

Technical Academies of Minnesota

Adopted: Orig. 6/22/2013

Revised: 8/25/2020

100 COMPLAINTS - STUDENTS, STAFF, PARENTS, OTHER PERSONS

I. PURPOSE

The District takes seriously all concerns or complaints by students, staff, parents or other persons. If a specific complaint procedure is provided within any other policy of the District, the specific procedure shall be followed in reference to such a complaint. If a specific complaint procedure is not provided, the purpose of this policy is to provide a procedure that may be used.

II. GENERAL STATEMENT OF POLICY

- A. Students, parents, staff or other persons, may report concerns or complaints to the school. While written reports are encouraged, a complaint may be made orally. Any staff member receiving an oral complaint shall document the receipt of the complaint. Any staff member receiving a complaint shall advise the Convener of the receipt of the complaint. The Convener shall make an initial determination as to the seriousness of the complaint and whether the matter should be referred to the Board Chairperson. A person may file a complaint at any level of the school; i.e., staff, Convener, or the School Board. However, persons are encouraged to file a complaint at the building level when appropriate.
- B. Depending upon the nature and seriousness of the complaint, the Convener receiving the complaint shall determine the nature and scope of the investigation or follow up procedures. If the complaint involves serious allegations, the matter shall promptly be referred to the Board Chairperson who shall determine whether an internal or external investigation should be provided. In either case, the Board Chairperson shall determine the nature and scope of the investigation and designate the person responsible for the investigation or follow up relating to the complaint. The designated investigator shall ascertain details concerning the complaint and respond promptly to the Board Chairperson concerning the status or outcome of the matter.
- C. The Board Chairperson shall respond in writing to the complaining party concerning the outcome of the investigation or follow up, including any action appropriate or corrective measure that was taken. The response to the complaining party shall be consistent with the rights of others pursuant to the applicable provisions of Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act) or other law.

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

Bulletin "I" (School Records-Privacy-Access to Data)

Technical Academies of Minnesota

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101 USE OF SCHOOL FACILITIES AND EQUIPMENT

I. PURPOSE

These rules and regulations apply to community groups, organizations, and individuals who desire to utilize facilities and equipment.

II. GENERAL STATEMENT OF POLICY

- A. Applications for use of school facilities and equipment shall be made through the Office Manager or Facilities Committee. The application process for facilities use requires a representative to complete the written application for review by the Facilities Committee. Facilities Use Agreement requests will not be accepted over the phone.
- B. The applicant for use of the facilities and equipment shall enter into an agreement with the District providing that the applicant shall assume all liability for personal injury or property damage arising from and out of or in connection with the use of the facilities and equipment and may furnish a certificate of insurance with reference thereto and shall enter into an agreement in writing for such assumption and shall defend and indemnify the school district for any loss by the District sustained as a result of the activity and use of facilities and equipment by the applicant.
- C. To reserve school buildings and equipment, notice shall be at least one week (7) days in advance. Audio visual equipment cannot be guaranteed for use more than two days in advance. Regular school classes, activities, and organizations shall have first priority in reserving the use of school facilities and equipment.
- D. The Office Manager will clear the time and date with the school staff and review procedures with the applicant.
- E. Any authorized school district staff member accepting the responsibility to supervise school buildings must sign the Facilities Use Agreement form. The staff supervisor is responsible for familiarizing herself/himself with building procedures and safety precautions.
- F. In certain situations, a non-staff person may be allowed to supervise if they have been trained and approved by the Facilities Committee and signed the Facilities Use Agreement form.

- G. Applicants may not assign, transfer, sublet or charge fees for use of facilities or equipment. Furniture and equipment owned by the district should not be removed from a room unless supervised by a school staff member. Furniture and equipment must be restored to the original order. In the event facilities are not restored to the condition in which they were found, a custodial fee for special cleanup will be charged.
- H. Any equipment moved into the building must be removed promptly so it will not interfere with the normal school program.
- I. Applicants must agree to pay the District for any and all damages caused by any person or persons attending the activity. The District will not cover the liability of any equipment
- J. Applicants will assure the District that participants will confine themselves to the area requested.
- K. Applicants will assure the District that adequate adult supervision will be provided and that inappropriate conduct will not be tolerated.
- L. All local ordinances, policies and fire regulations and state laws must be observed.
- M. All school buildings and grounds are tobacco and e-cigarette/vape free.
- N. The consumption of intoxicating beverages or illicit drugs anywhere in or on the district premises is prohibited.
- O. Dances open to the general public are prohibited, as is gambling.

**Independent School District No. 4217
 Technical Academies of Minnesota
 Facilities Use Agreement Form**

Statement of Policy It is the policy of this District to grant equal access to school facilities for students who wish to conduct a meeting for religious, political, or philosophical discussion during non-instructional time, pursuant to the Equal Access Act.

Provision of school facilities does not constitute District sponsorship of such meetings, and the views expressed therein may or may not reflect those of the school staff, or board and are neither approved nor disapproved by them.

Organization Requesting Use:	Date Request Submitted:
Organization Contact Person:	Date of Requested Meeting:
Purpose of Meeting:	Time of Meeting:
Estimated Number of People in Attendance:	Space/Rooms requested for Meeting Space:
Special Equipment Needs (including A/V):	Staff (if any) Assigned to Supervise:

On Date of Use

Condition of Facilities When Arrived:	Condition of Facilities when Leaving:
<hr/> Requestee Signature-Arrival	<hr/> Requestee Signature-Departure

District Use Only

Date Assigned:	Space Assigned:	Supervision:
Special Needs:	Contacted:	Billed:

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102 EQUAL EDUCATIONAL OPPORTUNITY

I. PURPOSE

The purpose of this policy is to ensure that equal educational opportunity is provided for all students of the District.

II. GENERAL STATEMENT OF POLICY

- A. It is the District's policy to provide equal educational opportunity for all students. The District does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, parental status, status with regard to public assistance, disability, sexual orientation or age. The District also makes reasonable accommodations for disabled students.
- B. The District prohibits the harassment of any individual for any of the categories listed above. For information about the types of conduct that constitute violation of the District's policy on harassment and violence and the District's procedures for addressing such complaints, refer to the District's policy on harassment and violence.
- C. This policy applies to all areas of education including academics, coursework, co-curricular and extracurricular activities, or other rights or privileges of enrollment.
- D. It is the responsibility of every District employee to comply with this policy conscientiously.
- E. Any student, parent or guardian having any questions regarding this policy should discuss it with the appropriate District official as provided by policy. In the absence of a specific designee, an inquiry or a complaint should be referred to Convener.

Legal References: Minn. Stat. Ch. 363 (Minnesota Human Rights Act)
Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)
42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)
20 U.S.C. § 1681 *et seq.* (Title IX of the Education Amendments of 1972)

Cross References: MSBA/MASA Model Policy 402 (Disability Nondiscrimination)
MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)

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200 THE SCHOOL BOARD OFFICERS

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 Chairperson, a Recorder, a Treasurer and such other officers as determined by the School Board. At its option, the School Board may appoint a Vice-Chairperson to serve in the temporary absence of the Board Chair.
- B. The School Board shall appoint a Director who shall be an ex-officio, non-voting member of the School Board.

III. ORGANIZATION

- A. The School Board shall meet in October in order to organize the School Board by selecting a Chairperson, Recorder, Vice-Chairperson and Treasurer who shall hold their offices for a term of 2 years with the option to seek re-election. Elections will be held yearly to select persons to fill vacancies as needed.
 - 1. The persons who perform the duties of Recorder and Treasurer need not be members of the School Board.
 - 2. The School Board, by resolution, may combine the duties of the offices of Recorder and Treasurer in a single person in the office of business affairs.

IV. OFFICER'S RESPONSIBILITIES

- A. Chairperson
 - 1. The Chairperson 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 District in all actions and perform all duties a Chairperson usually performs.
 - 2. In case of absence, inability, or refusal of the Treasurer to draw orders for the payment of money authorized by a vote of the majority of the School Board to be

paid, the Chairperson may draw the orders, or the office of the Recorder may be declared vacant by the Chairperson and filled by appointment.

B. Treasurer

1. The Treasurer shall monitor deposit of funds of the District in the official depository.
2. On or before August 15 of each year, the Treasurer 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:
 - i. Condition and value of District property;
 - ii. Revenues and expenditures in detail, and such other financial information required by law, rule, or as may be called for by the commissioner; and keep an itemized account of all expenses of the District.
3. The Treasurer shall make all reports which may be called for by the School Board and perform all duties a Treasurer usually performs.
4. The Treasurer shall authorize the payment of money for bills allowed by the School Board for teachers' wages and all claims, to be countersigned by a designated representative
5. 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. Recorder

1. The Recorder shall keep a record of all meetings in the books provided.
2. Within three days after an election, the Recorder shall notify all persons elected of their election results.
3. Length of school term and enrollment and attendance by grades; and other items of information as called for by the commissioner.
4. The Recorder shall enter into the Recorder's record book copies of all reports and of the proceedings of any meeting.
5. The Recorder shall perform such duties as required by the Minnesota Election Law or other applicable laws relating to the conduct of elections.

D. Vice-Chairperson (Optional]

1. The Vice-Chairperson shall perform the duties of the Chairperson in the event of the Chairperson's temporary absence.

E. Director

1. The Director shall be an ex-officio, non-voting member of the School Board.
2. The Director shall perform the following:
 - a. Make reports required by the commissioner; and

- b. Perform other duties prescribed by the School Board.

Legal References: Minn. Stat. § 123B.12 (Finance)
Minn. Stat. § 123B.14 (Officers)
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)
MSBAMASA Model Policy 203 (Operation of the School Board -
Governing Rules)
MSBA Service Manual, Chapter 1, School District Governance, Powers
and Duties

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200.5 ORDER OF THE REGULAR SCHOOL BOARD MEETING

I. PURPOSE

The purpose of this policy is to ensure consistency in the order of business at regular School Board meetings.

II. GENERAL STATEMENT OF POLICY

It is the policy of the School Board to consider matters that come before it in a consistent and orderly manner.

III. ORDER

- A. The School Board shall conduct an orderly School Board meeting. The School Board will, at all regular School Board meetings, follow an agenda order similar to:
1. Call to order.
 2. Approval of agenda.
 3. Recognition of visitors.
 4. Approval of prior meeting minutes.
 5. Consent agenda.
 6. Presentation of additional bills for payment.
 7. Reports.
 8. Written communications.
 9. Announcements.
 10. Other old or unfinished business.
 11. New business.
 12. Adjournment.
- B. Items in this order may be considered as part of a consent agenda.
- C. The School Board may depart from the order of business with the consent of the majority of members present.

Legal References: Minn. Stat. § 123B.09, Subd. 7 (School Board Powers)

Cross References: MSBA/MASA Model Policy 203 (Operation of the School Board Governing Rules)
MSBAMASA Model Policy 203.5 (School Board Meeting Agenda)
MSBAMASA Model Policy 203.6 (Consent Agendas)

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200.6 ANNUAL MEETING OF THE BOARD

- A. The agenda for the re-organizational meeting of the School Board shall include but not be limited to the following agenda items:
1. Roll call
 2. Election of the Chairperson
 3. Election of the Recorder
 4. Election of the Treasurer
 5. Election of the Vice-Chairperson
 6. Setting of School Board member per diem
 7. Authorization for Treasurer to invest and transfer funds within statutory limitations
 8. Authorization of official school depositories
 9. Setting of School Board meetings
 10. Designation of the official newspaper
 11. Appointment of the Attorney for the District
 12. Designate Human Rights Officer

Technical Academies of Minnesota

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201 OPEN MEETINGS AND CLOSED 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 a written notice of the date, time, place, and purpose of the meeting on the principal bulletin board of the 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 District or, if none, in a qualified newspaper of general circulation within the area of the 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 School Board minutes and shall be available to the public during all normal business hours at the school.

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. 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.

F. 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.

G. Performance Evaluations

The School Board may close a meeting 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.

H. 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.

I. Dismissal Hearing

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. A hearing on the dismissal of a student pursuant to the Pupil Fair Dismissal Act shall be closed unless the pupil, parent or guardian requests and open hearing.

J. Meetings to Discuss Certain Not Public Data

1. 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.

K. Purchase and Sale of Property

1. The School Board may close a meeting:
 - a. To determine the asking price for real or personal property to be sold by the District.
 - b. To review confidential or nonpublic appraisal data; and
 - c. To develop or consider offers or counteroffers for the purchase or sale of real or personal property.
2. 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.
3. The closed meeting must be tape recorded at the expense of the 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.
4. 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.

L. Security Matters

1. 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.
2. Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting.
3. Before closing a meeting, the School Board must refer to the facilities, systems, procedures, services, or infrastructures to be considered during the closed meeting.
4. The closed meeting must be tape recorded at the expense of the District and the recording must be preserved for at least four (4) years.

M. Other Meetings

Other meetings shall be closed as provided by law.

N. 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)

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**202 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 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 providing services to the school. For purposes of this policy, "employee" includes a volunteer, a contracted employee, and a member of an advisory board.
- B. Personnel data on current and former employees that is "public" includes:
 - 1. 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 staff member 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. "Educational data" means data maintained by the District which relates to a student.
- D. "Student" means an individual currently or formerly enrolled or registered in the District, or applicants for enrollment, or individuals who receive shared time services.
- E. Data on applicants for election or appointment to a public body, including a School Board member, 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.

IV. RIGHTS TO PRIVACY

- A. District teachers 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. 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 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 Board Chairperson in advance of the School Board meeting. The citizen should provide his or her name, address, the name of the 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. They should identify the subject and identify agenda item(s) to which their comments pertain.
3. The Board Chairperson 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 Chairperson 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 Board Chairperson 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 staff member or other employee should first be directed to the Convener (and eventually the Personnel Committee). Depending on the severity of the complaint and the result of the investigation and improvement plan, it will be forwarded to the Board Chairperson and then to the Director.
2. If the complaint is against a staff member relating to child abuse, discrimination, racial, religious, or sexual harassment, or other activities involving an intimidating atmosphere, the complaint should be directed to the Board Chairperson, who in consultation with the Convener/Personnel Committee and will make recommendations to deal with the complaint.
3. Unresolved complaints from paragraph 1 of this section or problems concerning the District should be directed to the School Board.
4. Complaints which are unresolved at the Board Chairperson's level may be brought before the School Board by notifying the School Board in writing requesting placement on the School Board agenda.

