

School Board Study Session  
Monday, November 28, 2022 4:00 PM Central

District Office Conference Room, Room 164  
Austin High School  
401 3rd Ave. NW  
Austin, MN 55912

1. Call to Order/Roll Call
2. Approval of agenda (Action)
3. Enrollment and programming
4. Policy review
  - 4.A. Policy 208 - Development, Adoption, and Implementation of Policies
  - 4.B. Policy 410 - Family and Medical Leave
  - 4.C. Policy 411 - Student Teaching
  - 4.D. Policy 413 - Harrassment and Violence
  - 4.E. Policy 415 - Mandated Reporting of Maltreatment of Vulnerable Adults
  - 4.F. Policy 417 - Chemical Use and Abuse
  - 4.G. Policy 426 - Paraprofessional Certification Policy
  - 4.H. Policy 428 - Employee Use of Social Media
  - 4.I. Policy 433 - Leave for Staff Members Elected to Public Office or Chosen as Party Officers or Delegates to Party Conventions
  - 4.J. Policy 438 - Consulting
  - 4.K. Policy 534 - School Meals Policy
  - 4.L. Policy 716 - Purchasing
  - 4.M. Policy 804 - Energy Usage
  - 4.N. Policy 808 - Naming School Buildings or Facilities
  - 4.O. Policy 909 - Political Activity
5. Adjournment (Action)

# 45/15 Calendar Q/A

November 28, 2022





Per MDE, Future approvals are contingent upon meeting the school district's performance goals established in the district's plan under section [120B.11](#). (World's Best Workforce)

Minnesota Rules, part [3500.1000](#) indicates flexible learning year programs shall be designed to accomplish at least one of the following:

- Improve instructional quality.
- Increase cost-effectiveness.
- Make better use of community resources or available technology.
- Establish an alternative eligibility criteria intended to identify pupils in need of special education services.

MDE [Flex Learning Site](#).

## Summary of MDE Call on Flexible Learning Year 11/07/2022

Summary of call with MDE, November 7, 2022:

- MDE reviews every flexible learning year application
- Areas of emphasis in the application
  - Intentional and meaningful community engagement
  - Meaningful goals areas
- When an application is received, data from the site is pulled at MDE
  - Example—if a site indicates that student achievement is a goal as a result of flexible learning, but that has not been met, they will question why another application
- Applications could take time to review as this is a budgeting year at the legislature

*Source: John Alberts*



# AUSTIN PUBLIC SCHOOLS

## Information Services

### Resident School by Address

**2021-2022**

	Banfield Elementary	Neveln Elementary	Southgate Elementary	Sumner Elementary	Open Enrolled	Grand Total	Percent In Zone	Percent Out Zone
Banfield Elementary	280	21	19	101	10	431	65.0%	35.0%
Neveln Elementary	11	206	16	34	7	274	75.2%	24.8%
Southgate Elementary	69	63	296	71	12	511	57.9%	42.1%
Sumner Elementary	43	27	21	152	0	243	62.6%	37.4%
<b>Total</b>	<b>403</b>	<b>317</b>	<b>352</b>	<b>358</b>	<b>29</b>	<b>1459</b>	<b>64.0%</b>	<b>36.0%</b>

Woodson Kindergarten Center	123	73	87	94	12	389
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Source: Infinite Campus Extracts 2022.01.12



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AUSTIN.K12.MN.US





# AUSTIN PUBLIC SCHOOLS

## Information Services

### Resident School by Address

**2022-2023**

Enrolled School

	Banfield Elementary	Neveln Elementary	Southgate Elementary	Sumner Elementary	Open Enrolled	Grand Total	Percent In Zone	Percent Out Zone
Banfield Elementary	304	22	17	94	14	451	67.4%	32.6%
Neveln Elementary	12	207	14	30	2	265	78.1%	21.9%
Southgate Elementary	66	47	300	76	12	501	59.9%	40.1%
Sumner Elementary	36	19	26	157	2	240	65.4%	34.6%
<b>Total</b>	<b>418</b>	<b>295</b>	<b>357</b>	<b>357</b>	<b>30</b>	<b>1457</b>	<b>66.4%</b>	<b>33.6%</b>

Woodson Kindergarten Center	105	68	82	88	2	345
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Source: Infinite Campus Extracts 2022.11.01



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# Elementary Demographic Comparison

	School	Enrolled School 2022-2023*	Resident School by Address**	Δ
Students of Color	Banfield	45.7%	50.2%	+4.5%
	Neveln	58.1%	62.0%	+3.2%
	Southgate	50.3%	51.8%	+1.5%
	Sumner	90.4%	66.0%	-24.4%
Special Education	Banfield	17.1%	15.5%	-1.6%
	Neveln	11.7%	17.2%	+5.5%
	Southgate	27.9%	24.4%	-3.5%
	Sumner	18.8%	23.7%	+4.9%
EL Status	Banfield	22.4%	27.5%	+5.1%
	Neveln	37.7%	42.4%	+4.7%
	Southgate	27.9%	29.0%	+1.1%
	Sumner	58.8%	36.2%	-22.6%
Free/Reduced	Banfield	64.7%	62.7%	-2.0%
	Neveln	73.2%	72.7%	-0.5%
	Southgate	64.3%	64.8%	+0.5%
	Sumner	88.8%	82.2%	-6.6%



\*As of 2022.11.01

\*\*Percents calculated on students attending based Resident Address

How many households are served by Sumner Elementary?

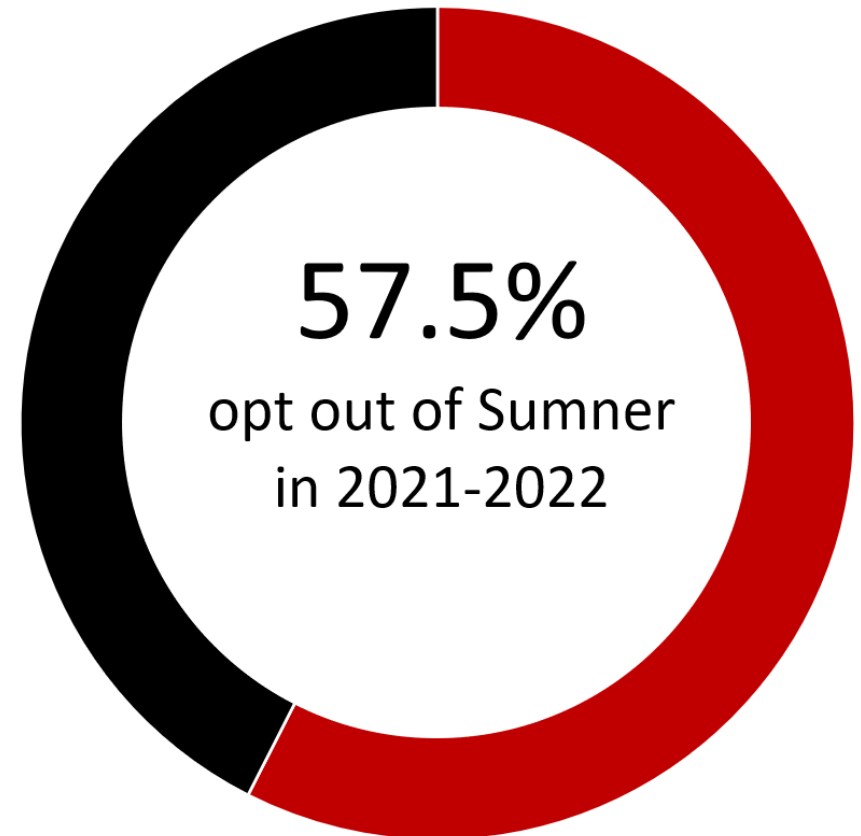
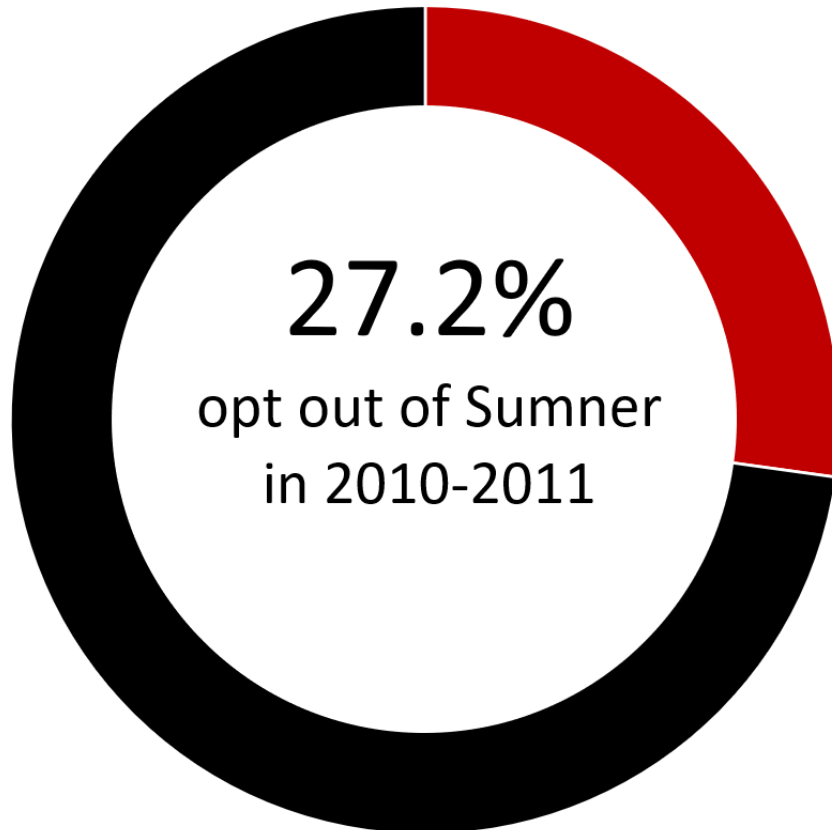
School	Enrolled Household Count 2022-2023*	Resident School by Address Household Count**	Δ
Banfield	380	369	-11
Neveln	218	240	+22
Southgate	420	301	-119
Sumner	206	307	+101

*\*As of 2022.11.01*

*\*\*Count based on students attending based on Resident Address*

Source: Infinite Campus Extracts

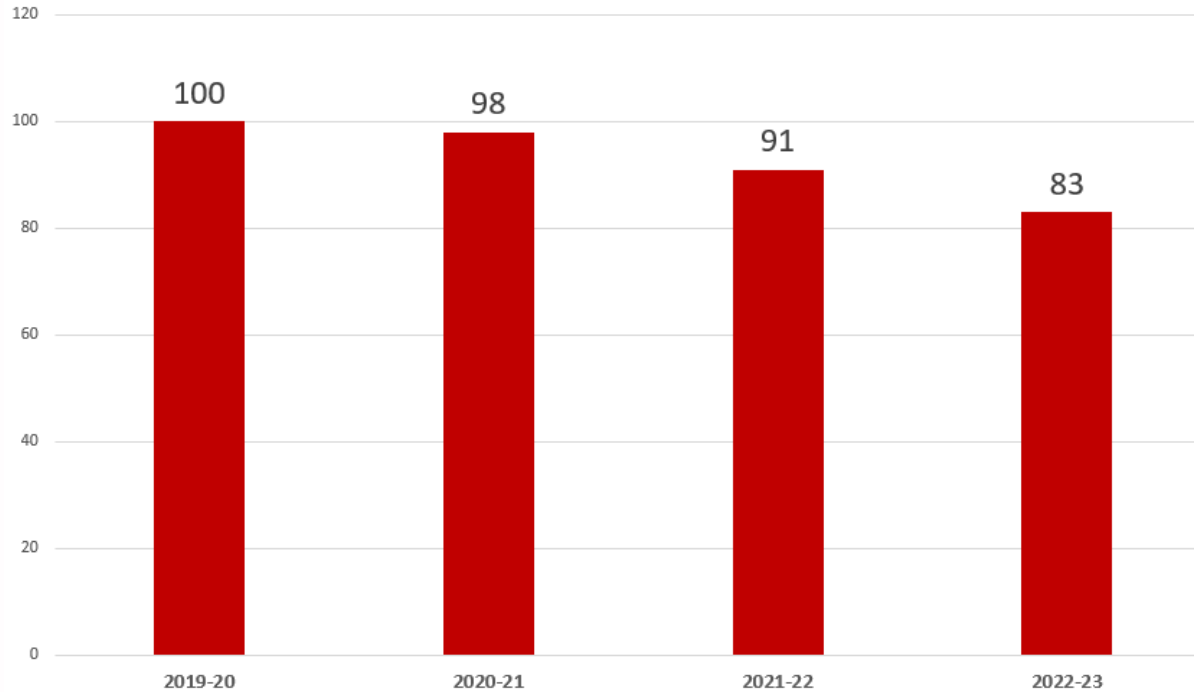
How many students leave the Sumner neighborhood to attend another APS elementary school now compared to 2011?



In 2010-11, 408 students in the Sumner Attendance Zone and 111 (27.2%) opted to attend another elementary school  
In 2021-22, 358 students in the Sumner Attendance Zone and 206 (57.5%) opted to attend another elementary school

Source: Infinite Campus Extracts

## How many students opt into Sumner the past four years?



In 2022-23, 83 students opt in to Sumner from other attendance zones

- (34.6% of Sumner students are from outside the Sumner attendance zone)

In 2021-22, 91 students opt in to Sumner from other attendance zones

- (37.4% of Sumner students are from outside the Sumner attendance zone)

In 2020-21, 98 students opt in to Sumner from other attendance zones

- (38.6% of Sumner students are from outside the Sumner attendance zone)

In 2019-20, 100 students opt in to Sumner from other attendance zones

- (36.0% of Sumner students are from outside the Sumner attendance zone)

Source: Infinite Campus Extracts

## What is the demographic breakdown of students opting in vs opting out?\*

Gender	Sumner Opt-IN	Sumner Opted-Out
Female	40 (44%)	100 (49%)
Male	51 (56%)	106 (51%)
<b>Grand Total</b>	<b>91</b>	<b>206</b>

Race/Ethnicity	Sumner Opt-IN	Sumner Opted-Out
1 - Hispanic	34 (37%)	74 (36%)
3 - Asian	18 (16%)	9 (4%)
4 - Black	15 (12%)	10 (5%)
5 - NatHaw	11 (12%)	4 (2%)
6 - White	7 (8%)	101 (49%)
7 - 2orMore	6 (7%)	8 (4%)
<b>Grand Total</b>	<b>91</b>	<b>206</b>

Race/Ethnicity2	Sumner Opt-IN	Sumner Opted-Out
Students of Color	84 (92%)	105 (51%)
White Students	7 (8%)	101 (49%)
<b>Grand Total</b>	<b>91</b>	<b>206</b>

Special Ed	Sumner Opt-IN	Sumner Opted-Out
Sped=No	71 (78%)	152 (74%)
Sped=Yes	20 (22%)	54 (26%)
<b>Grand Total</b>	<b>91</b>	<b>206</b>

EL Status	Sumner Opt-IN	Sumner Opted-Out
EL=No	36 (40%)	159 (77%)
EL=Yes	55 (60%)	47 (23%)
<b>Grand Total</b>	<b>91</b>	<b>206</b>

Free/Reduced	Sumner Opt-IN	Sumner Opted-Out
FR=No	27 (30%)	75 (36%)
FR=Yes	64 (70%)	131 (64%)
<b>Grand Total</b>	<b>91</b>	<b>206</b>

\*Data based on 2021-22 Sumner Elementary enrollment and resident attendance zone.

Source: Infinite Campus Extracts

In the past ten years how has our demographic breakdown changed?

## Sumner Elementary Demographic Comparison

	FY12	FY22	Δ
Students of Color	60.9%	89.9%	+29.0%
Special Education	12.8%	20.2%	+7.4%
EL Status	35.2%	60.1%	+24.9%
Free/Reduced	76.2%	72.6%	-3.6%

Source: Infinite Campus Extracts

In the past ten years how has our demographic breakdown changed?

## Elementary Demographic Comparison

	School	FY12	FY22	Δ
Students of Color	Banfield	31.3%	43.3%	+12.0%
	Neveln	43.1%	54.3%	+11.2%
	Southgate	37.8%	48.7%	+10.9%
	Sumner	60.9%	89.9%	+29.0%
Special Education	Banfield	13.3%	17.7%	+4.4%
	Neveln	13.5%	16.7%	+3.2%
	Southgate	15.3%	21.8%	+6.5%
	Sumner	12.8%	20.2%	+7.4%
EL Status	Banfield	16.3%	24.3%	+8.0%
	Neveln	22.2%	33.7%	+11.5%
	Southgate	17.0%	28.1%	+11.1%
	Sumner	35.2%	60.1%	+24.9%
Free/Reduced	Banfield	53.2%	51.4%	-1.8%
	Neveln	65.1%	55.8%	-9.3%
	Southgate	61.6%	49.9%	-11.7%
	Sumner	76.2%	72.6%	-3.6%

Source: Infinite Campus Extracts

# Goals from Flexible Learning Year (FLY) App 2020-21

List the S.M.A.R.T. (Specific, Measurable, Achievable, Realistic, Time Bound) goals and objectives of your program (Minn. R. 3500.1000, subp. 3).

