

MEMO TO: Board of Education
TOPIC: Regular School Board Meeting
FROM: Steve D. Cairns, Superintendent
DATE: June 26, 2019

A Regular School Board Meeting of the Board of Education will be held July 1, 2019 at 7:30 PM in the High School Room 101.

Agenda

1. CALL TO ORDER

A. Pledge

2. PREVIEW OF AGENDA

During this time any board member may pull any item(s) from the Consent Agenda

3. ADDITIONS TO THE AGENDA

4. CONSENT AGENDA

A. Minutes	5
June 17	
B. Policy Revision - Name change of Superintendent Name	
1) Policy 311 - Administrative Information	7
2) Policy 401 - Equal Employment Opportunity	8
3) Policy 402 - Disability Nondiscrimination Policy	13
4) Policy 521 - Student Disability Nondiscrimination	17
5) Policy 522 - Student Sex Nondiscrimination Policy	22
6) Policy 555 - Section 504 Policy	27
7) Policy 722 - Public Data Requests	32

5. COMMUNICATIONS

A. Superintendent Search Follow-up Workshop - Adam Broden

MSBA Superintendent Search package includes an in-district, post hiring, goal-setting and/or mutual expectations workshop. The workshop is designed to help build the new governance team. Typically, the workshop is held in July, August, or September. Below are possible dates that are open on my calendar for the school board's consideration:

July 24, 2019

August 14, 2019

September 17, 2019

6. STUDENT INPUT AND RECOGNITION

7. PUBLIC AGENDA ITEM

8. INFORMATION ITEMS

- A. BES Principal Report
- B. BHS Principal Report
- C. Community Education Report
- D. Superintendent Report
- E. Committee Reports
 - 1) Athletics
 - 2) District Advisory
 - 3) Meet and Confer
 - 4) Negotiations
 - 5) Security
 - 6) Transportation
 - 7) Wellness
 - 8) Other

9. SCHOOL BOARD ACTION ITEMS

A. LEA Resolution

The Local Board of Education of Independent School District #162 has authorized Erich Heise, at a monthly meeting held on July 1, 2019, for the calendar year 2019 to act as the LEA Representative in filing an application for funds as provided under Public Law 103-382. The LEA Representative will ensure that the school district maintains compliance with the appropriate Federal statutes, regulations, and State procedures currently in effect and will act as the responsible authority in all matters relating to the administration of this application. Kristi Moritz is authorized as Contact Person for Title I and Title II Part A.

- B. Approve Superintendent Erich Heise as the educational official with authority to authorize FY 20 user access to the MDE secure website for Bagley Public Schools ISD 162 and adopt the following resolution:

Designation of Identified Official with Authority for the MDE External User Access Recertification System

The Minnesota Department of Education (MDE) requires that school districts annually designate an Identified Official with Authority to comply with the MNIT Enterprise

Identity and Access Management Standard which states that all user access rights to Minnesota state systems must be reviewed and recertified at least annually. The Identified Official with Authority will assign job duties and authorize external user's access to MDE secure systems for their local education agency (LEA). The Board recommends to authorize Erich Heise to act as the Identified Official with Authority (IOWA) and Jennifer Hecht to act as the IOWA to add and remove names only for Bagley Public School District 0162-01.

C. MSHSL Representative:

Designated Representative: Erich Heise

D. Caretaker/Manager of the Imprest Fund

Angela Gerbracht, Business Manager, as Caretaker/Manager of the Imprest Fund.
Jennifer Hecht and Nichole Ritterman are authorized to sign checks in this account.

E. EFT Transfers

Authorize Angela Gerbracht and Nichole Ritterman to make electronic fund transfers.

F. Public Law 81-874 Impact Aid

Naming Superintendent Erich Heise as official representative in applying for funds under Public Law 81-874 Impact Aid and Janice Goodwin to make application for these funds.

G. PL 88-352 Title VII Part A Indian Education

Naming Superintendent Erich Heise as official representative in applying for funds under PL 88-352 Title VI Part A Indian Education and that application for these funds are made.

Further, that Carol Vik be named as Indian Education Director for the calendar year 2019. Carol Vik is authorized as Contact Person for the Title VI.

H. Adoption - Resolution for Membership in the MSHSL 2019-2020

I. 2019 School Board Committees

Athletic Committee: Jamie Grover and Renee Benson

BRIC Representative: Don Nordlund

Community Education Committee: Amy Fontaine

District Advisory Committee (District Leadership Committee): Jeremy Davies, Amy Fontaine and **Erich Heise**

Indian Parent Committee: Renee Benson

Meet and Confer: **Erich Heise**, Adam Broden, Jeremy Davies and Don Nordlund

Negotiations Committee: **Erich Heise**, Adam Broden, Jamie Grover, Don Nordlund

Pine to Prairie Representative: Amy Fontaine

Security Committee: Wendy Fultz, Renee Benson and Jeremy Davies

School Forest Committee: **Erich Heise** and Jeremy Davies

Transportation Committee: Wendy Fultz, Amy Fontaine, Don Nordlund

Wellness Committee: Adam Broden, Amy Fontaine, Jamie Grover and **Erich Heise**

J. Staffing

- 1) Resignation - Risto Kultala, physical education teacher, effective July 1, 2019.

K. Policy Second Reading & Adoption

- 1) Policy 709 - Student Transportation Safety 37
- 2) Policy 412 - Expense Reimbursement 54

10. NEXT MEETING'S AGENDA ITEMS

11. FUTURE MEETINGS

School Board Meeting – July 15, 2019, at 7:30 p.m. in BHS Room 101

12. ADJOURNMENT

**BAGLEY PUBLIC SCHOOLS
REGULAR SCHOOL BOARD MEETING
JUNE 17, 2019
MINUTES**

The regular meeting of the School Board, Independent School District #162 was held on June 17, 2019, at 7:30 p.m. in High School Room 101. Members present: Adam Broden, Jamie Grover, Amy Fontaine, Wendy Fultz, Renee Benson, Jeremy Davies, Don Nordlund and Superintendent Cairns. Members absent: None.

Chairman Broden called the meeting to order and opened with the Pledge of Allegiance to the Flag.

1. A motion was made by Amy Fontaine, seconded by Wendy Fultz to approve the following consent agenda items:
 - A. June 3 Minutes – Regular Board Meeting
 - B. June 2019 Invoices - \$174,443.02 – Ck #60024-60103
 - C. May 2019 Hand Payables - \$239,388.04 – Ck #33050-33103
 - D. May 2019 Statement of Cash Balances – \$4,528,196.77
 - E. May 2019 Budget Comparison
 - F. May 2019 Wires Payments - \$828,050.04
 - G. Elementary & High School Auxiliary Account
 - H. MREA Annual Membership Renewal - \$2,228.00
 - I. Minnesota Insurance Scholastic Trust (MIST) - \$58,867.82
 - J. MSBA Association Dues & Policy Services Renewal - \$5,149.00Motion passed 7-0.
2. Principal Moritz apprised the Board of the BES May happenings.
3. Principal Kerr addressed an alternative to suspensions.
4. First reading and comments of the following policy was held:
 - A. Policy 709 – Student Transportation Safety
5. A motion was made by Amy Fontaine, seconded by Wendy Fultz to revise Policy 610F1 – Elementary School Study/Field Trip Request Form. Motion passed 7-0.
6. A motion was made by Jeremy Davies, seconded by Don Nordlund to adopt resolution accepting gifts/donations to Bagley Public Schools:

WHEREAS the following; therefore, **BE IT RESOLVED** by the School Board of Independent School District #162 – Bagley School Board does hereby accepts the following donations:

- * \$1,000.00 from White Earth for Pow Wow
 - * \$500.00 from Sharon Carlson Scholarship for Scholarship
 - * \$112.00 from Wells Fargo Matching Gift for Student Needs - Elementary
 - * \$112.00 from Wells Fargo Matching Gift for Student Needs - High School
- Motion passed 7-0.

7. A motion was made by Jeremy Grover, seconded by Renee Benson to authorize the Superintendent to pay all outstanding bills through June 30, and make fund and budget adjustments to close out the funds for the 2018-2019 school year and to prepare for the annual school audit. Motion passed 7-0.

8. A motion was made by Jeremy Davies, seconded by Amy Fontaine to approve the BES Student Handbook pending policy and staff updates and amendments. Motion passed 7-0.
9. A motion was made by Jamie Grover, seconded by Renee Benson to adopt the BHS Student Handbook pending policy and staff updates and amendments. Motion passed 7-0.
10. A motion was made by Don Nordlund, seconded by Renee Benson to approve the 2019-2020 SY preliminary budget. Motion passed 7-0.
11. A motion was made by Jamie Grover, seconded Wendy Fultz to accept the resignation of Molly Jeska, effective June 17, 2019. Motion passed 7-0.
12. A motion was made by Jamie Grover, seconded by Jeremy Davies to table Policy 412 – Expense Reimbursement until the July 1 meeting. Motion passed 7-0.
13. A motion was made by Amy Fontaine, seconded by Wendy Fultz to accept North Central Bus & Equipment bus bid in the amount of \$101,226.12 and Insurance replacement allowed by MIST - \$89,247.25. Total cost to the district is \$11,978.87. Motion passed 7-0.
14. Items for the Next Agenda:
 - A. MDE School Safety Grant – Notification System Project
15. Future Meetings:
 - A. School Board Meeting – July 1, 2019, at 7:30 p.m. in BHS Room 101
16. A motion was made by Amy Fontaine to adjourn the meeting at 9:47 p.m. Motion passed 7-0.

Adam Broden, Chairman
School Board
Ind. School District #162

Jamie Grover, Clerk
School Board
Ind. School District #162

311 Administrative Information:

Steve Cairns Erich Heise	Superintendent of Schools
Anthony Kerr	High School Principal
John Sutherland	High School Dean of Students
Kristi Moritz	Elementary School Principal
Doreen Zierer	Elementary Dean of Students
Stuart Dukek	Transportation Director

For administrative details and general procedures to follow in your respective work area, teachers should consult with supervisor in charge of the area of work.

