

**CONSENT AGENDA ENCLOSURE 5.11**

THE REGULAR MEETING OF THE BOARD OF EDUCATION OF INDEPENDENT SCHOOL DISTRICT NO. 2142, ST. LOUIS COUNTY SCHOOLS, HELD ON MONDAY, AUGUST 13, 2007.

MEMBERS PRESENT:      Bjerklie  
                                      Bruns  
                                      Fowler  
                                      A. Larson  
                                      B. Larson

ABSENT:                      Salmela

ALSO PRESENT:            Rick  
                                      Johnson  
                                      Cox

The regular meeting of the Board of Education of Independent School District No. 2142, St. Louis County Schools, was held at the ISD # 2142 District Office on Monday, August 13, 2007, at 5:00 p.m.

Pledge of Allegiance.

Motion by Fowler and seconded by Bjerklie to approve agenda.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

Superintendent Charles Rick reported the following: 1.) Asked for public to notice the District Office back room wall. It is being up-dated for the Strategic Plan. Dr. Rick also distributed the new brochure on the Strategic Plan to the board; 2.) School Board met with principals today concerning communication on the Strategic Plan. The information is being pushed on the school level; 3.) Dr. Rick visited the Franconia Mine last week. The Mine indicated that they are going to great detail to protect the environment and are hopeful to be in business in 2 years; 4.) The Superintendent attended the Center for Economic Development meeting last week. St. Louis County was in attendance and indicated that their intention is to become more efficient; 5.) New Teacher workshop will be Tuesday, August 28; South Campuses Teacher workshop (AlBrook, Cotton, and Cherry) will be Wednesday, August 29 and North Campuses Teacher workshop (Babbitt-Embarrass, Cook, Orr and Tower-Soudan) will be Thursday, August 30; 6.) We are currently filling our staff needs; and 7.) The district has received a grant to pay for a police liaison to be stationed at one of our schools. More details will be forthcoming.

Business Manager Kim Johnson gave a report on Third Party Billing. Ms. Johnson distributed a handout to the school board with detailed information for years 2003 to present. So far the District has received a total of \$56,005.37 for the year 2007 by using School Project for processing, which Mary Spang, the district school nurse is monitoring progress.

Motion by B. Larson and seconded by Bjerklie to approve the consent agenda: July 16, 2007 Regular School Board Meeting Minutes; Policy: Donations: 1.) William L. and Mary Lou Sixberry donated the following technology items: One (1) Dell Dimension Computer; Keyboard; Mouse; 19" Trinitron Monitor; 4400 HP Scanner; 1100 Business Inkjet Printer; Two (2) Ink Heads; Five (5) Ink Cartridges; Dell Laser Printer with software; Printer Cable; software and drivers; various cables and manuals; Program: Concurrent Enrollment renewal agreement with the Vermilion College for the 2007-2008 School Year. Changes in the agreement are the fees per course which was increased from \$1,000 to \$1,200.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

School Board Chair Bruns stated, as everyone was aware, there was one candidate, Mark Foster who applied for the Cotton site School Board Member. Ms. Bruns was happy with the results.

Mark Foster introduced himself and gave a brief personal history to the board. Mr. Foster indicated that he has two (2) children presently in school and that he was also a coach. He is interested in having the Cotton School grow, and he believes that his children are receiving a good education.

Cotton resident, Kari Wood spoke in support of Mr. Foster as a board member.

Motion by B. Larson and seconded by Bjerklie to accept Mark Foster as the board member representing the Cotton School site.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

Superintendent Rick administered the oath of office.

### **OATH OF OFFICE**

I, Mark Foster, swear/affirm that I will support the Constitution of the united States and of this state, and that I will discharge faithfully the duties of the office of school board member of Independent School District No. 2142 to the best of my judgment and ability.

Date: August 13, 2007

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Signature

STATE OF MINNESOTA )  
 )  
COUNTY OF ST. LOUIS )

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of August, 2007 by

\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Board Chair Bruns congratulated Mr. Foster and asked him to take his seat on the board.

**EXTRACT OF MINUTES OF MEETING  
OF SCHOOL BOARD  
OF INDEPENDENT SCHOOL DISTRICT NO. 2142  
(ST. LOUIS COUNTY)  
STATE OF MINNESOTA**

Pursuant to due call and notice thereof, a regular meeting of the School Board of Independent School District No. 2142 (St. Louis County), State of Minnesota, was held in said school district on August 13, 2007, at 5:00 o'clock p.m..

The following members were present: Bjerklie, Bruns, Fowler, A. Larson, B. Larson, Foster: and the following were absent: Salmela

Member Fowler introduced the following resolution and moved its adoption:

**RESOLUTION RELATING TO INCREASING  
THE GENERAL EDUCATION REVENUE OF THE SCHOOL DISTRICT  
AND CALLING AN ELECTION THEREON**

BE IT RESOLVED by the School Board of Independent School District No. 2142, State of Minnesota, as follows:

1. The Board hereby determines and declares that it is necessary and expedient for the school district to increase its general education revenue by \$500 per resident marginal cost pupil unit. As provided by law, the ballot question must abbreviate the term "per resident marginal cost pupil unit" as "per pupil." The additional revenue will be used to finance school operations and the property tax portion thereof will require an estimated referendum tax rate of approximately .09549% of the referendum market value of the school district for taxes payable in 2008, the first year it is to be levied. The proposed referendum revenue authorization would be applicable for ten (10) years unless otherwise revoked or reduced as provided by law. The question on the approval of this referendum revenue authorization shall be School District Ballot Question 1 on the school district ballot at the special election held to approve said authorization.

2. The question of increasing the general education revenue of the school district shall be submitted to the qualified voters of the school district at a special election, which is hereby called and directed to be held on Tuesday, November 6, 2007, between the hours of 10:00 o'clock a.m. and 8:00 o'clock p.m.

3. Pursuant to Minnesota Statutes, Section 205A.11, the school district combined polling places and the precincts served by those polling places, as previously established and designated by school board resolution for school district elections not held on the day of a statewide election, are hereby designated for this special election.

4. The clerk is hereby authorized and directed to cause written notice of said special election to be provided to the county auditor of each county in which the school district is located, in whole or in part, and to the Commissioner of Education, at least fifty-three (53) days before the date of said election. The notice shall specify the date of said special election and the title and language for each ballot question to be voted on at said special election.

The clerk is hereby authorized and directed to cause notice of said special election to be posted at the administrative offices of the school district at least ten (10) days before the date of said special election.

The clerk is hereby authorized and directed to cause a sample ballot to be posted at the administrative offices of the school district at least four (4) days before the date of said special election and to cause a sample ballot to be posted in each combined polling place on election day. The sample ballot shall not be printed on the same color paper as the official ballot.

The clerk is hereby authorized and directed to cause notice of said special election to be published in the official newspaper of the school district, for two (2) consecutive weeks with the last publication being at least one (1) week before the date of the election.

The notice of election so posted and published shall state the question to be submitted to the voters as set forth in the form of ballot below, and shall include information concerning each established precinct and polling place.

The clerk is hereby authorized and directed to cause a notice of the election to be mailed by first class mail to each taxpayer in the school district at least fifteen (15) but no more than thirty (30) days prior to the date of the special election. The notice shall contain the required projections and the required statement specified in Minnesota Statutes, Section 126C.17, subdivision 9, paragraph (b). The clerk is also directed to cause a copy of this notice to be submitted to the Commissioner of Education and to the county auditor of each county in which the school district is located in whole or in part at least fifteen (15) days prior to the day of the election.

The clerk is authorized and directed to acquire and distribute such election materials and to take such other actions as may be necessary for the proper conduct of this special election and generally to cooperate with election authorities conducting other elections on that date.

5. The clerk is further authorized and directed to cooperate with the proper election officials to cause ballots to be prepared for use at said election in substantially the following form, with such changes in form and instructions as may be necessary to accommodate the use of an optical scan voting system:

SCHOOL DISTRICT QUESTION BALLOT

INDEPENDENT SCHOOL DISTRICT NO. 2142  
(ST. LOUIS COUNTY)  
SPECIAL ELECTION

NOVEMBER 6, 2007

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**To vote for a question, put an (X) in the square next to the word "YES" for that question.**

**To vote against a question, put an (X) in the square next to the word "NO" for that question.**

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**SCHOOL DISTRICT BALLOT QUESTION 1  
APPROVAL OF SCHOOL DISTRICT  
REFERENDUM REVENUE AUTHORIZATION**

The board of Independent School District No. 2142 (St. Louis County) has proposed to increase its general education revenue by \$500 per pupil. The proposed referendum revenue authorization would be applicable for ten years unless otherwise revoked or reduced as provided by law.

**YES**

**NO**

Shall the increase in the revenue proposed by the board of Independent School District No. 2142 be approved?

**BY VOTING "YES" ON THIS BALLOT QUESTION, YOU ARE VOTING FOR A PROPERTY TAX INCREASE.**

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Motion by Foster and seconded by Fowler to increase the 2007-2008 Athletic fee for Combined Season District-wide passes to \$200.00 per family.

Superintendent Rick explained that there was an error last year and this is the correction.