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.

VII. PENALTIES FOR VIOLATION OF DATA PRIVACY

- A. The 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. 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. § 1224.40, 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) guilty of a misdemeanor. (Minn.
Stat. § 13.09)

Technical Academies of Minnesota

Adopted: Orig. 6/22/2013

Revised: 8/25/2020

203 PUBLIC HEARINGS

I. PURPOSE

The School Board recognizes the importance of obtaining public input on matters properly before the School Board. The purpose of this policy is to establish procedures to efficiently receive public input.

II. GENERAL STATEMENT OF POLICY

In order for the School Board to efficiently receive public input on matters properly before the school board, the School Board establishes the procedures set forth in this policy.

III. PROCEDURES

A. Public Hearings

Public hearings are required by law to be held concerning certain issues, including but not limited to, school closings (Minn. Stat. § 123.36), truth in taxation (Minn. Stat. § 275.065), education district establishment (Minn. Stat. § 122.91), and agreements for secondary education (Minn. Stat. § 122.535). Additionally, other public hearings may be held by the School Board on District matters at the discretion of the School Board.

B. Notice of Public Hearings

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

C. Public Participation

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

1. Format of Request

If required by the School Board, a written request of an individual or a group to address the School Board shall contain the name and address of the person or group seeking to address the School Board. It shall also contain the name of the group represented, if any, and a brief statement of the subject to be covered or the issue to be addressed.

2. Time Limitation

The School Board retains the discretion to limit the time for each presentation as needs dictate.

3. Groups

The School Board retains the discretion to require that any group of persons who desire to address the School Board designate one representative or spokesperson. In the event that the School Board requires the designation of a representative or spokesperson, no other person in the group will be recognized to address the School Board, except as otherwise determined by the School Board.

4. Privilege to Speak

A School Board member should direct any remarks or questions through the chair. Only those speakers recognized by the Board Chairperson will be allowed to speak. Comments by others are out of order. Individuals who interfere with or interrupt speakers, the school board, or the proceedings may be directed to leave.

5. Personal Attacks

Personal attacks by anyone addressing the School Board are unacceptable. Persistence in such remarks by an individual shall terminate that person's privilege to address the School Board.

6. Limitations on Participation

Depending upon the number of persons in attendance seeking to be heard, the School Board reserves the right to impose such other limitations and restrictions as necessary in order to provide an orderly, efficient and fair opportunity for those present to be heard.

Legal References: Minn. Stat. 122.535 (agreements for secondary education)
Minn. Stat. § 122.91 (education district establishment)
Minn. Stat. § 123.36 (school closings) Minn. Stat. § 275.065 (truth and taxation)

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

Technical Academies of Minnesota

Adopted: Orig. 6/22/2013

Revised: 8/25/2020

204 DEVELOPMENT, ADOPTION, AND IMPLEMENTATION OF POLICIES

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

III. DEVELOPMENT OF POLICY

- A. The School Board has jurisdiction to legislate policy for the District with the force and effect of law. School Board policy provides the general direction as to what the School Board wishes to accomplish while delegating implementation of policy to the administration.
- B. The School Board's written policies provide guidelines and goals to the District community. The policies shall be the basis for the formulation of regulations by the administration. The School Board shall determine the effectiveness of the policies by evaluating periodic reports from the administration.
- C. Policies may be proposed by a School Board member, employee, student or member of the District. Proposed policies or ideas shall be submitted to the Board Chairperson for review prior to possible placement on the School Board agenda.

IV. ADOPTION OF POLICY

- A. The School Board shall give notice of proposed policy changes or adoption of new policies by placing the item on the agenda of two School Board meetings. Proposals shall be distributed and public comment will be allowed at both meetings prior to final School Board action.
- B. The final action taken to adopt the proposed policy shall be approved by a simple

majority vote of the School Board at a subsequent meeting after the meetings at which public input was received. The policy will be effective on the later of the date of passage or the date stated in the motion.

- C. In the case of an emergency, a new or modified policy may be adopted by a majority vote of a quorum of the School Board. A statement regarding the emergency and the need for immediate adoption of the policy shall be included in the minutes. The emergency policy shall expire within one year following the emergency action unless the policy adoption procedure stated above is followed and the policy is reaffirmed. The School Board shall have discretion to determine what constitutes an emergency situation.
- D. If a policy is modified because of a legal change over which the School Board has no control, the modified policy may be approved at one meeting at the discretion of the School Board.

V. IMPLEMENTATION OF POLICY

- A. It shall be the responsibility of the school staff to implement School Board policies, and to develop administrative guidelines and directives to provide greater specificity and consistency in the process of implementation. These guidelines and directives, including employee and student handbooks, shall be subject to annual review and approval by the School Board.
- B. Each School Board member shall have a copy of the policy manual, and a copy shall be placed in the office of each school attendance center. Manuals shall be available in the central office and made available for reference purposes to other interested persons.
- C. It shall be the responsibility of the school staff and individual School Board members to keep the policy manuals current.
- D. The School Board shall review policies at least once every two years. The Board Chairperson shall be responsible for developing a system of periodic review, addressing approximately one third of the policies annually. 214 Out-of-State Travel by School Board Members; 413 Harassment and Violence; 414 Mandated Reporting of Child Neglect or Physical or Sexual Abuse; 415 Mandated Reporting of Maltreatment of Vulnerable Adults; 506 Student Discipline; 514 Bullying Prohibition; 522 Student Sex Nondiscrimination; and 524 Internet Acceptable Use and Safety Policy.
- E. When there is no School Board policy in existence to provide guidance on a matter, the school staff is authorized to act appropriately under the circumstances keeping in mind the educational philosophy and financial condition of the District. Under such circumstances, the school staff shall advise the School Board of the need for a policy and present a recommended policy to the School Board for approval.

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

Technical Academies of Minnesota

Adopted: Orig. 6/22/2013

Revised: 8/25/2020

205 UPDATING SCHOOL BOARD POLICIES

The School Board will meet to review current policies for revision/deletion in manageable sections every 2 (two) years.

Technical Academies of Minnesota

Adopted: Orig. 6/22/2013

Revised: 8/25/2020

206 CODE OF ETHICS

I. PURPOSE

The purpose of this policy is to assist School Board members in recognizing the role of individual School Board members and the contribution that each must make to develop an effective and responsible School board.

II. GENERAL STATEMENT OF POLICY

Each School Board member shall follow the Code of Ethics stated in this policy.

A. AS A MEMBER OF THE SCHOOL BOARD I WILL:

1. Listen.
2. Recognize the integrity of my predecessors and associates.
3. Appreciate the merit of their work.
4. Be motivated only by a desire to serve the pupils of my district.
5. Attempt to inform myself on the proper duties and functions of a School Board member.
6. Recognize that it is my responsibility, together with other School Board members, to see that the schools are properly run, not to run them myself.
7. Work through the school staff of the District—not over or around them.
8. Recognize that school business may be legally transacted only in an open meeting of the School Board.

B. IN PERFORMING THE PROPER FUNCTIONS OF A SCHOOL BOARD MEMBER I WILL:

1. Perform under education policies unless necessity requires otherwise.
2. Function in meeting the legal responsibility that is mine as part of a policy forming body.
3. Consider myself a trustee of public education and do my best to protect, conserve, and advance its progress.

C. TO MAINTAIN RELATIONS WITH OTHER MEMBERS OF THE SCHOOL BOARD I WILL:

1. Respect the right of others to have and express opinions.
2. Recognize that authority rests with the School board in legal session - not with the individual members of the School Board except as authorized by law.
3. Make no disparaging remarks, in or out of school Board meetings, about other members of the School Board or their opinions.

4. Recognize that to promise in advance of a meeting how I will vote on any proposition is to close my mind and agree not to think through other points of view, which may be presented to the meeting.
5. Make decisions in School Board meetings only after all sides of debatable questions have been presented.
6. Delegate details of School Board action to administrative employees.
7. Insist that special committees be appointed to serve only in an advisory capacity to the School Board.

D. IN MEETING MY RESPONSIBILITIES TO MY COMMUNITY I WILL:

1. Attempt to appraise both the present and future educational needs of the District.
2. Attempt to obtain adequate financial support for the school program.
3. Interpret the needs and attitudes of the community and do my best to translate them into the educational program of the District.
4. Consider it an important responsibility to interpret the educational program of the District as it relates to the needs of the community.
5. Insist that business transactions of the District be on an ethical, open, and above board basis.

Legal References: Minn. Stat. § 123.33 (School Board Powers) Minn. Stat. § 123.34,
Subd. 9 (Superintendent)
Minn. Stat. 123.35, Subd. 1 (School District Powers)

**Technical Academies of Minnesota
ISD #4217 Board Member Code of Ethics(206.5)**

As members of the School Board we recognize the integrity of our predecessors and associates and appreciate the merit of their work. We consider ourselves trustees of public education and do the best to protect, conserve and advance its progress. We are motivated by the desire to serve the pupils of our District and by the desire to provide the best educational opportunities possible for the entire District.

As a member of the School Board I will attempt to inform myself of the proper duties and functions of a School Board member. I will attempt to appraise both the present and future educational needs of the District and to obtain adequate financial support of the school program, I will interpret the needs and attitudes of the community and do my best to translate these into the educational program of the District. I will participate in activities that foster professional growth such as meetings, conferences, and workshops pertaining to District activities and objectives of the School Board.

As members of the School Board we meet the legal responsibility that is ours, functioning as a policy-forming body – not as administrative officers. Our responsibility is to have the District run properly, not to run it ourselves.

The individual members of the School Board hold an office of shared power and responsibility and recognize that District business may be legally transacted only in an open meeting of the School Board. Individual School Board members exercise authority over District affairs only as they vote to take action at a legal School Board meeting. As a School Board member, I recognize that to promise in advance of a meeting how I will vote on any proposition is to close my mind and agree not to think through points of view, which may be presented at the meeting. Each School Board member is committed to reaching and supporting group decisions, which represent the best judgments of the School Board as a whole. The School Board will make decisions in School Board meetings only after all sides of debatable questions have been represented.

As a member of the School Board I will listen, respect the rights of others to have and express opinions, and make no disparaging remarks, in or out of meetings, about other members of the School Board, or their opinions.

Chair Signature

Date

New Member Signature

Date

Technical Academies of Minnesota

Adopted: Orig. 6/22/2013

Revised: 8/25/2020

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

I. PURPOSE

The purpose of this policy is to provide guidance as to the District's position, rights, and responsibilities when a civil or criminal action is pending against the District, or a School Board member, District employee or student.

II. GENERAL STATEMENT OF POLICY

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

III. CIVIL ACTIONS

- A. Pursuant to Minn. Stat. § 466.07, Subd. 1, the District shall defend and indemnify any School Board member or District employee for damages in school-related litigation, including punitive damages, claimed or levied against the School Board member or employee, provided that he or she was acting in the performance of the duties of the position and was not guilty of malfeasance, willful neglect of duty, or bad faith.
- B. Pursuant to Minn. Stat. § 127.03, Subd. 2, with respect to teachers employed by the District, upon written request of the teacher involved, the District shall provide legal counsel for any school teacher against whom a claim is made or action is brought for recovery of damages in any tort action involving physical injury to any person or property or for wrongful death arising out of or in connection with the employment of the teacher with the District. The District will choose legal counsel after consultation with the teacher.

C. Data Practices

Educational data and personnel data maintained by the District may be sought as evidence in a civil proceeding. The District will release the data only pursuant to the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and to the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g and related regulations. When an employee is subpoenaed and is expected to testify regarding educational data or personnel data, he or she is to inform the Board Chairperson. No School Board member or staff member may release data without consultation in advance with the District official who is designated as the authority responsible for the collection, use and dissemination of data.

D. Service of Subpoenas

It is the policy of the District that its School Board members and staff will normally not be involved in providing service or process for third parties in the District setting.

E. Leave to Testify

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

IV. CRIMINAL CHARGES OR CONDUCT

A. Employees

1. The District expects that its staff members serve as positive role models for students. As role models for students, staff members have a duty to conduct themselves in an exemplary manner.
2. If the District receives information relating to activities of a criminal nature, by an employee, the school will investigate and take appropriate action, which may include recommendation to BRIDES or termination.
3. Pursuant to Minn. Stat. § 123B.02, Subd. 20, if reimbursement for a criminal defense is requested by a District employee, the School Board may, after consulting with its legal counsel, reimburse the employee for any costs and reasonable attorney fees incurred by the employee to defend criminal charges brought against the employee arising out of the performance of duties for the District. The decision as to whether to reimburse shall be made at the discretion of the School Board. A School Board member who is a witness or an alleged victim in the case may not vote on the reimbursement. If a quorum of the School Board is disqualified from voting on the reimbursement.

B. Students

The District has an interest in maintaining a safe and healthful environment and in

preventing disruption of the educational process. In order to further that interest, the District will take appropriate action regarding students convicted of crimes as it relates to the school environment.

C. Criminal Investigations.

1. It is the policy of the District to cooperate with law enforcement officials. The District will make all efforts, however, to encourage law enforcement officials to question students and staff members outside of school hours and off District premises unless there are extenuating circumstances or the matter being investigated is school-related, or as otherwise provided by law.
2. If such questioning at the District is unavoidable, the District will attempt to maintain confidentiality and to avoid embarrassment to the students and staff members and to avoid disruption of the educational program. The District will attempt to notify parents of a student under age 18 that police will be questioning their child. Normally, a staff member will be present during the interview, except as otherwise required by law (Minn. Stat. § 626.556, Subd. 10), or as otherwise determined in consultation with the parent or guardian.

D. Data Practices

The District will release to juvenile justice and law enforcement authorities educational and personnel data only in accordance with Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act) and 20 U.S.C. § 1232g (FERPA).