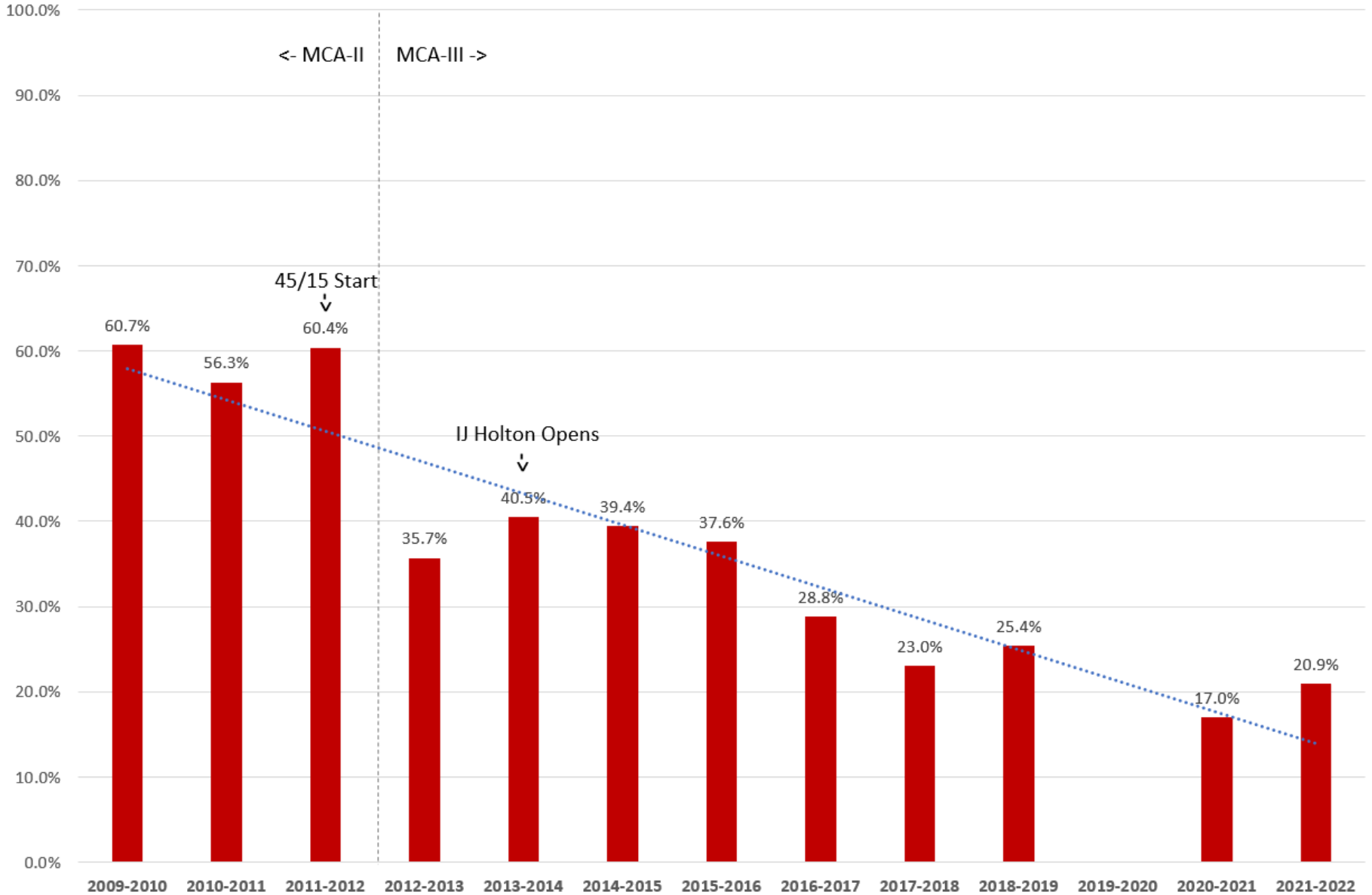
1. Students attending on the 45/15 modified calendar will have a 10% increased attendance in comparison with the traditional calendar same age students at the conclusion of each school year within the application.
2. Students attending on the 45/15 modified calendar will have a 10% increased growth score on the Scantron assessments given in fall, winter, and spring as compared to the same categorized students in the traditional calendar students at the conclusion of each school year within the application.
3. Staff instructing on the 45/15 modified calendar will have a 10% increase attendance rate (with the exception of leaves for childbirth) as compared to staff on the traditional calendar at the conclusion of each school year within the application.

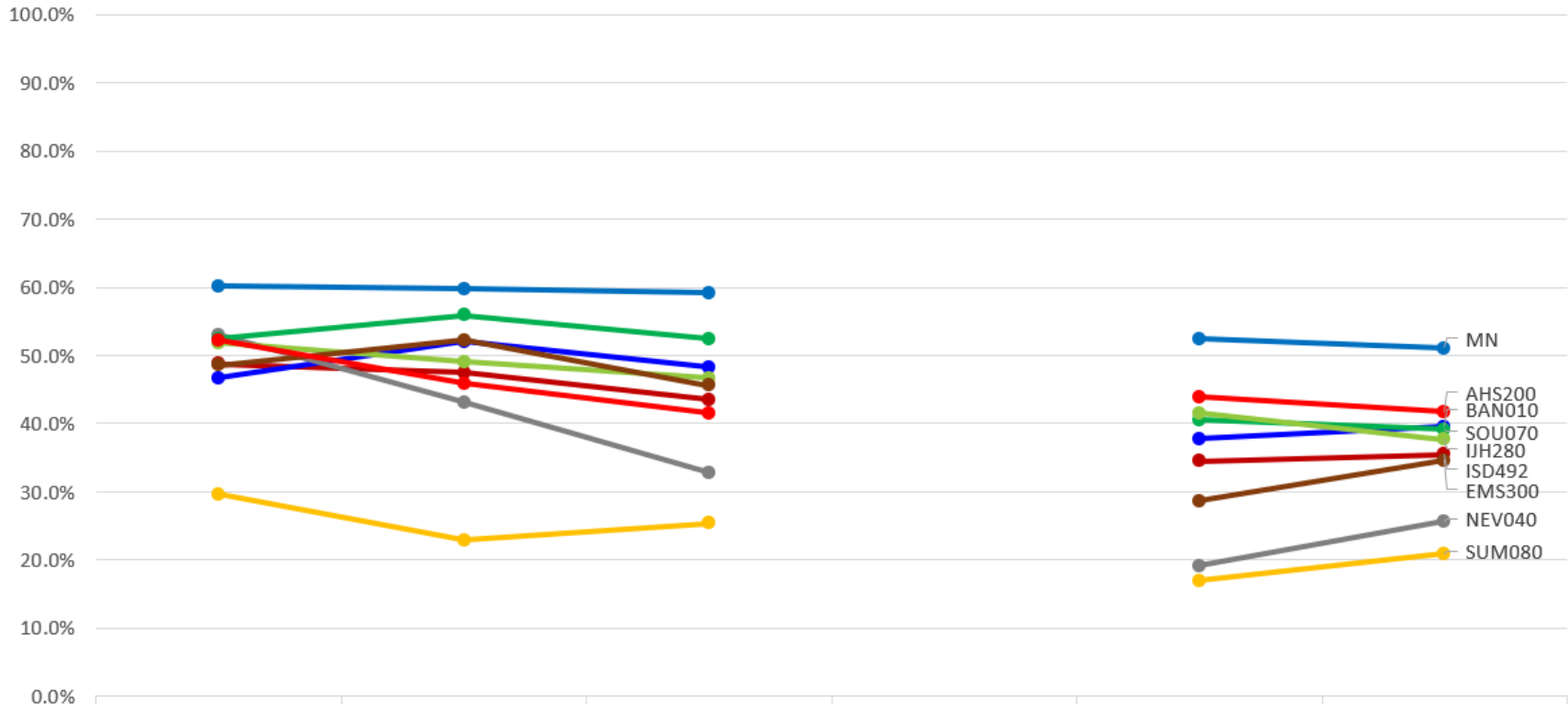
How does attendance compare to other schools on Traditional Calendar?

## Percent in Attendance by Year

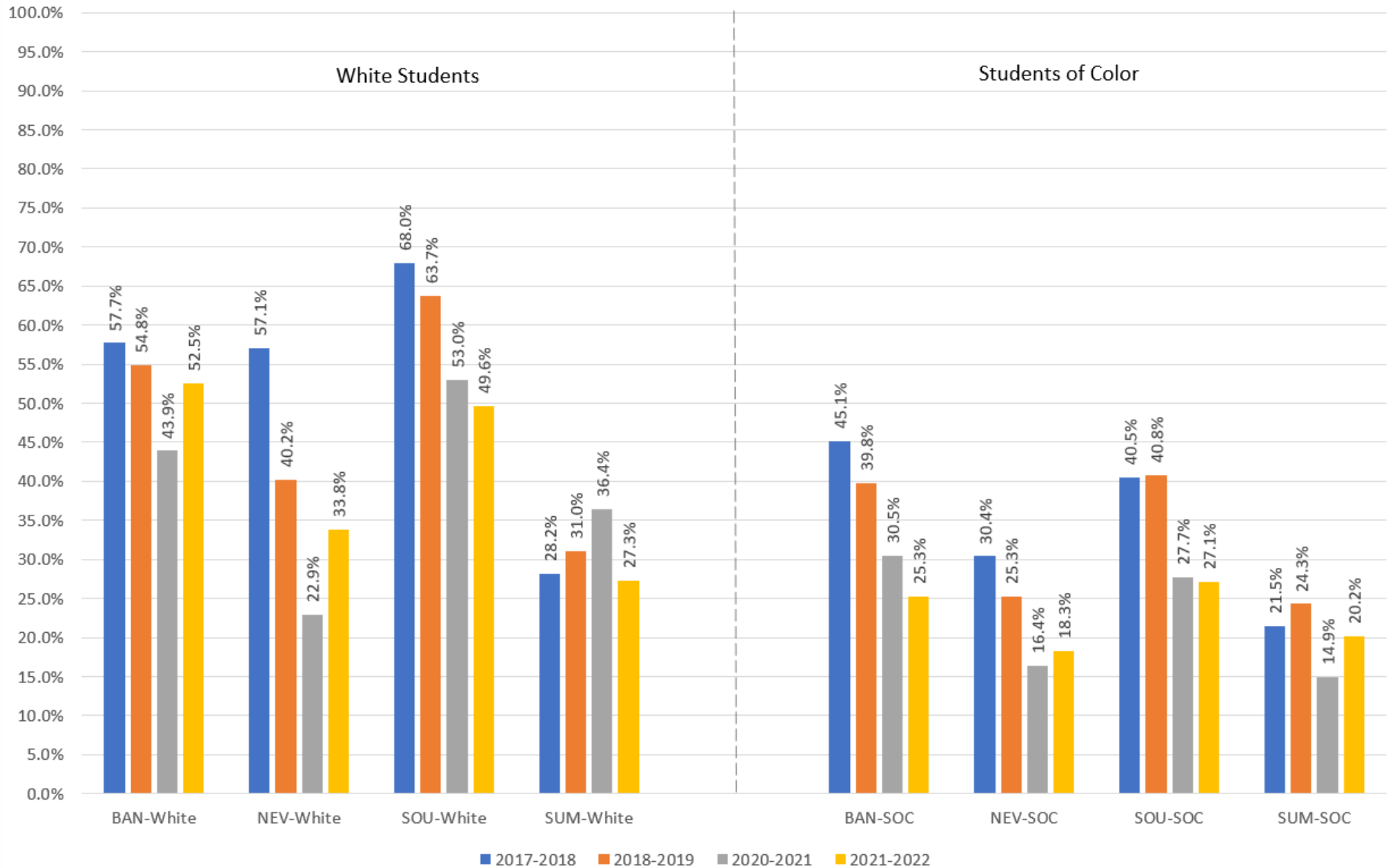
	2018-2019	2019-2020	2020-2021	2021-2022
Banfield	95.5%	96.2%	94.0%	90.9%
Neveln	94.7%	95.2%	93.5%	89.9%
Southgate	94.9%	95.4%	95.1%	91.2%
Sumner	95.6%	95.9%	93.4%	90.4%

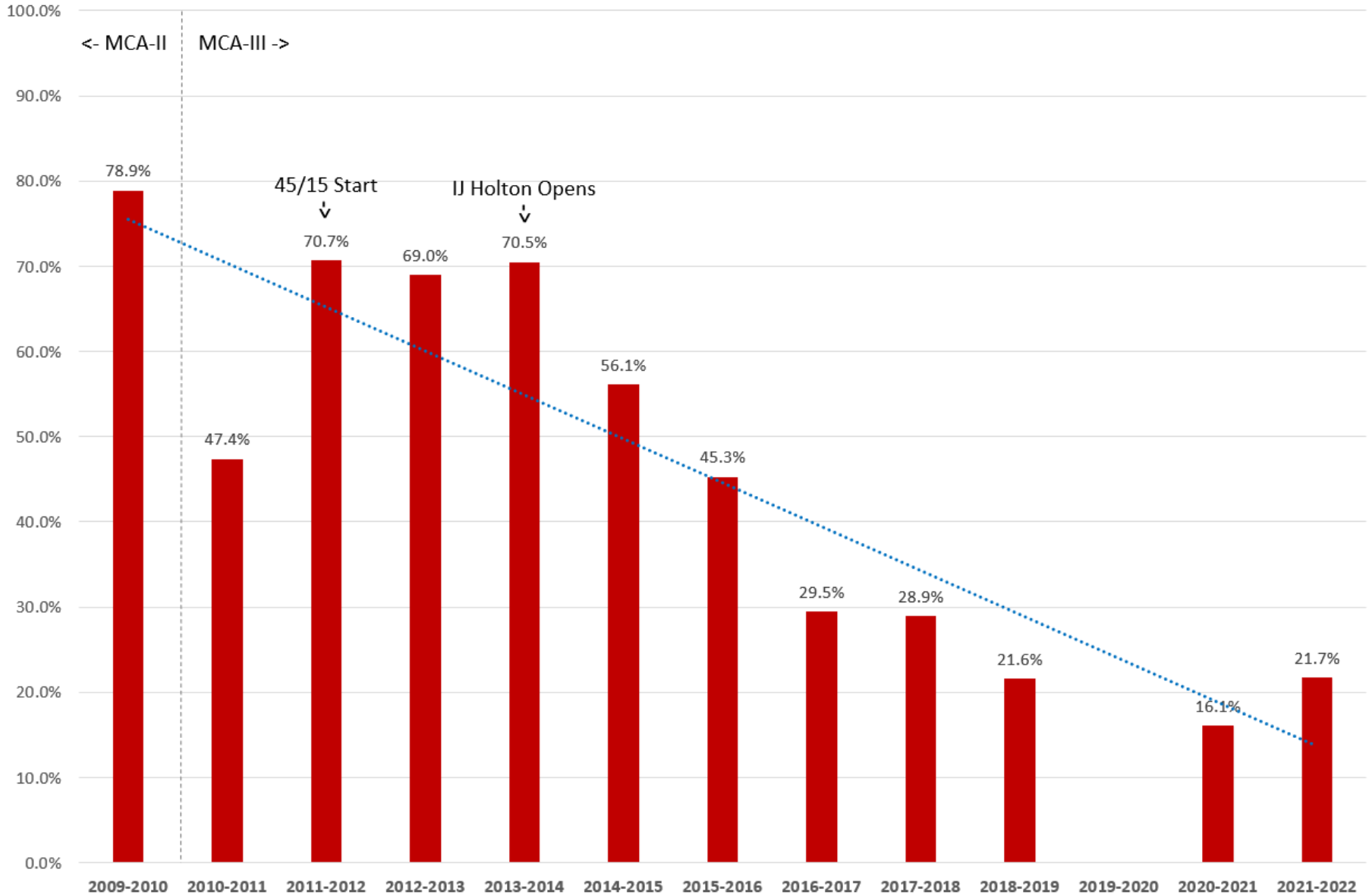
Source: Infinite Campus Attendance Reports