Discussion followed.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

Member B. Larson made the motion for the following resolution:

**RESOLUTION AUTHORIZING CONVEYANCE OF REAL ESTATE**

I, Andrew Larson, do hereby certify that I am the Clerk of Independent School District No. 2142, a Minnesota body politic under the laws of the State of Minnesota, and that the following is a true and correct copy, or an accurate summary of a resolution adopted at a meeting of the School Board of the Independent School District No. 2142 duly and properly called and held on the 13<sup>th</sup> day of August 2007; that a quorum was present at said meeting; that said resolution is set forth in the minutes of said meeting and have not been rescinded or modified.

**RESOLVED**, that the Independent School District No. 2142 convey to Murray D. Ward and Shirley a. Ward, husband and wife, as joint tenants, the real estate described on the attached Exhibit "A", and that the Chairperson, Zelda Bruns, and the Clerk, Andrew Larson, are authorized and directed to execute a Quite Claim Deed and all other necessary and appropriate documents to effectuate such conveyance.

**IN WITNESS WHEREOF**, the undersigned has executed this document this 13<sup>th</sup> day of August, 2007.

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Andrew Larson

Subscribed and sworn to before me this  
13<sup>th</sup> day of August 2007.

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(Notary Public)

The motion for the adoption of the foregoing resolution was duly seconded by Fowler and upon vote being taken thereon the following voted in favor thereof: Bjerklie, Bruns, Fowler, A. Larson, B. Larson, Foster.

Absent: Salmela  
and the following voted against the same: None  
whereupon said resolution was declared duly passed and adopted.

Legal Description as follows:

**Exhibit "A"**  
**Legal Description**

That part of the Northeast Quarter of the Northeast Quarter (NE ¼ of NE ¼) of Section number twenty (20), in Township sixty-two (62) North, and Range seventeen (17) West of the Fourth Principal Meridian, situate in the County of St. Louis and State of Minnesota, and more particularly described as follows: Assuming the north line of the first described quarter to run due east and west beginning at a point on the west line of said first described quarter, at the intersection of said line and the south line of the right of way of a certain county road, said point being fifty-five and eighty one hundredths (55.80) feet south of the northwest corner of said first described quarter; thence running south twenty-six degrees and twenty-three minutes East (S 26° 23'E) along the south side of right of way of said County Road a distance of three hundred and twenty (320) feet, thence running due south two hundred and seventy-three (273) feet, thence running north twenty-six degrees and twenty-three minutes West (N 26° 23'W) a distance of three hundred and twenty (320) feet to a point on the west line of said first described quarter, thence running due north along said west line a distance of two hundred and seventy-three (273) feet, to the place of beginning, containing 1.7966 acres, be it more or less.

Motion by A. Larson and seconded by Bjerklie to grant permission to proceed with the purchase of two (2) new school buses: 2008 Blue Bird, 71 capacity at \$76,827.70 and 2008 Blue Bird, 59 capacity, at \$74,527.32.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

Motion by Foster and seconded by Fowler to grant permission to seek quotes for the purchase of four (4) used school buses.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

Motion by B. Larson and seconded by Bjerklie to grant permission to seek quotes for the purchase of one (1) rental/lease return five passenger used car.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

Motion by Foster and seconded by Bjerklie to award the bread bid to Sara Lee for the 2007-2008 school year.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

Motion by Foster and seconded by B. Larson to award the milk bid to Franklin Foods for the 2007-2008 school year.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

Motion by Fowler and seconded by Bjerklie to award the coal bid to C. Reiss Coal Company for the 2007-2008 school year.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

Motion by Bjerklie and seconded by A. Larson to award the propane bid to Ferrellgas for the 2007-2008 school year.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

Motion by Bjerklie and seconded by B. Larson to award the fleet insurance bid to Young & Associates for the 2007-2008 school year.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

Motion by B. Larson and seconded by Foster to accept Deborah Tikkanen's letter of resignation as Title I teacher, effective the 2007-2008 school year.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

Motion by Foster and seconded by Bjerklie to accept Michael L. Thyen's letter of resignation as .7 FTE teacher, effective the 2007-2008 school year.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,

Against-None  
Absent- Salmela

Motion by B. Larson and seconded by Bjerklie to offer Erica LaVoi a .6 FTE, at Step C, Lane BA, probationary teaching contract for the 2007-2008 school year, effective August 29, 2007, with terms and conditions of employment in accord with master agreement between ISD # 2142 and SLCTEM.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

Motion by Bjerklie and seconded by Fowler to offer Tucky Dill a 1.0 FTE, at Step C, Lane BA, probationary teaching contract for the 2007-2008 school year, effective August 29, 2007, with terms and conditions of employment in accord with master agreement between ISD # 2142 and SLCTEM.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

Motion by Foster and seconded by Bjerklie to offer Kelly Engman a 1.0 FTE, at Step C, Lane BA, probationary teaching contract for the 2007-2008 school year, effective August 29, 2007, with terms and conditions of employment in accord with master agreement between ISD # 2142 and SLCTEM.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

Motion by B. Larson and seconded by Foster to offer Heather Tuthill a .9 FTE, at Step L., Lane BA, probationary teaching contract for the 2007-2008 school year, effective August 29, 2007, with terms and conditions of employment in accord with master agreement between ISD # 2142 and SLCTEM.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

Motion by Bjerklie and seconded by Foster to offer Susan Lindmeier a .55 FTE, at Step J, Lane BA, probationary teaching contract for the 2007-2008 school year, effective August 29, 2007, with terms and conditions of employment in accord with master agreement between ISD # 2142 and SLCTEM.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None

Absent- Salmela

Motion by A. Larson and seconded by Fowler to offer Kathy Undeland a .1 FTE, tenured teaching contract for the 2007-2008 school year, effective August 29, 2007, with terms and conditions of employment in accord with master agreement between ISD # 2142 and SLCTEM.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

Motion by B. Larson and seconded by Bjerklie to offer Barbara Youso a .9 FTE, at Step C, Lane BA, probationary teaching contract for the 2007-2008 school year, effective August 29, 2007, with terms and conditions of employment in accord with master agreement between ISD # 2142 and SLCTEM.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

Motion by Foster and seconded by B. Larson to offer Liam Conger a 1.0 FTE, at Step C, Lane BA, probationary teaching contract for the 2007-2008 school year, effective August 29, 2007, with terms and conditions of employment in accord with master agreement between ISD # 2142 and SLCTEM.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

Motion by B. Larson and seconded by Bjerklie to hire Travis Kahlstorf as a bus driver, bargaining unit, not to exceed full time equivalency for this position, effective September 4, 2007, with terms and conditions of employment in accord with master agreement between ISD # 2142 and Operating Engineers #70.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

Motion by Bjerklie and seconded by b. Larson to hire Anita King as an assistant cook, bargaining unit, 6.5 hours per day, 5 days per week, effective September 4, 2007, with terms and conditions of employment in accord with master agreement between ISD # 2142 and Teamsters Local #346.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

Motion by B. Larson and seconded by Foster to hire Brent Johnson as the assistant football coach for the 2007-2008 fall coaching season, dependent upon appropriate levels of high school (grades 9-12) participation.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

Motion by A. Larson and seconded by Fowler to hire Brian P. Ensign as the Project Venture Coordinator, 8 hours per day, 5 days per week in a year round position, effective August 14, 2007.

Chairperson Bruns clarified that this position is being paid for by grant money.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

Motion by Fowler and seconded by A. Larson to recall JoAnn Knutson .2 FTE to a tenured ECFE teaching contract for the 2007-2008 school year, effective August 29, 2007, with terms and conditions for employment in accord with master agreement between ISD # 2142 and SLCTEM.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

Motion by A. Larson and seconded by Foster to recall Amy Nelson to a tenured Title I teaching contract for the 2007-2008 school year, to the extent of 3.5 hours per day, and hire for an additional ½ hour per day, (for a total of 4 hours), effective August 29, 2007, with terms and conditions for employment in accord with master agreement between ISD # 2142 and SLCTEM.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

Motion by Fowler and seconded by A. Larson to accept Wanda Eckmen's letter of resignation as instructional aide effective the 2007-2008 school year.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

Motion by A. Larson and seconded by Foster to accept Kelly Florence's letter of resignation as Indian home school liaison effective the 2007-2008 school year.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

Motion by Foster and seconded by Fowler to accept Beverly Howard's letter of retirement / resignation as head cook effective August 31, 2007.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

This is the second reading of the School Board Officers Policy 203.

## **203 SCHOOL BOARD OFFICERS**

*[Note: The provisions of this policy substantially reflect statutory requirements.]*

### **I. PURPOSE**

School board officers are charged with the duty of carrying out the responsibilities entrusted to them for the care, management, and control of the public schools of the school district. The purpose of this policy is to delineate those responsibilities.

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

- A. The school board shall meet annually and organize by selecting a chair, a clerk, a treasurer and such other officers as determined by the school board. At its option, the school board may appoint a vice-chair to serve in the temporary absence of the chair.
- B. The school board shall appoint a superintendent who shall be an ex officio, nonvoting member of the school board.