401 EQUAL EMPLOYMENT OPPORTUNITY

Board Revised: October 19, 2015

Board Revised: ~~August 20, 2018~~ July 1, 2019

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. The policy of the Bagley School District is to provide equal employment opportunity for all applicants and employees. The Bagley School District does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, as defined in *Minn. Stat. § 363A.03, Subd. 44*, age, family care leave status, or veteran status. The school district also makes reasonable accommodations for disabled employees.
- B. The Bagley School District prohibits the harassment of any individual for any of the categories listed above. For information about the types of conduct that constitute impermissible harassment and the school district's internal procedures for addressing complaints of harassment, please refer to the school district's policy on harassment and violence.
- C. This policy applies to all areas of employment including hiring, discharge, promotion, compensation, facilities, or privileges of employment.
- D. Every school district employee shall be responsible for following this policy.

III. GRIEVANCE PROCEDURE FOR COMPLAINTS OF DISCRIMINATION

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

- A. Any person who believes he or she has been the victim of unlawful discrimination or any person with knowledge or belief of conduct that may constitute unlawful discrimination shall report the alleged acts immediately to an appropriate school district official designated by this policy. The complaint must be filed within 30 calendar days of the alleged violation.
- B. The Human Rights Officer is responsible for receiving oral or written complaints of unlawful discrimination toward an employee or student. However, nothing in this policy shall prevent any person from reporting unlawful discrimination toward an employee or student directly with the Human Rights Officer, the school board or other school district official.
- C. While the school board has designated the Human Rights Officer to receive complaints of unlawful discrimination, if the complaint involves the Human Rights Officer, the complaint shall be made to the superintendent.

Human Rights Officer
Principal Anthony Kerr
1130 Main Avenue North
Bagley, MN 56621
Tel (218) 694-3120

tkerr@bagley.k12.mn.us

ehaise@bagley.k12.mn.us

Superintendent

~~Steve Cairns-Erich Heise~~

202 Bagley Avenue NW
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Tel (218) 694-6184

scairns@bagley.k12.mn.us

- D. Upon receipt of a complaint, the Human Rights Officer shall immediately notify the superintendent. If the superintendent is the subject of the complaint, the Human Rights Officer shall immediately notify the school board.
- E. The Human Rights Officer may request but not insist upon a written complaint. Alternative means of filing a complaint, such as through a personal interview or by tape recording, shall be made available upon request for qualified persons with a disability. If the complaint is oral, it shall be reduced to writing within 24 hours and forwarded to the superintendent. Failure to do so may result in disciplinary action. The school district encourages the reporting party to complete the complaint form for written complaints. It is available from the principal of each building or the school district office.
- F. The school district shall respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses, consistent with the school district's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligation.

IV. INVESTIGATION

- A. The Human Rights Officer, upon receipt of a complaint alleging unlawful discrimination shall promptly undertake an investigation if deemed appropriate. The investigation may be conducted by the Title IX coordinator for complaints of sex discrimination or the Section 504 coordinator for complaints of disability discrimination, or a school district official or neutral third party designated by the Title IX coordinator, Section 504 coordinator or Human Rights Officer. The investigation shall be completed within 30 days of the complaint, unless impracticable.
- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of other methods deemed pertinent by the investigator.
- C. In determining whether the alleged conduct constitutes a violation of this policy, the school district shall consider the facts and the surrounding circumstances such as the nature of the behavior, past incidents or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incident occurred.

- D. The school district may take immediate steps to protect the parties involved in the complaint process, pending completion of an investigation of alleged unlawful discrimination.
- E. Upon completion of the investigation, the school district investigator shall make a written report to the Human Rights Officer. If the complaint involves the Human Rights Officer, the report may be filed directly with the superintendent or school board. The report shall include the facts, a determination of whether the allegations have been substantiated, whether a violation of this policy has occurred as well as a description of any proposed resolution which may include alternative dispute resolution.
- F. The district shall comply with federal and state law pertaining to retention of records.

V. APPEAL

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

VI. SCHOOL DISTRICT ACTION

- A. Upon conclusion of the investigation and receipt of the findings, the school district shall take appropriate action. If it is determined that a violation has occurred, such action may include, but is not limited to, warning, suspension, expulsion, transfer, remediation or termination. School district action taken for violation of this policy shall be consistent with the requirements of application collective bargaining agreements, Minnesota and federal law and school district policies.
- B. The result of the school district's investigation of each complaint filed under these procedures shall be reported in writing to the complainant by the school district in accordance with state and federal law regarding data or records privacy.

VII. RETALIATION

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

VIII. CONFLICT OF INTEREST

If there is a conflict of interest with respect to any party affected by this policy,

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

IX. DISSEMINATION OF POLICY

The school district shall adopt and publish these procedures.

X. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

These procedures do not deny the right of any individual to pursue other avenues of recourse, which may include filing charges with the agencies listed below or initiating action in state or federal court.

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

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

MN Department of Human Rights
190 East 5th Street
St. Paul, MN 55101
Toll Free: 800-657-3704
Tel: 651-296-5663
TDD: 651-296-1283

For complaints of employment discrimination:

Equal Employment Opportunity Commission
330 S. 2nd Avenue, Suite 430
Minneapolis, MN 55401
Toll Free: 800-669-4000
Tel: 612-335-4040
TDD: 612-335-4045

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

Legal References: Minn. Stat. Ch. 363A (Minnesota Human Rights Act)

29 U.S.C. § 621 et seq. (Age Discrimination in Employment Act)

29 U.S.C. § 2615 (Family and Medical Leave Act)

38 U.S.C. § 4211 et seq. (Employment and Training of Veterans)

38 U.S.C. § 4301 et seq. (Employment and Reemployment Rights of Members of the Uniformed Services)

42 U.S.C. § 2000e et seq. (Title VII of the Civil Rights Act)

42 U.S.C. § 12101 et seq. (Equal Opportunity for Individuals with Disabilities)

Cross References: MSBA/MASA Model Policy 402 (Disability Nondiscrimination)

MSBA/MASA Model Policy 405 (Veteran's Preference)

402 DISABILITY NONDISCRIMINATION POLICY

Board Adopted: January 2, 2011

Board Revised: ~~July 24, 2018~~ July 1, 2019

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. The school district shall not discriminate against qualified individuals with disabilities because of the disabilities of such individuals in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions, and privileges of employment.
- B. The school district shall not engage in contractual or other arrangements that have the effect of subjecting its qualified applicants or employees with disabilities to discrimination on the basis of disability. The school district shall not exclude or otherwise deny equal jobs or job benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association.
- C. The school district shall make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the accommodation would impose undue hardship on the operation of the business of the school district.
- D. Any job applicant or employee wishing to discuss the need for a reasonable accommodation, or other matters related to a disability or the enforcement and application of this policy, should contact the superintendent. This individual is the school district's appointed ADA/Section 504 coordinator.

III. GRIEVANCE PROCEDURE FOR COMPLAINTS OF DISCRIMINATION

The following grievance procedure applies to claims of disability discrimination:

- A. Any person who believes he or she has been the victim of unlawful discrimination or any person with knowledge or belief of conduct that may constitute unlawful discrimination shall report the alleged acts immediately to an appropriate school district official designated by this policy. The complaint must be filed within 30 calendar days of the alleged violation.
- B. The Human Rights Officer is responsible for receiving oral or written complaints of unlawful discrimination toward an employee or student. However, nothing in this policy shall prevent any person from reporting unlawful discrimination toward an employee or student directly with the Human Rights Officer, the school board or other school district official.

- C. While the school board has designated the Human Rights Officer to receive complaints of unlawful discrimination, if the complaint involves the Human Rights Officer, the complaint shall be made to the superintendent.

Human Rights Officer

Principal Anthony Kerr
1130 Main Avenue North
Bagley, MN 56621
Tel (218) 694-3120
tkerr@bagley.k12.mn.us
erich@bagley.k12.mn.us

Superintendent

~~Steve Cairns-Erich Heise~~
202 Bagley Avenue NW
Bagley, MN 56621
Tel (218) 694-6184
~~scairns@bagley.k12.mn.us~~

- D. Upon receipt of a complaint, the Human Rights Officer shall immediately notify the superintendent. If the superintendent is the subject of the complaint, the Human Rights Officer shall immediately notify the school board.
- E. The Human Rights Officer may request but not insist upon a written complaint. Alternative means of filing a complaint, such as through a personal interview or by tape recording, shall be made available upon request for qualified persons with a disability. If the complaint is oral, it shall be reduced to writing within 24 hours and forwarded to the superintendent. Failure to do so may result in disciplinary action. The school district encourages the reporting party to complete the complaint form for written complaints. It is available from the principal of each building or the school district office.
- F. The school district shall respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses, consistent with the school district's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligation.

IV. INVESTIGATION

- A. The Human Rights Officer, upon receipt of a complaint alleging unlawful discrimination shall promptly undertake an investigation if deemed appropriate. The investigation may be conducted by the Section 504 coordinator for complaints of disability discrimination, or a school district official or neutral third party designated by the Section 504 coordinator or Human Rights Officer. The investigation shall be completed within 30 days of the complaint, unless impracticable.
- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of other methods deemed pertinent by the investigator.
- C. In determining whether the alleged conduct constitutes a violation of this policy, the school district shall consider the facts and the surrounding circumstances such as the nature of the behavior, past incidents or continuing patterns of behavior, the relationships between the parties involved and the context in which the

alleged incident occurred.

- D. The school district may take immediate steps to protect the parties involved in the complaint process, pending completion of an investigation of alleged unlawful discrimination.
- E. Upon completion of the investigation, the school district investigator shall make a written report to the Human Rights Officer. If the complaint involves the Human Rights Officer, the report may be filed directly with the superintendent or school board. The report shall include the facts, a determination of whether the allegations have been substantiated, whether a violation of this policy has occurred as well as a description of any proposed resolution which may include alternative dispute resolution.
- F. The district shall comply with federal and state law pertaining to retention of records.

V. APPEAL

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

VI. SCHOOL DISTRICT ACTION

- A. Upon conclusion of the investigation and receipt of the findings, the school district shall take appropriate action. If it is determined that a violation has occurred, such action may include, but is not limited to, warning, suspension, expulsion, transfer, remediation or termination. School district action taken for violation of this policy shall be consistent with the requirements of application collective bargaining agreements, Minnesota and federal law and school district policies.
- B. The result of the school district's investigation of each complaint filed under these procedures shall be reported in writing to the complainant by the school district in accordance with state and federal law regarding data or records privacy.

VII. RETALIATION

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

VIII. CONFLICT OF INTEREST

If there is a conflict of interest with respect to any party affected by this policy,

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

IX. DISSEMINATION OF POLICY

The school district shall adopt and publish these procedures.

X. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

These procedures do not deny the right of any individual to pursue other avenues of recourse, which may include filing charges with the agencies listed below or initiating action in state or federal court.

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

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

MN Department of Human Rights
190 East 5th Street
St. Paul, MN 55101
Toll Free: 800-657-3704
Tel: 651-296-5663
TDD: 651-296-1283

For complaints of employment discrimination:

Equal Employment Opportunity Commission
330 S. 2nd Avenue, Suite 430
Minneapolis, MN 55401
Toll Free: 800-669-4000
Tel: 612-335-4040
TDD: 612-335-4045

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

Legal References:

34 C.P.R. Section 104.7(b) (Section 504 of the Rehabilitation Act)
34 C.P.R. Section 106.8(b) (Title IX of the Education Amendments of 1972)

521 STUDENT DISABILITY NONDISCRIMINATION – ISD #162 Bagley

Board Adopted: January 3, 2011

Board Revised: ~~July 24, 2018~~ July 1, 2019

I. PURPOSE

The purpose of this policy is to protect disabled students from discrimination on the basis of disability and to identify and evaluate learners who, within the intent of Section 504 of the Rehabilitation Act of 1973 (Section 504), need special services, accommodations, or programs in order that such learners may receive a free appropriate public education.

II. GENERAL STATEMENT OF POLICY

- A. Disabled students who meet the criteria of Paragraph C. below are protected from discrimination on the basis of a disability.
- B. It is the responsibility of the school district to identify and evaluate learners who, within the intent of Section 504, need special services, accommodations, or programs in order that such learners may receive a free appropriate public education.
- C. For this policy, a learner who is protected under Section 504 is one who:
 - 1. has a physical or mental impairment that substantially limits one or more of such person’s major life activities; or
 - 2. has a record of such an impairment; or
 - 3. is regarded as having such an impairment.
- D. Learners may be protected from disability discrimination and be eligible for services, accommodations, or programs under the provisions of Section 504 even though they are not eligible for special education pursuant to the Individuals with Disabilities Education Act.

III. GRIEVANCE PROCEDURE FOR COMPLAINTS OF DISCRIMINATION

The following grievance procedure applies to claims of disability discrimination:

- A. Any person who believes he or she has been the victim of unlawful discrimination or any person with knowledge or belief of conduct that may constitute unlawful discrimination shall report the alleged acts immediately to an appropriate school district official designated by this policy. The complaint must be filed within 30 calendar days of the alleged violation.
- B. The Human Rights Officer is responsible for receiving oral or written complaints of unlawful discrimination toward an employee or student. However, nothing in this policy shall prevent any person from reporting unlawful discrimination toward an employee or student directly with the Human Rights Officer, the school board or other school district official.

- C. While the school board has designated the Human Rights Officer to receive complaints of unlawful discrimination, if the complaint involves the Human Rights Officer, the complaint shall be made to the superintendent.

Human Rights Officer

Principal Anthony Kerr
1130 Main Avenue North
Bagley, MN 56621
Tel (218) 694-3120

Superintendent

~~Steve Cairns~~ Erich Heise
202 Bagley Avenue NW
Bagley, MN 56621
Tel (218) 694-6184

- D. Upon receipt of a complaint, the Human Rights Officer shall immediately notify the superintendent. If the superintendent is the subject of the complaint, the Human Rights Officer shall immediately notify the school board.
- E. The Human Rights Officer may request but not insist upon a written complaint. Alternative means of filing a complaint, such as through a personal interview or by tape recording, shall be made available upon request for qualified persons with a disability. If the complaint is oral, it shall be reduced to writing within 24 hours and forwarded to the superintendent. Failure to do so may result in disciplinary action. The school district encourages the reporting party to complete the complaint form for written complaints. It is available from the principal of each building or the school district office.
- F. The school district shall respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses, consistent with the school district's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligation.

IV. INVESTIGATION

- A. The Human Rights Officer, upon receipt of a complaint alleging unlawful discrimination shall promptly undertake an investigation if deemed appropriate. The investigation may be conducted by the Section 504 coordinator for complaints of disability discrimination, or a school district official or neutral third party designated by the Section 504 coordinator or Human Rights Officer. The investigation shall be completed within 30 days of the complaint, unless impracticable.
- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of other methods deemed pertinent by the investigator.
- C. In determining whether the alleged conduct constitutes a violation of this policy, the school district shall consider the facts and the surrounding circumstances such as the nature of the behavior, past incidents or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incident occurred.
- D. The school district may take immediate steps to protect the parties involved in the

complaint process, pending completion of an investigation of alleged unlawful discrimination.

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

V. APPEAL

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

VI. SCHOOL DISTRICT ACTION

- A. Upon conclusion of the investigation and receipt of the findings, the school district shall take appropriate action. If it is determined that a violation has occurred, such action may include, but is not limited to, warning, suspension, expulsion, transfer, remediation or termination. School district action taken for violation of this policy shall be consistent with the requirements of application collective bargaining agreements, Minnesota and federal law and school district policies.
- B. The result of the school district's investigation of each complaint filed under these procedures shall be reported in writing to the complainant by the school district in accordance with state and federal law regarding data or records privacy.

VII. RETALIATION

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

VIII. CONFLICT OF INTEREST

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

process by the person for whom a conflict or potential conflict of interest exists.

IX. DISSEMINATION OF POLICY

The school district shall adopt and publish these procedures.

X. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

These procedures do not deny the right of any individual to pursue other avenues of recourse, which may include filing charges with the agencies listed below or initiating action in state or federal court.

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

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

MN Department of Human Rights
190 East 5th Street
St. Paul, MN 55101
Toll Free: 800-657-3704
Tel: 651-296-5663
TDD: 651-296-1283

For complaints of employment discrimination:

Equal Employment Opportunity Commission
330 S. 2nd Avenue, Suite 430
Minneapolis, MN 55401
Toll Free: 800-669-4000
Tel: 612-335-4040
TDD: 612-335-4045

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

INDEPENDENT SCHOOL DISTRICT NO. 162

521 FORM: STUDENT DISABILITY DISCRIMINATION GRIEVANCE REPORT FORM

General Statement of Policy Prohibiting Disability Discrimination

Independent School District No. 162 maintains a firm policy prohibiting all forms of discrimination on the basis of a disability. All persons are to be treated with respect and dignity. Discrimination on the basis of a disability will not be tolerated.

Complainant: _____
Home Address: _____
Work Address: _____
Home Phone: _____ Work Phone: _____

I have been discriminated against based on (choose one or more):
[my disability] / [a record of my disability] / [being regarded as having a disability]
because _____

Date of alleged incident(s): _____

Name of person you believe discriminated against you or another person: _____

If the alleged discrimination was toward another person, identify that person: _____

Describe the incident(s) as clearly as possible, including such things as: any verbal statements; what, if any, physical contact was involved; etc. (attach additional pages if necessary): _____

Location of the incident(s): _____

List any witnesses that were present: _____

This complaint is filed based on my honest belief that _____ has discriminated against me or another person based on a disability. I hereby certify that the information I have provided in this complaint is true, correct, and complete to the best of my knowledge and belief.

(Complainant Signature)

(Date)

Received by: _____

(Date)

522 STUDENT SEX NONDISCRIMINATION POLICY

Board Revised: ~~July 24, 2018~~ July 1, 2019

I. PURPOSE

Students are protected from discrimination on the basis of sex pursuant to Title IX of the Education Amendments of 1972 and the Minnesota Human Rights Act. The purpose of this policy is to provide equal educational opportunity for all students and to prohibit discrimination on the basis of sex.

II. GENERAL STATEMENT OF POLICY

- A. The school district provides equal educational opportunity for all students, and does not unlawfully discriminate on the basis of sex. No student will be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any educational program or activity operated by the school district on the basis of sex.
- B. Every school district employee shall be responsible for complying with this policy.
- C. The school board hereby designates the following staff as its Title IX Coordinator and Alternate Coordinator. This employee coordinates the school district's efforts to comply with and carry out its responsibilities under Title IX.

Title IX Coordinator:

Dean of Students Doreen Zierer
Heise
202 Bagley Avenue NW
Bagley, MN 56621
Phone 218-694-6528
dzierer@bagley.k12.mn.us
ehise@bagley.k12.mn.us

Alternate Title IX Coordinator:

Superintendent ~~Steve Cairns~~ Erich
202 Bagley Avenue NW
Bagley, MN 56621
Phone 218-694-6184
scairns@bagley.k12.mn.us

- D. Any student, parent or guardian having questions regarding the application of Title IX and its regulations and/or this policy should discuss them with the Title IX coordinator. In the absence of a specific designee, an inquiry or complaint should be referred to the superintendent or the school district human rights officer. Questions relating solely to Title IX and its regulations may be referred to:

U.S. Department of Education
Office of Civil Rights, Region V
500 W. Madison Street, Suite 1475
Chicago, IL 60661

Tel: 312-730-1560
TDD: 312-730-1609

III. GRIEVANCE PROCEDURE FOR COMPLAINTS OF DISCRIMINATION

The following grievance procedure applies to claims of sex discrimination:

- A. Any person who believes he or she has been the victim of unlawful discrimination or any person with knowledge or belief of conduct that may constitute unlawful discrimination shall report the alleged acts immediately to an appropriate school district official designated by this policy. The complaint must be filed within 30 calendar days of the alleged violation.
- B. The Human Rights Officer is responsible for receiving oral or written complaints of unlawful discrimination toward an employee or student. However, nothing in this policy shall prevent any person from reporting unlawful discrimination toward an employee or student directly with the Human Rights Officer, the school board or other school district official.
- C. While the school board has designated the Human Rights Officer to receive complaints of unlawful discrimination, if the complaint involves the Human Rights Officer, the complaint shall be made to the superintendent.

Human Rights Officer
Principal Anthony Kerr
1130 Main Avenue North
Bagley, MN 56621
Tel (218) 694-3120

Superintendent
~~Steve Cairns~~ Erich Heise
202 Bagley Avenue NW
Bagley, MN 56621
Tel (218) 694-6184

- D. Upon receipt of a complaint, the Human Rights Officer shall immediately notify the superintendent. If the superintendent is the subject of the complaint, the Human Rights Officer shall immediately notify the school board.
- E. The Human Rights Officer may request but not insist upon a written complaint. Alternative means of filing a complaint, such as through a personal interview or by tape recording, shall be made available upon request for qualified persons with a disability. If the complaint is oral, it shall be reduced to writing within 24 hours and forwarded to the superintendent. Failure to do so may result in disciplinary action. The school district encourages the reporting party to complete the complaint form for written complaints. It is available from the principal of each building or the school district office.
- F. The school district shall respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses, consistent with the school district's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligation.