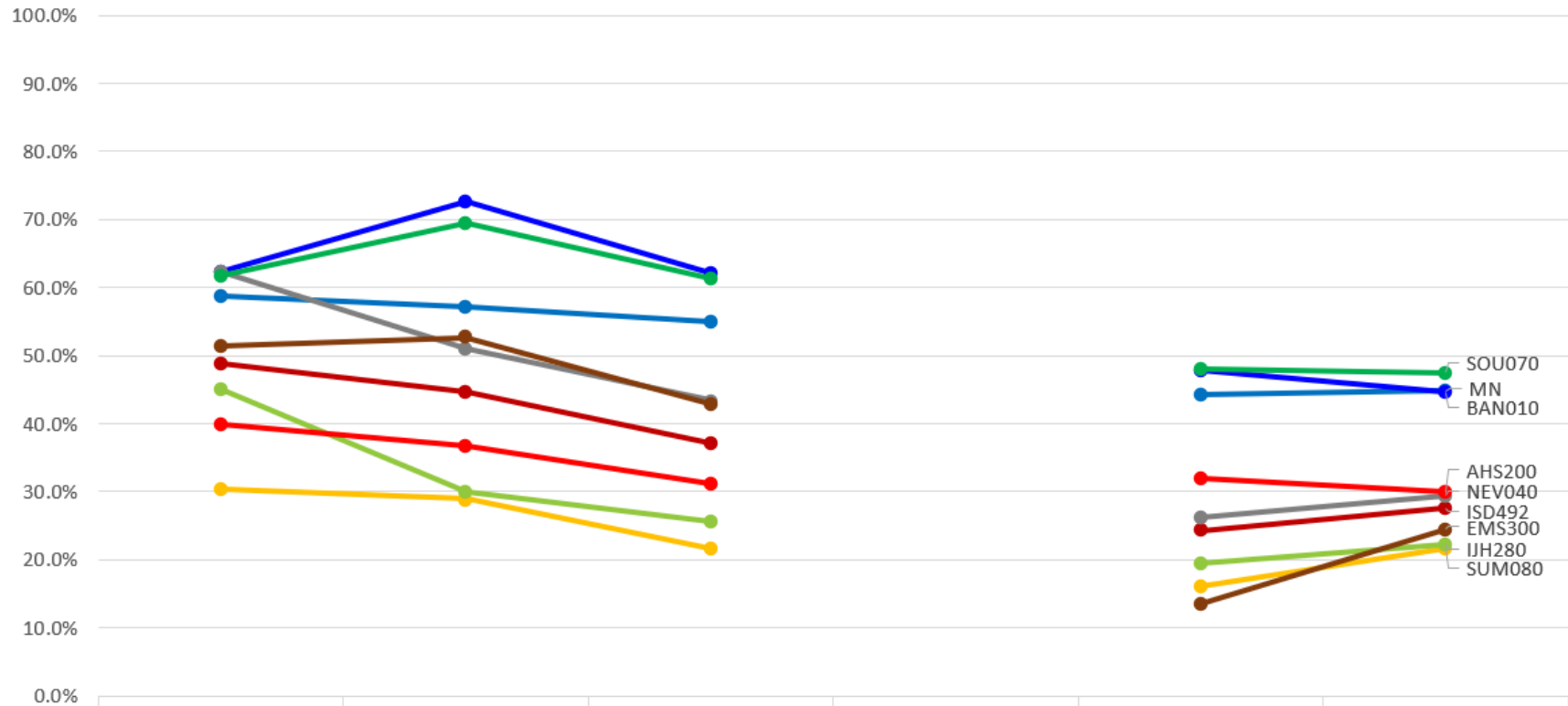




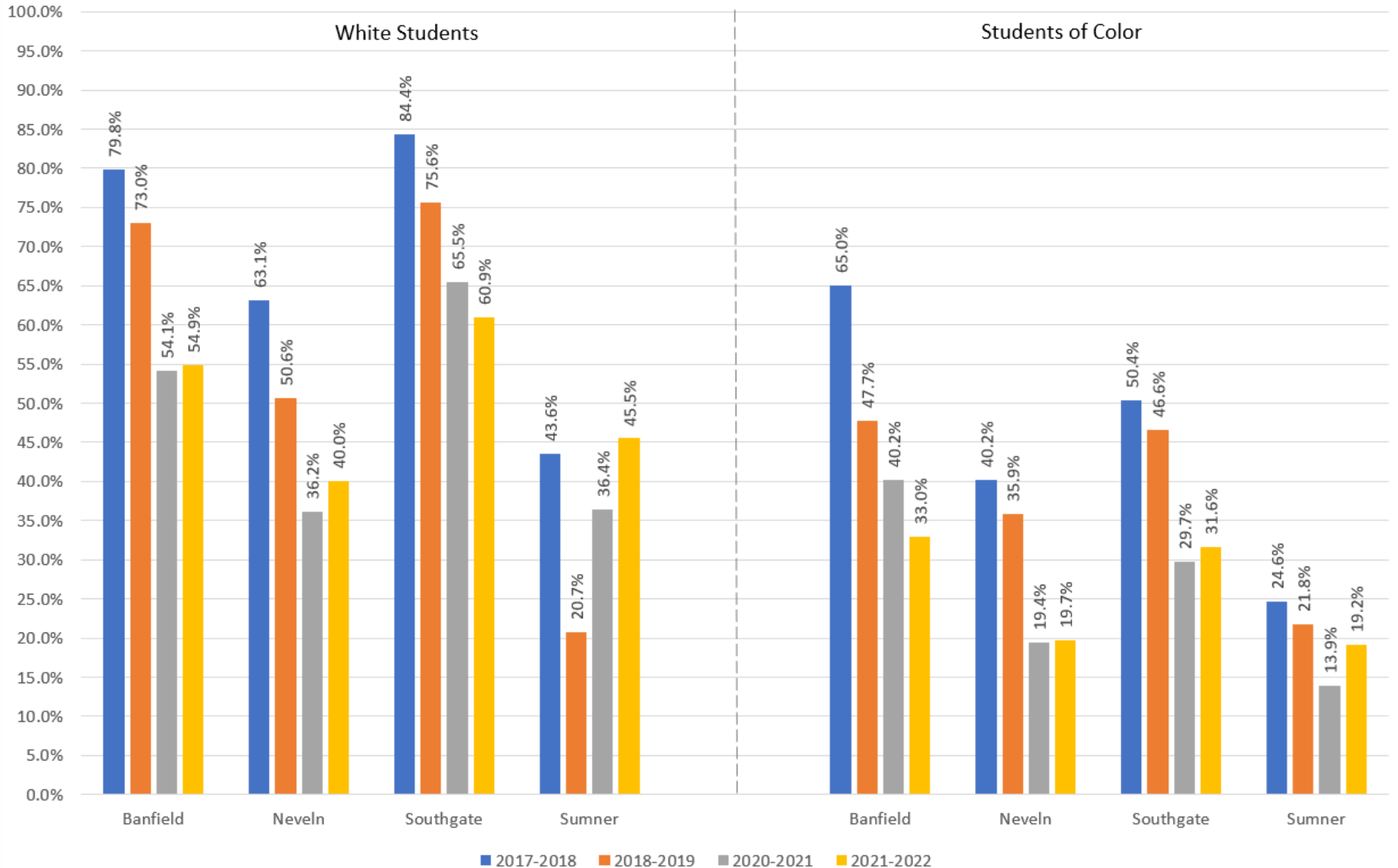
	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022
MN	60.2%	59.9%	59.2%		52.5%	51.1%
ISD492	48.8%	47.5%	43.6%		34.5%	35.5%
BAN010	46.7%	52.0%	48.3%		37.8%	39.6%
NEV040	53.1%	43.2%	32.9%		19.1%	25.7%
SOU070	52.5%	55.9%	52.5%		40.5%	39.2%
SUM080	29.7%	23.0%	25.4%		17.0%	20.9%
IJH280	51.9%	49.2%	46.8%		41.5%	37.7%
EMS300	48.6%	52.2%	45.6%		28.7%	34.7%
AHS200	52.3%	46.0%	41.6%		44.0%	41.7%







	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022
MN	58.7%	57.2%	55.0%		44.2%	44.8%
ISD492	48.9%	44.7%	37.1%		24.3%	27.5%
BAN010	62.3%	72.6%	62.2%		47.8%	44.6%
NEV040	62.3%	51.1%	43.4%		26.3%	29.4%
SOU070	61.8%	69.5%	61.3%		48.0%	47.5%
SUM080	30.3%	28.9%	21.6%		16.1%	21.7%
IJH280	45.1%	30.0%	25.7%		19.4%	22.3%
EMS300	51.4%	52.7%	42.9%		13.6%	24.5%
AHS200	39.9%	36.8%	31.1%		31.9%	29.9%

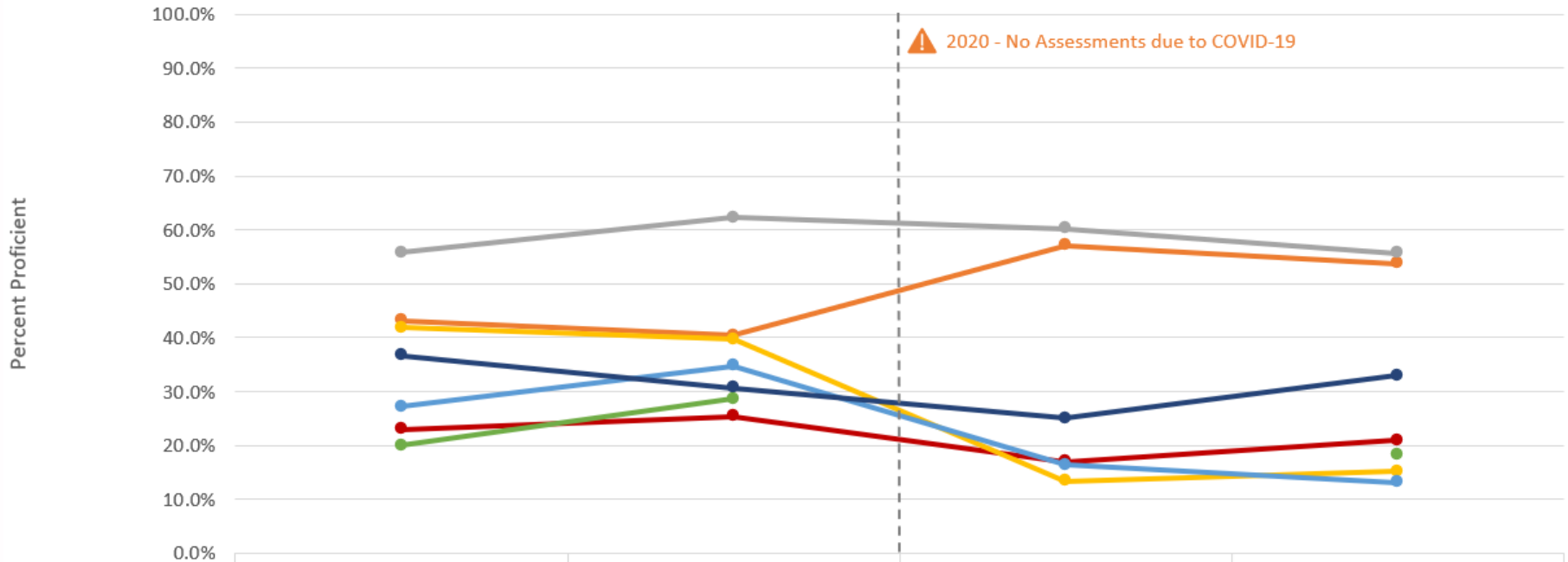


# *MN 45/15 School Comparisons*

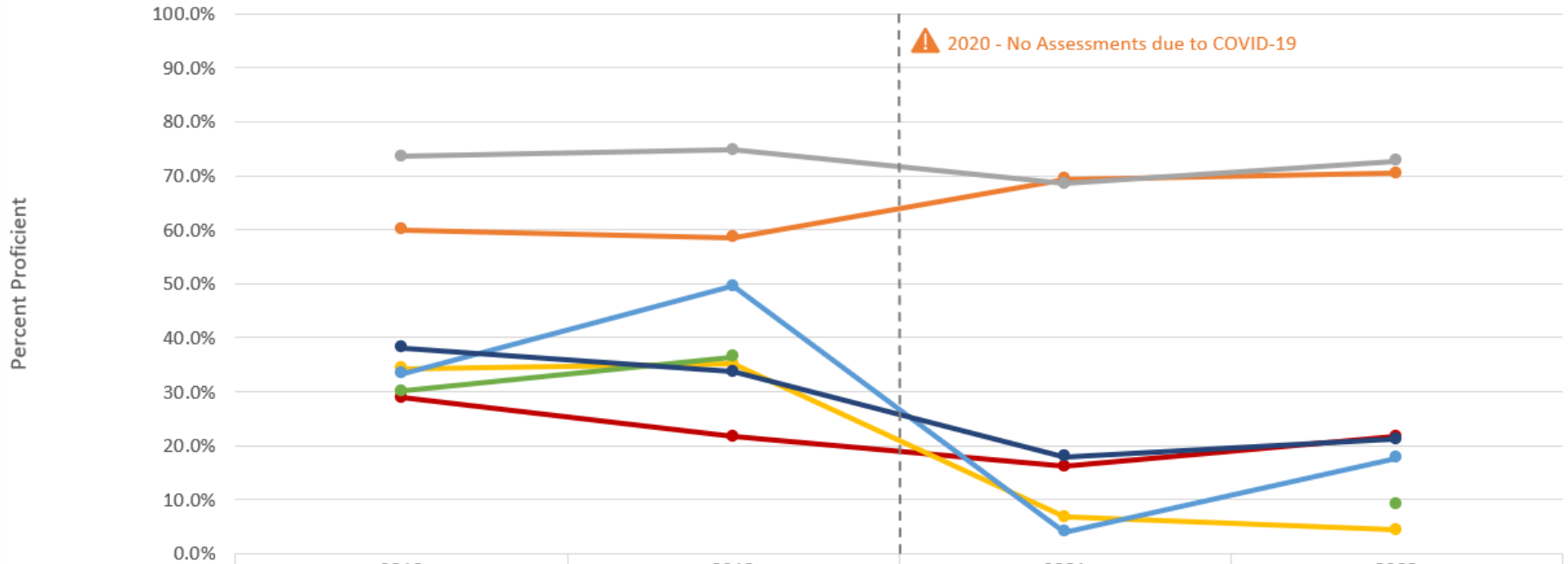
	<b>Grades Served</b>	<b>Total Enrollment</b>	<b>Percent White</b>	<b>Percent FR</b>	<b>Percent Sped</b>	<b>Percent EL</b>
Sumner Elementary Austin (0492)	1-4	248	10.1%	72.6%	20.2%	60.1%
Cambridge-Isanti Steam School* Cambridge-Isanti (0911)	K-5	152	88.8%	14.5%	16.4%	NR
Longfellow Elementary Rochester (0535)	K-5	285	58.2%	33.0%	14.0%	14.0%
Crossroads Montessori St. Paul (0625)	PK-5	188	13.3%	66.0%	11.7%	28.2%
Crossroads Science St. Paul (0625)	PK-5	199	9.0%	81.4%	17.1%	34.2%
Pine Point Elementary Pine Point (0025)	PK-8	72	0.0%	88.9%	27.8%	0.0%
Harambee Elementary Roseville (0623)	PK-6	318	13.5%	54.1%	6.3%	19.8%

*\*Also called "School for All Seasons"*

<https://education.mn.gov/MDE/dse/ltopt/MDE086383>



	2018	2019	2021	2022
Sumner Elementary	23.0%	25.4%	17.0%	20.9%
Cambridge-Isanti Steam School	43.2%	40.4%	57.1%	53.7%
Longfellow Elementary	55.8%	62.3%	60.2%	55.7%
Crossroads Montessori	41.8%	39.7%	13.3%	15.2%
Crossroads Science	27.2%	34.7%	16.3%	13.1%
Pine Point Elementary	20.0%	28.6%	CTSTR	18.2%
Harambee Elementary	36.7%	30.6%	25.0%	32.9%



	2018	2019	2021	2022
Sumner Elementary	28.9%	21.6%	16.1%	21.7%
Cambridge-Isanti Steam School	60.0%	58.5%	69.4%	70.4%
Longfellow Elementary	73.5%	74.8%	68.5%	72.7%
Crossroads Montessori	34.3%	35.1%	6.7%	4.3%
Crossroads Science	33.3%	49.5%	4.0%	17.7%
Pine Point Elementary	30.0%	36.4%	CTSTR	9.1%
Harambee Elementary	38.1%	33.7%	17.9%	21.1%

How does growth compare to other schools on Traditional Calendar?

**Scantron Performance Series Growth Z-Score Average: Subject/School/Year**

Subject	School	2017-2018	2018-2019	2020-2021	2021-2022	4-Yr Average
Reading	Banfield	0.300	0.333	-0.082	-0.010	0.135
	Neveln	-0.015	0.005	-0.012	0.185	0.041
	Southgate	0.012	0.062	0.096	-0.073	0.024
	Sumner	0.134	-0.155	-0.213	-0.005	-0.060
Math	Banfield	0.439	0.666	0.241	0.149	0.374
	Neveln	0.210	0.341	-0.023	0.319	0.212
	Southgate	0.488	0.372	0.104	0.354	0.330
	Sumner	-0.037	0.150	-0.184	-0.064	-0.034

# Teacher Attendance

\*Excludes FMLA

School	2019-2020	2020-2021	2021-2022
Banfield Elementary	85.62%	85.86%	97.77%
Neveln Elementary	83.16%	81.99%	97.55%
Southgate Elementary	81.19%	84.88%	97.47%
Sumner Elementary	84.77%	86.07%	98.14%

Source: Human Resources Report per John Alberts



Per MDE, Future approvals are contingent upon meeting the school district's performance goals established in the district's plan under section [120B.11](#). (World's Best Workforce)

Minnesota Rules, part [3500.1000](#) indicates flexible learning year programs shall be designed to accomplish at least one of the following:

- Improve instructional quality.
- Increase cost-effectiveness.
- Make better use of community resources or available technology.
- Establish an alternative eligibility criteria intended to identify pupils in need of special education services.

MDE [Flex Learning Site](#).

# Scenario 1

- Hold Incoming Gr. 01 to school of attendance based on residency
  - i.e. childcare does not supersede resident enrollment for school of attendance
- Grandfather in all incoming Gr. 02 – 04 students to existing school of enrollment if desired.
- No district-wide transportation into Sumner Elementary zone.
- Transportation: If you qualify for transportation based on residency to your resident school, you qualify for one AM and one PM trip
- Siblings of students in specialized programming can follow sibling to school of enrollment and transportation provided.

## Scenario 1: 23-24 Elementary Demographic Comparison

School	Grade	Current Enrollment 11/17/2022	Projected Enrollment 2023-2024*	Percent of Students of Color	Percent of Special Education Students	Percent of EL Students	Percent of Free/Reduced Students
Banfield Elementary	<b>All Grades</b>	<b>451</b>	<b>458</b>	<b>47.6%</b>	<b>16.4%</b>	<b>24.9%</b>	<b>64.6%</b>
	Grade 01	119	105	56.2%	15.2%	33.3%	64.8%
	Grade 02	101	120	45.0%	10.8%	20.8%	63.3%
	Grade 03	134	99	47.5%	21.2%	26.3%	68.7%
	Grade 04	97	134	43.3%	18.7%	20.9%	62.7%
Neveln Elementary	<b>All Grades</b>	<b>264</b>	<b>274</b>	<b>60.9%</b>	<b>11.3%</b>	<b>38.3%</b>	<b>77.0%</b>
	Grade 01	67	68	66.2%	16.2%	36.8%	77.9%
	Grade 02	65	65	60.0%	6.2%	32.3%	78.5%
	Grade 03	74	66	59.1%	9.1%	42.4%	77.3%
	Grade 04	58	75	58.7%	13.3%	41.3%	74.7%
Southgate Elementary	<b>All Grades</b>	<b>496</b>	<b>453</b>	<b>50.8%</b>	<b>23.2%</b>	<b>26.0%</b>	<b>64.2%</b>
	Grade 01	113	82	51.2%	8.5%	17.1%	63.4%
	Grade 02	129	115	53.9%	31.3%	27.8%	64.3%
	Grade 03	124	131	50.4%	22.1%	29.0%	64.9%
	Grade 04	130	125	48.0%	26.4%	27.2%	64.0%
Sumner Elementary	<b>All Grades</b>	<b>240</b>	<b>280</b>	<b>81.1%</b>	<b>18.6%</b>	<b>48.2%</b>	<b>85.7%</b>
	Grade 01	70	88	60.2%	17.0%	27.3%	73.9%
	Grade 02	60	71	85.9%	14.1%	49.3%	88.7%
	Grade 03	62	59	91.5%	27.1%	61.0%	89.8%
	Grade 04	48	62	95.2%	17.7%	64.5%	95.2%

\*Projected enrollment assumes that all students currently in 2022-23 Gr. 01-03 will roll into their current school and all current Kindergarten students will go into Gr.01 at their school of attendance based on residency. In addition, 2 open enrolled students at WKC not included.

## Scenario 2

- All students attend school based on resident boundaries.
  - i.e. childcare does not supersede resident enrollment for school of attendance
- No district-wide transportation into Sumner Elementary zone.
- Transportation: If you qualify for transportation based on residency to your resident school, you qualify for one AM and one PM trip
- Siblings of students in specialized programming can follow sibling to school of enrollment and transportation provided.

## Scenario 2: 23-24 Elementary Demographic Comparison

School	Grade	Current Enrollment 11/17/2022	Projected Enrollment 2023-2024*	Percent of Students of Color	Percent of Special Education Students	Percent of EL Students	Percent of Free/Reduced Students
Banfield Elementary	<b>All Grades</b>	<b>451</b>	<b>447</b>	<b>51.2%</b>	<b>15.7%</b>	<b>28.6%</b>	<b>63.5%</b>
	Grade 01	119	105	56.2%	15.2%	33.3%	64.8%
	Grade 02	101	116	50.0%	11.2%	24.1%	59.5%
	Grade 03	134	99	53.5%	17.2%	32.3%	71.7%
	Grade 04	97	127	46.5%	18.9%	26.0%	59.8%
Neveln Elementary	<b>All Grades</b>	<b>264</b>	<b>283</b>	<b>63.6%</b>	<b>13.8%</b>	<b>42.0%</b>	<b>76.3%</b>
	Grade 01	67	68	66.2%	16.2%	36.8%	77.9%
	Grade 02	65	67	64.2%	10.4%	40.3%	79.1%
	Grade 03	74	72	62.5%	13.9%	45.8%	70.8%
	Grade 04	58	76	61.8%	14.5%	44.7%	77.6%
Southgate Elementary	<b>All Grades</b>	<b>496</b>	<b>363</b>	<b>52.3%</b>	<b>19.6%</b>	<b>26.4%</b>	<b>64.2%</b>
	Grade 01	113	82	51.2%	8.5%	17.1%	63.4%
	Grade 02	129	88	52.3%	25.0%	26.1%	64.8%
	Grade 03	124	94	55.3%	19.1%	33.0%	63.8%
	Grade 04	130	99	50.5%	24.2%	28.3%	64.6%
Sumner Elementary	<b>All Grades</b>	<b>240</b>	<b>372</b>	<b>65.3%</b>	<b>22.3%</b>	<b>34.7%</b>	<b>82.0%</b>
	Grade 01	70	88	60.2%	17.0%	27.3%	73.9%
	Grade 02	60	11	69.0%	21.0%	35.0%	85.0%
	Grade 03	62	90	62.2%	30.0%	35.6%	83.3%
	Grade 04	48	94	69.1%	21.3%	40.4%	85.1%

\*Projected enrollment assumes all students attend school based on Resident address in all grades. In addition, 2 open enrolled students at WKC not included.

# 45/15 Calendar Q/A

November 28, 2022



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

MSBA/MASA Model Policy 208

Orig. 1995

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

Rev. 2022

## **208 DEVELOPMENT, ADOPTION, AND IMPLEMENTATION OF POLICIES**

***[Note: The provisions of this policy are recommendations. The procedures for policy development, adoption, and implementation are not specifically provided by statute.]***

### **I. PURPOSE**

The purpose of this policy is to emphasize the importance of the policy-making role of the school board and provide the means for it to be an ongoing effort.