### **III. ORGANIZATION**

The school board shall meet annually on the first Monday in January, or as soon thereafter as practicable, and organize by selecting a chair, a clerk, a treasurer, and such other officers as determined by the school board. These officers shall hold office for one year and until their successors are elected and qualify.

- A. The persons who perform the duties of clerk and treasurer need not be members of the school board.

- B. The school board by resolution may combine the duties of the offices of clerk and treasurer in a single person in the office of business affairs.
- C. The organizational meeting is also a good time for the school board to select the school district's legal counsel and the individuals authorized to contact legal counsel. Usually, the authorized contacts are the board chair, the superintendent, and the chief business official (business manager) of the school district.

#### **IV. OFFICER'S RESPONSIBILITIES**

##### **A. Chair**

1. The chair when present shall preside at all meetings of the school board, countersign all orders upon the treasurer for claims allowed by the school board, represent the school district in all actions and perform all duties a chair usually performs.
2. In case of absence, inability, or refusal of the clerk to draw orders for the payment of money authorized by a vote of the majority of the school board to be paid, the chair may draw the orders, or the office of the clerk may be declared vacant by the chair and treasurer and filled by appointment.

##### **B. Treasurer**

1. The treasurer shall deposit the funds of the school district in the official depository.
2. The treasurer shall make all reports which may be called for by the school board and perform all duties a treasurer usually performs.
3. In the event there are insufficient funds on hand to pay valid orders presented to the treasurer, the treasurer shall receive, endorse, and process the orders in accordance with Minn. Stat. § 123B.12.

##### **C. Clerk**

1. The clerk shall keep a record of all meetings in the books provided.
2. Within three days after an election, the clerk shall notify all persons elected of their election.
3. On or before August 15 of each year, the clerk shall:

- a. file with the school board a report of the revenues, expenditures and balances in each fund for the preceding fiscal year.
  - b. make and transmit to the commissioner certified reports, showing:
    - (1) condition and value of school property;
    - (2) revenues and expenditures in detail, and such other financial information required by law, rule, or as may be called for by the commissioner;
    - (3) length of school term and enrollment and attendance by grades; and
    - (4) other items of information as called for by the commissioner.
4. The clerk shall enter into the clerk's record book copies of all reports and of the teachers' term reports, and of the proceedings of any meeting, and keep an itemized account of all expenses of the school district.
  5. The clerk shall furnish to the county auditor, on or before October 10, an attested copy of the clerk's record, showing the amount of money voted by the school district or the school board for school purposes.
  6. The clerk shall draw and sign all orders upon the treasurer for the payment of money for bills allowed by the school board for salaries of officers and for teachers' wages and all claims, to be countersigned by the chair.
  7. The clerk shall perform such duties as required by the Minnesota Election Law or other applicable laws relating to the conduct of elections.

D. Vice-Chair [Optional]

The vice-chair shall perform the duties of the chair in the event of the chair's temporary absence.

E. Superintendent

1. The superintendent shall be an ex officio, nonvoting member of the school board.
2. The superintendent shall perform the following:
  - a. visit and supervise the schools in the school district, report and make recommendations about their condition when advisable or on request by the school board;
  - b. recommend to the school board employment and dismissal of teachers;
  - c. superintend school grading practices and examinations for promotions;
  - d. make reports required by the commissioner; and
  - e. perform other duties prescribed by the school board.

**Legal References:** Minn. Stat. § 123B.12 (Finance)  
Minn. Stat. § 123B.14 (Officers)  
Minn. Stat. § 123B.143 (Superintendent)  
Minn. Stat. § 126C.17 (Referendum Revenue)  
Minn. Stat. Ch. 205A (School District Elections)

**Cross References:** MSBA/MASA Model Policy 101 (Legal Status of the School District)  
MSBA/MASA Model Policy 201 (Legal Status of the School Board)  
MSBA/MASA Model Policy 203 (Operation of the School Board – Governing Rules)  
MSBA Service Manual, Chapter 1, School District Governance, Powers and Duties

Motion by B. Larson and seconded by Bjerklie to adopt School Board Officers, Policy 203.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

This is the second reading of the Open Meetings and Closed Meetings, Policy 205.

## 205 OPEN MEETINGS AND CLOSED MEETINGS

*[Note: The provisions of this policy accurately reflect the Open Meeting Law statute and are not discretionary in nature. It does not address meetings held by interactive television pursuant to the 1997 legislation. The statute should be reviewed with legal counsel prior to such meetings.]*

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

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

### III. DEFINITION

“Meeting” means a gathering of at least a quorum or more members of the school board, or quorum of a committee or subcommittee of school board members, at which members discuss, decide, or receive information as a group on issues relating to the official business of the school board. The term does not include a chance or social gathering.

### IV. PROCEDURES

- A. Meetings
  - 1. Regular Meetings

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

2. Special Meetings

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

3. Emergency Meetings

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

4. Recessed or Continued Meetings

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

5. Closed Meetings

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

6. Actual Notice

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

B. Votes

The votes of school board members shall be recorded in a journal kept for that purpose, and the journal shall be available to the public during all normal business hours at the administrative offices of the school district.

C. Written Materials

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

D. Data

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

E. Closed Meetings

1. Labor Negotiations

- a. The school board may, by a majority vote in a public meeting, decide to hold a closed meeting to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals.

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

2. Sessions Closed by Bureau of Mediation Services

All negotiations, mediation sessions, and hearings between the school board and its employees or their respective representatives are public meetings except when otherwise provided by the Commissioner of the Bureau of Mediation Services.

3. Preliminary Consideration of Charges

The school board shall close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority. If the school board members conclude that discipline of any nature may be warranted as a result of those specific charges or allegations, further meetings or hearings relating to those specific charges or allegations held after that conclusion is reached must be open. A meeting must also be open at the request of the individual who is the subject of the meeting.

4. Performance Evaluations

The school board may close a meeting to evaluate the performance of an individual who is subject to its authority. The school board shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the school board shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting.

5. Attorney-Client Meeting

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

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

6. Dismissal Hearing

- a. A hearing on the dismissal of a licensed teacher shall be public or private at the teacher's discretion. A hearing regarding placement of teachers on unrequested leave of absence shall be public.
- b. A hearing on dismissal of a student pursuant to the Pupil Fair Dismissal Act shall be closed unless the pupil, parent or guardian requests an open hearing.

7. Coaches; Opportunity to Respond

- a. If the school board has declined to renew the coaching contract of a licensed or nonlicensed head varsity coach, it must notify the coach within 14 days of that decision.
- b. If the coach requests the reasons for the nonrenewal, the school board must give the coach the reasons in writing within 10 days of receiving the request.
- c. On the request of the coach, the school board must provide the coach with a reasonable opportunity to respond to the reasons at a school board meeting.
- d. The meeting may be open or closed at the election of the coach unless the meeting is closed as required by Minn. Stat. § 13D.05, Subd. 2, to discuss educational or certain other nonpublic data.

8. Meetings to Discuss Certain Not Public Data

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

- a. data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults;

- b. active investigative data collected or created by a law enforcement agency; or
- c. educational data, health data, medical data, welfare data, or mental health data that are not public data.

9. Purchase and Sale of Property

- a. The school board may close a meeting:
  - (1) to determine the asking price for real or personal property to be sold by the school district;
  - (2) to review confidential or nonpublic appraisal data; and
  - (3) to develop or consider offers or counteroffers for the purchase or sale of real or personal property.
- b. Before closing the meeting, the school board must identify on the record the particular real or personal property that is the subject of the closed meeting.
- c. The closed meeting must be tape recorded at the expense of the school district. The tape must be preserved for eight (8) years after the date of the meeting and be made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the school board has abandoned the purchase or sale. The real or personal property that is the subject of the closed meeting must be specifically identified on the tape. A list of school board members and all other persons present at the closed meeting must be made available to the public after the closed meeting.
- d. An agreement reached that is based on an offer considered at a closed meeting is contingent on its approval by the school board at an open meeting. The actual purchase or sale must be approved at an open meeting and the purchase price or sale price is public data.

10. Security Matters

- a. The school board may close a meeting to receive security briefings and reports, to discuss issues related to security

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

- b. Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting.
- c. Before closing a meeting, the school board must refer to the facilities, systems, procedures, services, or infrastructures to be considered during the closed meeting.
- d. The closed meeting must be tape recorded at the expense of the school district and the recording must be preserved for at least four (4) years.

11. Other Meetings

Other meetings shall be closed as provided by law.