V. STATEMENTS WHEN LITIGATION IS PENDING

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

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. §§ 121A.40-121A.56 (Fair Pupil Dismissal Act)
Minn. Stat. § 123B.02, Subd. 20 (Legal Counsel, Reimbursement)
Minn. Stat. § 123B.25(b) (Actions Against Teachers)
Minn. Stat. § 466.07, Subd. 1 (Indemnification)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
42 U.S.C. § 1983 (Civil Action for Deprivation Rights)
Op. Atty. Gen. 169 (Minn, Mar. 7, 1963)
Op. Atty. Gen. 169 (Minn, Nov. 3, 1943)
Dypress v. School Committee of Boston, 446 N.E.2d 1099 (Mass. App. Ct. 1983)
Wood v. Strickland, 420 U.S. 308, 95 S.Ct. 992, 43 L.Ed.2d 214 (1975)

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

Technical Academies of Minnesota

Adopted: Orig. 6/22/2013

Revised: 2/24/2015

Revised: 8/25/2020

208 PUBLIC OFFICERS, INTEREST IN CONTRACT; PENALTY

Except as authorized in section 471.88, a public officer who is authorized to take part in any manner in making any sale, lease or contract in his official capacity shall not voluntarily have a personal financial interest in that sale, lease, or contract or personally benefit financially therefrom. Every public officer who violates this provision is guilty of a gross misdemeanor.

*Conflict of interest:

All persons affiliated with the District shall guard against conflict of interest situations. This includes all interim School Board members and District staff. No one shall participate in making any sale, lease, or contract who has a personal financial interest in that sale, lease, or contract. Violation of conflict of interest laws is a gross misdemeanor.

Adopted: Orig.6/23/2013

Revised: 8/25/2020

209 OUT-OF-STATE TRAVEL BY SCHOOL BOARD MEMBERS

I. PURPOSE

The purpose of this policy is to control out-of-state travel by School Board members as required by law.

II. GENERAL STATEMENT OF POLICY

School Board members have an obligation to become informed on the proper duties and functions of a School Board member, to become familiar with issues that may affect the District, to acquire a basic understanding of finance and budgeting, and to acquire sufficient knowledge to comply with federal, state and local laws, rules, regulations and school district policies that relate to their functions as School Board members. Occasionally, it may be appropriate for School Board members to travel out of state to fulfill their obligations.

III. APPROPRIATE TRAVEL

Travel outside the state is appropriate when the School Board finds it proper for School Board members to acquire knowledge and information necessary to allow them to carry out their responsibilities as School Board members. Travel to regional or national meetings of the National School Boards Association is presumed to fulfill this purpose. Travel to other out-of-state meetings for which the member intends to seek reimbursement from the District should be pre-approved by the School Board.

IV. REIMBURSABLE EXPENSES

Expenses to be reimbursed may include transportation, meals, lodging, registration fees, required materials, parking fees, tips, and other reasonable and necessary District related expenses.

V. REIMBURSEMENT

- A. Requests for reimbursement must be itemized on the official District form transportation, registration, and other reasonable and necessary expenses must be attached to the reimbursement form.
- B. Automobile travel shall be reimbursed at the mileage rate set by the School Board.

Commercial transportation shall reflect economy fares and shall be reimbursed and are to be submitted to the Finance Committee. Receipts for lodging, meals, and registration fees must only be those necessary for the trip.

- C. Amounts to be reimbursed shall be within the School Board's approved budget allocations, including attendance at workshops and conventions.

VI. ESTABLISHMENT OF DIRECTIVES AND GUIDELINES

The Finance Committee shall develop a schedule of reimbursement rates for District business expenses, including those expenses requiring advance approval and specific rates of reimbursement. The Finance Committee shall also develop directives and guidelines to address methods and times for submission of requests for reimbursement.

VII. ANNUAL REVIEW

This policy must be annually reviewed by the School Board.

Legal References: Minn. Stat. § 123B.09, Subd. 2 (School Board Member Training)
Minn. Stat. § 471.661 (Out-of-State Travel)
Minn. Stat. § 471.665 (Mileage Allowances)
Minn. Op. Atty. Gen. No. 1035 (August 23, 1999) (Retreat Expenses)
Minn. Op. Atty. Gen. No. 161b-12 (August 4, 1997) (Transportation Expenses)

Cross References: MSBA/MASA Model Policy 212 (School Board Member Development)
MSBA/MASA Model Policy 412 (Expense Reimbursement)

Technical Academies of Minnesota

Adopted: Orig. 6/22/2013

Revised: 8/25/2020

210 TECHNICAL ACADEMIES OF MINNESOTA PURCHASING PROCEDURE

I. Purchasing Authority

The School Board delegates specific authority to the District staff and only within the parameters of previously approved budgets and motions on items. All contracts are a matter of the School Board. Additionally, the District staff has been assigned the authority to commit the District for the purchase of goods and services based upon properly documented requests and available funds within the limits as directed by School Board motions. The District staff is further responsible for securing quality material and services at the best overall value.

II. Code of Conduct

Employees, officers, agents, members of their immediate family, partners or an organization which employs or is about to employ any of the above, has a potential conflict of interest with purchasing/procurement procedures. In the event of contracts, purchases or other awards to such persons or organizations, selection of vendors must be done without those persons involvement in the selection process.

III. Protest Procedures

In the event of a protest in the awarding of a contract or the purchase of goods or services, the protesters must first contact the District entity (Finance Committee or District staff) regarding the protest. If not satisfied with that outcome, the protester must contact the School Board before pursuing a protest by other means. (This is required in contracts related to Federal Awards)

A. Purchase Orders / Purchasing Procedure

1. The purchasing procedure is initiated by executing a purchase order. To facilitate the processing of orders and to give the best possible service, purchase orders are sequentially numbered and include the following information:
 - a. Date.
 - b. Quantities, catalog numbers, complete item description(s), prices, or a copy of quote.
 - c. Complete mailing address, phone and fax numbers of vendors.
 - d. Delivery requirements.

- e. Shipment methods - usually F.O.B.
 - f. Concise and clearly written comments.
2. Original should be provided to the Finance Committee for approval and assurance that there is budget in the appropriate line item.
 3. Originator should retain a copy, numbered with a sequential PO number.
 4. Separate requests should be provided when items are to be ordered from different supply sources.
 5. Requests should be submitted with sufficient time to obtain price quotations and place orders without causing undue delay. Please provide as much lead-time as possible.
 6. To duplicate a purchase, the previous order should be referenced.

B. Competitive Buying

Whenever possible, competitive proposals from vendors handling the same or similar goods and services will be secured. Suggestions of good sources for price quotes and quality goods or services are helpful and appreciated. All orders require a Purchase Order number. Any purchases not made with a Purchase Order may not be approved for payment.

C. Small Orders

Any purchases of \$500 to \$9,999 require District staff approval.

D. Intermediate Orders

Purchases of \$10,000 and above must be approved by the School Board.

Purchases between \$10,000 and \$75,000 must be reviewed by the School Board to determine if competitive purchasing will be needed.

E. Large Orders

1. Purchases of \$10,000 to \$75,000 may be completed by competitive proposal as determined by the School Board. Purchases over \$75,000 must be completed by competitive proposal (Procurement by competitive proposal).
2. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:
 - a. Requests for proposals will be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be honored to the maximum extent practical;
 - b. Proposals will be solicited from an adequate number of qualified sources;
 - c. Grantees and sub grantees will have a method for conducting technical evaluations of the proposals received and for selecting

awardees;

- d. Awards will be made to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
- e. Grantees and sub grantees may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation.
- f. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

F. Emergency Orders

When necessary, a purchase request may be walked through prior to placing an order. The purchase request should be filled out completely, including required signatures, then carried to the Finance Committee where a purchase order will be given to the person or faxed/mailed to the vendor.

G. Receiving Shipments

The order initiator is responsible for promptly unpacking and inspecting its contents. Discrepancies, shortages and damages must be noted on the freight bill and reported promptly to the Finance Committee. In order for invoices to be paid promptly, the receiving report must be signed, dated and returned to the Finance Committee as soon as the material or service has been received.

H. Unauthorized Purchases

No one has the authority to enter into purchase contracts or in any way obligate the District for procurement indebtedness unless specifically authorized to do so by the School Board. Any such negotiations are considered unauthorized purchases and the individual will encounter a personal obligation to the vendor.

I. Signature Authority

The Finance Committee is responsible for ensuring that all documents bear the proper signature levels prior to order placement.

J. Contracts

The District enters into contractual arrangements to provide overall value for the entire District. Generally, contracts ensure a clear understanding of the arrangement as well as favorable pricing. By establishing clear guidelines, we realize further savings through streamlined efforts. Only the School Board has authority to enter into contracts. This authority has not been delegated.

Original: 6/22/2013

Revised: 10/27/2015, 11/1/2016, 10/24/2017

Revised: 8/25/2020

210.3 PURCHASING POLICY

I. Purchasing Authority

The School Board delegates authority to the District staff, within the parameters of previously School Board approved budgets and motions. Staff will purchase goods and services based upon properly documented requests and available funds. Staff is responsible for securing quality material and services at the best overall value. Only the School Board has authority to enter into contracts; this authority has not been delegated to District staff.

II. Code of Conduct

The School Board and the District cannot enter into contracts or purchases where there is a conflict of interest.

III. Protest Procedures

In the event of a protest in the awarding of a contract or the purchase of goods or services, the protester must first contact the school. If not satisfied with that outcome, the protester must then contact the School Board, before pursuing a protest by other means.

A. Purchase Orders

1. The purchasing procedure is initiated by executing a purchase order. All orders require a purchase order number. Purchases not made with a purchase order may not be approved for payment. Purchase orders are sequentially numbered and include the following information:
 - a. Date.
 - b. Quantity, item description, price, or a copy of quote.
 - c. Phone number of the vendor.
 - d. Shipment method.
 - e. Concise and clearly written comments.
2. The original PO shall be provided to the Finance Committee for approval and assurance that there is adequate budget for the line item. The Finance Committee is responsible for ensuring that all documents bear the proper signature levels prior to order placement. A School Board member shall approve and sign every PO.
3. Originator shall retain a copy which shows the PO number.

4. Separate purchase orders shall be used when items are to be ordered from different sources.
5. Requests shall be submitted with sufficient time to obtain price quotations and place orders without causing undue delay. Please provide as much lead-time as possible.

B. Competitive Comparisons

Whenever possible, competitive comparisons should be made of vendors handling the same or similar goods and services.

C. Purchases approved at the School site level

Single purchase orders in amounts less than \$10,000 shall be managed at the District site level. School Board approval is not necessary, although advice can be requested from the School Board when desired.

D. Purchases approved at the District level by the School Board

All purchases involving \$10,000 or more shall be managed at the District level by the School Board. School Board approval is mandatory, and competitive proposals are necessary.

E. Competitive Proposal Procedure

All purchases involving \$150,000 or more must be completed using a competitive, sealed bid process. The following requirements apply:

1. Requests for proposals will be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be honored to the maximum extent practical.
2. Proposals will be solicited from an adequate number of qualified sources.
3. The School Board will have a method for conducting technical evaluations of the proposals received and for selecting awardees.
4. Awards will be made to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.
5. The School Board may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method where price is not used as a selection factor can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services through A/E firms.

F. Emergency Orders

When necessary, a purchase request may be walked through prior to placing an order. The purchase request should be filled out completely, including required signatures, then carried to the Finance Committee where a purchase order will be

given to the requester.

G. Receiving Shipments

The order initiator is responsible for promptly unpacking and inspecting the shipment, Discrepancies, shortages, and damages must be noted on the freight bill and reported promptly to the Finance Committee. In order for invoices to be paid promptly, the receiving report must be signed, dated, and returned to the Finance Committee as soon as the material or service has been received.

H. Unauthorized Purchases

No one has the authority to enter into purchase contracts or in any way obligate the District for procurement indebtedness unless specifically authorized to do so by the School Board. Any such negotiations are considered unauthorized purchases and the individual will encounter a personal obligation to the vendor.

I. Use of Credit Cards issued to District sites

1. All credit card purchases are subject to existing purchase order requirements.
2. Each school site shall determine the number of bank credit cards that it wishes to manage.
3. Each school site shall pay their monthly credit card bills, in full, within the grace period.
4. Each school site will have a maximum available credit of \$50,000 for use via credit cards.
5. Each school site shall determine the credit limit, and other restrictions, for each of their cards. No individual card shall have a credit limit in excess of \$20,000.
6. Each card holder agrees to be personally responsible for the protection and custody of their card. The card holder must immediately call the credit card emergency phone number if their card is lost or stolen. Each card holder shall sign a written agreement provided by the District before applying for a card. The agreement outlines the same personal responsibility requirements contained in this school policy, along with the credit card emergency phone number; see appendix A below. Each card holder shall maintain the emergency phone number in 3 locations: wallet or purse, school workstation, and at their home. Each school site will maintain the originals of all agreements in their permanent files.
7. The bank provides protection against fraudulent charges to the credit cards.
8. No purchases on a District credit card can be for expenses of a personal nature.

Appendix A

CREDIT CARD AGREEMENT

By my signature below, I agree to all of the following requirements for possession and use of a District credit card:

- 1) Each purchase I make will conform to the existing District purchase order policy.
- 2) I will make no purchase for expenses of a personal nature.
- 3) My purchases will not exceed the credit limit, or other restrictions, of my card.
- 4) I agree to be personally responsible for the protection and custody of my card. I will immediately call the credit card emergency phone number if my card is lost or stolen. I agree to maintain the emergency phone number in 3 locations: wallet or purse, school workstation, and at my home.

Phone:

District entity, check one:

Technical Academies of Minnesota, district level _____

DREAM Technical Academy at Willmar, MN _____

CHOICE Technical Academy at Owatonna, MN _____

My printed name: _____

My signature: _____

Witnessed by: _____

Today's date: _____

Adopted: Orig. 10/24/17

Revised: 5/26/18, 7/23/18

Revised: 8/25/2020

211.2 ELECTRONIC DEBIT FOR CHECKING ACCOUNTS

I. PURPOSE

This policy addresses the questions of security and accuracy. While no system that uses the Internet as part of its procedure can be 100% safe, reasonable precautions can be taken. Even using paper checks mailed via USPS, while having a very good track record, is not 100% safe. As for accuracy, human review with a second set of eyes has long been an accepted standard in the fields of business, banking, and auditing. It is the intent of the District to allow electronic debit of its checking accounts, while maintaining security and accuracy similar to using paper checks.