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

Formal guidelines are necessary to ensure the school community that the school system responds to its mission and operates in an effective, efficient, and consistent manner. A set of written policies shall be maintained and modified as needed. Policies should define the desire and intent of the school board and should be in a form that is sufficiently explicit to guide administrative action.

### **III. DEVELOPMENT OF POLICY**

- A. The school board has jurisdiction to legislate policy with the force and effect of law for the school district. School district policy provides the school board's general direction for the school district while delegating policy implementation to the administration.
- B. The school district's policies provide guidelines and goals to the school community. The policies are the basis for guidelines and directives created by the administration. The school board shall determine the effectiveness of policies by evaluating periodic reports from the administration.
- C. Policies may be proposed by a school board member, employee, student, or resident of the school district. Proposed policies or ideas shall be submitted to the superintendent for review prior to possible placement on the school board agenda.

### **IV. ADOPTION AND REVIEW OF POLICY**

- A. The school board shall give notice of proposed policy changes or adoption of new policies by placing the item on the agenda of two school board meetings. The proposals shall be distributed and public comment will be allowed at both meetings.
- B. The final action taken to adopt the proposed policy shall be approved by a simple majority vote of the school board at ~~a meeting after the two meetings at the second meeting after any which~~ public input was received or at a subsequent meeting. The policy will be effective on the latter of the date of passage or the date stated in the motion.
- C. In an emergency, a new or modified policy may be adopted by a majority vote of a quorum of the school board in a single meeting. A statement regarding the emergency and the need for immediate adoption of the policy shall be included in the minutes. The policy adopted in an emergency shall expire within one year following the emergency action unless the policy adoption procedure stated above is followed and the policy is

reaffirmed. The school board shall have discretion to determine what constitutes an emergency.

- D. If a policy is modified with minor changes that do not affect the substance of the policy or because of a legal change over which the school board has no control, the modified policy may be approved at one meeting at the discretion of the school board.

**V. IMPLEMENTATION OF AND ACCESS TO POLICY**

- A. The superintendent shall be responsible for implementing school board policies, other than the policies that cover how the school board will operate. The superintendent shall develop administrative guidelines and directives to provide greater specificity and consistency in the process of implementation. These guidelines and directives, including employee and student handbooks, shall be subject to annual review and approval by the school board.
- B. Each school board member shall have access to school district policies. A copy of the school district policies shall be placed in the office of each school attendance center and in the central school district office and shall be available for reference purposes to other interested persons.
- C. The superintendent, employees designated by the superintendent, and individual school board members shall be responsible for keeping the policy current.
- D. The school board shall review policies at least once every three years. The superintendent shall be responsible for developing a system of periodic review, addressing approximately one third of the policies annually. In addition, the school board shall review the following policies annually: 506 Student Discipline; 722 Public Data Requests; and 806 Crisis Management Policy.
- E. When no school board policy exists to provide guidance on a matter, the superintendent is authorized to act appropriately under the circumstances keeping in mind the mission, educational philosophy, and financial condition of the school district. Under such circumstances, the superintendent shall advise the school board of the need for a policy and present a recommended policy to the school board for approval.

**Legal References:** Minn. Stat. § 123B.02, Subd. 1 (School District Powers)  
Minn. Stat. § 123B.09, Subd. 1 (School Board Powers)

**Cross References:** MSBA/MASA Model Policy 305 (Policy Implementation)

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

MSBA/MASA Model Policy 410

Orig. 1995

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

Rev. 2022~~15~~

## **410 FAMILY AND MEDICAL LEAVE POLICY**

***[Note: School districts are required by statute to have a policy addressing these issues.]***

### **I. PURPOSE**

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

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

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

### **III. DEFINITIONS**

A. "Covered active duty" means:

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

B. "Covered servicemember" means:

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

C. "Eligible employee" means an employee who has been employed by the school district for a total of at least 12 months and who has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave. An employee returning from fulfilling his or her Uniformed Services Employment and Reemployment Rights Act (USERRA)-covered service obligation shall be credited with the hours of service that would have been performed but for the period of absence

from work due to or necessitated by USERRA-covered service. In determining whether the employee met the hours of service requirement, and to determine the hours that would have been worked during the period of absence from work due to or necessitated by USERRA-covered service, the employee's pre-service work schedule can generally be used for calculations. While the 12 months of employment need not be consecutive, employment periods prior to a break in service of seven years or more may not be counted unless: (1) the break is occasioned by the employee's fulfillment of his or her USERRA-covered service obligation; or (2) a written agreement, including a collective bargaining agreement, exists concerning the school district's intention to rehire the employee after the break in service.

- D. "Military caregiver leave" means leave taken to care for a covered servicemember with a serious injury or illness.
- E. "Next of kin of a covered servicemember" means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin, and the employee may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin.
- F. "Outpatient status" means, with respect to a covered servicemember who is a current member of the Armed Forces, the status of a member of the Armed Forces assigned to:
  - 1. a military medical treatment facility as an outpatient; or
  - 2. a unit established for the purpose of providing command and control of members of the Armed Forces receiving care as outpatients.
- G. "Qualifying exigency" means a situation where the eligible employee seeks leave for one or more of the following reasons:
  - 1. to address any issues that arise from a short-notice deployment (seven calendar days or less) of a covered military member;
  - 2. to attend military events and related activities of a covered military member;
  - 3. to address issues related to childcare and school activities of a covered military member's child;
  - 4. to address financial and legal arrangements for a covered military member;
  - 5. to attend counseling provided by someone other than a health care provider for oneself, a covered military member, or his/her child;
  - 6. to spend up to 15 calendar days with a covered military member who is on short-term, temporary rest and recuperation leave during a period of deployment;

7. to attend post-deployment activities related to a covered military member;
  8. to address ~~parental~~ care needs of a covered military member's parent who is incapable of self-care; and
  9. to address other events related to a covered military member that both the employee and school district agree is a qualifying exigency.
- H. "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:
1. inpatient care in a hospital, hospice, or residential medical care facility; or
  2. continuing treatment by a health care provider.
- I. "Spouse" means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This definition includes an individual in a same-sex or common law marriage that either: (1) was entered into in a state that recognizes such marriages; or (2) if entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state.
- J. "Veteran" has the meaning given in 38 United States Code section U.S.C. § 101.

#### **IV. LEAVE ENTITLEMENT**

- A. Twelve-week Leave under Federal Law
1. Eligible employees are entitled to a total of 12 work weeks of unpaid family or medical leave during the applicable 12-month period as defined below, plus any additional leave as required by law. Leave may be taken for one or more of the following reasons in accordance with applicable law:
    - a. birth of the employee's child and to care for such child;
    - b. placement of an adopted or foster child with the employee;
    - c. to care for the employee's spouse, son, daughter, or parent with a serious health condition;
    - d. the employee's serious health condition makes the employee unable to perform the functions of the employee's job; and/or
    - e. any qualifying exigency arising from the employee's spouse, son, daughter, or parent being on covered active duty, or notified of an impending call or order to covered active duty in the Armed Forces.
  2. For the purposes of this policy, "year" is defined as a rolling 12-month period measured backward from the date an employee's leave is to commence.

**[Note: An employer is permitted to choose any one of the following**

**methods for determining the 12-month period in which the 12 weeks of FMLA leave entitlement occurs: (a) the calendar year; (b) any fixed 12-month leave year, such as a fiscal year, a year required by State law, or a year starting on an employee's anniversary date;(c) the 12-month period measured forward from the date any employee's first FMLA leave; or (d) a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave. It is recommended, however, that school districts use the 12-month rolling measurement as it prevents employees from stacking 12-week leave entitlement that could occur if, for example, a calendar or fiscal year is utilized. Where a calendar, fiscal or similar period is used, an employee could use 12 weeks at the end of the period and then again at the beginning of the period, providing an entitlement to a leave of 24 consecutive weeks. If a school district changes its definition of a "year" in this policy, it must give employees notice of at least 60 days before implementing this change.]**

3. An employee's entitlement to FMLA leave for the birth, adoption, or foster care of a child expires at the end of the 12-month period beginning on the date of the birth or placement.
4. A "serious health condition" typically requires either inpatient care or continuing treatment by or under the supervision of a health care provider, as defined by applicable law. Family and medical leave generally is not intended to cover short-term conditions for which treatment and recovery are very brief.
5. A "serious injury or illness," in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means:
  - a. injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and
  - b. in the case of a covered veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time, during the period of five years preceding the date on which the veteran undergoes the medical treatment, recuperation, or therapy, means a qualifying injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty in the Armed Forces and that manifested itself before or after the member became a veteran, and is:
    - (1) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or
    - (2) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability (VASRD) rating of 50 percent or greater and such VASRD rating is based, in

whole or in part, on the condition precipitating the need for military caregiver leave; or

- (3) a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
  - (4) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.
6. Eligible spouses employed by the school district are limited to an aggregate of 12 weeks of leave during any 12-month period for the birth and care of a newborn child or adoption of a child, the placement of a child for foster care, or to care for a parent. This limitation for spouses employed by the school district does not apply to leave taken: by one spouse to care for the other spouse who is seriously ill; to care for a child with a serious health condition; because of the employee's own serious health condition; or pursuant to Paragraph IV.A.1.e. above.
7. Depending on the type of leave, intermittent or reduced schedule leave may be granted in the discretion of the school district or when medically necessary. However, part-time employees are only eligible for a pro-rata portion of leave to be used on an intermittent or reduced schedule basis, based on their average hours worked per week. Where an intermittent or reduced schedule leave is foreseeable based on planned medical treatment, the school district may transfer the employee temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position, and which has equivalent pay and benefits.
8. If an employee requests a leave for the serious health condition of the employee or the employee's spouse, child, or parent, the employee will be required to submit sufficient medical certification. In such a case, the employee must submit the medical certification within 15 days from the date of the request or as soon as practicable under the circumstances.
9. If the school district has reason to doubt the validity of a health care provider's certification, it may require a second opinion at the school district's expense. If the opinions of the first and second health care providers differ, the school district may require certification from a third health care provider at the school district's expense. An employee may also be required to present a certification from a health care provider indicating that the employee is able to return to work.
10. Requests for leave shall be made to the school district. When leave relates to an employee's spouse, son, daughter, parent, or covered servicemember being on covered active duty, or notified of an impending call or order to covered active duty pursuant to Paragraph IV.A.1.e. above, and such leave is foreseeable, the employee shall provide reasonable and practical notice to the school district of the need for leave. For all other leaves, employees must give 30 days' written notice of a leave of absence where practicable. The failure to

provide the required notice may result in a delay of the requested leave. Employees are expected to make a reasonable effort to schedule leaves resulting from planned medical treatment so as not to disrupt unduly the operations of the school district, subject to and in coordination with the health care provider.

11. The school district may require that a request for leave under Paragraph IV.A.1.e. above be supported by a copy of the covered military member's active duty orders or other documentation issued by the military indicating active duty or a call to active duty status and the dates of active duty service. In addition, the school district may require the employee to provide sufficient certification supporting the qualifying exigency for which leave is requested.
12. During the period of a leave permitted under this policy, the school district will provide health insurance under its group health plan under the same conditions coverage would have been provided had the employee not taken the leave. The employee will be responsible for payment of the employee contribution to continue group health insurance coverage during the leave. An employee's failure to make necessary and timely contributions may result in termination of coverage. An employee who does not return to work after the leave may be required, in some situations, to reimburse the school district for the cost of the health plan premiums paid by it.
13. The school district may request or require the employee to substitute accrued paid leave for any part of the 12-week period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines established for the implementation of this policy, if any. Employees eligible for leave must comply with the family and medical leave directives and guidelines prior to starting leave. The superintendent shall be responsible to develop directives and guidelines as necessary to implement this policy. Such directives and guidelines shall be submitted to the school board for annual review.

The school district shall comply with written notice requirements as set forth in federal regulations.

14. Employees returning from a leave permitted under this policy are eligible for reinstatement in the same or an equivalent position as provided by law. However, the employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the leave.

B. Twelve-week Leave under State Law

An employee who does not qualify for parenting leave under Paragraphs IV.A.1.a. or IV.A.1.b. above may qualify for a 12-week unpaid leave which is available to a biological or adoptive parent in conjunction with the birth or adoption of a child, or to a female employee for prenatal care or incapacity due to pregnancy, childbirth, or related health conditions. The length of the leave shall be determined by the employee but must not exceed 12 weeks unless agreed to by the employerschool district. The employee may qualify if he or she has worked for the school district for at least 12 months and has worked an average number of hours per week equal to one-half of the full time equivalent during the 12-month period immediately preceding the leave. This leave is separate and exclusive of the family and medical leave described in the preceding paragraphs but may be reduced by any period of paid parental, disability, personal, or medical, or sick leave, or accrued vacation provided by the employerschool district so

that the total leave does not exceed 12 weeks, unless agreed to by the employerschool district, or leave taken for the same purpose under the FMLA. The leave taken under this section shall begin at a time requested by the employee. An employee who plans to take leave under this section must give the employerschool district reasonable notice of the date the leave shall commence and the estimated duration of the leave. For leave taken by a biological or adoptive parent in conjunction with the birth or adoption of a child, the leave must begin within 12 months of the birth or adoption; except that, in the case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital.

C. Twenty-six-week Servicemember Family Military Leave

1. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 work weeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall be available only during a single 12-month period. For purposes of this leave, the need to care for a servicemember includes both physical and psychological care.
2. During a single 12-month period, an employee shall be entitled to a combined total of 26 work weeks of leave under Paragraphs IV.A. and IV.C. above.
3. The 12-month period referred to in this section begins on the first day the eligible employee takes leave to care for a covered servicemember and ends 12 months after that date.
4. Eligible spouses employed by the school district are limited to an aggregate of 26 weeks of leave during any 12-month period if leave is taken for birth of the employee's child or to care for the child after birth; for placement of a child with the employee for adoption or foster care or to care for the child after placement; to care for the employee's parent with a serious health condition; or to care for a covered servicemember with a serious injury or illness.
5. The school district may request or require the employee to substitute accrued paid leave for any part of the 26-week period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines established for the implementation of this policy, if any. Employees eligible for leave must comply with the family and medical leave directives and guidelines prior to starting leave.
6. An employee will be required to submit sufficient medical certification issued by the health care provider of the covered servicemember and other information in support of requested leave and eligibility for such leave under this section within 15 days from the date of the request or as soon as practicable under the circumstances.
7. The provisions of Paragraphs IV.A.7., IV.A.10., IV.A.12., IV.A.13., and IV.A.14. above shall apply to leaves under this section.

**V. SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES**

- A. An instructional employee is one whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This includes, but is not limited to, teachers, coaches, driver's education instructors, and special education assistants.

- B. Instructional employees who request foreseeable medically necessary intermittent or reduced work schedule leave greater than 20 percent of the workdays in the leave period may be required to:
1. take leave for the entire period or periods of the planned medical treatment; or
  2. move to an available alternative position for which the employee is qualified, and which provides equivalent pay and benefits, but not necessarily equivalent duties.
- C. Instructional employees who request continuous leave near the end of a semester may be required to extend the leave through the end of the semester. The number of weeks remaining before the end of a semester does not include scheduled school breaks, such as summer, winter, or spring break.
1. If an instructional employee begins leave for any purpose more than five weeks before the end of a semester and it is likely the leave will last at least three weeks, the school district may require that the leave be continued until the end of the semester.
  2. If the instructional employee begins leave for a purpose other than the employee's own serious health condition during the last five weeks of a semester, the school district may require that the leave be continued until the end of the semester if the leave will last more than two weeks or if the employee's return from leave would occur during the last two weeks of the semester.
  3. If the instructional employee begins leave for a purpose other than the employee's own serious health condition during the last three weeks of the semester and the leave will last more than five working days, the school district may require the employee to continue taking leave until the end of the semester.
- 4D. If the school district requires an instructional employee to extend leave through the end of a semester as set forth in this paragraph, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement. Any additional leave required by the school district to the end of the school term is not counted as FMLA leave but as an unpaid or paid leave, to the extent the instructional employee has accrued paid leave available and the school district shall maintain the employee's group health insurance and restore the employee to the same or equivalent job, including other benefits, at the conclusion of the leave.

## VI. OTHER

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

**VII. DISSEMINATION OF POLICY**

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

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

**Cross References:** MSBA School Law Bulletin “M” (Licensed and Non-Licensed School District Employee Leave—~~Family and Medical Leave Act Summary~~)

## **STUDENT TEACHING 411**

### **I. PURPOSE**

The purpose of this policy is to establish the basic principles for the student teacher program in the school district.

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

The school district will cooperate with ~~cooperating~~ higher educational institutes in the provision of student teaching experiences.

### **III. PRINCIPLES OF STUDENT TEACHING PROGRAM**

Certain basic principles regarding the student teaching program are as follows:

- A. ~~A.~~ No student teacher shall be assigned to any member of the public schools' faculty to receive student teaching experience unless such an assignment shall be entirely acceptable to the teacher and to the principal of the school to which the student teacher may be assigned, and to the Director of Human Resources.
- B. A student teacher in the District shall:

  - a. Have completed the necessary requirements of an approved teacher education program;
  - b. Have and maintain throughout the student teaching experience good academic standing at the cooperating teacher preparation institution at which he or she is enrolled;
  - c. Meet all requirements of the cooperating teacher preparation institution for participation in its student teacher program.
- C. Prior to placement of student teachers, the district must have an approved student teaching agreement with the college or university outlining all terms of the student teaching arrangement. The agreement shall include, at a minimum:

  - a. Compensation for supervising teachers
  - b. Length of placement
  - c. Assurance of required background checks
  - d. Terms outlining the responsibilities for both supervising teachers and for college or university supervisors.
- D. ~~A-s~~ Student teachers are considered employees of the school district in which they are rendering services for purposes of workers' compensation; liability insurance, if provided for other district employees under section 123B.23; and legal counsel under section 123B.25.
- E. The student teacher shall, during the course of the student teaching experience, be exposed to and given an opportunity to participate in the duties and activities of the teaching experience.

including observation, feedback, and evaluation from the cooperating teacher and provider supervisor as required under Minnesota Administrative Rules 8710.0310, subpart 1(M). The student teacher shall apply, practice, and demonstrate competency of standards for effective practice for teachers as defined by Minnesota Administrative Rules 8710.2000.

F. While serving as a student teacher in the District, the student teacher shall:

- a. Obey all reasonable directives of administrative and supervisory personnel;
- b. Obey all School District rules, regulations, policies, and directives;
- c. Not engage in conduct which disrupts, or could reasonably be expected to disrupt the educational process, or which is deleterious to, or adversely affects the educational process.

G. A student teacher assignment may be terminated by the District for those reasons and causes applicable to a probationary teacher in the School District, or for any other good and sufficient grounds rendering the student teacher unfit to perform assigned duties.