F. Procedures for Closing a Meeting

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

***Legal References:*** Minn. Stat. § 122A.33, Subd. 3 (Coaches; Opportunity to Respond)  
Minn. Stat. § 122A.40, Subd. 14 (Teacher Discharge Hearing)  
Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing)  
Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. Ch. 13D (Open Meeting Law)  
Minn. Stat. § 179A.14, Subd. 3 (Labor Negotiations)  
Department of Administration Advisory Opinion 04-004 (February 3, 2004)  
*The Free Press v. County of Blue Earth*, 677 N.W.2d 471 (Minn. App. 2004)  
*Prior Lake American v. Mader*, 642 N.W.2d 729 (Minn. 2002)  
*Star Tribune v. Board of Education, Special School District No. 1*, 507 N.W.2d 869 (Minn. App. 1993)

*Minnesota Daily v. University of Minnesota*, 432 N.W.2d 189 (Minn. App. 1988)

*Moberg v. Independent School District No. 281*, 336 N.W.2d 510 (Minn. 1983)

*Sovereign v. Dunn*, 498 N.W.2d 62 (Minn. App. 1993), *rev. denied*. (Minn. 1993)

**Cross References:** MSBA/MASA Model Policy 204 (School Board Meeting Minutes)  
MSBA/MASA Model Policy 206 (Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations)  
MSBA/MASA Model Policy 207 (Public Hearings)  
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA Service Manual, Chapter 13, School Law Bulletin “C” (Minnesota’s Open Meeting Law)

Motion by Fowler and seconded by A. Larson to adopt Open meetings and Closed Meetings, Policy 205.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

This is the second reading of the Public Participation in School Board Meetings/Complaints About Persons at School Board Meetings and Data Privacy Considerations, Policy 206.

## **206 PUBLIC PARTICIPATION IN SCHOOL BOARD MEETINGS/COMPLAINTS ABOUT PERSONS AT SCHOOL BOARD MEETINGS AND DATA PRIVACY CONSIDERATIONS**

### **I. PURPOSE**

- A. The school board recognizes the value of participation by the public in deliberations and decisions on school district matters. At the same time, the school board recognizes the importance of conducting orderly and efficient proceedings, with opportunity for expression of all participants’ respective views.
- B. The purpose of this policy is to provide procedures to assure open and orderly public discussion as well as to protect the due process and privacy rights of individuals under the law.

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

- A. It is the policy of the school board to encourage discussion by citizens of subjects related to the management of the school district at school board meetings. The school board may adopt reasonable time, place and manner restrictions on public expression in order to facilitate free discussion by all interested parties.
- B. The school board shall, as a matter of policy, protect the legal rights to privacy and due process of employees and students.

## **III. DEFINITIONS**

- A. “Personnel data” means data on individuals collected because the individual is or was an employee or applicant for employment. For purposes of this policy, “employee” includes a volunteer or an independent contractor.
- B. Personnel data on current and former employees that is “public” includes:

Name; employee identification number, which must not be the social security number; actual gross salary; salary range; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary; bargaining unit; job title; job description; education and training background; previous work experience; date of first and last employment; the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action; the final disposition of any disciplinary action together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body; the terms of any agreement settling any dispute arising out of the employment relationship, including a superintendent buyout agreement, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money; work location; a work telephone number; badge number; honors and awards received; and payroll time sheets or other comparable data that are only used to account for employee’s work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee’s reasons for the use of sick or other medical leave or other not public data.
- C. Personnel data on current and former applicants for employment that is “public” includes:

Veteran status; relevant test scores; rank on eligible list; job history; education and training; and work availability. Names of applicants shall be private data except when certified as eligible for appointment to a vacancy or when applicants are considered by the appointing authority to be finalists for a position in public employment. For purposes of this subdivision, “finalist” means an individual who is selected to be interviewed by the appointing authority prior to selection.

- D. “Educational data” means data maintained by the school district which relates to a student.
- E. “Student” means an individual currently or formerly enrolled or registered in the school district, or applicants for enrollment, or individuals who receive shared time services.
- F. Data on applicants for election or appointment to a public body, including a school board, are public. That data includes: name; city of residence; education and training; employment history; volunteer work; awards and honors; and prior government service or experience. Other data on applicants are classified as private personnel data if the school district classifies school board members as employees.

#### **IV. RIGHTS TO PRIVACY**

- A. School district employees have a legal right to privacy related to matters which may come before the school board, including, but not limited to, the following:
  - 1. right to a private hearing for teachers, pursuant to Minn. Stat. § 122A.40, Subd. 14 (Teachers Discharge Hearing);
  - 2. right to privacy of personnel data as provided by Minn. Stat. § 13.43 (Personnel Data);
  - 3. right to consideration by the school board of certain data treated as not public as provided in Minn. Stat. § 13D.05 (Not Public Data);
  - 4. right to a private hearing for coaches to discuss reasons for nonrenewal of a coaching contract pursuant to Minn. Stat. § 122A.33, Subd. 3.
- B. School district students have a legal right to privacy related to matters which may come before the school board, including, but not limited to, the following:

1. right to a private hearing, Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing);
2. right to privacy of educational data, Minn. Stat. § 13.32 (Educational Data); 20 U.S.C. § 1232g (FERPA);
3. right to privacy of complaints as provided by child abuse reporting and discrimination laws, Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors) and Minn. Stat. Ch. 363 (Minnesota Human Rights Act).

## **V. THE PUBLIC'S OPPORTUNITY TO BE HEARD**

The school board will strive to give all citizens of the school district an opportunity to be heard and to have complaints considered and evaluated, within the limits of the law and this policy and subject to reasonable time, place, and manner restrictions. Among the rights available to the public is the right to access public data as provided by Minn. Stat. § 13.43, Subd. 2 (Public Data).

## **VI. PROCEDURES**

### **A. Agenda Items**

1. Citizens who wish to have a subject discussed at a public school board meeting are encouraged to notify the superintendent's office in advance of the school board meeting. The citizen should provide his or her name, address, the name of group represented (if any), and the subject to be covered or the issue to be addressed.
2. Citizens who wish to address the school board on a particular subject should identify the subject and identify agenda item(s) to which their comments pertain.
3. The school board chair will recognize one speaker at a time, and will rule out of order other speakers who are not recognized. Only those speakers recognized by the chair will be allowed to speak. Comments by others are out of order. Individuals who interfere with or interrupt speakers, the school board, or the proceedings may be directed to leave.
4. The school board retains the discretion to limit discussion of any agenda item to a reasonable period of time as determined by the school board. If a group or organization wishes to address the school board on a topic, the school board reserves the right to require designation of one or more representatives or spokespersons to speak on behalf of the group or organization.

5. Matters proposed for placement on the agenda which may involve data privacy concerns, which may involve preliminary allegations, or which may be potentially libelous or slanderous in nature shall not be considered in public, but shall be processed as determined by the school board in accordance with governing law.
6. The school board chair shall promptly rule out of order any discussion by any person, including school board members, that would violate the provisions of state or federal law, this policy or the statutory rights of privacy of an individual.
7. Personal attacks by anyone addressing the school board are unacceptable. Persistence in such remarks by an individual shall terminate that person's privilege to address the school board.
8. Depending upon the number of persons in attendance seeking to be heard, the school board reserves the right to impose such other limitations and restrictions as necessary in order to provide an orderly, efficient and fair opportunity for those present to be heard.

B. Complaints

1. Routine complaints about a teacher or other employee should first be directed to that teacher or employee or to the employee's immediate supervisor.
2. If the complaint is against an employee relating to child abuse, discrimination, racial, religious, or sexual harassment, or other activities involving an intimidating atmosphere, the complaint should be directed to the employee's supervisor or other official as designated in the school district policy governing that kind of complaint. In the absence of a designated person, the matter should be referred to the superintendent.
3. Unresolved complaints from Paragraph 1. of this section or problems concerning the school district should be directed to the superintendent's office.
4. Complaints which are unresolved at the superintendent's level may be brought before the school board by notifying the school board in writing.

C. Open Forum

The school board shall normally provide a specified period of time where citizens may address the school board on any topic, subject to the limitations of this policy. The school board reserves the right to allocate a specific period of time for this purpose and limit time for speakers accordingly.

The school board may decide to hold certain types of public meetings where the public will not be invited to address the school board. Possible examples are work sessions and board retreats. The public will still be entitled to notice of these meetings and will be allowed to attend these meetings, but the public will not be allotted time during the meeting to address the board.

## **VII. PENALTIES FOR VIOLATION OF DATA PRIVACY**

- A. The school district is liable for damages, costs and attorneys' fees, and in the event of a willful violation, punitive damages for violation of state data privacy laws. (Minn. Stat. § 13.08, Subd. 1)
- B. A person who willfully violates data privacy is guilty of a misdemeanor. (Minn. Stat. § 13.09)
- C. In the case of an employee, willful violation constitutes just cause for suspension without pay or dismissal. (Minn. Stat. § 13.09)

***Legal References:*** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing)  
Minn. Stat. § 122A.33, Subd. 3 (Coaches; Opportunity to Respond)  
Minn. Stat. § 122A.40, Subd. 14 (Teacher Discharge Hearing)  
Minn. Stat. § 122A.44 (Contracting with Teachers)  
Minn. Stat. § 123B.02, Subd. 14 (Employees; Contracts for Services)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
Minn. Stat. § 13D.05 (Open Meeting Law)  
Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
Minn. Op. Atty. Gen. No. 852 (July 14, 2006)

***Cross References:*** MSBA/MASA Model Policy 205 (Open Meetings and Closed Meetings)  
MSBA/MASA Model Policy 207 (Public Hearings)  
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

MSBA Service Manual, Chapter 13, School Law Bulletin “C”  
(Minnesota’s Open Meeting Law)

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

Motion by Foster and seconded by A. Larson to adopt Public Participation in School Board Meetings/Complaints About Persons at School Board Meetings and Data Privacy Considerations, Policy 206.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,

Against-None

Absent- Salmela

This is the second reading of the Students and Employees with Sexually Transmitted Infections and Diseases and Certain Other Communicable Diseases and Infectious Conditions, Policy 419. This policy is a 2007 revision by MSBA.