II. GENERAL OVERVIEW OF POLICY

Electronic financial transactions are becoming more commonplace in banking procedures. In instances of periodic recurring transactions, electronic debit of checking accounts is becoming a popular alternative to paper checks mailed via USPS. Electronic debit has the benefits of reduced paperwork and increased speed of service. However, there are risks to security and accuracy that remain.

III. STATEMENT

- A. This policy permits only individually authorized electronic debits to be made from the checking account of a District bank. No part of this policy shall be construed to mean automatic electronic debits. The following parameters shall be adhered to:
1. Electronic debits will only be entered into with vendors approved by the District.
 2. District shall examine every vendor invoice for correctness.
 3. District shall review the checking account balance to verify adequate funds.
 4. District shall place two signatures onto the vendor invoice, before transmitting the signed invoice to the vendor. The signatures shall be from the same two signers that appear on all paper checks from that District.
 5. District shall retain an electronic copy of the signed invoice, and also transmit the same to the District Business Manager.
 6. Vendors shall make reasonable efforts to safeguard the checking account number of the associated District.

IV. OVERSIGHT

This policy is designed to give the same level of oversight to the process of payments made by electronic debit that is given to the process of payments made by paper check.

Technical Academies of Minnesota

Original: 10/24/2017

Revised: 5/24/2018 Revised: 8/25/2020

211.3 ELECTRONIC DEBIT AGREEMENT FORM FOR CONTRACTED PAYROLL

I. PURPOSE

This agreement is between Technical Academies of Minnesota (TAM) and BerganKDV, Ltd. (Bergan) for the purpose of paying Bergan invoices for the TAM payroll. This agreement pertains to each and all sites of TAM. This agreement permits only *individually authorized* electronic debits to be made from the checking account of a TAM site bank. No part of this agreement shall be construed to mean *automatic* electronic debits. The operating procedure shall be as follows:

- A. Bergan shall email their invoice to each TAM site.
- B. TAM site shall examine vendor invoice for correctness.
- C. TAM site shall review their current checking account balance to verify adequate funds.
- D. TAM site shall place two signatures onto the Bergan invoice. The signatures shall be from the same two signers that appear on all paper checks from that TAM site.
- E. TAM site shall email the signed invoice to Bergan.
- F. TAM site shall retain an electronic copy of the signed invoice.
- G. Bergan shall verify that the returned invoice bears the proper two signatures.
- H. If Bergan does not receive a properly signed and returned invoice, then Bergan shall not proceed with an electronic debit. No part of this agreement makes the debit an automatic process.
- I. If the checking account number changes, TAM site shall notify Bergan as soon as possible. 10. If the checking account cannot be electronically debited, TAM site shall contact Bergan to make alternate arrangements as soon as possible.
- J. Bergan shall make reasonable efforts to safeguard the checking account numbers associated with TAM sites.

This agreement can be cancelled by either party with thirty days written notice.

For Bergan: _____ Date: _____

For TAM: _____ Date: _____

For TAM: _____ Date: _____

Technical Academies of Minnesota

Original: 24 October 2017

Revised: 24 May 2018

Revised: 8/25/2020

211.4 DETAILS FOR ELECTRONIC DEBIT

I. PURPOSE

The *Technical Academies of Minnesota* (TAM) contracts with BerganKDV, Ltd. (Bergan) for the purpose of paying Bergan invoices for the TAM payroll. The following details pertain to the agreement for electronic debit for payroll. Each TAM site shall submit the following details to Bergan. The two signers below shall be the same two people that sign paper checks at the TAM site.

Starting Date: _____

TAM site Bank Name: _____

Bank Telephone Number: _____

Bank Account Number: _____

Bank Routing Number: _____

TAM site Charter School: _____

1st TAM Authorized Signer

print: _____ Signature: _____ Date: _____

2nd TAM Authorized Signer

print: _____ Signature: _____ Date: _____

If the bank account number and bank routing number are clearly given above, then it is not necessary to send a voided check.

Technical Academies of Minnesota

Adopted: Orig. 6/22/2013

Revised: 8/25/2020

215 POSITIVE FUND BALANCES AND DEFICIT SPENDING

I. PURPOSE

The purpose of this policy is to maintain a positive fund balance and plan for deficit spending if it should occur.

II. GENERAL STATEMENT OF POLICY

- A. School Board members have an obligation to monitor the district's spending. It is the School Board's desire to operate with a positive fund balance and to limit spending when the fund balance falls below 2 months worth of operating cash flow. The School Board will direct the Finance Committee to secure a line of credit if the fund balance falls below the one month operating cash flow amount.

- B. The School Board will direct the Finance Committee to create an 18 month projected budget in times of limited state funding. The Finance Committee will utilize the State's projected payment simulations to set the budget.

Technical Academies of Minnesota

Adopted: Orig. 6/22/2013

Revised: 8/25/2020

400 HARASSMENT AND VIOLENCE

I. PURPOSE

The purpose of this policy is to maintain a learning and working environment that is free from any form of harassment including but not limited to: religious, racial or sexual harassment and violence. The District prohibits any form of religious, racial or sexual harassment and violence or any type of behavior, verbal or written, which causes chronic or continual annoyance.

II. GENERAL STATEMENT OF POLICY

- A. It is the policy of the District to maintain a learning and working environment that is free from harassment and violence. The District prohibits any form of religious, racial, sexual, or chronic harassment and violence.
- B. It shall be a violation of this policy for any pupil or District staff member to harass a pupil or District staff member through conduct or communication of a sexual nature or regarding religion and race or considered a chronic annoyance as defined by this policy. (For purposes of this policy, District staff includes School Board members, staff, agents, volunteers, contractors or persons subject to the supervision and control of the District.)
- C. It shall be a violation of this policy for any District pupils or staff members to inflict, threaten to inflict, or attempt to inflict religious, racial, sexual, or chronic violence upon any District pupil or staff member.
- D. The District will act to investigate all complaints, either formal or informal, verbal or written, of religious, racial, sexual, or continual/chronic harassment or violence, and to discipline or take appropriate action against any District pupil or staff member who is found to have violated this policy.

III. RELIGIOUS, RACIAL AND SEXUAL HARASSMENT AND VIOLENCE DEFINED

- A. Sexual Harassment Definition
 - 1. Sexual harassment consists of unwelcome sexual advances, requests for

sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

- a. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
- b. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
- c. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or educational environment.

2. Sexual unwelcome verbal harassment or abuse

- a. Unwelcome, sexually motivated or inappropriate patting, pinching or physical contact, other than necessary restraint of District pupil(s) by staff members to avoid physical harm to persons or property;
- b. Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
- c. Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
- d. Unwelcome behavior or words directed at an individual because of gender.

B. Racial Harassment Definition

Racial harassment consists of physical or verbal conduct relating to an individual's race when the conduct:

1. Has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
2. Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or affects an individual's employment or academic;
3. Otherwise adversely affects an individual's employment or academic opportunities.

C. Religious Harassment Definition

Religious harassment consists of physical or verbal conduct which is related to an individual's religion when the conduct:

1. Has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
2. Has the purpose or effect of substantially or unreasonably interfering with an

- individual's work or academic performance; or
3. Otherwise adversely affects an individual's employment or academic opportunities.

D. Sexual Violence Definition

1. Sexual violence is a physical act of aggression or force or the threat thereof that involves the touching of another's intimate parts, or forcing a person to touch any intimate parts. Intimate parts, as defined in Minn. Stat. 8 609.341, includes the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas.
2. Sexual violence may include, but is not limited to:
 - a. Touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
 - b. Coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;
 - c. Coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another; or
 - d. Threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

E. Racial Violence Definition

Racial violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.

F. Religious Violence Definition

Religious violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion.

G. Assault Definition

Assault is:

1. An act done with intent to cause fear in another of immediate bodily harm or death;
2. The intentional infliction of or attempt to inflict bodily harm upon another; or
3. The threat to do bodily harm to another with present ability to carry out the threat.

H. Continual/ Chronic Harassment Definition

Continual or chronic harassment is a physical, verbal, or written conduct relating to an individual which;

1. Has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
2. Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance;

3. Otherwise affects an individual's employment or academic opportunities.

IV. REPORTING PROCEDURES

- A. Any person who believes he or she has been the victim of religious, racial, sexual or continual/ chronic harassment or violence by a District pupil or staff member or any person with knowledge or belief of conduct which may constitute religious, racial, sexual, or continual/ chronic harassment or violence toward a District pupil or staff member should report the alleged acts immediately to an appropriate District official designated by this policy. The District encourages the reporting party or complainant to use the report form available from the District staff, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a District Human Rights Officer or to the Board Chairperson.
- B. Upon receipt of a report, the School Board appointed District staff member must notify the District Human Rights Officer immediately, without screening or investigating the report. The District staff member may request, but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable to the District Human Rights Officer. If the report was given verbally, the District staff member shall personally reduce it to written form within 24 hours and forward it to the District Human Rights Officer. Failure to forward any harassment or violence report or complaint as provided herein will result in disciplinary action against the District staff member. If the complaint involves the appointed District staff member, the complaint shall be made or filed directly with the Board Chairperson or the District Human Rights Officer by the reporting party or complainant.
- C. The School Board hereby designates a School Board member as the District Human Rights Officer to receive reports or complaints of religious, racial, sexual, or continual/ chronic harassment or violence. If the complaint involves the District Human Rights Officer, the complaint shall be filed directly with the Board Chairperson.
- D. The District shall conspicuously post the name of the District Human Rights Officer, including mailing addresses and telephone numbers.
- E. Submission of a good faith complaint or report of religious, racial, sexual, or continual/ chronic harassment or violence will not affect the complainant or reporter's future employment, grades or work assignments.
- F. Use of formal reporting forms is not mandatory.
- G. The District will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the District's legal obligations to investigate, to take appropriate action, and to conform to any discovery or disclosure obligations.

V. INVESTIGATION

- A. By authority of the District, the District Human Rights Officer, upon receipt of a report or complaint alleging religious, racial or sexual harassment or violence, shall immediately undertake or authorize an investigation. The investigation may be conducted by District staff members or by a third party designated by the District.
- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, the District should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
- D. In addition, the District may take immediate steps, at its discretion, to protect the complainant, pupils, or other District personnel pending completion of an investigation of alleged religious, racial or sexual harassment or violence.
- E. The investigation will be completed as soon as practicable. The District Human Rights Officer shall make a written report to the Board Chairperson upon completion of the investigation. If the complaint involves the Board Chairperson, the report may be filed directly with the School Board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

VI. DISTRICT ACTION

- A. Upon receipt of a report, the District will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. District action taken for violation of this policy will be consistent with requirements of Minnesota and federal law and school policies.
- B. The result of the District's investigation of each complaint filed under these procedures will be reported in writing to the complainant by the District once with state and federal law regarding data or records privacy.

VII. REPRISAL

The District will discipline or take appropriate action against any District pupil or

personnel who retaliates against any person who reports alleged religious, racial, sexual, or continual/ chronic harassment or violence or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

VIII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES.

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

IX. HARASSMENT OR VIOLENCE AS ABUSE

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

X. DISSEMINATION OF POLICY AND TRAINING

- A. This policy shall be conspicuously posted throughout each school building in areas accessible to pupils and staff members.
- B. This policy shall appear in the student handbook.
- C. The District will develop a method of discussing this policy with students and staff members.
- D. This policy shall be reviewed at least annually for compliance with state and federal law.
- E. A copy of this policy will be submitted to the commissioner.
- F. This policy shall be given to each District employee and independent contractor at the time of entering into the person's employment contract.

Legal References: Minn. Stat. §127.46 (Sexual, Religious and Racial Harassment and Violence Policy)
Minn. Stat. Ch. 363 (Minnesota Human Rights Act)
Minn. Stat. §626.556 et seq. (Reporting of Maltreatment of Minors)
Minn. Stat. §121A.03 (Model Policy, Submission to the commissioner)

Adopted: Orig. 6/23/2013

Revised: 8/25/2020

401 MANDATED REPORTING OF CHILD NEGLECT OR PHYSICAL OR SEXUAL ABUSE

I. PURPOSE

The purpose of this policy is to make clear the statutory requirements of District staff to report suspected child neglect or physical or sexual abuse.

II. GENERAL STATEMENT OF POLICY

It is the policy of the District to fully comply with Minn. Stat. § 626.556 requiring staff to report suspected child neglect or physical or sexual abuse.

It shall be a violation of this policy for any District staff to fail to report instances of child neglect, or physical or sexual abuse when the staff knows or has reason to believe a child is being neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years.

III. DEFINITIONS

- A. "Child" means one under age 18.
- B. "Immediately" means as soon as possible but in no event longer than 24 hours.
- C. "Mandated Reporters" means any District staff who knows or has reason to believe a child is being neglected or physically or sexually abused, or has been neglected or physically or sexually abused within the preceding three years shall immediately report the information to the local welfare agency, police department, or the county sheriff. ("Immediately" means as soon as possible but in no event later than 24 hours.)
- D. "Neglect" means failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter or medical care when reasonably able to do so, failure to protect a child from conditions or actions which imminently and seriously endanger the child's physical or mental health when reasonably able to do so, or failure to take steps to ensure that a child is educated in accordance with state law. Neglect does not include spiritual means or prayer for treatment or care of disease where the person responsible for the child's care in good faith has selected such means for treatment or care of disease, except where the lack of medical care may cause imminent and serious danger to the child's health.

- E. "Physical Abuse" means any physical or mental injury, or threatened injury, inflicted by a person responsible for the child's care other than by accidental means, or any physical or mental injury that cannot reasonably be explained by the child's history of injuries. ("Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.)
- F. "Staff" means anyone providing paid service to the school.
- G. "Sexual Abuse" means the subjection of a child by a person responsible for the child's care, or by a person in a position of authority to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct. Such acts include sexual penetration as well as sexual contact. Sexual abuse also includes any act involving a minor which constitutes a violation of Minnesota statutes prohibiting prostitution, or use of a minor in a sexual performance. Sexual abuse includes threatened sexual abuse. (Threatened injury means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury.)