~~H.B.~~ Most colleges or universities will pay a ~~fee for the assistance given to~~ stipend to the supervising teacher for supervising student teachers. One check ~~shall~~ is ~~to~~ be sent by the cooperating college or university to the school district for services provided by the school district each quarter or semester. Individual checks ~~are then~~ shall then be drawn by the school district payable to each of the supervising teachers. The amount of payment may vary depending on the policy of the college and in accordance with the agreement that the District has with the cooperating college or university.

~~I.C.~~ The student teacher program ~~shall be~~ is under the direction of the Director of Human Resources in cooperation with the college or the university providing the student teachers.

~~J.D.~~ Supervising teachers shall have achieved continuing contract status in District 492, or in another Minnesota school district, if the teacher is in their first year of employment with District 492. ~~It should be recognized that such~~ “Ssupervising teachers” ~~are not~~ shall not be considered supervisory employees as defined by the Public Employees Labor Relations Act (PELRA).

~~K.E.~~ Supervising tTeachers who work with student teachers shall do so no more than one (1) quarter or semester with any one class on the elementary or secondary level, for each school year.

Policy Adopted: 09/15/03

Policy Reviewed: 03/14/11

Policy Reviewed: 09/09/13  
Policy Reviewed: 01/08/18  
Policy Reviewed: 12/14/20

Sources:

<https://www.minnetonkaschools.org/uploaded/Documents/Policy/456.pdf>

<https://resources.finalsite.net/images/v1531251308/isd77org/iq0vq2ea2htqcn2ez3el/Policy463.pdf>

[Minn. Stat. § 122A.40](#)

[Minn. Stat. § 122A.69](#)

[Minn. Admin. Rules 8710.2000](#)

[Minn. Admin Rules Chapter 8710](#)

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

MSBA/MASA Model Policy 413

Orig. 1995

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

Rev. 201721

## 413 HARASSMENT AND VIOLENCE

***[Note: State law (Minn-~~esota~~ Statutes, ~~section~~ § 121A.03) requires that school districts adopt a sexual, religious, and racial harassment and violence policy that conforms with the Minnesota Human Rights Act-, Minn~~esota~~- Statutes-, ~~Ch-section~~ 363A (MHRA). This policy complies with that statutory requirement and addresses the other classifications protected by the MHRA and/or federal law. While the recommendation is that school districts incorporate the other protected classifications, in addition to sex, religion, and race, into this policy, they are not specifically required to do so by Minn~~esota~~- Statutes, ~~section~~ § 121A.03. The Minnesota Department of Education (MDE) is required to maintain and make available a model sexual, religious, and racial harassment policy in accordance with Minn~~esota~~- Statutes, ~~section~~ § 121A.03. MDE's policy differs from that of MSBA and imposes greater requirements upon school districts than required by law. For that reason, MSBA recommends the adoption of its model policy by school districts. Each school board must submit a copy of the policy the board has adopted to the Commissioner of MDE.]***

### I. PURPOSE

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

***[Note: The Minnesota Human Rights Act defines sexual orientation "to include "having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness." Minn. Stat. § 363A.03, Subd. 44.]***

### II. GENERAL STATEMENT OF POLICY

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

school district personnel inflicts, threatens to inflict, or attempts to inflict violence upon any student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel based on a person's ~~Protected Classrace, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability.~~

- D. The school district will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence based on a person's ~~Protected Classrace, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability~~, and to discipline or take appropriate action against any student, teacher, administrator, or other school district personnel ~~who is~~ found to have violated this policy.

### III. DEFINITIONS

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

- a. their parent or parents or the minor’s legal guardian; or
  - b. the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against harassment or violence discrimination on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.
3. “Marital status” means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment or violence discrimination on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.
  4. “National origin” means the place of birth of an individual or of any of the individual’s lineal ancestors.
  5. “Sex” includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
  6. “Sexual orientation” means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one’s biological maleness or femaleness. “Sexual orientation” does not include a physical or sexual attachment to children by an adult.
  7. “Status with regard to public assistance” means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.
- E. “Remedial response” means a measure to stop and correct acts of harassment or violence, prevent acts of harassment or violence from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of acts of harassment or violence.
- F. Sexual Harassment; Definition
1. Sexual harassment ~~includes-consists-of~~ unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:
    - a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or an education; or
    - b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual’s employment or education; or
    - c. that conduct or communication has the purpose or effect of substantially ~~or unreasonably~~ interfering with an individual’s employment or education, or creating an intimidating, hostile, or offensive employment or educational environment.
  2. Sexual harassment may include, but is not limited to:

- a. unwelcome verbal harassment or abuse;
- b. unwelcome pressure for sexual activity;
- c. unwelcome, sexually motivated, or inappropriate patting, pinching, or physical contact, other than necessary restraint of student(s) by teachers, administrators, or other school district personnel to avoid physical harm to persons or property;
- d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
- e. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
- f. unwelcome behavior or words directed at an individual because of sexual orientation, including gender identity or expression.

G. Sexual Violence; Definition

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

H. Violence; Definition

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

**IV. REPORTING PROCEDURES**

- A. Any person who believes he or she has been the target or victim of harassment or

violence on the basis of ~~race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability~~ Protected Class by a student, teacher, administrator, or other school district personnel, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel should report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report conduct ~~which that~~ may constitute harassment or violence anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.

- B. The school district encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available from the school district office, but oral reports shall be considered complaints as well.
- C. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a school district human rights officer or to the superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.
- D. In Each School Building. The building principal, the principal's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving oral or written reports of harassment or violence prohibited by this policy at the building level. Any adult school district personnel who receives a report of harassment or violence prohibited by this policy shall inform the building report taker immediately. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant. The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as a primary contact on policy and procedural matters.
- E. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include acts of harassment or violence. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute harassment or violence shall make reasonable efforts to address and resolve the harassment or violence and shall inform the building report taker immediately. School district personnel who fail to inform the building report taker of conduct that may constitute harassment or violence or who fail to make reasonable efforts to address and resolve the harassment or violence in a timely manner may be subject to disciplinary action.
- F. Upon receipt of a report, the building report taker must notify the school district human rights officer immediately, without screening or investigating the report. The building report taker may request, but may not insist upon, a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the building report taker to the human rights officer. If the report was given verbally, the building report taker shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any harassment or violence report or complaint as provided herein may result in disciplinary action against the building report taker.
- G. In the District. The school board hereby ~~designates \_\_\_\_\_~~ designates Executive Director of Organizational Development and Administrative Services as the school district human rights officer(s) to receive reports or complaints of harassment or

violence prohibited by this policy. If the complaint involves a human rights officer, the complaint shall be filed directly with the superintendent.<sup>1</sup>

- H. The school district shall conspicuously post the name of the human rights officer(s), including mailing addresses and telephone numbers.
- I. Submission of a good faith complaint or report of harassment or violence prohibited by this policy will not affect the complainant or reporter's future employment, grades, work assignments, or educational or work environment.
- J. Use of formal reporting forms is not mandatory.
- K. Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.
- L. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.
- M. Retaliation against a victim, good faith reporter, or a witness of violence or harassment is prohibited.
- N. False accusations or reports of violence or harassment against another person are prohibited.
- O. A person who engages in an act of violence or harassment, reprisal, retaliation, or false reporting of violence or harassment, or permits, condones, or tolerates violence or harassment shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures.

Consequences for students who commit, or are a party to, prohibited acts of violence or harassment or who engage in reprisal or intentional false reporting may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion.

Consequences for employees who permit, condone, or tolerate violence or harassment or engage in an act of reprisal or intentional false reporting of violence or harassment may result in disciplinary action up to and including termination or discharge.

Consequences for other individuals engaging in prohibited acts of violence or harassment may include, but not be limited to, exclusion from school district property and events and/or termination of services and/or contracts.

## **V. INVESTIGATION**

- A. By authority of the school district, the human rights officer, within three (3) days of the receipt of a report or complaint alleging harassment or violence prohibited by this policy, shall undertake or authorize an investigation. The investigation may be conducted by school district officials or by a third party designated by the school district.
- 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

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<sup>1</sup> In some school districts the superintendent may be the human rights officer. If so, an alternative individual should be designated by the school board.

of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

- C. In determining whether alleged conduct constitutes a violation of this policy, the school district should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
- D. In addition, the school district may take immediate steps, at its discretion, to protect the target or victim, the complainant, and students, teachers, administrators, or other school district personnel pending completion of an investigation of alleged harassment or violence prohibited by this policy.
- E. The alleged perpetrator of the act(s) of harassment or violence shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- F. The investigation will be completed as soon as practicable. The school district human rights officer shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, the report may be filed directly with the school board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

## **VI. SCHOOL DISTRICT ACTION**

- A. Upon completion of an investigation that determines a violation of this policy has occurred, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and applicable school district policies and regulations.
- B. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the targets or victims and alleged perpetrators of harassment or violence, the parent(s) or guardian(s) of targets or victims of harassment or violence and the parent(s) or guardian(s) of alleged perpetrators of harassment or violence who have been involved in a reported and confirmed harassment or violence incident of the remedial or disciplinary action taken, to the extent permitted by law.
- C. In order to prevent or respond to acts of harassment or violence committed by or directed against a child with a disability, the school district shall, where determined appropriate by the child's individualized education program (IEP) or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in acts of harassment or violence.

## **VII. RETALIATION OR REPRISAL**

The school district will discipline or take appropriate action against any student, teacher,

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

### **VIII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES**

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

### **IX. HARASSMENT OR VIOLENCE AS ABUSE**

- A. Under certain circumstances, alleged harassment or violence may also be possible abuse under Minnesota law. If so, the duties of mandatory reporting under Minn~~esota~~-Statutes- chapter- 260E § 626.556 may be applicable.
- B. Nothing in this policy will prohibit the school district from taking immediate action to protect victims of alleged harassment, violence, or abuse.

### **X. DISSEMINATION OF POLICY AND TRAINING**

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

**Legal References:** Minn. Stat. § 120B.232 (Character Development Education)  
Minn. Stat. § 120B.234 (Child Sexual Abuse Prevention Education)  
Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)  
Minn. Stat. § 121A.031 (School Student Bullying Policy)

Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
Minn. Stat. § 609.341 (Definitions)  
Minn. Stat. ~~§ Ch. 260E 626-556 et seq.~~ (Reporting of Maltreatment of Minors)  
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)  
29 U.S.C. § 621 *et seq.* (Age Discrimination in Employment Act)  
29 U.S.C. § 794 (~~Section 504 of the~~ Rehabilitation Act of 1973, ~~§ 504~~)  
42 U.S.C. § 1983 (Civil Action for Deprivation of Rights)  
42 U.S.C. § 2000d *et seq.* (Title VI of the Civil Rights Act of 1964)  
42 U.S.C. § 2000e *et seq.* (Title VII of the Civil Rights Act)  
42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)

**Cross References:**

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

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

MSBA/MASA Model Policy 415

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## 415 MANDATED REPORTING OF MALTREATMENT OF VULNERABLE ADULTS

***[Note: This policy reflects the mandatory law regarding reporting maltreatment of vulnerable adults and is not discretionary in nature.]***

### I. PURPOSE

The purpose of this policy is to make clear the statutory requirements of school personnel to report suspected maltreatment of vulnerable adults.

### II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to ~~fully~~ comply fully with Minnesota Statutes section § 626.557 requiring school personnel to report suspected maltreatment of vulnerable adults.
- B. A violation of this policy occurs when any school personnel fails to report suspected maltreatment of vulnerable adults when the school personnel has reason to believe that a vulnerable adult is being or has been maltreated, or has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained.

### III. DEFINITIONS

#### A. "Abuse" means:

- 1. An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of: (1) assault in the first through fifth degrees as defined in Minnesota Statutes sections 609.221 to 609.224; (2) the use of drugs to injure or facilitate crime as defined in Minnesota Statutes section 609.235; (3) the solicitation, inducement, and promotion of prostitution as defined in Minnesota Statutes section 609.322; and (4) criminal sexual conduct in the first through fifth degrees as defined in Minnesota Statutes sections 609.342 to 609.3451. A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction.
- 2. Conduct which is not an accident or therapeutic conduct as defined in Minnesota Statutes section 626.5572 which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following: (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult; (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening; (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and (4) use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under Minnesota Statutes section 245.825.

3. Any sexual contact or penetration as defined in Minn. Stat. § 609.341 between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility.

4. The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another.

Abuse does not include actions specifically excluded by Minnesota Statutes section 626.5572, Subd. 2.

B. "Caregiver" means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement.

C. "Common entry point" means the entity responsible for receiving reports of alleged or suspected maltreatment of a vulnerable adult and designated by the Commissioner of the Minnesota Department of Human Services as the MN Adult Abuse Reporting Center (MAARC).

D. "Financial Exploitation" means a breach of a fiduciary duty by an actor's unauthorized expenditure of funds entrusted to the actor for the benefit of the vulnerable adult or by an actor's failure to provide food, clothing, shelter, health care, therapeutic conduct or supervision, the failure of which results or is likely to result in detriment to the vulnerable adult. Financial exploitation also includes: the willful use, withholding or disposal of funds or property of a vulnerable adult; the obtaining of services for wrongful profit or advantage which results in detriment to the vulnerable adult; the acquisition of a vulnerable adult's funds or property through undue influence, harassment, duress, deception or fraud; and the use of force, coercion, or enticement to cause a vulnerable adult to perform services against the vulnerable adult's will for the profit or advantage of another.

E. "Immediately" means as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.

F. "Mandated Reporters" means a professional or professional's delegate while engaged in education. any school personnel who has reason to believe that a vulnerable adult is being or has been maltreated.

G. "Maltreatment" means the neglect, abuse, or financial exploitation of a vulnerable adult.

H. "Neglect" means the failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care, or supervision which is: (1) reasonable and necessary to obtain or maintain the vulnerable adult's physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and (2) which is not the result of an accident or therapeutic conduct.

I. Neglect also means the absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health of the vulnerable adult which a reasonable person would deem essential to obtain or maintain the vulnerable adult's health, safety, or comfort considering the physical or mental capacity or dysfunction of the vulnerable adult. Neglect does not include actions specifically excluded by Minn. Stat. § Minnesota Statutes section 626.5572, Subd. 17.

- J. "School personnel" means professional employees or their delegates of the school district engaged in providing health, educational, social, psychological, law enforcement, or other caretaking services of vulnerable adults.
- K. "Vulnerable ~~A~~adult" means any person 18 years of age or older who: (1) is a resident or inpatient of a facility; (2) receives services required to be licensed under ~~Minn. Stat. Ch. Minnesota Statutes chapter~~ 245A, except as excluded under ~~Minn. Stat. §Minnesota Statutes section~~ 626.5572, Subd. 21(a)(2); (3) receives services from a licensed home care provider or person or organization that offers, provides, or arranges for personal care assistance services under the medical assistance program; or (4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the individual's ability to ~~adequately~~ provide adequately for the ~~person's individual's~~ own care without assistance or supervision and, because of the dysfunction or infirmity and need for care or services, has an impaired ability to protect the individual's self from maltreatment.

#### IV. REPORTING PROCEDURES

- A. A mandated reporter as defined herein shall immediately report the suspected maltreatment to the common entry point responsible for receiving reports.
- B. Whenever a mandated reporter, as defined herein, knows or has reason to believe that an individual made an error in the provision of therapeutic conduct to a vulnerable adult which results in injury or harm, which reasonably requires the care of a physician, such information shall be reported immediately to the designated county agency. The mandated reporter also may report a belief that the error did not constitute neglect and why the error does not constitute neglect.
- C. The reporter shall, to the extent possible, identify the vulnerable adult, the caregiver, the nature and extent of the suspected maltreatment, any evidence of previous maltreatment, the name and address of the reporter, the time, date, and location of the incident, and any other information that the reporter believes might be helpful in investigating the suspected abuse or neglect. A mandated reporter may disclose not public data, as defined under ~~Minn. Stat. §Minnesota Statutes section~~ 13.02, to the extent necessary to comply with the above reporting requirements.
- D. A person mandated to report suspected maltreatment of a vulnerable adult who negligently or intentionally fails to report is liable for damages caused by the failure. A negligent or intentional failure to report may result in discipline. A mandatory reporter who intentionally fails to make a report, who knowingly provides false or misleading information in reporting, or who intentionally fails to provide all the material circumstances surrounding the reported incident may be guilty of a misdemeanor.
- E. Retaliation against a person who makes a good faith report under Minnesota law and this policy, or against vulnerable adult who is named in a report is prohibited.
- F. Any person who intentionally makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury. The intentional making of a false report may result in discipline.

## V. INVESTIGATION

The responsibility for investigating reports of suspected maltreatment of a vulnerable adult rests with the entity designated by the county for receiving reports.

## VI. DISSEMINATION OF POLICY AND TRAINING

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

**Legal References:** Minn. Stat. § 13.02 (~~Government Data Practices; Collection, Security, and Dissemination of Records;~~ Definitions)  
[Minn. Stat. Ch. 245A \(Human Services Licensing\)](#)  
Minn. Stat. § 245.825 (Aversive and Deprivation Procedures; Licensed Facilities and Services)  
Minn. Stat. §§ 609.221-609.224 (Assault)  
Minn. Stat. § 609.232-34 (~~Crimes Against Vulnerable Persons~~Adults; Definitions)  
~~Crimes Against the Person~~  
Minn. Stat. § 609.235 (Use of Drugs to Injure or Facilitate Crime)  
Minn. Stat. § 609.322 (Solicitation, Inducement, and Promotion of Prostitution; Sex Trafficking)  
Minn. Stat. § 609.341 (Definitions)  
Minn. Stat. §§ 609.342-609.3451 (Criminal Sexual Conduct)  
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)  
Minn. Stat. § 626.5572 (Definitions)  
*In re Kleven*, 736 N.W.2d 707 (Minn. App. 2007)

**Cross References:** MSBA/MASA Model Policy 103 (Complaints – Students, Employees, Parents, Other Persons)  
MSBA/MASA Model Policy 211 (Criminal or Civil Action Against School District, School Board Member, Employee, or Student)  
MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
[MSBA/MASA Model Policy 515 \(Protection and Privacy of Pupil Records\)](#)

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

MSBA/MASA Model Policy 417

Orig. 1995

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

Rev. 2022+5

## 417 CHEMICAL USE AND ABUSE

***[Note: This policy reflects mandatory provisions of state and federal law and is not discretionary.]***

### I. PURPOSE

The school board recognizes that chemical use and abuse constitutes a grave threat to the physical and mental well-being of students and employees and significantly impedes the learning process. Chemical use and abuse also creates significant problems for society in general. The school board believes that the public school has a role in education, intervention, and prevention of chemical use and abuse. The purpose of this policy is to assist the school district in its goal to prevent chemical use and abuse by providing procedures for education and intervention.