**419 STUDENTS AND EMPLOYEES WITH SEXUALLY TRANSMITTED  
INFECTIONS AND DISEASES AND CERTAIN OTHER  
COMMUNICABLE DISEASES AND INFECTIOUS CONDITIONS**

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

**I. PURPOSE**

Public concern that students and staff of the school district be able to attend the schools of the district without becoming infected with serious communicable or infectious diseases, including but not limited to, Human Immunodeficiency Virus (HIV), Acquired Immunodeficiency Syndrome (AIDS), Hepatitis B, and Tuberculosis, requires that the school board adopt measures effectively responding to health concerns while respecting the rights of all students, employees, and contractors, including those who are so infected. The purpose of this policy is to adopt such measures.

**II. GENERAL STATEMENT OF POLICY**

**A. Students**

It is the policy of the school board that students with communicable diseases not be excluded from attending school in their usual daily attendance setting so long as their health permits and their attendance does not create a significant risk of the transmission of illness to students or employees of the school district. A procedure for minimizing interruptions to learning resulting from communicable diseases will be established by the school district in its IEP and Section 504 team process,

if applicable, and in consultation with community health and private health care providers. Procedures for the inclusion of students with communicable diseases will include any applicable educational team planning processes, including the review of the educational implications for the student and others with whom the student comes into contact.

B. Employees

It is the policy of the school board that employees with communicable diseases not be excluded from attending to their customary employment so long as they are physically, mentally and emotionally able to safely perform tasks assigned to them and so long as their employment does not create a significant risk of the transmission of illness to students, employees, or others in the school district. If a reasonable accommodation will eliminate the significant risk of transmission, such accommodation will be undertaken unless it poses an undue hardship to the school district.

C. Circumstances and Conditions

1. Determinations of whether a contagious individual's school attendance or job performance creates a significant risk of the transmission of the illness to students or employees of the school district will be made on a case by case basis. Such decisions will be based upon the nature of the risk (how it is transmitted), the duration of the risk (how long the carrier is infectious), the severity of the risk (what is the potential harm to third parties) and the probabilities the disease will be transmitted and will cause varying degrees of harm. When a student is disabled, such a determination will be made in consultation with the educational planning team.
2. The school board recognizes that some students and some employees, because of special circumstances and conditions, may pose greater risks for the transmission of infectious conditions than other persons infected with the same illness. Examples include students who display biting behavior, students or employees who are unable to control their bodily fluids, who have oozing skin lesions or who have severe disorders which result in spontaneous external bleeding. These conditions need to be taken into account and considered in assessing the risk of transmission of the disease and the resulting effect upon the educational program of the student or employment of the employee by consulting with the Commissioner of Health, the physician of the student or employee, and the parent(s)/guardian(s) of the student.

D. Students with Special Circumstances and Conditions

The school (title), along with the infected individual's physician, the infected individual or parent(s)/guardian(s), and others, if appropriate, will weigh risks and benefits to the student and to others, consider the least restrictive appropriate educational placement, and arrange for periodic reevaluation as deemed necessary by the state epidemiologist. The risks to the student shall be determined by the student's physician.

E. Extracurricular Student Participation

Student participation in nonacademic, extracurricular and non-educational programs of the school district are subject to a requirement of equal access and comparable services.

F. Precautions

The school district will develop routine procedures for infection control at school and for educating employees about these procedures. The procedures shall be developed through cooperation with health professionals taking into consideration any guidelines of the Minnesota Department of Education and the Minnesota Department of Health. (These precautionary procedures shall be consistent with the school district's procedures regarding blood-borne pathogens developed pursuant to the school district's employee right to know policy.)

G. Information Sharing

1. Employee and student health information shall be shared within the school district only with those whose jobs require such information and with those who have a legitimate educational interest (including health and safety) in such information and shall be shared only to the extent required to accomplish legitimate educational goals and to comply with employees' right to know requirements.
2. Employee and student health data shall be shared outside the school district only in accordance with state and federal law and with the school district's policies on employee and student records and data.

H. Reporting

If a medical condition of student or staff threatens public health, it must be reported to the Commissioner of Health.

I. Prevention

The school district shall, with the assistance of the Commissioners of Health and Education, implement a program to prevent and reduce the risk of sexually transmitted diseases in accordance with Minn. Stat. § 121A.23 which includes:

1. planning materials, guidelines, and other technically accurate and updated information;
2. a comprehensive, developmentally appropriate, technically accurate, and updated curriculum that includes helping students to abstain from sexual activity until marriage;
3. cooperation and coordination among school districts and Service Cooperatives;
4. a targeting of adolescents, especially those who may be at high risk of contracting sexually transmitted diseases and infections, for prevention efforts;
5. involvement of parents and other community members;
6. in-service training for district staff and school board members;
7. collaboration with state agencies and organizations having a sexually transmitted infection and disease prevention or sexually transmitted infection and disease risk reduction program;
8. collaboration with local community health services, agencies and organizations having a sexually transmitted infection and disease risk reduction program; and
9. participation by state and local student organizations.
10. The program must be consistent with the health and wellness curriculum.
11. The school district may accept funds for sexually transmitted infection and disease prevention programs developed and implemented under this section from public and private sources including public health funds and foundations, department professional development funds, federal block grants or other federal or state grants.

J. Vaccination and Screening

The school district will develop procedures regarding the administration of Hepatitis B vaccinations and Tuberculosis screenings in keeping with current state and federal law.

**Legal References:** Minn. Stat. § 121A.23 (Health-Related Programs)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
Minn. Stat. § 144.441-442 (Tuberculosis)  
20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education Improvement Act of 2004)  
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)  
42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)  
*Kohl by Kohl v. Woodhaven Learning Center*, 865 F.2d 930 (8th Cir.), *cert. denied*, 493 U.S. 892, 110 S.Ct. 239 (1989)  
*School Board of Nassau County, Fla. v. Arline*, 480 U.S. 273, 107 S.Ct. 1123 (1987)  
16 EHLR 712, OCR Staff Memo, April 5, 1990

**Cross References:** MSBA/MASA Model Policy 402 (Disability Nondiscrimination)  
MSBA/MASA Model Policy 407 (Employee Right to Know – Exposure to Hazardous Substances)  
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)

Motion by B. Larson and seconded by Bjerklie to adopt Students and Employees with Sexually Transmitted Infections and Diseases and Certain Other Communicable Diseases and Infectious Conditions, Policy 419.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

This is the second reading of the Subpoena of a School District Employee, Policy 422.

## **422 SUBPOENA OF A SCHOOL DISTRICT EMPLOYEE**

### **I. PURPOSE**

The purpose of this policy is to protect the privacy rights of school district employees and students under both state and federal law when requested to testify or provide educational records for a judicial or administrative proceeding.

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

This policy is to provide guidance and direction for school district employees who may be subpoenaed to testify and/or provide educational records for a judicial or administrative proceeding.

### III. DATA CLASSIFICATION

- A. The Minnesota Government Data Practices Act (MGDPA), Minn. Stat. Ch. 13, classifies all educational data, except for directory information as designated by the school district, as private data on individuals. The state statute provides that **private data on individuals may not be released, except pursuant to a valid court order or informed consent by the subject of the data or a parent if the subject of the data is a minor.**
- B. The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, provides that educational data may not be released, except pursuant to informed consent by the individual subject of the data or any lawfully issued subpoena. Regulations promulgated under the federal law require that the school district must first make a reasonable effort to notify the parent of the student, or the student if the student is 18 years of age or older, of the subpoena in advance of releasing the information pursuant to the subpoena.

### IV. APPLICATION AND PROCEDURES

- A. Any employee who receives a subpoena for any purpose related to employment is to inform the building administrator or designated supervisor when the employee receives the subpoena. The building administrator or designated supervisor shall immediately inform the superintendent that the employee has received a subpoena.
- B. No employee may release educational data, personnel data, or any other data of any kind without consultation in advance with the school district official who is designated as the authority responsible for the collection, use and dissemination of data.
- C. Payment for attendance at judicial or administrative proceedings and the retention of witness and mileage fees is to be determined in accordance with the applicable school board policies and collective bargaining agreements.
- D. The administration shall not release any information except in strict compliance with state and federal law and this policy. Recognizing that an unauthorized release may expose the school district or its employees to civil or criminal penalties or loss of employment, the administration shall confer with school district legal counsel prior to release of such data.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Rules 1205.0100, Subp. 5 (Minnesota Rules Regarding Data Practices)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)

**Cross References:** MSBA/MASA Model Policy 211 (Criminal or Civil Action Against School District, School Board Member, Employee, or Student)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA Service Manual, Chapter 13, School Law Bulletin “T” (School Records – Privacy – Access to Data)

Motion by Bjerklie and seconded by B. Larson to adopt Subpoena of a School District Employee, Policy 422.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

This is the second reading of the Policies Incorporated by Reference, Policy 425.