IV. INVESTIGATION

- A. The Human Rights Officer, upon receipt of a complaint alleging unlawful discrimination shall promptly undertake an investigation if deemed appropriate. The investigation may be conducted by the Title IX coordinator for complaints of sex discrimination or a school district official or neutral third party designated by the Title IX coordinator or Human Rights Officer. The investigation shall be completed within 30 days of the complaint, unless impracticable.
- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of other methods deemed pertinent by the investigator.
- C. In determining whether the alleged conduct constitutes a violation of this policy, the school district shall consider the facts and the surrounding circumstances such as the nature of the behavior, past incidents or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incident occurred.
- D. The school district may take immediate steps to protect the parties involved in the complaint process, pending completion of an investigation of alleged unlawful discrimination.
- E. Upon completion of the investigation, the school district investigator shall make a written report to the Human Rights Officer. If the complaint involves the Human Rights Officer, the report may be filed directly with the superintendent or school board. The report shall include the facts, a determination of whether the allegations have been substantiated, whether a violation of this policy has occurred as well as a description of any proposed resolution which may include alternative dispute resolution.
- F. The district shall comply with federal and state law pertaining to retention of records.

V. APPEAL

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

VI. SCHOOL DISTRICT ACTION

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

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

- B. The result of the school district's investigation of each complaint filed under these procedures shall be reported in writing to the complainant by the school district in accordance with state and federal law regarding data or records privacy.

VII. RETALIATION

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

VIII. CONFLICT OF INTEREST

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

IX. DISSEMINATION OF POLICY

The school district shall adopt and publish these procedures.

X. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

These procedures do not deny the right of any individual to pursue other avenues of recourse, which may include filing charges with the agencies listed below or initiating action in state or federal court.

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

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

MN Department of Human Rights
190 East 5th Street
St. Paul, MN 55101
Toll Free: 800-657-3704

Tel: 651-296-5663
TDD: 651-296-1283

For complaints of employment discrimination:

Equal Employment Opportunity Commission
330 S. 2nd Avenue, Suite 430
Minneapolis, MN 55401
Toll Free: 800-669-4000
Tel: 612-335-4040
TDD: 612-335-4045

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

Legal References:

34 C.P.R. Section 104.7(b) (Section 504 of the Rehabilitation Act)
34 C.P.R. Section 106.8(b) (Title IX of the Education Amendment of 1972)

555 Section 504 Policy

Board Adopted: March 6, 2000

Board Revised: ~~July 24, 2018~~ July 1, 2019

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against students with a qualifying disability in any program receiving Federal financial assistance. The Act defines a person with a handicap as anyone who:

1. Has a mental or physical impairment which substantially limits one or more major life activity. Major life activities include activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. Additional major life activities include eating, sleeping, standing, lifting, bending, reading, concentrating, and communicating. "Major bodily functions" that are also major life activities include functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory and endocrine systems.
2. Has a record of such impairment, or
3. Is regarded as having such an impairment.

Formal Compliance with Section 504

In adopting this policy, the Bagley School District states its commitment to non-discrimination on the basis of a qualifying disability. Specific actions in implementing the policy shall include:

1. Public notice of the policy.
2. Notice of the policy in student and parent handbooks.
3. Provision of parent/student rights under the policy at all decision points or in response to any concern.

Section 504 Coordinators

The District has designated the following individuals to coordinate compliance with Section 504 of Rehabilitation Act of 1973.

Section 504 Coordinator:

Superintendent ~~Steve Cairns~~ Erich Heise
202 Bagley Avenue NW
Bagley, MN 56621
Phone (218) 694-6184

Alternate Section 504 Coordinator:

BHS Principal Anthony Kerr
1130 Main Avenue North
Bagley, MN 56621
Phone (218) 694-3120

Enforcement

Section 504 is enforced by U.S. Department of Education, Office for Civil Rights (OCR). If you need information about Section 504, the contact information is as follows:

Office for Civil Rights, Chicago Office (Region V)
U.S. Department of Education
500 W. Madison Street, Suite 1475
Chicago, IL 60661
FAX: (312) 730-1560
TDD: (312) 730-1609
Email: OCR.Chicago@ed.gov

Notice of Parent/Student Rights in Identification, Evaluation, and Placement

In compliance with the procedural requirements of Section 504 of the Rehabilitation Act of 1973, hereinafter Section 504, the following Notice of Parent/Student Rights in Identification, Evaluation, and Placement shall be utilized in the Bagley Public School District #162. Should you have any questions, contact Superintendent **Steve Cairns Erich Heise**, the Section 504 Coordinator. As the parents/guardians, you may also meet with the superintendent or a designee and/or the local school board to resolve any objections to the evaluation or educational placement of your child.

The following is a description of some of the rights granted by this federal law pertaining to students with disabilities who are subject to identification, evaluation or placement under Section 504. (See 34 C.F.R § 104 for a full compilation of regulations.)

- A. Your child is entitled to take part in and receive benefits from public education programs or activities without discrimination because of his or her disability. 34 C.F.R. § 104.21
- B. Your child is entitled to receive free appropriate public education regardless of the nature or severity of his or her disability. 34 C.F.R. § 104.33(a)
- C. Your child is entitled to receive a regular or special education and related aids and services that are designed to meet his or her individual educational needs as adequately as the needs of students without disabilities. 34 C.F.R. § 104.33(b)
- D. Your child is entitled to receive free educational services except for those fees that are imposed on students without disabilities or their parents. 34 C.F.R. § 104.33(c)
- E. Your child is entitled to be educated with students without disabilities to the maximum extent appropriate to the needs of your child. 34 C.F.R § 104.34(a)
- F. Your child is entitled to be educated in facilities and received services and activities comparable to those provided to students without disabilities. 34 C.F.R. § 104.34(b)(c)

- G. Your child is entitled to an evaluation prior to an initial placement and any subsequent significant change in placement. 34 C.F.R. § 104.35(a)
- H. Your child is entitled to be evaluated and tested with procedures in accordance with regulations pertaining to evaluation procedures. 34 C.F.R. §104.34(b)
- I. Your child is entitled to have evaluation data and placement decisions based upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. 34 C.F.R § 104.35(c)(1)
- J. Your child is entitled to have interpretation of data and placement decisions based on evaluation procedures that ensure information is obtained from a variety of documented and carefully considered sources. 34 C.F.R. § 104.35(b)(c)(2)
- K. Your child is entitled to have placement decisions made by persons knowledgeable about your child, the meaning of evaluation data, and placement options. 34 C.F.R. § 104.35 (c)(3)
- L. Your child is entitled to periodic evaluations. 34 C.F.R. § 104.35(d)
- M. Your child is entitled to an equal opportunity to participate in nonacademic and extracurricular activities offered by the school district. 34 C.F.R. §104.37
- N. You are entitled to notice prior to any action by the district pertaining to the identification, evaluation, or placement of your child. 34 C.F.R. § 104.36
- O. You are entitled to examine relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement. 34 C.F.R. § 104.36
- P. File a grievance under Section 504 (See *Section Grievance Procedures* below).
- Q. Request conciliation, mediation, or an impartial due process hearing related to decisions or actions regarding the student's identification, evaluation, education program, or placement (See *Section 504 Hearings* below).
- R. Seek review of the results of the hearing (See *Section 504 Hearings* below).
- S. These procedures do not deny the right of any individual to pursue other avenues of recourse, which may include filing charges with the U.S. Department of Education, Office of Civil Rights, or initiating action in state or federal court.

Section 504 Grievance Procedures.

The grievance procedures for alleging violations under Section 504 are as follows:

Step 1 - Grievance

The grievance must be in writing and must be signed by the person making the complaint. The grievance must be filed with the 504 Coordinator or Alternate Section 504 Coordinator within five (5) days after the evaluation or educational placement of the child. The 504 Coordinator will promptly attempt to resolve the matter among the affected parties. If the 504 Coordinator is unable to resolve the grievance, he/she shall further investigate the matters of grievance and reply in writing to the complainant within ten (10) school days from the date of filing the grievance.

Step 2 - Appeal

If the complainant wishes to appeal the decision of the local Section 504 Coordinator or Alternate Section 504 Coordinator, he/she may submit a signed statement of appeal to the Chair of the School Board within five (5) school days after receipt of the Coordinators' response. The Chair of School Board shall meet with all parties involved, formulate a conclusion, and respond in writing to the complainant within ten (10) school days.

Step 3 – Impartial Hearing

If the complainant remains unresolved, you are entitled to request an impartial hearing and an appeal of any decisions or actions taken by the school district regarding your child's identification, evaluation, educational program, or placement. The school district will bear the costs for these due process procedures. Parents, guardians and the student may take part in the hearing and be represented by an attorney, at their own expense. The following details the procedures:

- i. If you disagree with the identification, evaluation, educational placement, or with the provisions of a free appropriate public education for your child, you may make a request for a hearing to the superintendent or the Section 504 coordinator, indicating the specific reason(s) for the request. Upon receipt of the request, the superintendent shall appoint the hearing officer.
- ii. The school district may initiate a hearing regarding the identification, evaluation, or education placement of the student or the provision of a free appropriate public education to the student. The school district shall notify you of the special reason(s) for the request.
- iii. The school district shall conduct hearings within twenty (20) instructional days after it receives the request, unless the hearing officer grants an extension, and at a time and place reasonably convenient to you.

Step 4 – Appeal of Hearing

You are entitled to request a review (appeal) of the hearing, should you not prevail. The following details the procedures:

- i. You or any party to the hearing may petition to review (appeal) the decision of the hearing officer. The request must specify the objections and be filed with the superintendent and the opposing party within twenty (20) instructional days of the date the hearing officer's decision is received. The school district must appoint an independent appeals officer to conduct an impartial review of the record as a whole. The officer may, at his/her election, conduct the review with or without oral argument. Such review shall be conducted within twenty (20) instructional days of the receipt of the petition to review, unless either party requests an extension of time.
- ii. The appeals officer shall ensure that a transcript of the review is prepared and made available to any party upon request.
- iii. Any party disagreeing with the decision of the appeals officer may appeal to a civil court with jurisdiction.
- iv. A parent/guardian represented by legal counsel during the proceedings of a due process hearing, appeal, or civil action may be entitled to reimbursement of legal fees if the parent ultimately prevails.