IV. REPORTING PROCEDURES

- A. A mandated reporter as defined herein shall immediately report the neglect or physical or sexual abuse, which he or she knows or has reason to believe is happening or has happened within the preceding three years to the local welfare agency, police department or county sheriff.
- B. If the immediate report has been made orally, by telephone or otherwise, the oral report shall be followed by a written report within 72 hours (exclusive of weekends and holidays) to the appropriate police department, the county sheriff or local welfare agency. The written report shall identify the child, any person believed to be responsible for the abuse or neglect of the child if the person is known, the nature and extent of the abuse or neglect and the name and address of the reporter.
- C. A person mandated by Minnesota law and this policy to report who knows or has reason to believe that a child is neglected or physically or sexually abused, as defined by Minnesota law and this policy, or has been neglected or physically or sexually abused within the preceding three years, and fails to report is guilty of a misdemeanor, and such a failure to report may result in discipline.
- D. Submission of a good faith report under Minnesota law and this policy will not adversely affect the reporter's employment, or the child's access to school.
- E. Any person who knowingly or recklessly makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages

suffered by the person or persons so reported and for any punitive damages set by the court or jury, and the reckless making of a false report may result in discipline. The court may also award attorney's fees.

V. INVESTIGATION

- A. The responsibility for investigating reports of suspected neglect or physical or sexual abuse rests with the appropriate county agency or agencies. The investigating agency may interview the child at school. The interview may take place outside the presence of a District staff member. The investigating agency, not the District, is responsible for either notifying or withholding notification of the interview to the parent, guardian or person responsible for the child's care. The District staff may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded.
- B. When the investigating agency determines that an interview should take place on District property, written notification of intent to interview the child on school property will be received by the District staff prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on District property.
- C. Except where the alleged perpetrator is believed to be a District staff, the time and place, and manner of the interview on District premises shall be within the discretion of District officials, but the local welfare or law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the District staff shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the staff team and the local welfare or law enforcement agency. Every effort must be made to reduce the disruption of the educational program of the child, other students, or staff when an interview is conducted on District premises.
- D. Where the alleged perpetrator is believed to be a District staff member, the District shall conduct its own investigation independent of the local welfare or law enforcement agency.

VI. PHYSICAL OR SEXUAL ABUSE AS SEXUAL HARASSMENT OR VIOLENCE

Under certain circumstances, alleged physical or sexual abuse may also be sexual harassment or violence under Minnesota law. If so, the duties relating to the reporting and investigation of such harassment or violence may be applicable.

VII. DISSEMINATION OF POLICY AND TRAINING

- A. This policy shall appear in staff handbooks.
- B. The District will develop a method of discussing this policy with employees.
- C. This policy shall be reviewed at least annually for compliance with state law as indicated through legal updates from the MDE.

Legal References: Minn. Stat. § 626.556 et seq. (Reporting of maltreatment of minors)

Technical Academies of Minnesota

Adopted: Orig. 6/23/2013

Revised: 8/25/2020

402 CHEMICAL USE AND ABUSE

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. Use of controlled substances, toxic substances, and alcohol is prohibited in the school setting in accordance with District policies with respect to a Drug-Free Workplace/Drug-Free School.
- B. It is the policy of this District to provide an instructional program in schools in chemical abuse and the prevention of chemical dependency.
- C. The District shall establish and maintain a chemical abuse pre-assessment team(wellness team). The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
- D. It will be the responsibility of the District staff, with the advice of the School Board, to establish a school and community advisory team to address chemical abuse problems in the District.
- E. The District shall establish and maintain a program to educate and assist employees, students and others in understanding this policy and the goals of achieving drug-free schools and workplaces.

III. DEFINITIONS

- A. "Chemical abuse" means use of any psychoactive or mood-altering chemical substance, without compelling medical reason.

- B. "Chemicals" includes but is not limited to alcohol, toxic substances, and in the District's Drug-Free controlled substances as defined by Workplace/Drug-Free School policy.
- C. "School location" includes any school building or on any school premises; on any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off-school property at any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the District; or during any period of time such employee is supervising students on behalf of the District or otherwise engaged in District business.

IV. STUDENTS

A. Instruction

1. Every school in the District shall provide an instructional program in chemical abuse and the prevention of chemical dependency. The District may involve parents, students, health care professionals, state department staff, and members of the community in developing the curriculum.
2. Each school shall have age-appropriate and developmentally based activities that:
 - a. Address the consequences of violence and the illegal use of drugs, as appropriate;
 - b. Promote a sense of individual responsibility;
 - c. Teach students that most people do not illegally use drugs;
 - d. Each students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use;
 - e. Teach students about the dangers of emerging drugs;
 - f. Engage students in the learning process; and
 - g. Incorporate activities in secondary schools that reinforce prevention activities implemented in elementary schools.
3. Each school shall have activities that involve families, community sectors (which may include appropriately trained seniors), and a variety of drug and violence prevention providers in setting clear expectations against violence and illegal use of drugs and appropriate consequences for violence and illegal use of drugs.
4. Each school shall disseminate drug and violence prevention information within the school and to the community.
5. Each school shall have professional development and training for, and involvement of, school personnel, student services personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to drug and violence prevention.
6. Each school shall have drug and violence prevention activities that may include the following:

- a. Community-wide planning and organizing activities to reduce violence and illegal drug use, which may include gang activity prevention.
- b. The hiring and mandatory training, based on scientific research, of school security personnel who interact with students in support of youth drug and violence prevention activities under this policy that are implemented in the District.
- c. Conflict resolution programs, including peer mediation programs that educate and train peer mediators and a designated faculty supervisor, and youth anti-crime and anti-drug councils and activities.
- d. Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance provided by qualified school-based mental health services providers and the training of teachers by school-based mental health services providers in appropriate identification and intervention techniques for students at risk of violent behavior and illegal use of drugs.
- e. Programs that encourage students to seek advice from, and to confide in, a trusted adult regarding concerns about violence and illegal drug use.

B. Reports of Chemical Use and Abuse

1. In the event that a District employee knows that a student is abusing, possessing, transferring, distributing or selling chemicals in a school location:
 - a. The employee shall immediately either take the student to an advisor or notify another advisor of the observation and continue to observe the student.
 - b. The advisor will notify the student's parents. If there is a medical emergency, the advisor will notify the school nurse and/or outside medical personnel as appropriate.
 - c. The advisor will notify law enforcement officials and the chemical pre-assessment team.
 - d. The advisor and/or law enforcement officials will confiscate the chemicals and/or conduct a search of the student's person, effects, locker, vehicle, or areas within the student's control. Searches by District officials shall be in accordance with School Board policies regarding search and seizure.
 - e. The District will take appropriate disciplinary action in compliance with the student discipline code. Such discipline may include immediate suspension, initiation of expulsion proceedings, and/or referral to a detoxification center or medical center.
2. If a District employee has reason to believe that a student is abusing, possessing, transferring, distributing or selling chemicals:
 - a. The District staff shall notify a member of the pre-assessment team and shall describe the basis for the suspicion. The team will determine what action should be taken. Action may include conducting an investigation, gathering data, scheduling a conference with the student or parents, or

providing a meeting between a single member of the team and the student to discuss the behaviors that have been reported and attempting to ascertain facts regarding chemical abuse.

- b. The team may determine there is no chemical abuse. If the team determines there is chemical abuse, the team will select an appropriate course of action, referral to a treatment program; referral for screening, assessment, and treatment planning; participation in support groups; or other appropriate measures.
3. Students involved in the abuse, possession, transfer, distribution or sale of chemicals shall be suspended in compliance with the student discipline policy and the Pupil Fair Dismissal Act, Minn. Stat. §121A.40-121A.56, and proposed for expulsion.
4. Searches by advisors in connection with the abuse, possession, transfer, distribution or sale of chemicals will be conducted in accordance with School Board policies related to search and seizure.

C. Pre-assessment Team

1. Every school shall have a chemical abuse pre-assessment team designated by the Personnel Committee.
2. The team will be composed of advisors and other appropriate professional staff to the extent they exist in each school, such as the school nurse, school counselor or psychologist, social worker, chemical abuse specialist, or others.
3. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
4. Within forty-five (45) days after receiving an individual reported case, the team shall make a determination whether to provide the student and, in the case of a minor, the student's parents with information about school and community services in connection with chemical abuse.

D. Data Practices

1. Student data may be disclosed without consent in health and safety emergencies pursuant to Minn. Stat. § 13.32 and applicable federal law and regulations.
2. Destruction of Records.
 - a. If the pre-assessment team decides not to provide a student and, in the case of a minor, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the determination is made.
 - b. If the team decides to provide the student and, in the case of a minor or a dependent student, the student's parents with such information, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the student is no longer enrolled in the

district.

- c. This section shall govern destruction of records notwithstanding provisions of the Records Management Act, Minn. Stat. § 138.163.

E. Consent

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

F. School and Community Advisory Team

1. The wellness team, with the advice of the School Board, shall establish a school and community advisory team to address chemical abuse problems.
2. The advisory team will be composed of representatives from the school pre-assessment teams to the extent possible, law enforcement agencies, county attorney's office, social service agencies, chemical abuse treatment programs, parents, and the business community.
3. The advisory team shall:
 - a. Build awareness of the problem within the community,
 - b. Identify available treatment and counseling programs for students and develop good working relationships and enhance communication between the District and other community agencies; and
 - c. Develop a written procedure clarifying the notification process to be used by the chemical abuse pre-assessment team when a student is believed to be in possession of or under the influence of alcohol or a controlled substance. The procedure must include contact with the student and the student's parents or guardian in the case of a minor student.

V. EMPLOYEES

- A. The wellness team shall undertake and maintain a drug-free awareness and prevention program to inform District staff, students and others about:

1. The dangers and health risks of chemical abuse in the workplace/school.
2. The District's drug-free workplace/drug-free school policy.
3. Any available drug or alcohol counseling, treatment, rehabilitation, re-entry and/or assistance programs available to employees and/or students.

- B. The wellness team shall notify any federal granting agency required to be notified under the Drug-Free Workplace Act within ten (10) days after receiving notice of a conviction of an employee for a criminal drug statute violation occurring in the workplace. To facilitate the giving of such notice, any employee aware of such a conviction shall report the same to the Personnel Committee.

Legal References: Minn. Stat. § 121A.25-121A.29 (Chemical Abuse)
Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse, Abortion)
41 U.S.C. §§ 701-707 (Drug-Free Workplace Act)
20 U.S.C. §§ 7101-7144 (Safe and Drug-Free Schools and Communities Act)
34 C.F.R. Part 85 (Government-wide Requirements for Drug-Free Workplace)

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 416 (Drug and Alcohol Testing)
MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug Free School)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)
MSBA/MASA Model Policy

Adopted: Orig. 6/23/2013

Revised: 8/25/2020

403 DRUG-FREE WORKPLACE/DRUG-FREE SCHOOL

I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment for District staff and students by prohibiting the use of alcohol, toxic substances and controlled substances without a physician's prescription.

II. GENERAL STATEMENT OF POLICY

- A. Use of controlled substances, toxic substances, and alcohol before, during, or after school hours, at school or in any other school location, is prohibited as general policy. Possession of controlled substances and Paraphernalia associated with controlled substances is prohibited.
- B. It shall be a violation of this policy for any District student, teacher, other District personnel, or member of the public to use alcohol, toxic substances, or controlled substances in any school location.
- C. District will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or member of the public who violates this policy.

III. DEFINITIONS

- A. "Alcohol" includes any alcoholic beverage, malt beverage, fortified wine, or other intoxicating liquor.
- B. "Controlled substances" include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 U.S.C. § 812, including analogues and look-alike drugs.
- C. "Toxic substances" includes glue, cement, aerosol paint, or other substances used or possessed with the intent of inducing intoxication or excitement of the central nervous system.
- D. "Use" includes to sell, buy, manufacture, distribute, dispense, possess, use, or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration or consideration.
- E. "Possess" means to have on one's person, in one's effects, or in an area subject to one's control.
- F. "School location" includes any school building or on any school premises; in any

District-owned vehicle or in any other District-approved vehicle used to transport students to and from school or District activities; off District property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the District; or during any period of time such employee is supervising students on behalf of the District or otherwise engaged in District business.

IV. EXCEPTIONS

- A. It shall not be a violation of this policy for a person to bring onto a school location, for such a person's own use, a controlled substance which has a currently accepted medical use in treatment in the United States and the person has a physician's prescription for the substance. The person shall comply with the relevant procedures of this policy.
- B. It shall not be a violation of this policy for a person to possess an alcoholic beverage in a school location when the possession is within the exceptions of Minn. Stat. § 624.701, Subd. 1a (experiments in laboratories; pursuant to a temporary license to sell liquor issued under Minnesota laws or possession after the purchase from such a temporary license holder).

V. PROCEDURES

- A. Students who have a prescription from a physician for medical treatment with a controlled substance must comply with the District's student medication policy.
- B. District staff who have a prescription from a physician for medical treatment with a controlled substance are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or syringe. The employee must inform the personnel team. The employee may be required to provide a copy of the prescription.
- C. Each employee shall be provided with written notice of this Drug-Free Workplace/Drug-Free School policy and shall be required to acknowledge that he or she has received the policy.
- D. District staff are subject to the District's drug and alcohol testing policies and procedures.
- E. Members of the public are not permitted to possess controlled substances in a school location except with the express permission of the superintendent.
- F. Possession of alcohol on school grounds pursuant to the exceptions of Minn. Stat. § 624.701, Subd. 1a, shall be by permission of the School Board only. The applicant shall apply for permission in writing and shall follow the School Board procedures for placing an item on the agenda.

VI. ENFORCEMENT

- A. Students
 - 1. A student who violates the terms of this policy shall be subject to discipline in accordance with the District's discipline policy. Such discipline may include

suspension or expulsion from school.

2. The student may be referred to a drug or alcohol assistance or rehabilitation program and/or to law enforcement officials when appropriate.