## **425 POLICIES INCORPORATED BY REFERENCE**

### **PURPOSE**

Certain policies as contained in this policy reference manual are applicable to employees as well as to students. In order to avoid undue duplication, the school district provides notice by this section of the application and incorporation by reference of the following policies which also apply to employees:

Model Policy 102	Equal Educational Opportunity
Model Policy 103	Complaints – Students, Employees, Parents, Other Persons
Model Policy 206	Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations
Model Policy 211	Criminal or Civil Action Against School District, School Board Member, Employee, or Student
Model Policy 305	Policy Implementation
Model Policy 505	Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees
Model Policy 507	Corporal Punishment
Model Policy 510	Student Activities
Model Policy 511	Student Fundraising

Model Policy 517	Student Recruiting
Model Policy 518	DNR-DNI Orders
Model Policy 519	Interviews of Students by Outside Agencies
Model Policy 524	Internet Acceptable Use and Safety Policy
Model Policy 525	Violence Prevention
Model Policy 610	Field Trips
Model Policy 710	Extracurricular Transportation
Model Policy 802	Disposition of Obsolete Equipment and Material

Employees are charged with notice that the above cited policies are also applicable to employees; however, employees are also on notice that the provisions of the various policies speak for themselves and may be applicable although not specifically listed above.

Motion by B. Larson and seconded by Fowler to adopt Policies Incorporated by Reference, Policy 425.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
 Against-None  
 Absent- Salmela

This is the second reading of the Bullying Prohibition, Policy 514.

## **514 BULLYING PROHIBITION POLICY**

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

### **I. PURPOSE**

A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. Bullying, like other violent or disruptive behavior, is conduct that interferes with students' ability to learn and teachers' ability to educate students in a safe environment. The school district cannot monitor the activities of students at all times and eliminate all incidents of bullying between students, particularly when students are not under the direct supervision of school personnel. However, to the extent such conduct affects the educational environment of the school district and the rights and welfare of its students and is within the control of the school district in its normal operations, it is the school district's intent to prevent bullying and to take action to investigate, respond, remediate, and discipline those acts of bullying which have not been successfully prevented. The purpose of this policy is to assist the school district in its goal of preventing and responding to acts of bullying, intimidation, violence, and other similar disruptive behavior.

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

- A. An act of bullying, by either an individual student or a group of students, is expressly prohibited on school district property or at school-related functions. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student, other students, or employees. The misuse of technology including, but not limited to, teasing, intimidating, defaming, threatening, or terrorizing another student, teacher, administrator, volunteer, contractor, or other employee of the school district by sending or posting e-mail messages, instant messages, text messages, digital pictures or images, or Web site postings, including blogs, also may constitute an act of bullying regardless of whether such acts are committed on or off school district property and/or with or without the use of school district resources.
- B. No teacher, administrator, volunteer, contractor, or other employee of the school district shall permit, condone, or tolerate bullying.
- C. Apparent permission or consent by a student being bullied does not lessen the prohibitions contained in this policy.
- D. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
- E. False accusations or reports of bullying against another student are prohibited.
- F. A person who engages in an act of bullying, reprisal, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline for that act in accordance with school district's policies and procedures. The school district may take into account the following factors:
  - 1. The developmental and maturity levels of the parties involved;
  - 2. The levels of harm, surrounding circumstances, and nature of the behavior;
  - 3. Past incidences or past or continuing patterns of behavior;
  - 4. The relationship between the parties involved; and
  - 5. The context in which the alleged incidents occurred.

Consequences for students who commit prohibited acts of bullying may range from positive behavioral interventions up to and including suspension and/or expulsion. Consequences for employees who permit, condone, or tolerate bullying or engage in an act of reprisal or intentional false reporting of bullying may result in disciplinary action up to and including termination or discharge. Consequences for other individuals engaging in prohibited acts of bullying may include, but not be limited to, exclusion from school district property and events and/or termination of services and/or contracts.

- G. The school district will act to investigate all complaints of bullying and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who is found to have violated this policy.

*[Note: As the purpose of the policy is to ensure the safety and well-being of students, school districts should review those individuals in their district who may have responsibility for its students, whether formal or informal, to ensure that this purpose is met. Accordingly, school districts may wish to exclude or add certain individuals as being subject to its policy. For example, if a school district is providing visitors with extensive contact with students, the school district may wish to include visitors as individuals subject to the policy to ensure the access the school district has permitted is not being abused. Alternatively, a school district may wish to remove contractors from the policy if the individuals with whom it contracts have little or no contact with students to avoid unnecessary application of the policy.]*

### III. DEFINITIONS

For purposes of this policy, the definitions included in this section apply.

- A. “Bullying” means any written or verbal expression, physical act or gesture, or pattern thereof, by a student that is intended to cause or is perceived as causing distress to one or more students and which substantially interferes with another student’s or students’ educational benefits, opportunities, or performance. Bullying includes, but is not limited to, conduct by a student against another student that a reasonable person under the circumstances knows or should know has the effect of:
1. harming a student;
  2. damaging a student’s property;
  3. placing a student in reasonable fear of harm to his or her person or property; or

4. creating a hostile educational environment for a student.
- B. “Immediately” means as soon as possible but in no event longer than 24 hours.
  - C. “On school district property or at school-related functions” means all school district buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. School district property also may mean a student’s walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting bullying at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events.

#### **IV. REPORTING PROCEDURE**

- A. Any person who believes he or she has been the victim of bullying or any person with knowledge or belief of conduct that may constitute bullying shall report the alleged acts immediately to an appropriate school district official designated by this policy. A student may report bullying anonymously. However, the school district’s ability to take action against an alleged perpetrator based solely on an anonymous report may be limited.
- B. The school district encourages the reporting party or complainant to use the report form available from the principal of each building or available from the school district office, but oral reports shall be considered complaints as well.
- C. The building principal or the principal’s designee or the building supervisor is the person responsible for receiving reports of bullying at the building level. Any person may report bullying directly to a school district human rights officer or the superintendent.
- D. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include bullying. Any such person who receives a report of, observes, or has other knowledge or belief of conduct that may constitute bullying shall inform the building principal immediately.

- E. Reports of bullying are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.
- F. Submission of a good faith complaint or report of bullying will not affect the complainant's or reporter's future employment, grades, or work assignments, or educational or work environment.
- G. 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 obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

## **V. SCHOOL DISTRICT ACTION**

- A. Upon receipt of a complaint or report of bullying, the school district shall undertake or authorize an investigation by school district officials or a third party designated by the school district.
- B. The school district may take immediate steps, at its discretion, to protect the complainant, reporter, students, or others pending completion of an investigation of bullying, consistent with applicable law.
- C. Upon completion of the investigation, 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 the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; school district policies; and regulations.
- D. 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 parent(s) or guardian(s) of students involved in a bullying incident and the remedial action taken, to the extent permitted by law, based on a confirmed report.

## **VI. REPRISAL**

The school district will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who retaliates against any person who makes a good faith report of alleged

bullying or against any person who testifies, assists, or participates in an investigation, or against any person who testifies, assists, or participates in a proceeding or hearing relating to such bullying. Retaliation includes, but is not limited to, any form of intimidation, harassment, or intentional disparate treatment.

## **VII. TRAINING AND EDUCATION**

- A. The school district annually will provide information and any applicable training to school district staff regarding this policy.
- B. The school district annually will provide education and information to students regarding bullying, including information regarding this school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying.
- C. The administration of the school district is directed to implement programs and other initiatives to prevent bullying, to respond to bullying in a manner that does not stigmatize the victim, and to make resources or referrals to resources available to victims of bullying.
- D. 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, and resourcefulness.

## **VIII. NOTICE**

The school district will give annual notice of this policy to students, parents or guardians, and staff, and this policy shall appear in the student handbook.

***Legal References:*** Minn. Stat. § 120B.232 (Character Development Education)  
Minn. Stat. § 120B.233 (Character Development Education Revenue; Pilot Program)  
Minn. Stat. § 121A.03 (Sexual, Religious and Racial Harassment and Violence)  
Minn. Stat. § 121A.0695 (School Board Policy; Prohibiting Intimidation and Bullying)  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.69 (Hazing Policy)

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

MSBA/MASA Model Policy 413 (Harassment and Violence)  
 MSBA/MASA Model Policy 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 423 (Employee-Student Relationships)

MSBA/MASA Model Policy 501 (School Weapons Policy)  
 MSBA/MASA Model Policy 506 (Student Discipline)  
 MSBA/MASA Model Policy 507 (Corporal Punishment)  
 MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
 MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)

MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)  
 MSBA/MASA Model Policy 525 (Violence Prevention)  
 MSBA/MASA Model Policy 526 (Hazing Prohibition)  
 MSBA/MASA Model Policy 529 (Staff Notification of Violent Behavior by Students)  
 MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)

MSBA/MASA Model Policy 711 (Videotaping on School Buses)  
 MSBA/MASA Model Policy 712 (Video Surveillance Other Than on Buses)

Motion by Bjerklie and seconded by B. Larson to adopt Bullying Prohibition Policy 514.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
 Against-None  
 Absent- Salmela

This is the second reading of the Crisis Management, Policy 806.