This document is not to be a substitute for legal advice. It contains portions of the Section 504 regulations. For a complete compilation of the law, see 34 C.F.R. § 104.

722 PUBLIC DATA REQUESTS

Board Adopted: August 20, 2018

Board Revised: July 1, 2019

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

III. DEFINITIONS

A. Government Data

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

B. Inspection

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

C. Public Data

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

D. Responsible Authority

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

E. Summary Data

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

IV. REQUESTS FOR PUBLIC DATA

A. All requests for public data must be made in writing directed to the responsible authority.

1. A request for public data must include the following information:
 - a. Date the request is made;
 - b. A clear description of the data requested;
 - c. Identification of the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and
 - d. Method to contact the requestor (such as phone number, address, or email address).
2. A requestor is not required to explain the reason for the data request.
3. The identity of the requestor is public, if provided, but cannot be required by the government entity.
4. The responsible authority may seek clarification from the requestor if the request is not clear before providing a response to the data request.

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

1. The responsible authority will notify the requestor in writing as follows:
 - a. The requested data does not exist; or
 - b. The requested data does exist but either all or a portion of the data is not accessible to the requestor; or
- (1) If the responsible authority determines that the requested data is classified so that access to the requestor is denied, the responsible authority will inform the requestor of the

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

(2) Upon the request of a requestor who is denied access to data, the responsible authority shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of federal law upon which the denial was based.

c. The requested data does exist and provide arrangements for inspection of the data, identify when the data will be available for pick-up, or indicate that the data will be sent by mail. If the requestor does not appear at the time and place established for inspection of the data or the data is not picked up within ten (10) business days after the requestor is notified, the school district will conclude that the data is no longer wanted and will consider the request closed.

2. The school district's response time may be affected by the size and complexity of the particular request, including necessary redactions of the data, and also by the number of requests made within a particular period of time.
3. The school district will provide an explanation of technical terminology, abbreviations, or acronyms contained in the responsive data on request.
4. The school district is not required by the MGDPA to create or collect new data in response to a data request, or to provide responsive data in a specific form or arrangement if the school district does not keep the data in that form or arrangement.
5. The school district is not required to respond to questions that are not about a particular data request or requests for data in general.

V. REQUEST FOR SUMMARY DATA

- A. A request for the preparation of summary data shall be made in writing directed to the responsible authority.
1. A request for the preparation of summary data must include the following information:
 - a. Date the request is made;

- b. A clear description of the data requested;
 - c. Identify the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and
 - d. Method to contact requestor (phone number, address, or email address).
- B. The responsible authority will respond within ten (10) business days of the receipt of a request to prepare summary data and inform the requestor of the following:
 - 1. The estimated costs of preparing the summary data, if any; and
 - 2. The summary data requested; or
 - 3. A written statement describing a time schedule for preparing the requested summary data, including reasons for any time delays; or
 - 4. A written statement describing the reasons why the responsible authority has determined that the requestor's access would compromise the private or confidential data.
- C. The school district may require the requestor to pre-pay all or a portion of the cost of creating the summary data before the school district begins to prepare the summary data.

VI. COSTS

A. Public Data

- 1. The school district will charge for copies provided as follows:
 - a. 100 or fewer pages of black and white, letter or legal sized paper copies will be charged at 25 cents for a one-sided copy or 50 cents for a two-sided copy.
 - b. More than 100 pages or copies on other materials are charged based upon the actual cost of searching for and retrieving the data and making the copies or electronically sending the data, unless the cost is specifically set by statute or rule.
 - (1) The actual cost of making copies includes employee time, the cost of the materials onto which the data is copied (paper, CD, DVD, etc.), and mailing costs (if any).

- (2) Also, if the school district does not have the capacity to make the copies, e.g., photographs, the actual cost paid by the school district to an outside vendor will be charged.

2. All charges must be paid for in cash in advance of receiving the copies.

B. Summary Data

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

Data Practices Contacts

Responsible Authority:

Kristi Moritz, BES Principal
202 Bagley Ave NW, Bagley, MN 56621
218-694-6528; kmoritz@bagley.k12.mn.us

Anthony Kerr, BHS Principal
1130 Main Ave N, Bagley, MN 56621
218-694-3120; tkerr@bagley.k12.mn.us

Data Practices Compliance Official:

~~Steve Cairns~~ Erich Heise, Superintendent
202 Bagley Ave NW, Bagley, MN 56621
218-694-6184; ~~scairns@bagley.k12.mn.us~~ ehaise@bagley.k12.mn.us

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

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

709 STUDENT TRANSPORTATION SAFETY POLICY
Board Revised: ~~November 19, 2018~~ July 2019

I. PURPOSE

The purpose of this policy is to provide safe transportation for students and to educate students on safety issues and the responsibilities of school bus ridership. This policy will be posted in the student handbooks, on the School District website, and will be discussed during the fall open houses.

II. PLAN FOR STUDENT TRANSPORTATION SAFETY TRAINING

A. School Bus Safety Week

The school district may designate a school bus safety week. The National School Bus Safety Week is the third week in October.

B. Student Training

1. The school district shall provide students enrolled in grades kindergarten (K) through 10 with age-appropriate school bus safety training of the following concepts:
 - a. transportation by school bus is a privilege, not a right;
 - b. school district policies for student conduct and school bus safety;
 - c. appropriate conduct while on the bus;
 - d. the danger zones surrounding a school bus;
 - e. procedures for safely boarding and leaving a school bus;
 - f. procedures for safe vehicle lane crossing; and
 - g. school bus evacuation and other emergency procedures.
2. All students in grades K through 6 who are transported by school bus and are enrolled during the first or second week of school must receive the school bus safety training by the end of the third week of school. All students in grades 7 through 10 who are transported by school bus and are enrolled during the first or second week of school must receive the school bus safety training or receive bus safety instruction materials by the end of the sixth week of school, if they have not previously received school bus training. Students in grades K through 10 who enroll in a school after the second week of school, are transported by school bus, and have not received training in their previous school districts shall undergo school bus safety training or receive bus safety instructional materials within four weeks of their first day of attendance.
3. The school district and a nonpublic school with students transported by school bus at public expense must provide students enrolled in grades K through 3 school bus safety training twice during the school year.

4. Students taking driver's training instructional classes must receive training in the laws and proper procedures for operating a motor vehicle in the vicinity of a school bus as required by Minn. Stat. § 169.446, Subd. 2.
5. The school district and a nonpublic school with students transported by school bus at public expense must conduct a school bus evacuation drill at least once during the school year.
6. The school district will make reasonable accommodations in training for students known to speak English as a second language and students with disabilities.
7. The school district may provide kindergarten students with school bus safety training before the first day of school.
8. The school district may provide student safety education for bicycling and pedestrian safety for students in grades K through 5.
9. The school district shall adopt and make available for public review a curriculum for transportation safety education. Curriculum materials can be reviewed at the School District's Transportation Office/School Office. Transportation safety education curriculum shall be part of the District curriculum review cycle.
10. Nonpublic school students transported by the school district will receive school bus safety training by their nonpublic school. The nonpublic schools may use the school district's school transportation safety education curriculum. Upon request by the school district superintendent, the nonpublic school must certify to the school district's school transportation safety director that all students enrolled in grades K through 10 have received the appropriate training.

III. CONDUCT ON SCHOOL BUSES AND CONSEQUENCES FOR MISBEHAVIOR

- A. Riding the school bus is a privilege, not a right. The school district's general student behavior rules are in effect for all students on school buses, including nonpublic and charter school students.
- B. Consequences for school bus/bus stop misconduct will be imposed by the school district under adopted administrative discipline procedures. In addition, all school bus/bus stop misconduct will be reported to the school district's transportation safety director. **Serious misconduct may be reported to local law enforcement.**
 1. School Bus and Bus Stop Rules. The school district school bus safety rules are to be posted on every bus, on the School District's website, and in the student handbooks. If these rules are broken, the school district's discipline procedures are to be followed. In most circumstances, consequences are progressive and may include ~~suspension the~~ **loss** of bus **riding** privileges. It is the school bus driver's responsibility to report unacceptable behavior to the school district's Transportation Office/School Office.
 2. Rules at the Bus Stop
 - a. Get to your bus stop five minutes before your scheduled pick up time. The

school bus driver will not wait for late students.

- b. Respect the property of others while waiting at your bus stop.
- c. Keep your arms, legs, and belongings to yourself.
- d. Use appropriate language.
- e. Stay away from the street, road, or highway when waiting for the bus.
- f. Wait until the bus stops before approaching the bus.
- g. After getting off the bus, move away from the bus.
- h. If you must cross the street, always cross in front of the bus where the driver can see you. Wait for the driver to signal to you before crossing the street.
- i. No fighting, harassment, intimidation, or horseplay.
- j. No use of alcohol, tobacco, or drugs.

3. Rules on the Bus

- a. Immediately follow the directions of the driver.
- b. Sit in your seat facing forward.
- c. Talk quietly and use appropriate language.
- d. Keep all parts of your body inside the bus.
- e. Keep your arms, legs, and belongings to yourself.
- f. No fighting, harassment, intimidation, or horseplay.
- g. Do not throw any object.
- h. No eating, drinking, or use of alcohol, tobacco, or drugs.
- i. Do not bring any weapons or dangerous objects on the school bus.
- j. Do not damage the school bus.
- k. Students cannot break the Technology Acceptable Use Policy.

4. Consequences

- a. Consequences for school bus/bus stop misconduct will apply to all regular and late routes. Decisions regarding a student's ability to ride the bus in connection with cocurricular and extracurricular events (for example, field

trips or competitions) will be in the sole discretion of the school district. Parents or guardians will be notified of any ~~suspension~~ loss of bus riding privileges.

(1) If the student chooses to break a rule:

1st offense – The **bus driver** will use regular processes to correct the behavior such as verbal reprimand, assign the student to a different seat, and/or talk to the parents/guardians about the situation. (Please note! All written referrals will be signed by the Transportation Director.)