B. Employees

1. As a condition of employment in any federal grant, each District staff who is engaged either directly or indirectly in performance of a federal grant shall abide by the terms of this policy and shall notify the personnel team in writing of his or her conviction of any criminal drug statute for a violation occurring in any of the places listed above on which work on a District federal grant is performed, no later than five (5) calendar days after such conviction.
2. A District staff member who violates the terms of this policy is subject to disciplinary action, including non-renewal, suspension, termination, or discharge as deemed appropriate by the School Board.
3. In addition, any District staff who violates the terms of this policy may be required to satisfactorily participate in a drug and/or alcohol abuse assistance or rehabilitation program approved by the District. Any employee who fails to satisfactorily participate in and complete such a program is subject to non-renewal, suspension, or termination as deemed appropriate by the School Board.
4. Sanctions against District staff, including non-renewal, suspension, termination, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and District policies.

C. The Public

1. A member of the public who violates this policy shall be informed of the policy and asked to leave. If necessary, law enforcement officials will be notified and asked to provide an escort.

Legal References: Minn. Stat. § 340A.403 (3.2 Percent Malt Liquor Licenses)
Minn. Stat. § 340A.404 (Intoxicating Liquor; On-Sale Licenses)
Minn. Stat. § 609.684 (Sale of Toxic Substances to Children; Abuse of Toxic Substances)
Minn. Stat. § 624.701 (Liquor in Certain Buildings or Grounds)
41 U.S.C. §§ 701-707 (Drug-Free Workplace Act)
20 U.S.C. § 7101-7165 (Safe and Drug-Free Schools and Communities Act)
21 U.S.C. § 812 (Schedules of Controlled Substances)
21 C.F.R. §§ 1308.11-1308.15 (Controlled Substances)
34 C.F.R. Part 85 (Government-wide Requirements for Drug-Free Workplace)

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 416 (Drug and Alcohol Testing)
MSBA/MASA Model Policy 417 (Chemical Use and Abuse)
MSBA/MASA Model Policy 506 (Student Discipline)

MSBA/MASA Model Policy 516 (Student Medication)

Technical Academies of Minnesota

Adopted: Orig. 6/23/2013

Revised: 8/25/2020

404 TOBACCO-FREE ENVIRONMENT

I. PURPOSE

The purpose of this policy is to maintain a learning and working environment that is tobacco free.

II. GENERAL STATEMENT OF POLICY

- A. It shall be a violation of this policy for any District student, staff, or other school personnel of the District or person to use tobacco or tobacco-related devices in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a District owns, leases, rents, contracts for, or controls. This prohibition includes all District property and all off-campus events sponsored by the District.
- B. It shall be a violation of this policy for any District student to possess any type of tobacco or tobacco-related device in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a District owns, leases, rents, contracts for, or controls. This prohibition includes all District property and all off-campus events sponsored by the District.
- C. The District will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or person who is found to have violated this policy.

III. TOBACCO AND TOBACCO RELATED DEVICES DEFINED

- A. "Tobacco" means cigarettes; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or other tobacco-related devices.
- B. "Tobacco-related devices" means cigarette papers or pipes for smoking.
- C. E-cigs and vapes, defined as the action or practice of inhaling and exhaling the vapor produced by an electronic cigarette or similar device.
- D. "Smoking" includes carrying a lit cigar, cigarette, pipe, or any other lit smoking equipment

including e-cigs and vapes.

IV. EXCEPTION

- A. It shall not be a violation of this policy for an Native American adult to light tobacco on District property as a part of a traditional Native American spiritual or cultural ceremony. An Native American is a person who is a member of an Indian tribe as defined under Minnesota law.

V. ENFORCEMENT

- A. All individuals on District premises shall adhere to this policy.
- B. Students who violate this tobacco-free policy shall be subject to District discipline procedures.
- C. District staff who violate this tobacco-free policy shall be subject to District discipline procedures.
- D. District action taken for violation of this policy will be consistent with requirements of applicable Minnesota or federal law and District policies.
- E. Persons who violate this tobacco-free policy may be referred to the Convener or personnel responsible for the area or program at which the violation occurred.
- F. District staff may call the local law enforcement agency to assist with enforcement of this policy. Smoking or use of any tobacco product in a public school is a violation of the Minnesota Clean Indoor Air Act and is a petty misdemeanor. A court injunction may be instituted against a repeated violator.

VI. DISSEMINATION OF POLICY

- A. This policy shall appear in the student handbook.
- B. The District will develop a method of discussing this policy with students and employees.

Legal References: Minn. Stat. § 144.413, Subd. 4 (Definitions)
Minn. Stat. § 144.4165 (Tobacco Products Prohibited in Public Schools)
Minn. Stat. § 144.417 (Commissioner of Health, Enforcement, Penalties)
Minn. Stat. § 609.685 (Sale of Tobacco to Children)

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 506 (Student Discipline)

MSBA Service Manual, Chapter 2, Students; Rights, Responsibilities and Behavior

Technical Academies of Minnesota

Adopted: Orig. 6/23/2013

Revised: 8/25/2020

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

I. PURPOSE

Public concern that students and staff of the 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 staff of the District. A procedure for minimizing interruptions to learning resulting from communicable diseases will be established by the 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 staff 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 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 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 staff of the 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 staff, 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 staff 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 staff by consulting with the Commissioner of Health, the physician of the student or staff, and the parent(s)/guardian(s) of the student.

D. Students with Special Circumstances and Conditions

District staff, 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 District are subject to a requirement of equal access and comparable services.

F. Precautions

The District will develop routine procedures for infection control at school and for educating staff 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 District's procedures regarding blood-borne pathogens developed pursuant to the District's staff right to know policy.)

G. Information Sharing

1. District staff and student health information shall be shared within the 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 staffs' right to know requirements.

2. District staff and student health data shall be shared outside the District only in accordance with state and federal law and with the District's policies on staff and student records and data.

H. Reporting

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

I. Prevention

The 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 Districts and Service Cooperatives;
4. 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 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 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)

Technical Academies of Minnesota

Adopted: Orig. 12/22/2020

406 Public and Private Personnel data

I. PURPOSE

The purpose of this policy is to provide guidance to school district employees as to the data the school district collects and maintains regarding its personnel.

II. GENERAL STATEMENT OF POLICY

- A. All data on individuals collected, created, received, maintained or disseminated by the school district, which is classified by statute or federal law as public, shall be accessible to the public pursuant to the procedures established by the school district.
- B. All other data on individuals is private or confidential.

III. DEFINITIONS

- A. "Public" means that the data is available to anyone who requests it.
- B. "Private" means the data is available to the subject of the data and to school district staff who need it to conduct the business of the school district.
- C. "Confidential" means the data is not available to the subject.
- D. "Parking space leasing data" means the following government data on an application for, or lease of, a parking space: residence address, home telephone number, beginning and ending work hours, place of employment, location of parking space, and work telephone number.
- E. "Personnel data" means government data on individuals maintained because they are or were employees of the school district, applicants for employment, or volunteers or independent contractors for the school district, or members of or applicants for an advisory board or commission. Personnel data include data submitted to the school district by an employee as part of an organized self-evaluation effort by the school district to request suggestions from all employees on ways to cut costs, make the school district more efficient, or to improve school district operations. An employee who is identified in a suggestion shall have access to all data in the suggestion except the identity of the employee making the suggestion.
- F. "Finalist" means an individual who is selected to be interviewed by the school board for a position.
- G. "Protected health information" means individually identifiable health information transmitted in electronic form by a school district acting as a health care provider. "Protected health information" excludes health information in education records covered by the federal Family Educational Rights and Privacy Act and employment records held by a school district in its role as employer.
- H. "Public officials" means business managers; human resource directors; athletic directors whose duties include at least 50 percent of their time spent in administration, personnel, supervision, and evaluation; chief financial officers; directors; and individuals defined as superintendents and principals.

IV. PUBLIC PERSONNEL DATA

A. The following information on employees, including volunteers and independent contractors, is public:

1. name;
2. employee identification number, which may not be the employee's social security number;
3. actual gross salary;
4. salary range;
5. terms and conditions of employment relationship;
6. contract fees;
7. actual gross pension;
8. the value and nature of employer-paid fringe benefits;
9. the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;
10. job title;
11. bargaining unit;
12. job description;
13. education and training background;
14. Previous work experience;
15. date of first and last employment;
16. the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action;
17. the final disposition of any disciplinary action, as defined in Minn. Stat. § 13.43, Subd. 2(b), 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 school district;
18. the complete terms of any agreement settling any dispute arising out of the employment relationship, including superintendent buyout agreements, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money, and such agreement may not have the purpose or effect of limiting access to or disclosure of personnel data or limiting the discussion of information or opinions related to personnel data;
19. work location;
20. work telephone number;
21. badge number;
22. work-related continuing education;
23. honors and awards received; and
24. payroll time sheets or other comparable data that are used only 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.

B. The following information on applicants for employment is public:

1. veteran status;
2. relevant test scores;

3. rank on eligible list;
 4. job history;
 5. education and training; and
 6. work availability.
- C. Names of applicants are private data except when certified as eligible for appointment to a vacancy or when they become finalists for an employment position.
- D. Applicants for appointment to a public body.
1. Data about applicants for appointment to a public body are private data on individuals except that the following are public:
 - a. Name;
 - b. city of residence, except when the appointment has a residency requirement that requires the entire address to be public;
 - c. education and training;
 - d. employment history;
 - e. volunteer work;
 - f. awards and honors;
 - g. prior government service;
 - h. any data required to be provided or that are voluntarily provided in an application for appointment to a multi member agency pursuant to Minn. Stat. § 15.0597; and
 - i. veteran status.
 2. Once an individual is appointed to a public body, the following additional items of data are public:
 - a. residential address;
 - b. either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee;
 - c. first and last dates of service on the public body;
 - d. the existence and status of any complaints or charges against an appointee; and
 - e. upon completion of an investigation of a complaint or charge against an appointee, the final investigative report is public, unless access to the data would jeopardize an active investigation.
 3. Notwithstanding paragraph 2., any electronic mail address or telephone number provided by a public body for use by an appointee shall be public. An appointee may use an electronic mail address or telephone number provided by the public body as the designated electronic mail address or telephone number at which the appointee can be reached.
- E. Regardless of whether there has been a final disposition as defined in Minn. Stat. § 13.43, Subd. 2(b), upon completion of an investigation of a complaint or charge against a public official, as defined in Minn. Stat. § 13.43, Subd. 2(e), or if a public official resigns or is terminated from employment while the complaint or charge is pending, all data

relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources.

F. Data relating to a complaint or charge against a public official is public only if: (1) the complaint or charge results in disciplinary action or the employee resigns or is terminated from employment while the complaint or charge is pending; or (2) potential legal claims arising out of the conduct that is the subject of the complaint or charge are released as part of a settlement agreement. Data that is classified as private under another law is not made public by this provision.

V. PRIVATE PERSONNEL DATA

A. All other personnel data are private and will only be shared with school district staff whose work requires such access. Private data will not be otherwise released unless authorized by law or by the employee's informed written consent.

B. Data pertaining to an employee's dependents are private data on individuals.

C. Data created, collected or maintained by the school district to administer employee assistance programs are private.

D. Parking space leasing data are private.

E. An individual's checking account number is private when submitted to a government entity.

F. Personnel data may be disseminated to labor organizations to the extent the school district determines it is necessary for the labor organization to conduct its business or when ordered or authorized by the Commissioner of the Bureau of Mediation Services.

G. The school district may display a photograph of a current or former employee to prospective witnesses as part of the school district's investigation of any complaint or charge against the employee.

H. The school district may, if the responsible authority or designee reasonably determines that the release of personnel data is necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, release data that are relevant to the concerns for safety to:

1. the person who may be harmed and to the attorney representing the person when the data are relevant to obtaining a restraining order;
2. a pre-petition screening team conducting an investigation of the employee under Minn. Stat. § 253B.07, Subd. 1; or
3. a court, law enforcement agency, or prosecuting authority.

I. Private personnel data or confidential investigative data on employees may be disseminated to a law enforcement agency for the purpose of reporting a crime or alleged crime committed by an employee, or for the purpose of assisting law enforcement in the investigation of such a crime or alleged crime.

J. A complainant has access to a statement provided by the complainant to the school district in connection with a complaint or charge against an employee.

K. When allegations of sexual or other types of harassment are made against an employee, the employee shall not have access to data that would identify the complainant or other witnesses if the school district determines that the employee's access to that data would:

1. threaten the personal safety of the complainant or a witness; or

2. subject the complainant or witness to harassment.

If a disciplinary proceeding is initiated against the employee, data on the complainant or witness shall be available to the employee as may be necessary for the employee to prepare for the proceeding.

L. The school district shall make any report to the board of teaching or the state board of education as required by Minn. Stat. § 122A.20, Subd. 2, and shall, upon written request from the licensing board having jurisdiction over a teacher's license, provide the licensing board with information about the teacher from the school district's files, any termination or disciplinary proceeding, and settlement or compromise, or any investigative file in accordance with Minn. Stat. § 122A.20, Subd. 2.

M. Private personnel data shall be disclosed to the department of economic security for the purpose of administration of the unemployment insurance program under Minn. Stat. Ch. 268.

N. When a report of alleged maltreatment of a student in a school is made to the Commissioner of Education, data that are relevant and collected by the school about the person alleged to have committed maltreatment must be provided to the Commissioner on request for purposes of an assessment or investigation of the maltreatment report. Additionally, personnel data may be released for purposes of informing a parent, legal guardian, or custodian of a child that an incident has occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

O. The school district shall release to a requesting school district or charter school private personnel data on a current or former employee related to acts of violence toward or sexual contact with a student, if an investigation conducted by or on behalf of the school district or law enforcement affirmed the allegations in writing prior to release and the investigation resulted in the resignation of the subject of the data; or the employee resigned while a complaint or charge involving the allegations was pending, the allegations involved acts of sexual contact with a student, and the employer informed the employee in writing, before the employee resigned, that if the employee resigns while the complaint or charge is still pending, the employer must release private personnel data about the employee's alleged sexual contact with a student to a school district or charter school requesting the data after the employee applies for employment with that school district or charter school and the data remain classified as provided in Minn. Stat. Ch. 13. Data that are released under this paragraph must not include data on the student.

