
- Groups or individuals using the pool and/or gym are responsible for their own valuables.

Kitchen and Cafeteria Areas, Food Sales, and Concessions

The principal and Facilities Use Coordinator will grant permission for the use of cafeterias. The organization/individual will pay for any damages. All machinery and technical equipment shall be operated by regular food service employees at the expense of the organization. Certified staff shall be on-site at all times with kitchen use.

Child Nutrition personnel employed by the renting organization shall be reimbursed at a rate of pay determined by the School Board. Banquets or special dinners may be served in the school cafeterias for school-related functions. The cost of these services shall be paid by the group using said facilities.

All federal, state, and St. Louis County Health Department rules and regulations governing food service shall be adhered to. Items bought from a licensed bakery, grocery store, or other commercial kitchens may be allowed.

The permit holder shall comply with the following restrictions:

- No home-canned products including vegetables, meat, poultry, fish or shellfish, or homemade sausage shall be sold or served.
- None of the following potentially hazardous food shall be prepared in private homes and brought into school buildings for consumption:
 - Casseroles containing meat, fish or poultry.
 - Baked ham, roasted poultry, roasted pork.
 - Salads and sandwiches containing meat, fish, poultry or eggs.
 - Milk-based cream pies, including banana cream, Boston cream, butterscotch, chocolate, coconut cream or other milk-based mixtures.
 - Custard-filled pastries including éclairs and cream puffs or other custard filled products.
- Potluck style foods and events are ~~not allowed~~ and exempt from any licensing requirements so long as the food is brought by the people attending and the food is not prepared in or brought into a licensed kitchen at the site of the potluck.
 - Information about Potluck Events can be found here:
<https://www.health.state.mn.us/communities/environment/food/docs/fs/potluckfs.pdf>
- Dishes and silverware of the cafeteria may be used. However, it shall be the responsibility of the organization, under the direction of the food service personnel, to return, clean, and store items in the same manner as before usage.

Bake Sales

Any bake sale must be approved by the district and hold a permit from the Community Education Department. All items sold shall adhere to the restrictions above and only sell non-potentially hazardous food items. A sign needs to be posted (see #48 on the MN Department of Agriculture's Cottage Food Law Guidance for the sign for non-potentially

hazardous foods). According to MN State Law 28A.152, an individual selling allowable foods under this section is limited to total sales with gross receipts of \$78,000 or less in a calendar year.

MN Department of Agriculture Cottage Food Law:

<https://www.mda.state.mn.us/food-feed/cottage-food-law-guidance>

Independent Concession Stand Operation

Any and all service of food to the public must be licensed. The practice of student or parent booster clubs, activity clubs, or class groups preparing or selling food at games, activities, or for class projects, etc., is not allowed without the proper food license and approval from the district. All license requirements must be met and provided to the Duluth Public School District prior to any and all events along with obtaining a facility use permit from Community Education. Any food or drink item to be sold must meet all federal, state, and St. Louis County Health Department rules and regulations governing food service.

To come into compliance, groups will need to either:

- Obtain a special event license to sell food.
- Construct a seasonal food permanent food stand with all commercial equipment.

Information for the Special Events Food Stand Licence can be found here:

<https://www.mda.state.mn.us/special-event-food-stand-license-application-guide>

~~Regular School Libraries-~~ Media Centers

School ~~libraries-~~ Media Centers are geared to school curriculum and not general public use. Should a community feel it important to open a local school library Media Center, the following usage procedure is required:

- A request for library facility- Media Center usage shall be filed with the principal and Facilities Use Coordinator and coordinated with the school librarian Media Center Technician.
- No person may check materials out of the library Media Center or remove items from that space. Library media supplies such as markers, crayons, puzzles, games, legos and other maker space items should not be used.
- Any individual, group, or organization shall be responsible for replacing any materials lost, damaged or destroyed during use of the library Media Center.
- No food or drink shall be brought into any Media Centers.
- If the use of AV equipment is requested, it must be approved by the Media Center Technician and the user must have ISD 709 district credentials whether as a staff member or requested through the Facilities Use Coordinator who shall request guest credentials from the Technology and Digital Innovation Department. Any use while

accessing ID 709 equipment and networks must follow district Policy 524 Internet Acceptable Use and Safety Policy.

- After use of the Media Center, return all furniture and equipment to their original locations, wipe off white boards, tables should be cleaned as necessary, and turn off lights. If using AV equipment, sign out of computers and Smartboards and restore all technology settings (i.e. speaker selection).

Industrial Arts Facilities Career and Technical Education (CTE) Facilities

The industrial arts teacher CTE Faculty and Staff shall be responsible for all equipment in an industrial arts CTE facility. Programs using industrial arts facilities shall be approved by the Community Education Office with permission from CTE faculty.

School Grounds and Athletic Fields

Application for the use of playgrounds and athletic fields shall be made in the same manner as for the use of buildings and facilities.