2nd offense – If the same situation persists or more develop, the **bus driver** will fill out a warning slip noting the problem. Give one copy to the student, transportation director and the school office, call the parent/guardian as soon as possible to verify that the student took the warning slip home and call the transportation director be sure to warn the student and the parent/guardian that continued problems will result in the student losing his bus riding privileges. Drivers must follow these set guidelines ~~to suspend~~ concerning loss of bus riding privileges.

3rd offense – One school-day ~~suspension from riding the bus~~ loss of bus riding privileges. If the problem behavior continues, the **bus driver** notifies the student that he/she may not ride the bus the following day. This is done by written notice also. The bus driver must contact the parent, the transportation director, and a school building administrator, as soon as possible. If the parent cannot be contacted, the student shall be allowed to ride the bus for a maximum of 1- additional route or day, while the parent is contacted. Sometimes this means that you may have to make a trip to the student's home after your route. You may not let any child off from the bus at any other spot but their own home unless you have had directions from their parent/guardian or the transportation director to do so. If you brought them to school in the morning, you must deliver them home at night, unless instructed to do otherwise.

4th offense – three to five school-day ~~suspension from riding the bus~~ loss of bus riding privileges, depending on the severity of the infraction. Working collaboratively, the transportation director and a building administrator, the bus driver will meet with the student and the parent/guardian, in an effort to resolve the problem and administrate the ~~bus-suspension~~ loss of bus riding privileges. A written notice is given to the parent/guardian, the transportation director and the school administrator. The student will not be allowed to ride a bus again until after the parent/guardian meeting.

5th offense – two-week ~~suspension from riding the bus~~ loss of bus riding privileges. Working collaboratively, the transportation director and a building administrator, will meet with the student and the

parent/guardian, in an effort to resolve the problem and administrate the two-week ~~bus suspension~~ **loss of bus riding privileges**. A written notice is given to the parent/guardian, the transportation director and the school administrator. The student will not be allowed to ride a bus again until after the parent/guardian meeting. The building administrator will notify the Superintendent if a two-week ~~bus suspension~~ **loss of bus riding privileges** is being imposed.

6th offense – ~~Off the bus~~ **Loss of bus riding privileges** for a minimum of three-weeks up to the remainder of the school year. The bus driver, the transportation director, and a building administrator, will conduct a meeting with the student and the parent/guardian, to discuss the loss of riding privileges and the duration of the **suspension discipline**. The student will not be allowed to ride a bus again until after a parent/guardian meeting has been held following the **suspension loss of bus riding privileges** by a building administrator. ~~if a bus suspension is being imposed.~~

Severe Clause: Students will ~~be suspended~~ immediately **lose bus riding privileges off the bus** for behavior deemed severe by the bus driver and the transportation director **and/or** a building administrator.

Other Discipline: Based on the severity of a student’s conduct, or habitual student misconduct, more serious consequences may be imposed at any time. Depending on the nature of the offense, consequences such as suspension or expulsion from school also may result from school bus/bus stop misconduct.

5. Guidelines for bus discipline

- a. The transportation director may override a decision made by the bus driver.
- b. If the parent cannot be contacted, the student shall be allowed to ride the bus for a maximum of 1-additional route or day, while the parent is contacted.
- c. When circumstances require a student to ride home on a bus other than the one to which he/she is regularly assigned, written parental permission or a pass from the office is required.
- d. If a student is removed from the bus as a result of his/her behavior, the parents will be required to provide transportation to and from school during the entire period of removal from a bus. The removal applies to all regular, spectator and activity buses.
- e. At each step when a student loses bus riding privileges, a written record will be made of the incident with copies to the student, parent/guardian, transportation director and a building administrator. Such record will include as many details as possible. Details to include are: time, bus number, regular or special route, names, date, specific behavior, students in the area, action taken, result of the phone call to the parent and other pertinent information.

6. Things for the bus drivers to watch out for

- a. Be sure you clearly say what you want students to do. Avoid the words

“behave”, “straighten up” and “settle down”. Use a command that they cannot twist around like “sit down”, “stop throwing things”, “keep your hands to yourself”, “move to the front set”, etc. Be sure you do what you say. If you said that a student has been warned issue the written note and contact the parents. Don’t make idle threats. Be sure you are acting on first hand and complete information. Take action on what **you** see and not on what someone else told you or thought. Act on what you believe is right in a given situation. Your judgment should be used in gray areas. **You are responsible for the discipline on your bus!**

- b. If a student has been denied riding privileges due to severe behavior, the transportation director may move to any level as a result of the conference in step three and assign appropriate penalties.
- c. If a parent wants to comment on a situation on the bus they should use the following steps:

1st Step – Go to the bus driver and try to resolve the problem.

2nd Step – Go to the transportation director and try to resolve the problem by collaborating with administrator.

3rd Step – Go to the Superintendent and try to resolve the problem.

4th Step – Go to the transportation committee of the Board to try and resolve the problem.

5th Step – Go to the Board of Education to try and resolve the problem.

~~(2)~~ Other Discipline

~~Based on the severity of a student’s conduct, more serious consequences may be imposed at any time. Depending on the nature of the offense, consequences such as suspension or expulsion from school also may result from school bus/bus stop misconduct.~~

~~(3)~~ Records

Records of school bus/bus stop misconduct will be forwarded to the individual school building and will be retained in the same manner as other student discipline records. Reports of student misbehavior on a school bus or in a bus-loading or unloading area that causes an immediate and substantial danger to the student or surrounding persons or property will be provided by the school district to the Department of Public Safety in accordance with state and federal law.

~~(4)~~ Vandalism/Bus Damage

Students damaging school buses will be responsible for the damages. Failure to pay such damages (or make arrangements to pay) within 2

weeks may result in the loss of bus privileges until damages are paid.

~~(5)~~ Notice

School bus and bus stop rules and consequences for violations of these rules will be reviewed with students annually and copies of these rules will be made available to students. School bus rules are to be posted on each school bus, the student handbooks and district web-site. School bus rules will be discussed at the school building's open house.

~~(6)~~ Criminal Conduct

In cases involving criminal conduct, including but not limited to; assault, weapons, drug possession, or vandalism, the appropriate school district personnel and local law enforcement officials will be informed.

IV. PARENT AND GUARDIAN INVOLVEMENT

A. Parent and Guardian Notification

The school district school bus and bus stop rules will be provided to each family. Parents and guardians are asked to review the rules with their children.

B. Parents/Guardians Responsibilities for Transportation Safety

Parents/Guardians are responsible to:

1. Become familiar with school district rules, policies, regulations, and the principles of school bus safety, and thoroughly review them with their children;
2. Support safe riding and walking practices, and recognize that students are responsible for their actions;
3. Communicate safety concerns to their school administrators;
4. Monitor bus stops, if possible;
5. Have their children to the bus stop five minutes before the bus arrives;
6. Have their children properly dressed for the weather; and
7. Have a plan in case the bus is late.

V. SCHOOL BUS DRIVER DUTIES AND RESPONSIBILITIES

- A. School bus drivers shall have a valid Class A, B, or C Minnesota driver's license with a school bus endorsement. A person possessing a valid driver's license, without a school bus endorsement, may drive a type III vehicle set forth in Sections VII.B. and VII.C., below. Drivers

with a valid Class D driver's license, without a school bus endorsement, may operate a "type A-1" school bus as set forth in Section VII.D., below.

- B. The school district shall conduct mandatory drug and alcohol testing of all school district bus drivers and bus driver applicants in accordance with state and federal law and school district policy.
- C. A school bus driver, with a type III vehicle, who has a commercial driver's license and who is convicted of a criminal offense, a serious traffic violation, or of violating any other state or local law relating to motor vehicle traffic control, other than a parking violation, in any type of motor vehicle in a state or jurisdiction other than Minnesota, shall notify the Minnesota Division of Driver and Vehicle Services (Division) of the conviction within 30 days of the conviction. For purposes of this paragraph, a "serious traffic violation" means a conviction of any of the following offenses:
 - 1. excessive speeding, involving any single offense for any speed of 15 miles per hour or more above the posted speed limit;
 - 2. reckless driving;
 - 3. improper or erratic traffic lane changes;
 - 4. following the vehicle ahead too closely;
 - 5. a violation of state or local law, relating to motor vehicle traffic control, arising in connection with a fatal accident;
 - 6. driving a commercial vehicle without obtaining a commercial driver's license or without having a commercial driver's license in the driver's possession.
- D. A school bus driver, with the exception of a driver operating a type A-1 school bus or type III vehicle, who has a commercial driver's license and who is convicted of violating, in any type of motor vehicle, a Minnesota state or local law relating to motor vehicle traffic control, other than a parking violation, shall notify the person's employer of the conviction within 30 days of conviction. The notification shall be in writing and shall contain all the information set forth in Attachment A accompanying this policy.
- E. A school bus driver, with the exception of a driver operating a type A-1 school bus, who has a Minnesota commercial driver's license suspended, revoked, or cancelled by the state of Minnesota or any other state or jurisdiction and who loses the right to operate a commercial vehicle for any period or who is disqualified from operating a commercial motor vehicle for any period shall notify the person's employer of the suspension, revocation, cancellation, lost privilege, or disqualification. Such notification shall be made before the end of the business day following the day the employee received notice of the suspension, revocation, cancellation, lost privilege, or disqualification. The notification shall be in writing and shall contain all the information set forth in Attachment B accompanying this policy.
- F. A person who operates a type III vehicle and who sustains a conviction as described in Section VII.C.1.g. (i.e., driving while impaired offenses), VII.C.1.h. (i.e., felony, controlled substance, criminal sexual conduct offenses, or offenses for surreptitious observation, indecent exposure,

use of minor in a sexual performance, or possession of child pornography or display of pornography to a minor), or VII.C.1.i. (multiple moving violations) while employed by the entity that owns, leases, or contracts for the school bus, shall report the conviction to the person's employer within ten days of the date of the conviction. The notification shall be in writing and shall contain all the information set forth in Attachment C accompanying this policy.