P. The identity of an employee making a suggestion as part of an organized self-evaluation effort by the school district to cut costs, make the school district more efficient, or to improve school district operations is private.

Q. Health information on employees is private unless otherwise provided by law. To the extent that the school district transmits protected health information, the school district will comply with all privacy requirements.

R. Personal home contact information for employees may be used by the school district and shared with another government entity in the event of an emergency or other disruption to ensure continuity of operation for the school district or government entity.

S. The personal telephone number, home address, and electronic mail address of a current or former employee of a contractor or subcontractor maintained as a result of a contractual relationship between the school district and a contractor or subcontractor entered on or after August 1, 2012, are private data. These data must be shared with another government entity to perform a function authorized by law. The data also must be disclosed to a government entity or any person for prevailing wage purposes.

T. When a teacher is discharged immediately because the teacher's license has been revoked due to a conviction for child abuse or sexual abuse or when the Commissioner of the Minnesota Department of Education (MDE) makes a final determination of child maltreatment involving a teacher, the school principal or other person having administrative control of the school must include in the teacher's employment record the information contained in the record of the disciplinary action or the final maltreatment determination, consistent with the definition of public data under Minn. Stat. § 13.41, Subd. 5, and must provide the Board of Teaching and the licensing division at MDE with the necessary and relevant information to enable the Board of Teaching and MDE's licensing division to fulfill their statutory and administrative duties related to issuing, renewing, suspending, or revoking a teacher's license. In addition to the background check required under Minn. Stat. § 123B.03, a school board or other school hiring authority must contact the Board of Teaching and MDE to determine whether the teacher's license has been suspended or revoked, consistent with the discharge and final maltreatment determinations. Unless restricted by federal or state data practices law or by the terms of a collective bargaining agreement, the responsible authority for a school district must disseminate to another school district private personnel data on a current or former teacher (employee or contractor) of the district, including the results of background investigations, if the requesting school district seeks the information because the subject of the data has applied for employment with the requesting school district.

VI. MULTIPLE CLASSIFICATIONS

If data on individuals are classified as both private and confidential by Minn. Stat. Ch. 13, or any other state or federal law, the data are private.

VII. CHANGE IN CLASSIFICATIONS

The school district shall change the classification of data in its possession if it is required to do so to comply with other judicial or administrative rules pertaining to the conduct of legal actions or with a specific statute applicable to the data in the possession of the disseminating or receiving agency.

VIII. RESPONSIBLE AUTHORITY

The school district has designated Eric Williams, PH: 320-230-5340, ewilliams@strideacademy.org as the authority responsible for personnel data. If you have any questions, contact him.

IX. EMPLOYEE AUTHORIZATION/RELEASE FORM

An employee authorization form is included as an addendum to this policy.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 13.02 (Definitions)
Minn. Stat. § 13.37 (General Nonpublic Data)
Minn. Stat. § 13.39 (Civil Investigation Data)
Minn. Stat. § 13.43 (Personnel Data)
Minn. Stat. § 13.601, Subd. 3 (Elected and Appointed Officials)
Minn. Stat. § 122A.20, Subd. 2 (Mandatory Reporting)
Minn. Stat. § 122A.40, Subds. 13 and 16 (Employment; Contracts; Termination)
Minn. Stat. § 626.556, Subd. 7 (Reporting of Maltreatment of Minors)
P.L. 104-191 (HIPAA)
45 C.F.R. Parts 160 and 164 (HIPAA Regulations)

Cross References:

MSBA/MASA Model Policy 206 (Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA Service Manual, Chapter 13, School Law Bulletin "I" (School Records – Privacy – Access to Data)

Technical Academies of Minnesota

Adopted: Orig. 12/22/2020

407 Employee Right to Know- Exposure to Hazardous Substances

I. PURPOSE

The purpose of this policy is to provide charter school employees a safe place of employment and stipulate the conditions of employment free from recognized hazards that are likely to cause death or serious injury or harm. (Minn. Stat. § 182.653, Subd. 2)

II. GENERAL STATEMENT OF POLICY

The policy of this charter school is to provide information and training to employees who may be “routinely exposed” to a hazardous substance, harmful physical agent, infectious agent, or blood borne pathogen.

III. DEFINITIONS

A. “Commissioner” means the Commissioner of Labor and Industry.

B. “Routinely exposed” means that there is a reasonable potential for exposure during the normal course of assigned work or when an employee is assigned to work in an area where a hazardous substance has been spilled.

C. “Hazardous substance” means a chemical or substance, or mixture of chemicals and substances, which:

1. is regulated by the Federal Occupational Safety and Health Administration under the Code of Federal Regulations; or
2. is either toxic or highly toxic; an irritant; corrosive; a strong oxidizer; a strong sensitizer; combustible; either flammable or extremely flammable; dangerously reactive; pyrophoric; pressure-generating; compressed gas; carcinogen; teratogen; mutagen; reproductive toxic agent; or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance; or
3. is determined by the commissioner as a part of the standard for the chemical or substance or mixture of chemicals and substances to present a significant risk to worker health and safety or imminent danger of death or serious physical harm to an employee as a result of foreseeable use, handling, accidental spill, exposure, or contamination.. “Harmful physical agent” means a physical agent determined by the commissioner as a part of the standard for that agent to present a significant risk to worker health or safety or imminent danger of death or serious physical harm to an employee. This definition includes but is not limited to radiation, whether ionizing or nonionizing.

E. “Infectious agent” means a communicable bacterium, rickettsia, parasites, virus, or fungus determined by the commissioner by rule, with approval of the commissioner of health, which according to documented medical or scientific evidence causes substantial acute or chronic illness or permanent disability as a foreseeable and direct result of any

routine exposure to the infectious agent. Infectious agent does not include an agent in or on the body of a patient before diagnosis.

F. "Blood borne pathogen" means a pathogenic microorganism that is present in human blood and can cause disease in humans. This definition includes, but is not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

IV. TARGET JOB CATEGORIES

Annual training will be provided to all full and part-time employees who are "routinely exposed" to a hazardous substance, harmful physical agent, infectious agent, or blood borne pathogen as set forth above.

V. TRAINING SCHEDULE

Training will be provided to employees before beginning a job assignment as follows:

A. Any newly-hired employee assigned to a work area where he or she is determined to be "routinely exposed" under the guidelines above.

B. Any employee reassigned to a work area where he or she is determined to be "routinely exposed" under the above guidelines.

Legal References:

Minn. Stat. Ch. 182 (Occupational Safety and Health)

Minn. Rules Ch. 5205 (Safety and Health Standards)

Minn. Rules Ch. 5206 (Employee Right to Know Standards) 29 C.F.R. § 1910.1050, App. B (Substance Technical Guidelines)

410 EMPLOYMENT, DISCIPLINE, SUSPENSION AND DISMISSAL OF SCHOOL DISTRICT EMPLOYEES

I. PURPOSE The purpose of this policy is to achieve the effective operation of the school district's programs through the cooperation of all employees under a system of policies and rules applied fairly and uniformly.

II. GENERAL STATEMENT OF POLICY The disciplinary process described herein is designed to utilize progressive steps, where appropriate, to produce positive corrective action. While the school district intends that in most cases progressive discipline will be administered, the specific form of discipline chosen in a particular case and/or the decision to impose discipline in a manner otherwise, is solely within the discretion of the school district.

III. DISCIPLINE

A. Violation of School Laws and Rules. The form of discipline imposed for violations of school laws and rules may vary from an oral reprimand to termination of employment or discharge depending upon factors such as the nature of the violation, whether the violation was intentional, knowing and/or willful and whether the employee has been the subject of prior disciplinary action of the same or a different nature. School laws and rules to which this provision applies include:

1. policies of the school district;
2. directives and/or job requirements imposed by administration and/or the employee's supervisor; and
3. federal, state and local laws, rules and regulations, including, but not limited to, the rules and regulations adopted by federal and state agencies.

B. Substandard Performance. An employee's substandard performance may result in the imposition of discipline ranging from an oral reprimand to termination of employment or discharge. In most instances, discipline imposed for the reason of substandard performance will follow a progressive format and will be accompanied by guidance, help and encouragement to improve from the employee's supervisor and reasonable time for correction of the employee's deficiency.

C. Misconduct. Misconduct of an employee will result in the imposition of discipline consistent with the seriousness of the misconduct. Conduct which falls into this category includes, but is not limited to:

1. unprofessional conduct;

2. failure to observe rules, regulations, policies and standards of the school district and/or directives and orders of supervisors and any other act of an insubordinate nature;
3. continuing neglect of duties in spite of oral warnings, written warnings and/or other forms of discipline;
4. personal and/or immoral misconduct;
5. use of illegal drugs, alcohol or any other chemical substance on the job or any use off the job which impacts on the employee's performance;
6. deliberate and serious violation of the rights and freedoms of other employees, students, parents or other persons in the school community;
7. activities of a criminal nature relating to the fitness or effectiveness of the employee to perform the duties of the position;
8. failure to follow the canons of professional and personal ethics;
9. falsification of credentials and experience;
10. unauthorized destruction of school district property;
11. other good and sufficient grounds relating to any other act constituting inappropriate conduct;
12. neglect of duty;
13. violation of the rights of others as provided by federal and state laws related to human rights.

IV. FORMS OF DISCIPLINE

A. The forms of discipline that may be imposed by the school district include, but are not limited to:

1. oral warning;
2. written warning or reprimand;
3. probation;
4. disciplinary suspension, demotion or leave of absence with pay;
5. disciplinary suspension, demotion or leave of absence without pay; and
6. dismissal/termination or discharge from employment.

B. Other forms of discipline, including any combination of the forms described in paragraph A form of discipline as listed above, may be imposed if, in the judgment of the administration, another form of discipline will better accomplish the school district's objective of stopping or correcting the offending conduct and improving the employee's performance.

V. PROCEDURES FOR ADMINISTERING POLICY

A. In an instance where any form of discipline is imposed, the employee's supervisor will:

1. Advise the employee of any inadequacy, deficiency or conduct which is the cause of the discipline, either orally or in writing. If given orally, the

supervisor will document the fact that an oral warning was given to the employee specifying the date, time and nature of the oral warning.

2. Provide directives to the employee to correct the conduct or performance.

3. Forward copies of all writings to the administrator in charge of personnel for filing in the employee's personnel file.

4. Allow a reasonable period of time, when appropriate, for the employee to correct or remediate the performance or conduct.

5. Specify the expected level of performance or modification of conduct to be required from the employee.

B. Personnel Committee will advise the Board of any immediately necessary terminations or hiring.

C. The school district retains the right to immediately discipline, terminate or discharge an employee as appropriate, subject to relevant governing law and collective bargaining agreements where applicable.

D. Personnel committees of each site will forward all requests for approval and termination of contracts to the School Board, for review and approval at a regular or special meeting.

Legal References:

Minn. Stat. § 122A.40 (Teachers)

Minn. Stat. § 122A.41 (Teacher tenure)

Minn. Stat. § 122A.58 (Coaches)

Minn. Stat. § 122A.44 (Contracting with teachers)

Minn. Stat. § 123B.02, Subd. 14 (Employees; contracts for services)

Minn. Stat. § 123B.143 (Superintendent)

Minn. Stat. § 123B.147 (Principals)

Minn. Stat. § 197.46 et seq. (Veterans Preference Act)

Technical Academies of Minnesota

Adopted: Orig. 12/22/2020

411 Family Medical Leave

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

III. DEFINITIONS

A. "Covered active duty" means:

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

B. "Covered servicemember" means:

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

C. "Eligible employee" means an employee who has been employed by the school district for a total of at least 12 months and who has been employed for at least 1,250 hours of service during the 12-month period immediately preceding

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

D. "Military caregiver leave" means leave taken to care for a covered servicemember with a serious injury or illness.

E. "Next of kin of a covered servicemember" means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin, and the employee may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin.

F. "Outpatient status" means, with respect to a covered servicemember who is a current member of the Armed Forces, the status of a member of the Armed Forces assigned to:

1. a military medical treatment facility as an outpatient; or
2. a unit established for the purpose of providing command and control of members of the Armed Forces receiving care as outpatients.

G. "Qualifying exigency" means a situation where the eligible employee seeks leave for one or more of the following reasons:

1. to address any issues that arise from a short-notice deployment (seven calendar days or less) of a covered military member;

2. to attend military events and related activities of a covered military member;
3. to address issues related to childcare and school activities of a covered military member's child;
4. to address financial and legal arrangements for a covered military member;
5. to attend counseling provided by someone other than a health care provider for oneself, a covered military member, or his/her child;
6. to spend up to 15 calendar days with a covered military member who is on short-term, temporary rest and recuperation leave during a period of deployment;
7. to attend post-deployment activities related to a covered military member;
8. to address parental care needs; and
9. to address other events related to a covered military member that both the employee and school district agree is a qualifying exigency.

H. "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

1. inpatient care in a hospital, hospice, or residential medical care facility;
or
2. continuing treatment by a health care provider.

I. "Spouse" means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This definition includes an individual in a same-sex or common law marriage that either: (1) was entered into in a state that recognizes such marriages; or (2) if entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state.

J. "Veteran" has the meaning given in 38 U.S.C. § 101.

IV. LEAVE ENTITLEMENT

A. Twelve-week Leave under Federal Law

1. Eligible employees are entitled to a total of 12 work weeks of unpaid family or medical leave during the applicable 12-month period as defined below, plus any additional leave as required by law. Leave may

be taken for one or more of the following reasons in accordance with applicable law:

- a. birth of the employee's child and to care for such child;
 - b. placement of an adopted or foster child with the employee;
 - c. to care for the employee's spouse, son, daughter, or parent with a serious health condition;
 - d. the employee's serious health condition makes the employee unable to perform the functions of the employee's job; and/or
 - e. any qualifying exigency arising from the employee's spouse, son, daughter, or parent being on covered active duty, or notified of an impending call or order to covered active duty in the Armed Forces.
2. For the purposes of this policy, "year" is defined as a rolling 12-month period measured backward from the date an employee's leave is to commence.
 3. An employee's entitlement to FMLA leave for the birth, adoption, or foster care of a child expires at the end of the 12-month period beginning on the date of the birth or placement.
 4. A "serious health condition" typically requires either inpatient care or continuing treatment by or under the supervision of a health care provider, as defined by applicable law. Family and medical leave generally is not intended to cover short-term conditions for which treatment and recovery are very brief.
 5. A "serious injury or illness," in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means:

a. injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and

b. in the case of a covered veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time, during the period of five years preceding the date on which the veteran undergoes the medical treatment, recuperation, or therapy, means a qualifying injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty in the Armed Forces and that manifested itself before or after the member became a veteran, and is:

(1) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or

(2) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability (VASRD) rating of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

(3) a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

(4) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

6. Eligible spouses employed by the school district are limited to an aggregate of 12 weeks of leave during any 12-month period for the birth and care of a newborn child or adoption of a child, the placement of a child for foster care, or to care for a parent. This limitation for spouses employed by the school district does not apply to leave taken:

by one spouse to care for the other spouse who is seriously ill; to care for a child with a serious health condition; because of the employee's own serious health condition; or pursuant to Paragraph IV.A.1.e. above.