### II. GENERAL STATEMENT OF POLICY

- A. Use or possession of controlled substances, toxic substance, medical cannabis, ~~toxic substances~~, and alcohol before, during, or after school hours, at school or in any other school location, is prohibited in ~~the school setting in~~ accordance with school district policies with respect to a Drug-Free Workplace/Drug-Free School.
- B. The ~~policy of this school district shall develop, implement, and evaluate comprehensive programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievement.~~ is to provide an instructional program in every elementary and secondary school in chemical abuse and the prevention of chemical dependency.
- C. ~~Every~~The school district that participates in a school district chemical abuse program shall establish ~~and maintain in every school~~ a chemical abuse preassessment team. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
- ~~D. — The superintendent, with the advice of the school board, shall be responsible for establishing a school and community advisory team to address chemical abuse problems in the district.~~
- ~~ED.~~ The school district shall establish ~~and maintain a~~ drug-free awareness program ~~to for~~ educate and assist its employees, and may establish a students, and others in understanding this policy and the goals of achieving drug-free schools and workplaces.

***[Note: ~~School districts are required to establish a drug-free awareness program for school district employees pursuant to the Drug-Free Workplace Act. In addition, state law requires that the written districtwide school discipline policy must include procedures for detecting and addressing chemical abuse problems of a student while on the school premises. Further, school districts are required to develop, implement, and evaluate comprehensive programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievement if receiving funding under the federal Student Support and Academic Enrichment Grants law. Comprehensive drug prevention programs are required to be adopted and carried out by school districts pursuant to the Safe and Drug-Free Schools and Communities Act. In addition, school~~***

~~districts are required by the Drug-Free Workplace Act to establish drug-free awareness programs for school-district employees. Further, state law authorizes school districts to provide instructional programs in chemical abuse and the prevention of chemical dependency.]~~

### III. DEFINITIONS

- A. ~~“Chemical abuse,” as applied to students, means use of any psychoactive or mood-altering chemical substance, without compelling medical reason, in a manner that induces mental, emotional, or physical impairment and causes socially dysfunctional or socially disordering behavior, to the extent that the minor’s student’s normal function in academic, school, or social activities is chronically impaired.~~
- ~~B. “Chemicals” includes, but is not limited to, alcohol, toxic substances, medical cannabis, and controlled substances as defined in the school district’s Drug-Free Workplace/Drug-Free School policy.~~
- ~~B. “Controlled substances,” as applied to the chemical abuse assessment of students, means a drug, substance, or immediate precursor in Schedules I through V of Minnesota Statutes section 152.02 and “marijuana” as defined in Minnesota Statutes section 152.01, subdivision 9; but not distilled spirits, wine, malt beverages, intoxicating liquors or tobacco. As otherwise defined in this policy, “controlled substances” include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 United States Code section 812, including analogues and look-alike drugs.~~
- ~~C. “Drug prevention” means prevention, early intervention, rehabilitation referral, recovery support services, or education related to the illegal use of drugs, such as raising awareness about the consequences of drug use that are evidence based.~~
- ~~C. “Use” includes to sell, buy, manufacture, distribute, dispense, use, or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration.~~
- ~~D. “School location” includes any school building or on any school premises; on any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off-school property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district; or during any period of time such employee is supervising students on behalf of the school district or otherwise engaged in school district business.~~
- ~~D. “Teacher” means all persons employed in a public school or education district or by a service cooperative as members of the instructional, supervisory, and support staff including superintendents, principals, supervisors, secondary vocational and other classroom teachers, librarians, counselors, school psychologists, school nurses, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, and speech therapists.~~

### IV. STUDENTS

- ~~A. Districtwide School Discipline Policy~~
- ~~Procedures for detecting and addressing chemical abuse problems of a student while on school premises are included in the districtwide school student discipline policy.~~
- ~~AB. Programs and Activities Instruction~~

11. ~~Every~~The school district shall develop, implement, and evaluate comprehensive ~~provide an instructional~~ programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievements. The programs and activities may include, among other programs and activities, drug prevention activities and programs that may be evidence based, including programs to educate students against the use of alcohol, tobacco, marijuana, smokeless tobacco products, and electronic cigarettes, in chemical abuse and the prevention of chemical dependency. The school district may involve parents, students, health care professionals, state department staff, and members of the community in developing the curriculum.

***[Note: The Safe and Drug-Free Schools and Communities Act requires school districts to adopt and carry out a comprehensive drug and violence prevention program with funds received. Since a comprehensive drug prevention program is required and a school district is specifically authorized by state law to provide instructional programs in chemical abuse and the prevention of chemical dependency, this should be a component of each school district's mandatory program. In addition, the Safe and Drug-Free Schools and Communities Act specifies additional items which that may be included as part of the mandatory comprehensive drug prevention program. Some of the suggested items relating to instruction or training are detailed in Paragraphs 2. Through 6. Below and a school district may wish to adopt one or all of the listed components as part of its mandatory program.]***

2. ~~As part of its drug-free programs, the school district may implement the drug abuse resistance education program (DARE) that enables peace officers to undergo the training to teach a curriculum on drug abuse resistance in schools.~~

2. ~~Each school shall have age appropriate and developmentally based activities that:~~
- a. ~~address the consequences of violence and the illegal use of drugs, as appropriate;~~
  - b. ~~promote a sense of individual responsibility;~~
  - c. ~~teach students that most people do not illegally use drugs;~~
  - d. ~~teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use;~~
  - e. ~~teach students about the dangers of emerging drugs;~~
  - f. ~~engage students in the learning process; and~~
  - g. ~~incorporate activities in secondary schools that reinforce prevention activities implemented in elementary schools.~~
3. ~~Each school shall have activities that involve families, community sectors (which may include appropriately trained seniors), and a variety of drug and violence prevention providers in setting clear expectations against violence and illegal use of drugs and appropriate consequences for violence and illegal use of drugs.~~
4. ~~Each school shall disseminate drug and violence prevention information within the school and to the community.~~

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~~5. — Each school shall have professional development and training for, and involvement of, school personnel, student services personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to drug and violence prevention.~~

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~~6. — Each school shall have drug and violence prevention activities that may include the following:~~

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~~a. — Community wide planning and organizing activities to reduce violence and illegal drug use, which may include gang activity prevention.~~

~~b. — The hiring and mandatory training, based on scientific research, of school security personnel who interact with students in support of youth drug and violence prevention activities under this policy that are implemented in the school.~~

~~c. — Conflict resolution programs, including peer mediation programs that educate and train peer mediators and a designated faculty supervisor, and youth anti-crime and anti-drug councils and activities.~~

~~d. — Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance provided by qualified school-based mental health services providers and the training of teachers by school-based mental health services providers in appropriate identification and intervention techniques for students at risk of violent behavior and illegal use of drugs.~~

~~e. — Programs that encourage students to seek advice from, and to confide in, a trusted adult regarding concerns about violence and illegal drug use.~~

CB. Reports of Use, Possession, or Transfer of Alcohol or a Controlled Substance  
Chemical Use and Abuse

~~1. — In the event that a school district employee knows that a student is abusing, possessing, transferring, distributing, or selling chemicals in a school location:~~

~~a. — The employee shall immediately either take the student to an administrator or notify an appropriate administrator of the observation and continue to observe the student until the administrator arrives.~~

~~b. — The administrator will notify the student's parents. If there is a medical emergency, the administrator will notify the school nurse and/or outside medical personnel as appropriate.~~

~~c. — The administrator will notify law enforcement officials, the student's counselor, and the chemical preassessment team.~~

~~d. — The administrator and/or law enforcement officials will confiscate the chemicals and/or conduct a search of the student's person, effects, locker, vehicle, or areas within the student's control. Searches by school district officials shall be in accordance with school board policies regarding search and seizure.~~

~~e. — The school district will take appropriate disciplinary action in compliance with the student discipline code. Such discipline may include immediate suspension, initiation of expulsion proceedings, and/or referral to a detoxification center or medical center.~~

~~2. — If a school district employee has reason to believe that a student is abusing, possessing, transferring, distributing, or selling chemicals:~~

a. ~~—The employee shall notify the building administrator or a member of the preassessment team and shall describe the basis for the suspicion. The building administrator and/or team will determine what action should be taken. Action may include conducting an investigation, gathering data, scheduling a conference with the student or parents, or providing a meeting between a single member of the team and the student to discuss the behaviors that have been reported and attempting to ascertain facts regarding chemical abuse.~~

b. ~~—The team may determine there is no chemical abuse. If the team determines there is chemical abuse, the team will select an appropriate course of action, which may include referral to a school counselor; referral to a treatment program; referral for screening, assessment, and treatment planning; participation in support groups; or other appropriate measures.~~

1. ~~1. —A teacher in a nonpublic school participating in a school district chemical use program, or a public school teacher, who knows or has reason to believe that a student is using, possessing, or transferring alcohol or a controlled substance while on the school premises or involved in school-related activities, shall immediately notify the school's chemical abuse preassessment team, or staff member assigned duties similar to those of such a team, of this information.~~

***[Note: School districts are not required to participate in a chemical abuse program or establish a chemical abuse preassessment team pursuant to state law. Schools are required to have procedures for detecting student chemical abuse and can obtain federal funding if they establish drug prevention, detection, intervention, and recovery support services. Thus, it is recommended that schools establish these programs and activities. For those schools that do not establish a chemical abuse preassessment team, those obligations could be assigned to a specified staff member such a school counselor or administrator.]***

32. Students involved in the abuse, possession, transfer, distribution, or sale of chemicals ~~shall~~ may be suspended and proposed for expulsion in compliance with the student discipline policy and the Pupil Fair Dismissal Act, Minnesota Statutes section ~~§~~ 121A.40-121A.56, and proposed for expulsion.
43. Searches by school district officials in connection with the ~~abuse, possession, or transfer, distribution, or sale of alcohol or a controlled substance~~ chemicals will be conducted in accordance with school board policies related to search and seizure.
4. ~~Nothing in paragraph IV.B.1. prevents a teacher or any other school employee from reporting to a law enforcement agency any violation of law occurring on school premises or at school sponsored events.~~

#### DC. Preassessment Team

1. Every school ~~that participates in a school district chemical abuse program shall establish~~ have a chemical abuse preassessment team designated by the superintendent or designee. The team ~~must~~ will be composed of classroom teachers, administrators, and to the extent they exist in the school, school nurse, school counselor or psychologist, social worker, chemical abuse specialist, and other appropriate professional staff to the extent they exist in each school, such as the school nurse, school counselor or psychologist, social

~~worker, chemical abuse specialist, or others. For schools that do not have a chemical abuse program and team, the superintendent or designee will assign these duties to a designated school district employee.~~

2. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
3. Within forty-five (45) days after receiving an individual reported case, the team shall make a determination whether to provide the student and, in the case of a minor, the student's parents with information about school and community services in connection with chemical abuse.

**ED.** Data Practices

1. Student data may be disclosed without consent in health and safety emergencies pursuant to Minnesota Statutes section 13.32 and applicable federal law and regulations.

2. Destruction of Records

- a. If the preassessment team decides not to provide a student and, in the case of a minor, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the determination is made.
- b. If the team decides to provide the student and, in the case of a minor or a dependent student, the student's parents with ~~such~~ information about school or community services in connection with chemical abuse, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the student is no longer enrolled in the district.
- c. ~~This section shall govern~~ Destruction of records identifying individual students shall be governed by paragraph IV.E.2. notwithstanding provisions of the Records Management Act, Minnesota Statutes section 138.163 (Preservation and Disposal of Public Records).

**EE.** Consent

Any minor may give effective consent for medical, mental, and other health services to determine the presence of or to treat conditions associated with alcohol and other drug abuse, and the consent of no other person is required.

**[Note: State law permits schools to provide these services to minor students without the consent of a parent. If, however, a school district provides these or other services pursuant to a grant received under the Student Support and Academic Enrichment Grants law, this funding could be jeopardized if the requirements of federal law, to obtain prior written, informed consent from the parent of each child who is under 18 years of age is not obtained.]**

**F.** School and Community Advisory Team

1. ~~The superintendent, with the advice of the school board, shall establish a school and community advisory team to address chemical abuse problems. The advisory team will be composed of representatives from the school preassessment teams to the extent possible, law enforcement agencies, county attorney's office, social service agencies, chemical abuse treatment programs, parents, and the business community.~~

2. ~~The advisory team shall:~~

a. ~~build awareness of the problem within the community, identify available treatment and counseling programs for students, and develop good working relationships and enhance communication between the schools and other community agencies; and~~

b. ~~develop a written procedure clarifying the notification process to be used by the chemical abuse preassessment team when a student is believed to be in possession of or under the influence of alcohol or a controlled substance. The procedure must include contact with the student and the student's parents or guardian in the case of a minor student.~~

#### V. EMPLOYEES

A. The ~~school district shall establish superintendent or designee shall undertake and maintain a drug-free awareness and prevention program to inform employees, students, and others~~ about:

1. The dangers ~~and health risks of chemical~~of drug abuse in the workplace/~~school~~.
2. The school district's ~~drug-free workplace/drug-free school policy of~~ maintaining a drug-free workplace.
3. ~~Any available drug or alcohol counseling, treatment, rehabilitation, re-entry, and/or employee assistance programs available to employees and/or students.~~
4. The penalties that may be imposed on employees for drug abuse violations.

B. The ~~school district superintendent or designee~~ shall notify ~~any~~ federal granting agency required to be notified under the Drug-Free Workplace Act within ten (10) days after receiving notice ~~from the employee or otherwise receiving actual notice~~ of any criminal drug statute conviction of an employee for a criminal drug statute violation occurring in the workplace. ~~To facilitate the giving of such notice, any employee aware of such a conviction shall report the same to the superintendent.~~

***[Note: Notification to the federal granting agency within ten (10) days is required by the Drug-Free Workplace Act. 41 U.S.C. § 8103.]***

**Legal References:** Minn. Stat. § 13.32 (Educational Data)  
Minn. Stat. § 121A.25-121A.29 (Chemical Abuse)  
Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)  
Minn. Stat. § 124D.695 (Approved Recovery Program Funding)  
Minn. Stat. § 126C.44 (Safe Schools Levy)  
Minn. Stat. § 138.163 (Preservation and Disposal of Public Records) ~~Records Management Act~~  
Minn. Stat. § 144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse,

Abortion)

[Minn. Stat. § 152.01 \(Definitions\)](#)

[Minn. Stat. § 152.02 \(Schedules of Controlled Substances; Administration of Chapter\)](#)

Minn. Stat. § 152.22 (~~Medical Cannabis~~; Definitions; [Medical Cannabis](#))

Minn. Stat. § 152.23 (~~Medical Cannabis~~; Limitations; [Medical Cannabis](#))

[Minn. Stat. § 299A.33 \(DARE Program\)](#)

[Minn. Stat. § 466.07, subd. 1 \(Indemnification Required\)](#)

[Minn. Stat. § 609.101, subd. 3\(e\) \(Controlled Substance Offenses; Minimum Fines\)](#)

20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)

20 U.S.C. §§ 7101-716522 ([Student Support and Academic Enrichment](#)

[Grants Safe and Drug-Free Schools and Communities Act](#))

[20 U.S.C. § 5812 \(National Education Goals\)](#)

[20 U.S.C. § 7175 \(Local Activities\)](#)

41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)

34 C.F.R. Part 84 (Government-~~w~~Wide Requirements for Drug-Free Workplace)

**Cross References:**

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

MSBA/MASA Model Policy 416 (Drug and Alcohol Testing)

MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug Free School)

[MSBA/MASA Model Policy 419 \(Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices; Vaping Awareness and Prevention Instruction\)](#)

MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)

MSBA/MASA Model Policy 506 (Student Discipline)

MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

MSBA/MASA Model Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)

**I. PURPOSE**

The purpose of this policy is to establish certification requirements for all paraprofessionals employed by Austin Public Schools.

**II. GENERAL STATEMENT OF POLICY**

It is the policy of Austin Public Schools that all paraprofessionals employed by the district meet state and federal standards including those outlined in the No Child Left Behind Act.

All district paraprofessionals must meet **one** of the following criteria by the beginning of the 2004-2005 school year:

- A. An Associate's Degree  
**OR**
- B. Two years of study at an institution of higher education  
**OR**
- C. A passing score on a state approved local assessment  
**OR**
- D. A portfolio that demonstrates all Minnesota Paraprofessional Core Competencies

The district shall pay the costs incurred for one test administration for each paraprofessional employed by the district. If the paraprofessional fails to achieve the required score on the state approved test, the paraprofessional may take the test additional times at his/her expense.

The district shall convene a panel to review portfolios prior to the beginning of each school year for those paraprofessionals seeking to meet the criteria through the development of a portfolio.

Policy Adopted: 03/08/04  
Policy Reviewed: 10/10/11  
Policy Reviewed: 7/13/15  
Policy Reviewed: 02/12/18  
Policy Reviewed: 01/11/21

## Policy 428 - Employee Use of Social Media

### I. PURPOSE

As a national leader in using technology as an accelerator of learning, the Austin Public School District recognizes the value of teacher inquiry, investigation, and innovation using new technology tools to enhance the learning experience. The District also recognizes its obligation to teach and ensure responsible and safe use of these technologies.

This policy addresses employees' use of publicly available social media networks including: personal Web sites, Web logs (blogs), wikis, social networks, online forums, virtual worlds, and any other social media. The District takes no position on employees' decision to participate in the use of social media networks for personal use on personal time. However, use of these media for personal use during District time or on District equipment is prohibited. In addition, employees must avoid posting any information or engaging in communications that violate state or federal laws or District policies.

### II. GENERAL STATEMENT OF POLICY

The District recognizes the importance of online social media networks as a communication and e-learning tool. Toward that end, the District provides password-protected social media tools and District-approved technologies for e-learning and encourages use of District tools for collaboration by employees. However, public social media networks, outside of those sponsored by the District, may not be used for classroom instruction or school-sponsored activities without the prior authorization of the Superintendent, or designee, and parental consent for student participation on social networks. The District may use these tools and other communication technologies in fulfilling its responsibility for effectively communicating with the general public.

However, employees must avoid posting any information or engaging in communications that violate state or federal laws or District policies.

The line between professional and personal relationships is blurred within a social media context. When employees choose to join or engage with District students, families, or fellow employees in a social media context that exists outside those approved by the District, they are advised to maintain their professionalism as District employees and ~~have responsibility for addressing~~ inappropriate behavior or activity on these networks, including ~~requirements for making a~~ mandated reporting ~~if such event arises~~.

### III. DEFINITIONS

- Public social media networks ~~are defined to include:~~ ~~Web~~include web-sites, ~~w~~Web logs (blogs), wikis, social networks, online forums, virtual worlds, and any other

social media generally available to the public or consumers and which do not fall within the District's electronic technologies network. Examples of public social media networks include (e.g. Facebook, Instagram, Twitter, LinkedIn, Flickr, TikTok, SnapChat, and blog sites, etc.).

- District approved password-protected social media tools are those that fall within the District's electronic technologies network or which the District has approved for educational use. The District has greater authority and responsibility to protect minors from inappropriate content and can limit public access within this limited public forum.

## IV. REQUIREMENTS

~~As set forth in the District's Vision, all~~All employees are expected to serve as positive ambassadors for our schools and to remember they are role models to students in this community. Because readers of social media networks may view the employee as a representative of the schools and the District, the District requires employees to observe the following rules when referring to the District, its schools, students, programs, activities, employees, volunteers, and communities on any social media networks:

- An employee's use of any social media network and an employee's postings, displays, or communications on any social media network must comply with all state and federal laws and any applicable District policies.