VI. SCHOOL BUS DRIVER TRAINING

A. Training

1. All new school bus drivers shall be provided with pre-service training, including in-vehicle (actual driving) instruction, before transporting students and shall meet the competency testing specified in the Minnesota Department of Public Safety Model School Bus Driver Training Manual. All school bus drivers shall receive in-service training annually. For purposes of this section, "annually" means at least once every 380 days from the initial or previous evaluation and at least once every 380 days from the initial or previous license verification. The school district shall retain on file an annual individual school bus driver "evaluation certification" form for each school district driver as contained in the Model School Bus Driver Training Manual.
2. All school bus drivers shall be required to attend in-service training as requested by the transportation director and the school district administration. Training may include but is not limited to; crisis intervention protocols, de-escalation techniques, trauma and socio-emotional awareness, students with disabilities and special needs, behavior interventions and individual education plans.
3. All bus drivers operating a type III vehicle will be provided with annual training and certification as set forth in Section VII.C.1.b., below, by either the school district or the entity from whom such services are contracted by the school district.

B. Evaluation

School bus drivers and type III drivers will be evaluated annually and all other bus drivers will be assessed periodically for the following competencies:

1. Safely operate the type of school bus the driver will be driving;
2. Understand student behavior, including issues relating to students with disabilities;
3. Ensure orderly conduct of students on the bus and handling incidents of misconduct appropriately;
4. Know and understand relevant laws, rules of the road, and local school bus safety policies;
5. Handle emergency situations; and
6. Safely load and unload students.

The evaluation must include completion of an individual "school bus driver evaluation form"

(road test evaluation) as contained in the Model School Bus Driver Training Manual.

VII. OPERATING RULES AND PROCEDURES

A. General Operating Rules

1. School buses shall be operated in accordance with state traffic and school bus safety laws and the procedures contained in the Minnesota Department of Public Safety Model School Bus Driver Training Manual.
2. Only students assigned to the school bus by the school district shall be transported. The number of students or other authorized passengers transported in a school bus shall not be more than the legal capacity for the bus. No person shall be allowed to stand when the bus is in motion.
3. The parent/guardian may designate, pursuant to school district policy, a maximum of two (2) locations. Locations may include; a day care facility, respite care facility, the residence of a relative, or the residence of a person chosen by the parent or guardian as the address of the student for transportation purposes. The address must be in the attendance area of the assigned school and meet all other eligibility requirements.

The Superintendent and the Head of Transportation may designate specific locations as special bus route stops. These stops may be considered as a third option for parents and currently include all school district buildings and sports complexes as well as the Rice Lake Community Center.

4. Bus drivers must minimize, to the extent practical, the idling of school bus engines and exposure of children to diesel exhaust fumes.
5. To the extent practical, the school district will designate school bus loading/unloading zones at a sufficient distance from school air-intake systems to avoid diesel fumes from being drawn into the systems.
6. A bus driver may not operate a school bus while communicating over, or otherwise operating, a cellular phone for personal reasons, whether hand-held or hands free, when the vehicle is in motion or a part of traffic. For purposes of this paragraph, "school bus" has the meaning given in Minn. Stat. § 169.011, Subd. 71. In addition, "school bus" also includes type III vehicles when driven by employees or agents of the school district. "Cellular phone" means a cellular, analog, wireless, or digital telephone capable of sending or receiving telephone or text messages without an access line for service.
7. In the event a child is left unattended on a bus resulting from the failure of a driver to perform the post-route walk-through, the driver will be suspended without pay for a minimum of ten days. The district reserves the right to increase the severity of the discipline, up to and including possible termination of employment, dependent upon the results of the investigation of such an incident. A second infraction will result in termination of employment.

B. Type III Vehicles

1. Type III vehicles are restricted to passenger cars, station wagons, vans, and buses having a maximum manufacturer's rated seating capacity of 10 or fewer people including the driver and a gross vehicle weight rating of 10,000 pounds or less. A van or bus converted to a seating capacity of 10 or fewer and placed in service on or after August 1, 1999, must have been originally manufactured to comply with the passenger safety standards.
2. Type III vehicles must be painted a color other than national school bus yellow.
3. Type III vehicles shall be state inspected in accordance with legal requirements.
4. A type III vehicle cannot be older than 12 years old unless excepted by state and federal law.
5. If a type III vehicle is school district owned, the school district name will be clearly marked on the side of the vehicle. The type III vehicle must not have the words "school bus" in any location on the exterior of the vehicle or in any interior location visible to a motorist.
6. A "type III vehicle" must not be outwardly equipped and identified as a type A, B, C, or D bus.
7. Eight-lamp warning systems and stop arms must not be installed or used on type III vehicles.
8. Type III vehicles must be equipped with mirrors as required by law.
9. Any type III vehicle may not stop traffic and may not load or unload before making a complete stop and disengaging gears by shifting into neutral or park. Any type III vehicle used to transport students must not load or unload so that a student has to cross the road, except where not possible or impractical, then the driver or assistant must escort a student across the road. If the driver escorts the student across the road, then the motor must be stopped, the ignition key removed, the brakes set, and the vehicle otherwise rendered immobile.
10. Any type III vehicle used to transport students must carry emergency equipment including:
 - a. Fire extinguisher. A minimum of one 10BC rated dry chemical type fire extinguisher is required. The extinguisher must be mounted in a bracket, and must be located in the driver's compartment and be readily accessible to the driver and passengers. A pressure indicator is required and must be easily read without removing the extinguisher from its mounted position.
 - b. First aid kit and body fluids cleanup kit. A minimum of a ten-unit first aid kit and a body fluids cleanup kit is required. They must be contained in removable, moisture- and dust-proof containers mounted in an accessible place within the driver's compartment and must be marked to indicate their identity and location.

- d. Passenger cars and station wagons may carry a fire extinguisher, a first aid kit, and warning triangles in the trunk or trunk area of the vehicle if a label in the driver and front passenger area clearly indicates the location of these items.
11. Students will not be regularly transported in private vehicles that are not state inspected as type III vehicles. Only emergency, unscheduled transportation may be conducted in vehicles with a seating capacity of 10 or fewer without meeting the requirements for a type III vehicle. Also, parents may use a private vehicle to transport their own children under a contract with the district. The school district has no system of inspection for private vehicles.
 12. All drivers of type III vehicles will be licensed drivers and will be familiar with the use of required emergency equipment. The school district will not knowingly allow a person to operate a type III vehicle if the person has been convicted of an offense that disqualifies the person from operating a school bus.
 13. Type III vehicles will be equipped with child passenger restraints, and child passenger restraints will be utilized to the extent required by law.

C. Type III Vehicle Driven by Employees with a Class D Driver’s License

1. The holder of a Class A, B, C, or D driver’s license, without a school bus endorsement, may operate a type III vehicle, described above, under the following conditions:
 - a. The operator is an employee of the entity that owns, leases, or contracts for the school bus, which may include the school district.
 - b. The operator’s employer, which may include the school district, has adopted and implemented a policy that provides for annual training and certification of the operator in:
 - (1) safe operation of a type III vehicle;
 - (2) understanding student behavior, including issues relating to students with disabilities;
 - (3) encouraging orderly conduct of students on the bus and handling incidents of misconduct appropriately;
 - (4) knowing and understanding relevant laws, rules of the road, and local school bus safety policies;
 - (5) handling emergency situations;
 - (6) proper use of seat belts and child safety restraints;
 - (7) performance of pretrip vehicle inspections;
 - (8) safe loading and unloading of students, including, but not limited to:

- (a) utilizing a safe location for loading and unloading students at the curb, on the nontraffic side of the roadway, or at off-street loading areas, driveways, yards, and other areas to enable the student to avoid hazardous conditions;
 - (b) refraining from loading and unloading students in a vehicular traffic lane, on the shoulder, in a designated turn lane, or a lane adjacent to a designated turn lane;
 - (c) avoiding a loading or unloading location that would require a student to cross a road, or ensuring that the driver or an aide personally escort the student across the road if it is not reasonably feasible to avoid such a location;
 - (d) placing the type III vehicle in “park” during loading and unloading;
 - (e) escorting a student across the road under clause (c) only after the motor is stopped, the ignition key is removed, the brakes are set, and the vehicle is otherwise rendered immobile; and
- (9) compliance with paragraph V.F. concerning reporting convictions to the employer within ten days of the date of conviction.
- c. A background check or background investigation of the operator has been conducted that meets the requirements under Minn. Stat. § 122A.18, Subd. 8, or Minn. Stat. § 123B.03 for school district employees; Minn. Stat. § 144.057 or Minn. Stat. Ch. 245C for day care employees; or Minn. Stat. § 171.321, Subd. 3, for all other persons operating a type III vehicle under this section.
 - d. Operators shall submit to a physical examination as required by Minn. Stat. § 171.321, Subd. 2.
 - e. The operator’s employer requires preemployment drug testing of applicants for operator positions. Current operators must comply with the employer’s policy under Minn. Stat. § 181.951, Subds. 2, 4, and 5. Notwithstanding any law to the contrary, the operator’s employer may use a breathalyzer or similar device to fulfill random alcohol testing requirements.
 - f. The operator’s driver’s license is verified annually by the entity that owns, leases, or contracts for the type III vehicle as required by Minn. Stat. § 171.321, Subd. 5.
 - g. A person who sustains a conviction, as defined under Minn. Stat. § 609.02, of violating Minn. Stat. § 169A.25, § 169A.26, § 169A.27 (driving while impaired offenses), or § 169A.31 (alcohol-related school bus driver offenses), or whose driver’s license is revoked under Minn. Stat. §§ 169A.50 to 169A.53 of the implied consent law, or who is convicted of violating or whose driver’s license is revoked under a similar statute or ordinance of another state, is precluded

from operating a type III vehicle for five years from the date of conviction.

- h. A person who has ever been convicted of a disqualifying offense as defined in Minn. Stat. § 171.3215, Subd.1(c), (i.e., felony, controlled substance, criminal sexual conduct offenses, or offenses for surreptitious observation, indecent exposure, use of minor in a sexual performance, or possession of child pornography or display of pornography to a minor) may not operate a type III vehicle.
- i. A person who sustains a conviction, as defined under Minn. Stat. § 609.02, of a moving offense in violation of Minn. Stat. Ch. 169 within three years of the first of three other moving offenses is precluded from operating a type III vehicle for one year from the date of the last conviction.
- j. Students riding the type III vehicle must have training required under Minn. Stat. § 123B.90, Subd. 2 (See Section II.B., above).
- k. Documentation of meeting the requirements listed in this section must be maintained under separate file at the business location for each type III vehicle operator. The school district or any other entity that owns, leases, or contracts for the type III vehicle operating under this section is responsible for maintaining these files for inspection.