The applicant shall provide police and/or fire supervision for those activities where it is deemed necessary by the Facilities Use Coordinator.

Professional contests shall not be played on school athletic fields or playgrounds without School Board approval. district approval whether from the Community Education Office or Activities Directors.

Gymnasiums

Gymnasiums may be used by organizations for recreation and instruction purposes.

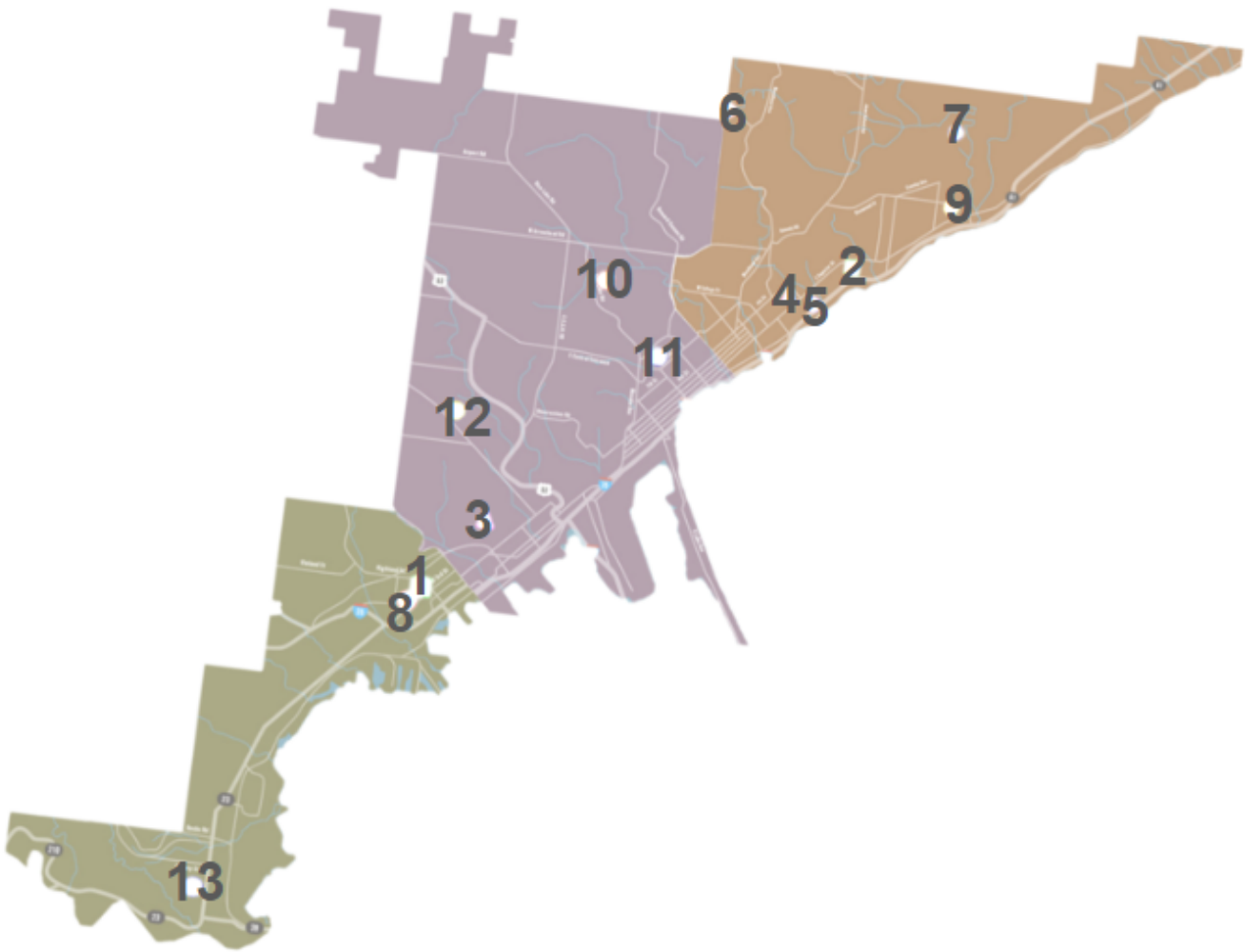
- No instructor, member of a gymnasium class, or visitor shall be permitted on the playing portion of the floor wearing street shoes.
- Each leader shall use reasonable caution to see that snow, water, or dirt are removed from shoes before admittance to the gymnasium.
- Each leader shall be held responsible for enforcement of all safety and security regulations.
- Each leader shall conduct only those gymnasium activities that are meaningful and within the physical capabilities of the students/adults expected to perform them.
- Use of school district owned physical education and athletic equipment and supplies will be permitted if authorized by the principal, gym teachers, or Facilities Use Coordinator.

- Use of physical education apparatus is permitted only when a leader competent to instruct in its use is present and use has prior approval of the principal, gym teachers, or Facilities Use Coordinator.