Employees must be respectful and professional in all communications (by word, image or other means). Employees shall not use obscene, profane or vulgar language on any social media network or engage in communications or conduct that is harassing, threatening, bullying, libelous, or defamatory or that discusses or encourages any illegal activity or the inappropriate use of alcohol, use of illegal drugs, sexual behavior, sexual harassment, or bullying.

Employees should not use their District e-mail address for communications on public social media networks that have not been approved by the District. Employees must make clear that any views expressed on these networks are the employee's alone and do not necessarily reflect the views of the District. Employees may not act as a spokesperson for the District or post comments as a representative of the District, except as authorized by the Superintendent or the Superintendent's designee.

When authorized as a spokesperson for the District, employees must disclose their employment relationship with the District.

Employees may not disclose information on any social media network that is confidential or proprietary to the District, its students, or employees or that is protected by data privacy laws.

Employees may not use or post the District logo, or school logo (defined as the Packer Logo, Austin A, or other site specific image) on any social media network without permission from the Superintendent, or designee.

- Employees will remove images posted on any social media network of co-workers if an objection is made by the co-worker ~~in regards to~~ as it relates to the posted image.
- Employees may not post images of students that have completed an objection to media release on file with the district. This does not include images of students taken in the public arena, such as at sporting events or fine arts public performances.
- Employees may not post any non-public images of ~~the~~ District premises and property, including floor plans.
- The District recognizes that student groups or members of the public may create social media representing students or groups within the District. When employees, including coaches/advisors, choose to join or engage with these social networking groups, they do so as an employee of the District. Employees ~~have responsibility for~~ must maintaining appropriate employee-student relationships at all times and ~~have responsibility for addressing~~ must address inappropriate behavior or activity on these networks, even if the employee is not the owner of the social media thread. This includes acting to protect the safety of minors online.
- Employees who participate in social media networks may decide to include information about their work with the District as part of their personal profile, as it would relate to a typical social conversation. This may include:
  - Work information included in a personal profile, to include District name, job title, and job duties.
  - Status updates regarding an employee's own job promotion.
  - Personal participation in District-sponsored events, including volunteer activities.
- An employee who is responsible for a social media network posting that fails to comply with the rules and guidelines set forth in this policy may be subject to discipline, up to and including termination. Employees will be held responsible for the disclosure, whether purposeful or inadvertent, of confidential or private information, information that violates the privacy rights or other rights of a third party, or the content of anything posted on any social media network.
- Anything posted on an employee's Web site or Web log or other Internet content for which the employee is responsible will be subject to all District policies, rules, regulations, and guidelines. The District is free to view and monitor an employee's public Web site, professional social media site, or professional Web log at any time without consent or previous approval. Where applicable, employees may be asked to disclose to the District the existence of and to provide the District with access to an employee's professional Web site or Web log or other professional social media ~~net-works~~ as part of an employment selection, promotion, or disciplinary process.

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Legal Reference:

- Minnesota Administrative Rule 87 ~~190.2075~~ 00 Code ~~o~~ o Of Ethics For Minnesota Teachers; Children's Internet Protection Act

First Reading: 10/10/16  
Policy Approved: 11/14/16  
Policy Reviewed: 03/12/18  
Policy Reviewed: 01/11/21

## Guidelines for Policy #428: Social Media Networks

These are the guidelines for social media in the Austin Public School District. If you're an employee contributing to blogs, wikis, social networks, virtual worlds, or any other kind of social media both on and off the District's network—these guidelines are for you. We expect all who participate in social media to understand and follow these guidelines. Failure to do so could put you at risk. These guidelines will continually evolve as new technologies and social networking tools emerge—so check back once in a while to make sure you're up to date.

It's your responsibility. What you write is ultimately your responsibility. If it seems inappropriate, use caution. If you're about to publish something that makes you even the slightest bit uncomfortable, don't shrug it off and hit “send.” Take time to review these guidelines and try to figure out what's bothering you and fix it. If you're still unsure, you might want to discuss it with your supervisor. Ultimately, what you publish is your responsibility. What you publish is widely accessible and will be around for a long time, so consider the content carefully. Trademark, copyright, and fair use requirements must be respected.

Ensure the safety of students. When employees, especially coaches/advisors, choose to join or engage with these social networking groups, they do so as an employee of the District and have responsibility for monitoring content and addressing inappropriate behavior or activity on these networks. This includes acting to protect the safety of minors online. Employees shall annually disclose to their supervisor the existence and participation in such networks.

Be transparent. Your honesty—or dishonesty—will be quickly noticed in the social media environment. If you are posting about your work, use your real name and identify your employment relationship with the District. Be clear about your role; if you have a vested interest in something you are discussing, be the first to point it out. If you publish to a site outside the District's network, please use a disclaimer to state in clear terms that the views expressed are the employee's alone and that they do not necessarily reflect the views of the Austin Public School District.

Protect confidential information. Be thoughtful about what you publish. You must make sure you do not disclose or use confidential information. Students, parents, and colleagues should not be cited or obviously referenced without their approval. For example, ask permission before posting someone's picture in a social network (student photos require parental consent) or publishing a conversation that was meant to be private.

It is acceptable to discuss general details about projects, lessons, or events and to use nonidentifying pseudonyms for an individual (e.g., Teacher A) so long as the information

provided does not make it easy for someone to identify the individual or violate any privacy laws. Furthermore, public social networking sites are not the place to conduct school business with students or parents.

Respect your audience and your coworkers. Always express ideas and opinions in a respectful manner. Make sure your communications are in good taste. Do not denigrate or insult others, including other schools or competitors. Remember that our communities reflect a diverse set of customs, values, and points of view. Be respectful. This includes not only the obvious (no ethnic slurs, personal insults, obscenity, etc.) but also proper consideration of privacy and of topics that may be considered objectionable or inflammatory. Be sensitive about linking to content. Redirecting to another site may imply an endorsement of its content.

Perception can be reality. In online networks, the lines between public and private, personal and professional are blurred. Just by identifying yourself as a District employee, you are creating perceptions about your expertise and about the District by community members, parents, students, and the general public; and you are creating perceptions about yourself with your colleagues and managers. If you choose to join or engage with District students and families in a social media context, do so in a professional manner, ever mindful that in the minds of students, families, colleagues, and the public, you are a District employee. Be sure that all content associated with you is consistent with your work and with the District's beliefs and professional standards.

Are you adding value? There are millions of words out there. The best way to get yours read is to write things that people will value. Communication associated with our District should help fellow educators, parents, students, and co-workers. It should be thought-provoking and build a sense of community. If it helps people improve knowledge or skills, do their jobs, solve problems, or understand education better—then it's adding value.

Keep your cool. One of the aims of social media is to create dialogue, and people will not always agree on an issue. When confronted with a difference of opinion, stay cool. If you make an error, be up front about your mistake and correct it quickly. Express your points in a clear, logical way. Don't pick fights, and correct mistakes when needed. Sometimes, it's best to ignore a comment and not give it credibility by acknowledging it with a response.

Be careful with personal information. Make full use of privacy settings. Know how to disable anonymous postings and use moderating tools on your social media site(s). Astute criminals can piece together information you provide on different sites and then use it to impersonate you or someone you know, or even re-set your passwords.

Be a positive role model. The line between professional and personal relationships is blurred within a social media context. Educational employees have a responsibility to maintain appropriate employee-student relationships, whether on or off duty. Both case law and public expectations hold educational employees to a higher standard of conduct than the general public.

Don't forget your day job. You should make sure that your online activities do not interfere with your job. Remember that District technologies are provided for educational use. Use of social media for personal use during District time or on District equipment is prohibited.

Citing Sources: The published policies and guidelines of the Minnetonka School District, along with IBM, Intel and Kodak, provided the foundation for these guidelines and policy.

- [http://www.kodak.com/US/images/en/corp/aboutKodak/onlineToday/Social\\_Media\\_9\\_8.pdf](http://www.kodak.com/US/images/en/corp/aboutKodak/onlineToday/Social_Media_9_8.pdf)
- [http://www.intel.com/sites/sitewide/en\\_us/social-media.htm](http://www.intel.com/sites/sitewide/en_us/social-media.htm)
- <http://www.ibm.com/blogs/zz/en/guidelines.html>
- Cyber Law: Maximizing Safety and Minimizing Risk in Classrooms; A. Bissonette, J.D. Corwin Press, 2009.

Approved: 11/14/16

Reviewed: 03/12/18

Reviewed: 01/11/21

## LEAVE FOR STAFF MEMBERS ELECTED TO PUBLIC OFFICE OR CHOSEN AS PARTY OFFICERS OR DELEGATES TO PARTY CONVENTIONS

### I. PURPOSE

The purpose of this policy is to set forth the conditions under which staff members who have been elected to public office or chosen as political party officers or delegates to party conventions will be granted paid or unpaid leave to engage in activities associated with their public office, status as political party officers or delegates.

### II. GENERAL STATEMENT OF POLICY

Some staff members have the opportunity to serve in positions of leadership in governmental organizations. The District recognizes the value of such participation and wishes to encourage it with the understanding that the staff member's primary responsibility is to the students in the classroom. The following definitions and guidelines have been developed for that purpose.

### III. GUIDELINES

A. This section applies to staff members who are elected to public office, who are chosen as political party officers or delegates to party conventions, and who request leave as set forth in Minnesota Statutes, sections 3.088, ~~M.S.~~ 202A.135, and ~~M.S.~~

211B.10. If the staff member serves in that office or position with reimbursement, the staff member will be granted leave with loss of full pay for those days of absence from their work assignment. If the staff member does not receive reimbursement for their services, absence from work assignment taken to perform these services may be taken as personal leave per his or /her working agreement or contract or leave at loss of full pay. Per the teachers' working agreement, teachers may be allowed up to five (5) days of absence with loss of substitute pay for those days. Additional days of absence from their work assignment would be at loss of full pay.

B. To receive consideration for the leave described in paragraph AA above, a staff member must:

1. Inform the Superintendent of Schools of the expected school time demands of the position prior to accepting the position; and
2. Request leave days in writing at least ten (10) days prior to need.

Policy Adopted: 11/14/05  
Policy Reviewed: 7/13/15  
Policy Reviewed: 03/12/18  
Policy Reviewed: 01/11/21

Sources:

Minn. Stat. § 211B.10

Minn. Stat. § 3.088

Minn. Stat. § 202A.135

## **438 CONSULTING**

### **I. PURPOSE**

The purpose of this policy is to set forth the terms and conditions under which certain District 492 employees will be granted leave to serve as consultants to other organizations.

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

The following guidelines are to be followed as various school personnel make requests to be excused from duty to serve as consultants to other organizations.

District 492 faculty members may accept invitations to other districts or organizations for consultant work under the following guidelines:

1. The Executive Director of Organizational Development and Administrative Services must pre-approve all individual requests, including the determination of the advisability of granting the request based on the needs of the District and, if approved, the number of District absences allowed per year. If approved, the employee must use personal leave or vacation day.
2. Expenses, including travel, lodging, and meals, are not to be the obligation of District 492.
3. Due to extra preparation and expenses required for consulting services, any honorariums provided to consultants are to be considered the property of the recipient.

**I. PURPOSE**

The purpose of this policy is to ensure that students receive healthy and nutritious meals through the school district’s nutrition program and that school district employees, families, and students have a shared understanding of expectations regarding meal charges. The policy of the school district is to provide meals to students in a respectful manner and to maintain the dignity of students by prohibiting lunch shaming or otherwise ostracizing the student. The policy seeks to allow students to receive the nutrition they need to stay focused during the school day and minimize identification of students with insufficient funds to pay for school meals as well as to maintain the financial integrity of the school nutrition program.

**II. PAYMENT OF MEALS**

- A. Students have use of a meal account. This account is meant to be a prepaid system, with money in the account before meal service begins. When the balance reaches zero, a student may charge a reimbursable meal only. Once an account is negative, the District will follow the negative meal balance procedure to make the account whole. When an account becomes negative, a student shall not be allowed to charge a la carte items until the negative account balance is paid. Payments can be made online through the District website, at the District Office, or payments can be sent to the Food Service office.
- B. If the school district receives school lunch aid under Minnesota Statute section 124D.111, it must make lunch available without charge to all participating students who qualify for free or reduced-price meals regardless of account balance.
- C. A student with an outstanding meal charge debt will be allowed to purchase a meal if the student pays for the meal when it is received.
- D. A student who has been determined to be eligible for free and reduced-price lunch always must be served a reimbursable meal even if the student has an outstanding debt.
- E. Once a meal has been placed on a student’s tray or otherwise served to a student, the meal may not be subsequently withdrawn from the student by the cashier or other school official, whether or not the student has an outstanding meals balance.

~~F. The school district may provide an alternate meal that meets federal and state requirements to a student who does not have sufficient funds in the student’s account or cannot pay cash for a meal. The school district will accommodate special dietary needs with respect to alternate meals. The alternate meal will be served at no charge to the student account.~~

**GF.** When a student has a negative account balance, the student will not be allowed to charge an ala carte or snack item.

**HG.** If a parent or guardian chooses to send in one payment that is to be divided between sibling accounts, the parent or guardian must specify how the funds are to be distributed to the students' accounts. Funds may not be transferred between sibling accounts unless permission is received from the parent or guardian.

### **III. LOW OR NEGATIVE ACCOUNT BALANCES – NOTIFICATION**

- A. The school district will make reasonable efforts to notify families when meal account balances are low or fall below zero.
- B. Throughout the process, Food and Nutrition office personnel will work with families to determine if a Free or Reduced application is appropriate, if there is a temporary financial issue that has delayed the payment to the lunch account or if the parent wishes to set up a payment plan to get the lunch account current.
- C. Reminders for payment of outstanding student meal balances will not demean or stigmatize any student participating in the school lunch program, including but not limit to, dumping meals, withdrawing a meal that has been served, announcing or listing students' names publicly, or affixing stickers, stamps or pins.

### **IV. UNPAID MEAL CHARGES**

- A. The school district will make reasonable efforts to communicate with families to resolve the matter of unpaid charges. Where appropriate, families may be encouraged to apply for free and reduced-price meals for their children.
- B. The school district will make reasonable efforts to collect unpaid meal charges classified as delinquent debt. Unpaid meal charges are designated as delinquent debt when payment is overdue, the debt is considered collectable, and efforts are being made to collect it.
- C. Negative balances of more than \$60, not paid prior to the end of the school year, will be turned over to the superintendent or superintendent's designee for collection. In some instances, the school district does use a collection agency to collect unpaid school meal debts after reasonable efforts first have been made by the school district to collect the debt. Collection options may include, but are not limited to, use of collection agencies, claims in the conciliation court, or any other legal method permitted by law.
- D. The school district may not enlist the assistance of non-school district employees, such as volunteers, to engage in debt collection efforts.

- E. The school district will not impose any other restriction prohibited under Minnesota Statutes section 123B.37 due to unpaid student meal balances. The school district will not limit a student’s participation in any school activities, graduation ceremonies, field trips, athletics, activity clubs, or other extracurricular activities or access to materials, technology, or other items provided to students due to an unpaid student meal balance.

**V. COMMUNICATION OF POLICY**

- A. This policy and any pertinent supporting information shall be provided in writing (i.e., mail, email, back-to-school packet, student handbook, etc.) to:
  - 1. all households at or before the start of each school year;
  - 2. students and families who transfer into the school district, at the time of enrollment; and
  - 3. all school district personnel who are responsible for enforcing this policy.
- B. The school district will post this policy on the school district’s website, or the website of the organization where the meal is served, in addition to providing the required written notification described above.

**Legal References:** Minn. Stat. § 123B.37 (Prohibited Fees)  
Minn. Stat. § 124D.111 (Lunch Aid; Food Service Accounting)  
42 U.S.C. § 1751 *et seq.* (Healthy and Hunger-Free Kids Act)  
7 C.F.R. § 210 *et seq.* (School Lunch Program Regulations)  
7 C.F.R. § 220.8 (School Breakfast Program Regulations)  
USDA Policy Memorandum SP 46-2016, Unpaid Meal Charges: Local Meal Charge Policies (2016)  
USDA Policy Memorandum SP 47-2016, Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payments (2016)  
USDA Policy Memorandum SP 23-2017, Unpaid Meal Charges: Guidance and Q&A

Policy Adopted: 08/14/17  
Policy Revised: 11/13/18  
Policy Revised: 3/9/20  
Policy Revised: ~~7XX/XX~~12/22XX

## PURCHASING POLICY 716

### I. PURPOSE

The purpose of this policy is to establish guidelines and procedures for purchasing goods and services for District #492.

### II. GENERAL STATEMENT OF POLICY

It is the policy of this school district to purchase goods and services in accordance with the applicable provisions of law.

### III. REQUIREMENT

A. The School Board approved budget document shall be considered as the authority for all expenditures which are made during a fiscal year.

B. The primary concern of the School Board is that overall expenditures for any fiscal year do not exceed the budgeted amount for any one fund. Categorical breakdowns within funds will be used primarily for budget control and for future budget planning.

C. The Superintendent of Schools, ~~or Executive~~ Director of Finance and Operations or Controller shall approve all purchases and/or contracts made in the name of the school district except those authorized by direct action of the School Board. All claims shall be reviewed monthly by the Treasurer of the School Board and all claims shall be approved by the Board prior to payment except those advance payments authorized in this policy.

D. Bids and/or quotations will be received for the purchase of goods and services as enumerated in Minnesota Statutes, sections 471.345, per M.S. 471.,345, Subd. 1-14, and M.S. 471.6161, and 123B.52-

E. The procurement of all supplies, equipment, and services shall be initiated by the issuance of an official signed purchase order or administered by purchasing cards through the Superintendent of Schools, ~~or the Executive~~ Director of Finance and Operations or Controller.

Only those supplies, equipment, and services procured by formal contract and by special administrative permission shall be exempt.

F. No “on approval” orders are to be placed by any staff member except through the principal and directors. This ~~applies to~~includes, but is not limited to, books, science equipment, audio-visual films and equipment, musical instruments and equipment, music, and computer software, ~~etc.~~

G. Purchase orders will be ~~on the basis of~~based on requisitions filed on the proper form by staff members. ~~The requisition should give all the information requested, such as name of firm, catalog number of articles requisitioned, the number of the catalog or the year it was issued, exact copyright date and title of books or publications requisitioned and, if possible, a definite statement of price of items requisitioned or of repairs or labor, etc.~~ All requisitions should be signed by the requestor and the building principal or appropriate budget manage, ~~and approved by the department chairperson,~~ if applicable.

#### **IV. APPROVAL AND PAYMENT FOR GOODS AND SERVICES**

The business office shall issue checks for all just claims against the school district upon approval by the School Board or by the School Board Designee when only one school board meeting is scheduled to be conducted during the month. The business office is authorized to issue checks prior to the approval by the Board upon a just claim for payment of travel advances, for outstanding bills of the school district that have not been paid within 35 days of the date of receipt because of payment delays which were not the fault of the vendor, for partial payments on construction projects or other formal bid purchases previously approved by the Board, for investments in legally authorized securities, for payment of claims which, if deferred until the next Board meeting, would result in the loss of a discount privilege, and to make payment of salaries pursuant to the terms of written contracts entered into by the School Board. All claims for which checks have been issued prior to approval by the Board as provided herein shall be presented for approval at the next Board meeting when claims are normally acted upon.