- 2. The type III vehicle must bear a current certificate of inspection issued under Minn. Stat. § 169.451.
- 3. An employee of the school district who is not employed for the sole purpose of operating a type III vehicle may, in the discretion of the school district, be exempt from paragraphs VII.C.1.d. (physical examination) and VII.C.1.e. (drug testing), above.

D. Type A-I “Activity” Buses Driven by Employees with a Driver’s License Without a School Bus Endorsement

- 1. The holder of a Class D driver’s license, without a school bus endorsement, may operate a type A-I school bus or a Multifunction School Activity Bus (MFSAB) under the following conditions:
 - a. The operator is an employee of the school district or an independent contractor with whom the school district contracts for the school bus and is not solely hired to provide transportation services under this paragraph.
 - b. The operator drives the school bus only from points of origin to points of destination, not including home-to-school trips to pick up or drop off students.
 - c. The operator is prohibited from using the 8-light system if the vehicle is so equipped.
 - d. The operator has submitted to a background check and physical examination as required by Minn. Stat. § 171.321, Subd. 2.

- e. The operator has a valid driver's license and has not sustained a conviction of a disqualifying offense as set forth in Minn. Stat. § 171.02, Subd. 2a(h) - 2a(j).
 - f. The operator has been trained in the proper use of child safety restraints as set forth in the National Highway Traffic Safety Administration's "Guideline for the Safe Transportation of Pre-school Age Children in School Buses," if child safety restraints are used by passengers, in addition to the training required in Section VI., above.
 - g. The bus has a gross vehicle weight rating of 14,500 pounds or less and is designed to transport 15 or fewer passengers, including the driver.
- 2. The school district shall maintain annual certification of the requirements listed in this section for each Class D license operator.
 - 3. A school bus operated under this section must bear a current certificate of inspection.
 - 4. The word "School" on the front and rear of the bus must be covered by a sign that reads "Activities" when the bus is being operated under authority of this section.

VIII. SCHOOL DISTRICT EMERGENCY PROCEDURES

- A. If possible, school bus drivers or their supervisors shall call "911" or the local emergency phone number in the event of a serious emergency.
- B. School bus drivers shall meet the emergency training requirements contained in Unit III "Crash & Emergency Preparedness" of the Minnesota Department of Public Safety Model School Bus Driver Training Manual. This includes procedures in the event of a crash (accident).
- C. School bus drivers and bus assistants for special education students requiring special transportation service because of their handicapping condition shall be trained in basic first aid procedures, shall within one month after the effective date of assignment participate in a program of in-service training on the proper methods for dealing with the specific needs and problems of students with disabilities, assist students with disabilities on and off the bus when necessary for their safe ingress and egress from the bus; and ensure that protective safety devices are in use and fastened properly.
- D. Emergency Health Information shall be maintained on the school bus for students requiring special transportation service because of their handicapping condition. The information shall state:
 - 1. the student's name and address;
 - 2. the nature of the student's disabilities;
 - 3. emergency health care information; and
 - 4. the names and telephone numbers of the student's physician, parents, guardians, or custodians, and some person other than the student's parents or custodians who can be contacted in case of an emergency.

IX. SCHOOL DISTRICT VEHICLE MAINTENANCE STANDARDS

- A. All school vehicles shall be maintained in safe operating conditions through a systematic preventive maintenance and inspection program adopted or approved by the school district.
- B. All school vehicles shall be state inspected in accordance with legal requirements.
- C. A copy of the current daily pre-trip inspection report must be carried in the bus. Daily pre-trip inspections shall be maintained on file in accordance with the school district’s record retention schedule. Prompt reports of defects to be immediately corrected will be submitted.
- D. Daily post-trip inspections shall be performed to check for any children or lost items remaining on the bus and for vandalism.
- E. Bagley Public Schools will be on a ten-year school bus purchase rotation schedule with the exception of the multi-needs bus which will remain on an eight-year rotation schedule. Busses that do not meet safety and maintenance requirements will be rotated at the discretion of the Director of Transportation and approval by the Board of Education.

X. TRANSPORTATION FOR IN-TOWN STUDENTS

Students in Kindergarten through fifth grade have first priority for transportation if the bus becomes full. Parents of sixth through twelfth grade students are required to sign a permission form, developed by the Transportation Director, before students are allowed to ride the bus.

XI. RELIGIOUS RELEASE TIME TRANSPORTATION

Bagley Public School busses may transport students to and from Religious Release Time classes. In return, participating churches will agree to pay Independent School District 162 for the true and accurate costs for the provided transportation services. (Ex. Bus use fees, bus driver salary, and etc.)

Bagley Public School busses, or any school vehicle, will not be rented outside of the district for any purpose other than Religious Release Time.

XII. SCHOOL TRANSPORTATION SAFETY DIRECTOR

The school board has designated an individual to serve as the school district’s school transportation safety director. The school transportation safety director shall have day-to-day responsibility for student transportation safety, including transportation of nonpublic school children when provided by the school district. The school transportation safety director will assure that this policy is periodically reviewed to ensure that it conforms to law. The school transportation safety director shall certify annually to the school board that each school bus driver meets the school bus driver training competencies required by Minn. Stat. § 171.321, Subd. 4. The transportation safety director also shall annually verify or ensure that the private contractor utilized by the school has verified the validity of the driver’s license of each employee who regularly transports students for the school district in a type A, B, C, or D school bus, type III vehicle, or MFSAB with the National Driver Register or the Department of Public Safety. Upon request of the school district superintendent or the superintendent of the school district where nonpublic students are transported, the school transportation safety director also shall certify to the superintendent that students have received school bus safety training in

accordance with state law. The name, address and telephone number of the school transportation safety director are on file in the school district office. Any questions regarding student transportation or this policy may be addressed to the school transportation safety director.

412 EXPENSE REIMBURSEMENT

Board Revised: June 18, 2012

Board Revised: ~~May 2, 2016~~ June 2019

I. PURPOSE

The purpose of this policy is to identify school district business expenses that involve initial payment by an employee and qualify for reimbursement from the school district, and to specify the manner by which the employee seeks reimbursement.

II. AUTHORIZATION

All school district business expenses to be reimbursed must be approved by the supervising administrator. Such expenses to be reimbursed may include transportation, meals, lodging, registration fees, required materials, parking fees, ~~tips~~, and other reasonable and necessary school district business-related expenses.

III. REIMBURSEMENT

- A. Requests for reimbursement must be itemized on the official school district form and are to be submitted to the designated administrator. Receipts for lodging, commercial transportation, registration, and other reasonable and necessary expenses must be attached to the reimbursement form.
- B. Automobile travel shall be reimbursed at the mileage rate set by the school board. Commercial transportation shall reflect economy fares and shall be reimbursed only for the actual cost of the trip.

IV. AIRLINE TRAVEL CREDIT

- A. Employees utilizing school district funds to pay for airline travel are required to ensure that any credits or other benefits issued by any airline accrue to the benefit of the school district rather than the employee.
 - 1. To the extent an airline will not honor a transfer or assignment of credit or benefit from the employee to the school district, the employee shall report receipt of the credit or benefit to the designated administrator within 90 days of receipt of the credit or benefit.
 - 2. Reports of the receipt of an airline credit or benefit shall be made in writing and shall include verification from the airline as to the credit or benefit received. Reimbursement for airline travel expenses will not be made until such documentation is provided.
- B. Employees who have existing credits or benefits issued by an airline based upon previously reimbursed airline travel for school district purposes will be required to utilize those credits or benefits toward any subsequent airline travel related to school

district purposes, prior to reimbursement for such travel, to the extent permitted and/or feasible.

- C. The requirements of this section apply to all airline travel, regardless of where or how the tickets are purchased.

V. ESTABLISHMENT OF DIRECTIVES AND GUIDELINES

The superintendent with school board approval shall develop a schedule of reimbursement rates for school district business expenses, including those expenses requiring advance approval and specific rates of reimbursement. The school board shall also develop directives and guidelines to address methods and times for submission of requests for reimbursement.

VI. DISTRICT TRAVEL/MEAL REIMBURSEMENT

Reimbursement for those who travel on school business is set as follows:

- A. Mileage - ~~\$0.50/mile~~ IRS Mileage Reimbursement Rate for all those who travel on school business.

When personal vehicles are used for travel at the request of the employee, no reimbursement will be made unless the transportation director confirms a school vehicle was unavailable or that it is specified in an employees work agreement.

- B. Meals:
 1. Breakfast - \$7.00
 2. Lunch - \$9.00
 3. Dinner - \$15.00
 4. \$31.00/day may be used for one, two or three meals if gone all day.
 5. Board receives full reimbursement for meals and lodging.

Itemized receipts must be submitted to the school accountant in order to be reimbursed. Claims must be itemized and cannot include tips. Claims that are not for overnight trips will be paid through payroll and will be taxable income. Concerning the advancement of travel monies, it shall be the policy of the Board of Education that:

- C. An employee may request an advance of the appropriate meal allowances whenever such employee will be outside of the district on official school business for a minimum of two consecutive full days.
- D. Whenever an employee is supervising district students outside of the district on official school business, the employee may receive an advance for the amount of pre-approved student expenses. Such monies shall be considered to be under the care and management of the employee.

The employee to whom the advance is paid (A or B above) shall be responsible for submitting appropriate receipts to the district office for all expenditures made from the advance. If such receipts are not submitted, the employee must reimburse the

school district an amount equal to the difference between the advance and the sum of the submitted appropriate receipts.

- E. Receipts must show that a meal was purchased or is a restaurant receipt. This will not apply when meals are included in your meeting. The School District encourages good nutrition, which is considered three balanced meals a day. Eligible meals are defined as breakfast, lunch and dinner not stops for dessert, snacks, or grocery.

Expense should be for personal consumption. Meals are considered to be reimbursable if eaten at one setting, not adding a receipt for dessert at a later time or at another restaurant.

Alcoholic beverages are not reimbursable.

- F. Breakfast reimbursements shall be claimed only if the employee is on assignment outside the boundaries of the school district in travel status overnight or departs from school district boundaries in an assigned travel status before 6:00 AM. Lunch reimbursements may be claimed only if the employee is in a travel status and is performing required work outside the boundaries of Bagley School District and his/her work assignment extends over the normal noon meal period. Dinner reimbursement may be claimed only if the employee is outside the boundaries of the school district in a travel status overnight or is required to remain in a travel status until after 7:00 PM.