## **806 CRISIS MANAGEMENT POLICY**

*[Note: The Commissioner of Education is required to maintain and make available to school boards and charter schools a Model Crisis Management Policy. See Minn. Stat. § 121A.035. School boards and charter schools must adopt a Crisis Management Policy to address potential crisis situations in their school districts or charter schools. Id. The policies must be developed in consultation with school administrators, teachers, employees, students, parents/guardians, community members, community emergency response agencies, including law enforcement and fire officials, county attorney offices, social service agencies, and any other appropriate individuals or organizations (such as Safe and Drug Free School coordinators and bus contractors). Id.*

*Effective for the 2006-07 school year and later, the policy must include at least five school lock-down drills, five school fire drills consistent with Minn. Stat. § 299F.30, and one school tornado drill. This Model Crisis Management Policy is the result of a collaborative effort between the Minnesota Department of Education, Division of Compliance and Assistance; the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management; and the Minnesota School Boards Association.]*

## **I. PURPOSE**

The purpose of this Model Crisis Management Policy is to act as a guide for school district and building administrators, school employees, students, school board members, and community members to address a wide range of potential crisis situations in the school district. For purposes of this Policy, the term, “school districts,” shall include charter schools. The step-by-step procedures suggested by this Policy will provide guidance to each school building in drafting crisis management plans to coordinate protective actions prior to, during, and after any type of emergency or potential crisis situation. Each school district should develop tailored building-specific crisis management plans for each school building in the school district, and sections or procedures may be added or deleted in those crisis management plans based on building needs.

The school district will, to the extent possible, engage in ongoing emergency planning within the school district and with first responders and other relevant community organizations. The school district will ensure that relevant first responders in the community have access to their building-specific crisis management plans and will provide training to school district staff to enable them to act appropriately in the event of a crisis.

## **II. GENERAL INFORMATION**

### **A. The Policy and Plans**

The school district’s Crisis Management Policy has been created in consultation with local community response agencies and other appropriate individuals and groups that would likely be involved in the event of a school emergency. It is designed so that each building administrator can tailor a building-specific crisis management plan to meet that building’s specific situation and needs.

The school district’s administration and/or the administration of each building shall present tailored building-specific crisis management plans to the school board for review and approval. The building-specific crisis management plans will include general crisis procedures and crisis-specific procedures. Upon approval by the school board, such crisis management plans shall be an addendum to this Crisis Management

Policy. This Policy and the plans will be maintained and updated on an annual basis.

B. Elements of the District Crisis Management Policy

1. General Crisis Procedures. The Crisis Management Policy includes general crisis procedures for securing buildings, classroom evacuation, building evacuation, campus evacuation, and sheltering. The Policy designates the individual(s) who will determine when these actions will be taken. These district-wide procedures may be modified by building administrators when creating their building-specific crisis management plans. A communication system will be in place to enable the designated individual to be contacted at all times in the event of a potential crisis, setting forth the method to contact the designated individual, the provision of at least two designees when the contact person is unavailable, and the method to convey contact information to the appropriate staff persons. The alternative designees may include members of the emergency response team. A secondary method of communication should be included in the plan for use when the primary method of communication is inoperable. Each building in the school district will have access to a copy of the Emergency Planning and Procedures Guide for Schools to assist in the development of building-specific crisis management plans. Finally, all general crisis procedures will address specific procedures for children with special needs such as physical, sensory, motor, developmental, and mental health challenges.

***[Note: More specific information on planning for children with special needs can be found in the United States Department of Education’s document entitled, “Practical Information on Crisis Planning, a Guide for Schools and Communities,” at page 6.30. A website link is provided in the resource section of this Policy.]***

- a. Lock-Down Procedures. Lock-down procedures will be used in situations where harm may result to persons inside the school building, such as a shooting, hostage incident, intruder, trespass, disturbance, or when determined to be necessary by the building administrator or his or her designee. The building administrator or designee will announce the lock-down over the public address system or other designated system. Code words will not be used. Provisions for emergency evacuation will be maintained even in the event of a lock-down. Each building administrator will submit lock-down procedures for their

building as part of the building-specific crisis management plan.

***[Note: State law requires a minimum of five school lock-down drills each school year. See Minn. Stat. § 121A.035.]***

- b. Evacuation Procedures. Evacuations of classrooms and buildings—shall be implemented at the discretion of the building administrator or his or her designee. Each building’s crisis management plan will include procedures for transporting students and staff a safe distance from harm to a designated safe area until released by the building administrator or designee. Safe areas may change based upon the specific emergency situation. The evacuation procedures should include specific procedures for children with special needs, including children with limited mobility (wheelchairs, braces, crutches, etc.), visual impairments, hearing impairments, and other sensory, developmental, or mental health needs. The evacuation procedures should also address transporting necessary medications for students that take medications during the school day.
  
- c. Sheltering Procedures. Sheltering provides refuge for students, staff, and visitors within the school building during an emergency. Shelters are safe areas that maximize the safety of inhabitants. Safe areas may change based upon the specific emergency. The building administrator or his or her designee will announce the need for sheltering over the public address system or other designated system. Each building administrator will submit sheltering procedures for his or her building as part of the building-specific crisis management plan.

***[Note: State law requires a minimum of five school fire drills, consistent with Minn. Stat. § 299F.30, and one school tornado drill each school year. See Minn. Stat. § 121A.035.]***

***[Note: The attached Emergency Planning and Procedures Guide for Schools has sample lock-down procedures, evacuation procedures, and sheltering procedures.]***

- 2. Crisis-Specific Procedures. The Crisis Management Policy includes crisis-specific procedures for crisis situations that may occur during the school day or at school-sponsored events and

functions. These district-wide procedures are designed to enable building administrators to tailor response procedures when creating building-specific crisis management plans.

***[Note: The attached Emergency Planning and Procedures Guide for Schools includes crisis-specific procedures.]***

3. School Emergency Response Teams

- a. Composition. The building administrator in each school building will select a school emergency response team that will be trained to respond to emergency situations. All school emergency response team members will receive ongoing training to carry out the building's crisis management plans and will have knowledge of procedures, evacuation routes, and safe areas. For purposes of student safety and accountability, to the extent possible, school emergency response team members will not have direct responsibility for the supervision of students. Team members must be willing to be actively involved in the resolution of crises and be available to assist in any crisis situation as deemed necessary by the building administrator. Each building will maintain a current list of school emergency response team members which will be updated annually. The building administrator, and his or her alternative designees, will know the location of that list in the event of a school emergency. A copy of the list will be kept on file in the school district office, or in a secondary location in single building school districts.

***[Note: The attached Emergency Planning and Procedures Guide for Schools has a sample School Emergency Response Team list.]***

- b. Leaders. The building administrator or his or her designee will serve as the leader of the school emergency response team and will be the primary contact for emergency response officials. In the event the primary designee is unavailable, the designee list should include more than one alternative designee and may include members of the emergency response team. When emergency response officials are present, they may elect to take command and control of the crisis. It is critical in this situation that school officials assume a resource role and be available as necessary to emergency response officials.

### III. PREPARATION BEFORE AN EMERGENCY

#### A. Communication

1. District Employees. Teachers generally have the most direct contact with students on a day-to-day basis. As a result, they must be aware of their role in responding to crisis situations. This also applies to non-teaching school personnel who have direct contact with students. All staff shall be aware of the school district's Crisis Management Policy and their own building's crisis management plan. Each school's building-specific crisis management plan shall include the method and dates of dissemination of the plan to its staff. Employees will receive a copy of the relevant building-specific crisis management plans and shall receive periodic training on plan implementation.
2. Students and Parents. Students and parents shall be made aware of the school district's Crisis Management Policy and relevant tailored crisis management plans for each school building. Each school district's building-specific crisis management plan shall set forth how students and parents are made aware of the district and school-specific plans. Students shall receive specific instruction on plan implementation and shall participate in a required number of drills and practice sessions throughout the school year.

#### B. Planning and Preparing for Fire

1. Designate a safe area at least 50 feet away from the building to enable students and staff to evacuate. The safe area should not interfere with emergency responders or responding vehicles and should not be in an area where evacuated persons are exposed to any products of combustion.
2. Each building's facility diagram and site plan shall be available in appropriate areas of the building and shall identify the most direct evacuation routes to the designated safe areas both inside and outside of the building. The facility diagram and site plan must identify the location of the fire alarm control panel, fire alarms, fire extinguishers, hoses, water spigots, and utility shut offs.
3. Teachers and staff will receive training on the location of the primary emergency evacuation routes and alternate routes from various points in the building. During fire drills, students and staff will practice evacuations using primary evacuation routes and alternate routes.

4. Certain employees, such as those who work in hazardous areas in the building, will receive training on the locations and proper use of fire extinguishers and protective clothing and equipment.
5. Fire drills will be conducted periodically without warning at various times of the day and under different circumstances, e.g., lunchtime, recess, and during assemblies. State law requires a minimum of five fire drills each school year, consistent with Minn. Stat. § 299F.30. See Minn. Stat. § 121A.035.