ISD 709 Buildings and Locations

	School	Address	School Number	Engineer Ext.
1	Denfeld HS	401 N 40th Ave W 55807	218-336-8830	x 1932
2	East HS	301 N 40th Ave E 55804	218-336-8845	x 2146
3	Lincoln Park MS	3215 W 3rd St 55807	218-336-8880	x 3285
4	Ordean MS	2900 E 4th St 55812	218-336-8940	x 4111
5	Congdon Park ES	3116 E. Superior St 55812	218-336-8825	x 1834
6	Homecroft ES	4784 Howard Gnesen Rd 55803	218-336-8865	x 2542
7	Lakewood ES	5207 N Tischer Rd 55804	218-336-8870	x 2620
8	Laura MacArthur	720 N Central Ave 55807	218-336-8900	x 3112
9	Lester Park ES	5300 Glenwood St 55804	218-336-8875	x 2655
10	Lowell ES	2000 Rice Lake Rd 55811	218-336-8895	x 2974
11	Myers-Wilkins ES	1027 N 8th Ave E 55805	218-336-8860	x 2443
12	Piedmont ES	2827 Chambersburg Ave 55811	218-336-8950	x 2735
13	Stowe ES	715 - 101st Ave W 55808	218-336-8965	x 3919

Map of Duluth and School Locations



Dates with Meeting Restrictions 2024-2025

January 1, 2024	New Year's Day Holiday	No school, no meetings
January 15, 2024	Martin Luther King, Jr.'s Birthday Observed *	No meetings
February 19, 2024	Presidents' Day *	No meetings
February 27, 2024	Precinct Caucus Day	No meetings or activities after 6:00 p.m.
March 5, 2024	Presidential Nomination Primary	No meetings or activities 6:00 p.m. – 8:00 p.m.
March 12, 2024	Township Election Day (if applicable)	No meetings or activities 6:00 p.m. - 8:00 p.m.
May 27, 2024	Memorial Day	No school, no meetings
June 19, 2024	Juneteenth ^	No school, no meetings
July 4, 2024	Independence Day	No school, no meetings
August 13, 2024	Primary Election Day	No meetings or activities 6:00 p.m. - 8:00 p.m.
September 2, 2024	Labor Day	No school, no meetings
October 14, 2024	Indigenous Peoples Day (Optional Holiday) ^^	No meetings if this is a school district holiday
November 5, 2024	Election Day	No meetings or activities 6:00 p.m. – 8:00 p.m.
November 11, 2024	Veterans Day	No meetings
November 28, 2024	Thanksgiving Day	No school, no meetings
November 29, 2024	Day After Thanksgiving (Optional Holiday)	No meetings if this is a school district holiday
December 25, 2024	Christmas Day	No school, no meetings
January 1, 2025	New Year's Day Holiday	No school, no meetings
January 20, 2025	Martin Luther King, Jr.'s Birthday Observed *	No meetings

February 17, 2025	Presidents' Day *	No meetings
March 11, 2025	Township Election Day (if applicable)	No meetings or activities 6:00 p.m. - 8:00 p.m.
May 26, 2025	Memorial Day	No school, no meetings
June 19, 2025	Juneteenth ^	No school, no meetings

* [Minnesota Statutes Section 645.44](#) list dates that are "holidays" under state law. Minnesota's political subdivisions have the option of determining whether Indigenous Peoples Day or the Friday after Thanksgiving shall be holidays. Where it is determined that either day is not a holiday, public business may be conducted.

If the date is determined to be a school day, it must be reflected in the teacher's contract. If Martin Luther King's birthday, Presidents Day, Veterans Day is determined to be a school day, at least one hour of the school program must be devoted to a patriotic observance of the day. For more information, see [Minnesota Statutes Section 120A.42](#) (*Conduct of School on Certain Holidays*).

When the following holidays fall on a **Saturday**, the holiday is observed on the preceding **Friday**; when the following holidays fall on a **Sunday**, the holiday is observed on the following **Monday**:

New Year's Day (January 1) Veterans Day (November 11)
Juneteenth (June 19) [new] Christmas Day (December 25)
Independence Day (July 4)

Juneteenth ^

On Juneteenth (June 19), "public schools may offer instruction and programs on the occasion." For more information, see [Minnesota Statutes 10.55](#) (*Juneteenth*). The Minnesota Department of Education takes the position that school may not be offered on this holiday. MSBA continues to work with MDE to determine the "instruction and programs on the occasion" that may be offered.

Indigenous Peoples Day ^^

In 2023, the Minnesota legislature replaced Christopher Columbus Day (the second Monday in October) with Indigenous Peoples Day. All references to "Christopher Columbus Day" or "Columbus Day" are to be changed to "Indigenous Peoples Day" in Minnesota Statutes and Minnesota Rules. Thus, the conditions set forth in [Minnesota Statutes Section 120A.42](#) (*Conduct of School on Certain Holidays*) continue to apply on this date.



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