#### **V. LOCAL VENDORS**

The District recognizes the value of purchasing goods and services from vendors located within the District, whenever possible. Spending District funds on local goods and services effectively returns tax dollars to the local taxpayers, thereby supporting the District economy and improving the ability of local taxpayers to support their families

and the District. Accordingly, the District encourages its employees to consider and provide opportunities to local vendors when purchasing goods or services for the District.

**Legal References:**

- ~~*Minn. Stat. § 1203.37 (Contracts)*~~
- *Minn. Stat. § 123B.52 (Contracts)*
  
- *Minn. Stat. § 471.345 (Contract Law)*
- *Minn. Stat. § 471.6161 (Group Ins.)*
- *Minn. Stat. § 471.64 (Government Contracts)*

Policy Adopted: 10/09/06

Revised Policy Adopted: 01/22/07

Revised Policy Adopted: 05/14/12

Policy Reviewed: 12/10/12

Policy Reviewed: 08/11/14

Policy Reviewed: 10/10/16

Policy Reviewed: 5/13/19

## ENERGY USAGE 804

### I. PURPOSE

Our School District will ensure that we will encourage energy and natural resource conservation while practicing sound financial management. We believe that public education should provide leadership in developing an energy efficient culture and raise awareness of energy use and its associated costs.

We support the education and motivation of students, teachers, and school-based staff to take responsibility for reducing energy consumption while helping to improve the quality of the environment in their school and community.

Throughout our energy conservation efforts, we will not compromise health, safety or security.

Our District leaders will develop short and long-range strategies in the areas of facilities management and curriculum development, which support energy awareness and efficiency.

Implementation of this policy will be the joint responsibility of the Board, administration, teachers, students, and staff and its success will be dependent on cooperation from all levels. The District encourages active participation in this energy efficiency effort. The District leaders will assist Facility Services or their designee in the direction, implementation, monitoring, evaluation and reporting of energy efficiency. Energy systems at each site will be the joint responsibility of the principal, building operator, and Director of Facility Services.

The Director of Facility Services or their designee will track energy use and cost and communicate results on a regular basis to the Executive Director of Finance and Operations.

The District may access energy management consultants and grants to help the District maximize the use of energy resources in the District.

Energy Efficiency will be a major consideration in purchasing equipment, new construction, and remodeling of district facilities.

## **II. ENERGY PHILOSOPHY**

ISD 492 is committed to an energy conscious environment through energy efficient building operation and behavioral strategies. A comfortable learning environment will be maintained and health, safety, and security will not be compromised.

We believe all staff and students should learn and practice ways to reduce energy consumption on a daily basis by instilling lifelong habits for energy conservation; therefore, everyone is required to abide by the following energy guidelines.

First Reading: 03/12/12

Policy Approved: 05/14/12

Policy Renumbered from 807 to 804: 02/11/13

Policy Reviewed: 09/08/14

Policy Reviewed: 01/09/17

Policy Reviewed: 06/10/19

Policy Updated: 11/11/19

## **PROCEDURES**

### **Policy 804 – Energy Usage**

#### **OPERATIONAL ENERGY GUIDELINES**

##### **LIGHTING**

Lighting will be turned off in any area that is unoccupied, except in corridors, stairwells, and exits, as required by code, [statute or administrative rules](#), or where necessary to maintain an appropriate level of safety.

Lighting in secondary buildings will remain off until before school starts and lights will be shut off after school ends, except in areas occupied with early morning events, evening events, or other scheduled activities.

Lighting in elementary buildings will remain off until before school starts and lights will be shut off after school ends, except in areas occupied with early morning events, evening events, or other scheduled activities.

Natural sunlight should be used in place of electrical light when available, depending on area use and specifications.

Lighting levels will be maintained in accordance with the Illuminating Engineering Society (IES) of North America standards.

IES lighting standards will be assessed and maintained through de-lamping and will be a consideration for remodeling and new construction projects.

Gym lights will be turned off when the area is unoccupied. During spring and summer months, when physical education classes are outside, the gym lighting will be limited to walk-through lighting and other minimal lighting requirements. Night custodians should turn lights on only in the area they are currently working.

## **TEMPERATURE CONTROL**

On regular school days, temperatures will be maintained for the entire building before the start of school and after dismissal ~~per~~ in compliance with MN Statute Minnesota Administrative Rules, 9503.0155060, Subp.subpart 13. Special consideration will be given to certain preschool, special education classrooms and network/server rooms when appropriate.

Night setback temperatures of 60 degrees Fahrenheit will be set after dismissal time until before school starts and during weekends and breaks or vacation periods, with the exception of areas with early morning events, evening events, other scheduled activities, or emergencies.

Staff and students will be encouraged to dress appropriately for the season and if they will be in the building during unoccupied times.

Main boilers will remain off during the summer season with the exception of buildings with pools and areas that need reheat for dehumidification purposes.

Windows should be kept closed ~~during the heating season and when air conditioning units are in operation.~~

Doors should be closed in unoccupied areas/classrooms.

Exterior doors and inner vestibule doors shall not be blocked open unless there is a delivery in process.

## **VENTILATION**

Staff will not obstruct ventilation/return air ducts or unit ventilators. Ventilation systems will be controlled to maintain the correct amount of air based on occupancy and prescribed ventilation standards.

## **SCHEDULING**

Early morning events, evening events, summer programming or other scheduled activities will be concentrated to the minimal number of wings within a building.

Large areas such as auditoriums and gymnasiums should not be used for small groups unless necessary. Use of these areas will be coordinated with ~~the maintenance staff~~ Facility Services to reduce energy use during unoccupied times.

## **COMPUTERS AND OTHER ELECTRICAL EQUIPMENT**

Computer monitors will be set with a sleep-mode-. Computer monitors should be shut off when not in use.

All electronics should be shut off at night, if possible, including but not limited to Life Line amplification systems, LCDs and projectors.

All personal printers and those shared printers that do not have energy savings capabilities should be shut down nightly. Printers that are shared and have energy savings capabilities should be shut down for weekends and long breaks.

## PERSONAL ELECTRICAL DEVICES

Personal plug load, which includes but is not limited to refrigerators, beverage makers, warmers, space heaters are restricted from school district facilities. If there are specific needs, these needs shall be addressed on a ~~case-by-case~~case-by-case basis. Building administrators and the Director of Facility Services will develop an approved list of exemptions for each building. All personal plug loads that are approved should be consolidated and shared wherever possible.

Refrigerators in the staff lounge and science areas will be emptied, cleaned, defrosted, and unplugged during the summer, unless used for summer school.

~~All vending machines (pop, juice, water) not in use will be emptied and unplugged during the summer.~~

## KITCHENS

Appliance and equipment “on” times will be as close as possible to the actual use. Ventilation fans should be used in concurrence with oven and stove use only. Refrigerator and freezer doors should remain closed as often as possible. All seals that are not adequate shall be replaced.

When remodeling or updating equipment, energy efficiency will become a priority. Frozen food will be consolidated whenever possible and unused equipment unplugged. Unused kitchen equipment will be unplugged during the summer. Upright freezers and walk-in coolers will be emptied, propped open, and unplugged during the summer, unless they are used for summer programming.

## SWIMMING POOLS

Swimming pool temperatures will be set ~~in compliance with per MN Statute Minnesota~~Administrative Rules, 4717.1750, subpart-Subp. 1 and applicable codes.

## PEAK CONTROL ENERGY DAYS

All staff and students will comply with energy reduction procedures during peak control energy days/periods. Energy reduction levels will be met in order to fulfill contractual agreements with the Utilities. These will be monitored by the Building Automation System and progressive shut down of equipment may be required. The equipment on the Building Automation System will be prioritized between the Building Administrator and Director of Facility Services to determine the shut-down process.

**I. PURPOSE**

The purpose of this policy is to establish guidelines for the naming of school buildings or facilities.

**II. GENERAL STATEMENT OF POLICY**

The naming of school buildings or facilities is the responsibility of the School Board. All name requests and changes will begin with the School Board Facilities Committee. Any request or change will need to be in writing to the Superintendent who will then take the request to the Facilities Committee for their consideration. If the School Board Facilities Committee determines it will consider the request, they may then take **any of** the following steps: **(a)** Request a meeting with the requesting party or parties, **(b)** select the name, or **(c)** appoint a committee to make recommendations to the Board. The Superintendent will respond in writing, email or letter, to the requesting party or parties once the School Board Facilities Committee has determined either not to consider the request or what the next step in the process will be. The appointed committee **should shall** consist of community members, school personnel and students.

Schools and sites may be given names:

- which are indicative of the areas in which they are located.
- for individuals who have significant achievements in **the United States America**, Minnesota, or School District life
- for entities which have contributed significantly to the District.

The names of sites which serve a district-wide function (e.g., Administrative Services, Community Education) and ~~for~~ facilities or portions of facilities which are jointly owned by the School District and other entities may be named to illustrate the nature of their role in the District.

Portions of school facilities, such as libraries, gymnasiums and athletic fields, shall be named according to their educational purpose; however, names of individuals or entities may also be associated with these facility sub-units upon designation by the Board.

1. Nominations may include names of one-time District employees, citizens who lived within the School District, or former students of the School District.
2. Each **ease nominee** shall be acted upon separately by the School Board.
3. Nominations shall be submitted to the Superintendent who will duly inform the Board at the time of nomination and who will maintain a current file of nominations.

When naming a facility or portions of a facility, the following criteria shall be considered:

1. **Whether** the proposed name ~~shall be~~ **is** appropriate.
2. **Whether** the name will stand the test of time.
3. If the name involves a person, there shall be evidence of distinguished service, special school contributions (fiscal or service), or other honors earned which reflect well upon the education received in the School District.
4. Naming a site or facility after a deceased person shall be done after taking the above criteria into consideration and a reasonable waiting period following the individual's death.
5. In naming sites or facilities, special consideration may be given to those names that will have some special meaning to the students and citizens and ~~that will~~ enhance the educational program of the school district.

**B. Periodic Review and Renaming**

Periodically, site or facility names shall be reviewed as to their continued appropriateness.

The Board may consider a renaming or revocation of any naming in response to a well-considered written request submitted by an individual or at the Board's own initiative. ~~The If a particular name is no longer appropriate,~~ the School Board reserves the right to ~~change it.~~ name, rename or revoke the naming of the facility for any reason, including but not limited to, that the School Board determines another name is more appropriate. The Facilities Committee has the responsibility for the review.

Attachment – List of named facilities

Sources

UMN policy: [https://regents.umn.edu/sites/regents.umn.edu/files/2022-02/policy namings and renamings.pdf](https://regents.umn.edu/sites/regents.umn.edu/files/2022-02/policy_namings_and_renamings.pdf)

Policy Approved: 04/09/12  
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Policy Reviewed: 09/08/13  
Policy Reviewed: 01/09/17  
Policy Reviewed: 07/08/19  
Revised Policy Approved: 08/09/21

## Austin Public Schools' Named Facilities

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Banfield Elementary after Nathan F. Banfield

Baxter Learning Studio at Neveln after Neveln's First Principal, Francis Baxter

Blair Lawhead Music Commons after AHS Alumnus Blair Lawhead

Bud Higgins Pool at Ellis Middle School after Coach and Teacher Bud Higgins

Christgau Hall after Buildings and Grounds Director Arthur Christgau

Dick Seltz Field after Coach and Teacher Richard "Dick" Seltz

Don Fox Field after Don Fox (east practice field at Wescott Athletic Complex) after Coach, Teacher, Principal, School Board Member Don Fox

Ellis Middle School after Allen V. Ellis

Hass Stadium after Coach Arthur P. Hass

I.J. Holton Intermediate School after Hormel Executive I.J. Holton

Knox Gym at I.J. Holton after Coach and Teacher Steve Knox

Knowlton Auditorium after Hormel CEO Richard Knowlton

Larry Gilbertson Track after Coach and Teacher Larry L. Gilbertson

Neveln Elementary after Principal Samuel Thomas Neveln

Ove Berven Gymnasium after Coach and Principal Ove Berven

Paulson Tennis Courts after Teacher and Coach Keith Paulson

Richard Lees Lab at Ellis Middle School after Teacher, Coach, School Board Member Richard Lees

Sperati Music Room after teacher Vittorio Sperati

Wescott Athletic Complex after Coach and Principal Ray Wescott

## **POLITICAL ACTIVITY 909**

### **I. PURPOSE**

The purpose of this policy is to recognize the participation of students and employees in political activity. Further, the purpose of this policy is to establish guidelines for the participation of students and employees in political campaigns, partisan or non-partisan election activities, and the distribution of political or partisan materials.

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

A. The school district will maintain neutrality as to all political candidates and issues. The school district will not expend public funds or resources to advocate for particular candidates or for only one side of a political issue. However, the school district may expend reasonable amounts to apprise voters in the school district of facts pertinent to an election, bond issue or referendum that directly involves the school district. Nothing in this policy prohibits the school board, superintendent, or designees from advising elected officials on K-12 education matters.

B. The school district recognizes the rights of students and employees to support or oppose political candidates, and issues and the right of students to pursue an education conducted in a suitable academic environment free from disruption.

C. To protect First Amendment rights, while at the same time preserving the integrity of the education objectives and responsibilities of the school district, the school board adopts the following guidelines.

### **III. DEFINITIONS**

A. "Distribution" means circulation or dissemination of material by means of handing out free copies, selling or offering copies for sale, accepting donations for copies, or posting or displaying material. This includes, but is not limited to, posting on a wall, bulletin board, or other building surface, or anywhere on school district property, leaving items to be picked up by interested persons, directly giving items to persons, or placing items in rooms in a school district building.

B. "Non-school-sponsored material" or "unofficial material" includes all materials or objects intended for distribution, except school newspapers, employee newsletters, literary magazines, yearbooks, and other publications funded and/or sponsored or authorized by the school. Examples of non-school-sponsored material include, but are not limited to, leaflets, brochures, buttons, badges, fliers, petitions, posters, and underground newspapers, whether written by students or employees.

C. "Non-school person" means any person who is not a currently enrolled student or a current employee of the school district.

D. "Political materials" include, but are not limited to, any material included as "non-school-sponsored material" or "unofficial material," as well as any paper, handbill, booklet, advertisement, sample ballot, display, or audio or video presentation, that pertains to a political candidate or issue.

E. "Political issue" is an issue that is the subject of actual or anticipated public referendum within the school district.

F. "Political candidate" is a person who seeks nomination or election to any partisan or nonpartisan public or party office who has filed as candidate for election.

G. A "political activity" is an act that is of a nature, done with intent, or done in a way, to influence or tend to directly or indirectly influence, voting at a primary or an election or, if it is done because a person has voted or has refrained from voting at a primary or an election.

H. "School activities" means any activity sponsored by the school including, but not limited to, classroom work, library activities, physical education classes, official assemblies and other similar gatherings, school athletic contests, fine arts presentations and productions, and in-school lunch and recess periods,

I. "Work hours" for school district employees refer to the period between the time an employee is scheduled to begin work and the end of the employee's assigned work day (excluding the employee's lunch and break periods), and any paid overtime hours or extra-duty hours for which the employee has volunteered or been assigned.

#### **IV. PROCEDURES**

##### **A. Political Activities of Employees in General**

1. Employees of the school district, while acting in the capacity of a school district employee, shall not engage in any political activity during the school day, during work hours, or at school activities.

2. School district employees shall be free to engage in political activities outside of the school day, work hours, or school activities and to campaign and run for political office. Employees shall not allow such political activities to interfere with the proper performance of their school duties and shall not use school time, supplies, or equipment, including, but not limited to, the school district's e-mail system in these activities.

3. A school district employee or official shall not use his or her official authority or influence to compel a person to take part in a political activity, to pay or promise to pay a political contribution, or apply for membership in or become a member in a political organization.

4. Teachers or other school district employees, while acting in the capacity of a school district employee, and during the school day, during work hours, or at school activities, may not ~~use~~ or recruit students during the school day; ~~during work hours, or at school activities~~ for either distribution of political materials or engage~~ment~~ in other political activities.

5. School district employees, while acting in the capacity of a school district employee, and during the school day, during work hours, or at school activities, shall refrain from any conduct that is intended to be or that reasonably could be perceived as supporting or opposing specific political issues or political candidates.

6. The implementation of and compliance with this policy shall be coordinated by the superintendent or designee. All inquiries regarding school district elections, including referendums, shall be referred to the superintendent or designee.

#### B. Distribution of Political Materials

1. The distribution of political materials on school district property by non-school persons shall be governed by policy 904, Distribution of Materials on School district Property by Non-school Persons.

2. The distribution of political materials on school district property by students and employees shall be governed by policy 505 – Distribution of Nonschool-Sponsored Materials on School Premises ~~by Students and Employees.~~

#### C. School District Property, Facilities, and Activities

1. Except as otherwise provided by this policy, all school district property and facilities are reserved for their intended purpose of education and education-related activities. Political activities will not be allowed unless it is part of approved curriculum. Further, reasonable time, place and manner restrictions may be imposed by the building principal, with approval of the superintendent.

2. The building principal, with approval of the superintendent, may designate specific property or facilities of the school district as limited public forums open for certain political activity. The open character of such property or facilities will not be retained indefinitely. Further, reasonable time, place, and matter restrictions may be imposed. The building principal, with approval of the superintendent, is responsible for establishing the time, place, and manner restrictions and for ensuring equality of treatment toward all candidates and issues when such a limited public forum is created.

3. School District Policy 902 – Use of School District Facilities and Equipment – provides additional guidance.

## **V. VIOLATION OF POLICY**

A. Violation of this policy by a student will be halted, and appropriate disciplinary action will be taken in accordance with the school district's student discipline policy and/or any governing statutes.

B. Violation of this policy by an employee will be halted, and appropriate disciplinary action will be taken, in accordance with any individual contract, collective bargaining agreement, school district policies and procedures, and/or any governing statutes.

C. Any other party violating this policy will be requested to leave the school property immediately and, if necessary, the police will be called. In addition, other action may be taken, if appropriate.

## **VI. IMPLEMENTATION/NOTICE OF POLICY**

A. A copy of this policy will be available in school buildings. The policy will be noted in student handbooks and available to students, staff, employees and community members in school buildings and the administrative office.

B. The school district administration may develop any additional guidelines and procedures necessary to implement this policy. Such additional guidelines shall be submitted to the school board for approval. Upon approval, such guidelines and procedures shall be an addendum to this policy.

### *Legal References:*

Minn. Stat. § 10A.01, Subd.5

Minn. Stat. § 43A.32

Minn. Stat. § 211A.01~~2~~, Subd.8

Minn. Stat. § 211B.09 (Prohibited public employee activities)

Op. Minn. Atty. Gen. 159a-3 (May 24, 1966) (concluding that a school district could not make expenditure of public funds for printing and mailing of literature urging passage of a bond issue)

### *Cross References:*

Policy 505 (Distribution of Non-school-sponsored Materials on School Premises by Students and Employees)

Policy 904 (Distribution of Materials on School District Property by Non-school Persons)

Policy Adopted: 7/11/22