***[Note: The State Fire Marshal advises schools to defer fire drills during the winter months.]***

6. A record of fire drills conducted at the building will be maintained in the building administrator's office.
7. The school district will have prearranged sites for emergency sheltering and transportation as needed.
8. The school district will determine which staff will remain in the building to perform essential functions if safe to do so (e.g., switchboard, building engineer, etc.). The school district also will designate an administrator or his or her designee to meet local fire or law enforcement agents upon their arrival.

***[Note: The attached Emergency Planning and Procedures Guide for Schools has a sample fire procedure form.]***

C. Facility Diagrams and Site Plans

All school buildings will have a facility diagram and site plan that includes the location of primary and secondary evacuation routes, exits, designated safe areas inside and outside of the building, and the location of fire alarm control panel, fire alarms, fire extinguishers, hoses, water spigots, and utility shut offs. All facility diagrams and site plans will be regularly updated and whenever a major change is made to a building. Facility diagrams and site plans will be available in the office of the building administrator and in other appropriate areas and will be easily accessible and on file in the school district office. Facility diagrams and site plans will be provided to first responders, such as fire and law enforcement personnel. For single building school districts, such as charter schools, a secondary location for the diagrams and site plans will be included in the district's Crisis Management Policy and may include filing documents with a charter school sponsor, or compiling facility diagrams and site plans on a CD-Rom and distributing copies to first responders or sharing the documents with first responders during the crisis planning process.

D. Emergency Telephone Numbers

Each building will maintain a current list of emergency telephone numbers and the names and addresses of local, county, and state personnel who may be involved in a crisis situation. The list will include telephone numbers for local police, fire, ambulance, hospital, the Poison Control Center, county and state emergency management agencies, local public works departments, local utility companies, the public health nurse, mental health/suicide hotlines, and the county welfare agency. A copy of this list will be kept on file in the school district office, or at a secondary location for single building school districts, and updated annually.

School district employees will receive training on how to make emergency contacts, including 911 calls, when the school district's main telephone number and location is electronically conveyed to emergency personnel instead of the specific building in need of emergency services.

School district plans will set forth a process to internally communicate an emergency, using telephones in classrooms, intercom systems, or two-way radios, as well as the procedure to enable the staff to rapidly convey emergency information to a building designee. Each plan will identify a primary and secondary method of communication for both internal and secondary use. It is recommended that the plan include several methods of communication because computers, intercoms, telephones, and cell phones may not be operational or may be dangerous to use during an emergency.

***[Note: The attached Emergency Planning and Procedures Guide for Schools has a sample Emergency Phone Numbers list.]***

E. Warning Systems

The school district shall maintain a warning system designed to inform students, staff, and visitors of a crisis or emergency. This system shall be maintained on a regular basis under the maintenance plan for all school buildings.

It shall be the responsibility of the building administrator to inform students and employees of the warning system and the means by which the system is used to identify a specific crisis or emergency situation. Each school's building-specific crisis management plan will include the method and frequency of dissemination of the warning system information to students and employees.

F. Early School Closure Procedures

The superintendent will make decisions about closing school or buildings as early in the day as possible. The early school closure procedures will set forth the criteria for early school closure (e.g., weather-related, utility failure, or a crisis situation), will specify how closure decisions will be communicated to staff, students, families, and the school community (designated broadcast media, local authorities, e-mail, or district or school building web sites), and will discuss the factors to be considered in closing and reopening a school or building.

Early school closure procedures also will include a reminder to parents and guardians to listen to designated local radio and TV stations for school closing announcements, where possible.

G. Media Procedures

The superintendent has the authority and discretion to notify parents or guardians and the school community in the event of a crisis or early school closure. The superintendent will designate a spokesperson who will notify the media in the event of a crisis or early school closure. The spokesperson shall receive training to ensure that the district is in strict compliance with federal and state law relative to the release of private data when conveying information to the media.

***[Note: The attached Emergency Planning and Procedures Guide for Schools has a sample Media Procedures form.]***

H. Grief-Counseling Procedures

Grief-counseling procedures will set forth the procedure for initiating grief-counseling plans. The procedures will utilize available resources including the school psychologist, counselor, community grief counselors, or others in the community. Grief-counseling procedures will be used whenever the superintendent or the building administrator determines it to be necessary, such as after an assault, a hostage situation, shooting, or suicide. The grief-counseling procedures shall include the following steps:

1. Administrator will meet with relevant persons, including school psychologists and counselors, to determine the level of intervention needed for students and staff.
2. Designate specific rooms as private counseling areas.
3. Escort siblings and close friends of any victims as well as others in need of emotional support to the counseling areas.

4. Prohibit media from interviewing or questioning students or staff.
5. Provide follow-up services to students and staff who receive counseling.
6. Resume normal school routines as soon as possible.

#### **IV. SAMPLE PROCEDURES INCLUDED IN THIS POLICY**

Sample procedures for the various hazards/emergencies listed below are attached to this Policy for use when drafting specific crisis management plans. After approval by the school board, an adopted procedure will become an addendum to the Crisis Management Policy.

- A. Fire
- B. Hazardous Materials
- C. Severe Weather: Tornado/Severe Thunderstorm/Flooding
- D. Medical Emergency
- E. Fight/Disturbance
- F. Assault
- G. Intruder
- H. Weapons
- I. Shooting
- J. Hostage
- K. Bomb Threat
- L. Chemical or Biological Threat
- M. Checklist for Telephone Threats
- N. Demonstration
- O. Suicide
- P. Lock-down Procedures

- Q. Shelter-In-Place Procedures
- R. Evacuation/Relocation
- S. Media Procedures
- T. Post-Crisis Procedures
- U. School Emergency Response Team
- V. Emergency Phone Numbers
- W. Highly Contagious Serious Illness or Pandemic Flu

## V. MISCELLANEOUS PROCEDURES

### A. Chemical Accidents

Procedures for reporting chemical accidents shall be posted at key locations such as chemistry labs, art rooms, swimming pool areas, and janitorial closets.

*[Note: School buildings must maintain Material Safety Data Sheets (M.S.D.S.) for all chemicals on campus. State law, federal law, and OSHA require that pertinent staff have access to M.S.D.S. in the event of a chemical accident.]*

### B. Visitors

The school district shall implement procedures mandating visitor sign in and visitors in school buildings. See MSBA/MASA Model Policy 903 (Visitors to School District Buildings and Sites).

The school district shall implement procedures to minimize outside entry into school buildings except at designated check-in points and assure that all doors are locked prior to and after regular building hours.

### C. Student Victims of Criminal Offenses at or on School Property

The school district shall establish procedures allowing student victims of criminal offenses on school property the opportunity to transfer to another school within the school district.

*[Note: No Child Left Behind Act, Title IX, Part E, Subpart 2, Section 9532 and the Unsafe School Choice Option, 20 U.S.C. § 7912, require school districts to establish such transfer procedures.]*

D. Radiological Emergencies at Nuclear Generating Plants [OPTIONAL]

School districts within a ten (10) mile radius of the Monticello or Prairie Island nuclear power plants will implement crisis plans in the event of an accident or incident at the power plant.

Questions relative to the creation or implementation of such plans will be directed to the Minnesota Department of Public Safety.

**Legal References:** 42 U.S.C. § 5121 *et seq.* (Disaster Relief and Emergency Assistance)  
Minn. Stat. Ch. 12 (Emergency Management)  
Minn. Stat. § 121A.06 (Reports of Dangerous Weapon Incidents in School Zones)  
Minn. Stat. § 121A.035 (Crisis Management Policy)  
Minn. Stat. § 299F.30 (Fire Drill in School)  
Minn. Stat. § 609.605, Subd. 4 (Trespasses on School Property)  
Minn. Rules Part 7510 (Fire Safety)  
Title IX, Part E, Subpart 2, Section 9532 (No Child Left Behind)  
20 U.S.C. § 7912 (Unsafe School Choice Option)

**Cross References:** MSBA/MASA Model Policy 407 (Employee Right to Know – Exposure to Hazardous Substances)  
MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 501 (School Weapons Policy)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 532 (Use of Peace Officers and Crisis Teams to Remove Students with IEPs from School Grounds)  
MSBA/MASA Model Policy 903 (Visitors to School District Buildings and Sites)

Motion by A. Larson and seconded by B. Larson to adopt Crisis Management Policy 806.

Yes- Bjerklie, Bruns, Fowler, A. Larson, B. Larson,  
Against-None  
Absent- Salmela

Comments from the board:

Board member Bjerklie welcomed Mark Foster to the school board.  
Board member Fowler also welcomed Mark Foster to the school board.  
Board member A. Larson concurred and welcomed Mark Foster to the school board.  
Board member B. Larson welcomed Mark Foster to the school board.

Superintendent Rick welcomed Mark Foster to the school board and assured Mr. Foster that he would be in contact with him.

Board Chair Bruns welcomed Mark Foster to the school board and stated that he will be an asset to the board. Ms. Bruns also commented on the Orr School softball field and the wonderful improvements that are being done. She also announced that they received a grant from the Minnesota Twins.

Comments from visitors:

Cotton Resident John Wood verbally thanked the school board for Cotton School baseball.

The meeting was adjourned at 5:45 p.m.