7. Depending on the type of leave, intermittent or reduced schedule leave may be granted in the discretion of the school district or when medically necessary. However, part-time employees are only eligible for a pro-rata portion of leave to be used on an intermittent or reduced schedule basis, based on their average hours worked per week. Where an intermittent or reduced schedule leave is foreseeable based on planned medical treatment, the school district may transfer the employee temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position, and which has equivalent pay and benefits.
8. If an employee requests a leave for the serious health condition of the employee or the employee's spouse, child, or parent, the employee will be required to submit sufficient medical certification. In such a case, the employee must submit the medical certification within 15 days from the date of the request or as soon as practicable under the circumstances.
9. If the school district has reason to doubt the validity of a health care provider's certification, it may require a second opinion at the school district's expense. If the opinions of the first and second health care providers differ, the school district may require certification from a third health care provider at the school district's expense. An employee may also be required to present a certification from a health care provider indicating that the employee is able to return to work.
10. Requests for leave shall be made to the school district. When leave relates to an employee's spouse, son, daughter, parent, or covered servicemember being on covered active duty, or notified of an impending call or order to covered active duty pursuant to Paragraph IV.A.1.e. above, and such leave is foreseeable, the employee shall provide reasonable and practical notice to the school district of the need for leave. For all other leaves, employees must give 30 days' written notice of a leave of absence where practicable. The failure to provide the required notice may result in a delay of the requested leave. Employees are expected to make a reasonable effort to schedule leaves resulting from planned medical treatment so as not to disrupt unduly the operations of the school district, subject to and in coordination with the health care provider.

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

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

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

B. Twelve-week Leave under State Law

An employee who does not qualify for parenting leave under Paragraphs IV.A.1.a. or IV.A.1.b. above may qualify for a 12-week unpaid leave which

is available to a biological or adoptive parent in conjunction with the birth or adoption of a child, or to a female employee for prenatal care or incapacity due to pregnancy, childbirth, or related health conditions. The length of the leave shall be determined by the employee but must not exceed 12 weeks unless agreed by the employer. The employee may qualify if he or she has worked for the school district for at least 12 months and has worked an average number of hours per week equal to one-half of the full time equivalent during the 12-month period immediately preceding the leave. This leave is separate and exclusive of the family and medical leave described in the preceding paragraphs but may be reduced by any period of paid parental, disability, personal, or medical, or sick leave, or accrued vacation provided by the employer so that the total leave does not exceed 12 weeks, unless agreed by the employer, or leave taken for the same purpose under the FMLA. The leave taken under this section shall begin at a time requested by the employee. An employee who plans to take leave under this section must give the employer reasonable notice of the date the leave shall commence and the estimated duration of the leave. For leave taken by a biological or adoptive parent in conjunction with the birth or adoption of a child, the leave must begin within 12 months of the birth or adoption; except that, in the case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital.

C. Twenty-six-week Servicemember Family Military Leave

1. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 work weeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall be available only during a single 12-month period. For purposes of this leave, the need to care for a servicemember includes both physical and psychological care.
2. During a single 12-month period, an employee shall be entitled to a combined total of 26 work weeks of leave under Paragraphs IV.A. and IV.C. above.
3. The 12-month period referred to in this section begins on the first day the eligible employee takes leave to care for a covered servicemember and ends 12 months after that date.
4. Eligible spouses employed by the school district are limited to an aggregate of 26 weeks of leave during any 12-month period if leave is taken for birth of the employee's child or to care for the child after birth; for placement of a child with the employee for adoption or foster care or to care for the child after placement; to care for the employee's parent with a serious health condition; or to care for a covered servicemember with a serious injury or illness.

5. The school district may request or require the employee to substitute accrued paid leave for any part of the 26-week period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines established for the implementation of this policy, if any. Employees eligible for leave must comply with the family and medical leave directives and guidelines prior to starting leave.
6. An employee will be required to submit sufficient medical certification issued by the health care provider of the covered servicemember and other information in support of requested leave and eligibility for such leave under this section within 15 days from the date of the request or as soon as practicable under the circumstances.
7. The provisions of Paragraphs IV.A.7., IV.A.10., IV.A.12., IV.A.13., and IV.A.14. above shall apply to leaves under this section.

V. SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES

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

B. Instructional employees who request foreseeable medically necessary intermittent or reduced work schedule leave greater than 20 percent of the work days in the leave period may be required to:

1. take leave for the entire period or periods of the planned medical treatment; or
2. move to an available alternative position for which the employee is qualified, and which provides equivalent pay and benefits, but not necessarily equivalent duties.

C. Instructional employees who request continuous leave near the end of a semester may be required to extend the leave through the end of the semester. The number of weeks remaining before the end of a semester does not include scheduled school breaks, such as summer, winter, or spring break.

1. If an instructional employee begins leave for any purpose more than five weeks before the end of a semester and it is likely the leave will

last at least three weeks, the school district may require that the leave be continued until the end of the semester.

2. If the employee begins leave for a purpose other than the employee's own serious health condition during the last five weeks of a semester, the school district may require that the leave be continued until the end of the semester if the leave will last more than two weeks or if the employee's return from leave would occur during the last two weeks of the semester.

3. If the employee begins leave for a purpose other than the employee's own serious health condition during the last three weeks of the semester and the leave will last more than five working days, school district may require the employee to continue taking leave until the end of the semester.

D. The entire period of leave taken under the special rules will be counted as leave. The school district will continue to fulfill the school district's leave responsibilities and obligations, including the obligation to continue the employee's health insurance and other benefits, if an instructional employee's leave entitlement ends before the involuntary leave period expires.

VI. OTHER

A. The provisions of this policy are intended to comply with applicable law, including the FMLA and applicable regulations. Any terms used from the FMLA will have the same meaning as defined by the FMLA and/or applicable regulations. To the extent that this policy is ambiguous or contradicts applicable law, the language of the applicable law will prevail.

B. The requirements stated in the collective bargaining agreement between employees in a certified collective bargaining unit and the school district regarding family and medical leaves (if any) shall be followed.

VII. DISSEMINATION OF POLICY

A. This policy shall be conspicuously posted in each school district building in areas accessible to employees.

B. This policy will be reviewed at least annually for compliance with state and federal law.

Legal References:

Minn. Stat. §§ 181.940-181.944 (Parenting Leave)

10 U.S.C. § 101 *et seq.* (Armed Forces General Military Law)

29 U.S.C. § 2601 *et seq.* (Family and Medical Leave Act)

38 U.S.C. § 101 (Definitions)

29 C.F.R. Part 825 (Family and Medical Leave Act)

Cross References:

MSBA Service Manual, Chapter 13, School Law Bulletin “M” (Statutory Provisions Which Grant Leaves to Licensed as well as Non-Licensed School District Employees – Family and Medical Leave Act Summary)

Technical Academies of Minnesota

Adopted: Orig. 12/22/2020

421 EQUAL EMPLOYMENT OPPORTUNITY

I. PURPOSE

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

GENERAL STATEMENT OF POLICY

1. The policy of the school district is to provide equal employment opportunity for all applicants and employees. The school district does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, including gender identity or expression, age, family care leave status, or veteran status. The school district also makes reasonable accommodations for employees with disabilities.

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

2. The school district prohibits the harassment of any individual for any of the categories listed above. For information about the types of conduct that constitute impermissible harassment and the school district’s internal procedures for addressing complaints of harassment, please refer to the school district’s policy on harassment and violence.

3. This policy applies to all areas of employment including hiring, discharge, promotion, compensation, facilities, or privileges of employment.

4. Every school district employee shall be responsible for following this policy.

5. Any person having a question regarding this policy should discuss it with the TAM Human Rights Officer.

Legal References:

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

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

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

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

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

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

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

Cross References:

MSBA/MASA Model Policy 402 (Disability Nondiscrimination)

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

MSBA/MASA Model Policy 413 (Harassment and Violence)

Technical Academies of Minnesota

Adopted: Orig. 12/22/2020

422- Disability Nondiscrimination

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

A. The school district shall not discriminate against qualified individuals with disabilities because of the disabilities of such individuals in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions, and privileges of employment.

B. The school district shall not engage in contractual or other arrangements that have the effect of subjecting its qualified applicants or employees with disabilities to discrimination on the basis of disability. The school district shall not exclude or otherwise deny equal jobs or job benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association.

C. The school district shall make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the accommodation would impose undue hardship on the operation of the business of the school district.

D. Any job applicant or employee wishing to discuss the need for a reasonable accommodation, or other matters related to a disability or the enforcement and application of this policy, should contact: TAM Human Rights Officer,

Legal References:

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

29 U.S.C. 794 *et seq.* (Rehabilitation Act of 1973, § 504)

42 U.S.C., Ch. 126 § 12112 (Americans with Disabilities Act)

29 C.F.R. Part 32

34 C.F.R. Part 104

Cross References:

MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)

Technical Academies of Minnesota

Adopted: Orig. 8/25/2020

Revised:

425 WHISTLEBLOWER POLICY

I. PURPOSE

The Whistleblower Policy (refer to the Minnesota Statute section §181.932) is intended to create an ethical and open work environment and to ensure the District has a governance and accountability structure that supports its mission. It is also intended to encourage and enable the School Board, officers, employees and volunteers of the District to raise serious concerns about the occurrence of illegal or unethical actions within the District before turning to outside parties for resolution. If any stakeholder reasonably believes that some policy, practice, or activity of the District is in violation of the law, a written complaint must be filed by that stakeholder with a School Board Representative.

II. GENERAL STATEMENT OF POLICY

It is the intent of the District to adhere to all laws and regulations that apply to the District. The underlying purpose of this policy is to support the District's goal of legal compliance. The support of all stakeholders is necessary for achieving compliance with various laws and regulations. An employee is protected from retaliation only if the employee brings the alleged unlawful activity, policy, or practice to the attention of the District and provides the District with a reasonable opportunity to investigate and correct the alleged unlawful activity. These protections are only available to employees that comply with this requirement.

Adopted: Orig. 12/22/2020

Revised:

426 NEPOTISM IN EMPLOYMENT

I. PURPOSE

The purpose of this policy is to establish consistent employment guidelines and to prevent situations where an individual may have or be perceived to have unfair influence over the career development, work assignments, work direction, performance reviews, or compensation of a family member who is also employed by Technical Academies of Minnesota.

II. GENERAL STATEMENT OF POLICY

Technical Academies of Minnesota may employ family members of current employees. However, to be hired, transferred, or promoted, close family members may not be assigned to the following:

- A. Positions where one can influence the employment conditions or career of the other. This includes decisions involving hiring, termination, compensation, performance evaluation, discipline, promotional opportunities, and work assignments; or
- B. Positions where one reports to, directs the work of, or otherwise has direct or indirect supervision of another family member.
- C. Serve on a committee whereby they would have influence as described in part A.

III. DEFINITIONS

A. Close Family Member

_____A close family member means the employee's parent, spouse, child (including adopted child), sibling, grandmother, grandfather, grandchildren, niece, nephew, aunt, uncle, first cousin, all step relatives including stepchild, stepmother, stepfather, stepsister and stepbrother, in-law relationships including father- and mother-in-law, daughter, and son-in-law, brother- and sister-in-law, ward of the employee or employee's spouse, domestic partner, or person cohabitating in the employee's household regardless of the degree of the relationship.

B. Direct or Indirect Supervision

_____Direct or indirect supervision means the authority to make, participate in, or

recommend employment- and/or compensation-related decisions involving a close family member, including, but not limited to, decisions concerning hiring, promotion, transfer, discipline, termination, salary, evaluation, grievance resolution, or other similar personnel actions.

IV. APPLICATION TO BOARD MEMBERS

Board members are not considered to have direct or indirect supervision except in situations when they are called upon to act specifically on matters of employment status or compensation for an applicant or employee. In such cases, board members shall abstain from the action when a close family member is involved.

V. EXCEPTIONS; SPECIAL CIRCUMSTANCES

In exceptional circumstances, a direct or indirect supervision relationship may exist between employees who are close family members. Such circumstances may be necessitated by factors such as the unique qualifications or responsibilities of the individuals involved, the lack of other available appropriate supervisory personnel, or whether the position for which the close family member is being considered is temporary in nature. Any exception must be reviewed and approved in writing by TAM's School Board. Any direct or indirect supervision relationship must be approved by the School Board. All employment decisions affecting the subordinate employee, including, but not limited to, selection, hiring, discipline, performance review, compensation, or leave, must be assigned to other committee members, or if not possible to the School Board.

VI. ADDRESSING EXISTING CONFLICTS AND CHANGES IN RELATIONSHIP BETWEEN EMPLOYEES

Any charter school employee involved in a direct or indirect supervision relationship with a close family member that existed prior to the original approval date of this policy or that arises after the adoption of this policy shall promptly notify the school board of such relationship. The school board shall make suitable arrangements for the transfer of one of the employees, assignment of a different supervisor, or a determination that an exception is necessary under Section V. of this policy. Any direct or indirect supervision relationship approved by the school board under Section V. shall be included in the minutes of the next board meeting. The sites shall promptly notify the charter school's board of directors of any direct or indirect supervision relationship which arises concerning a close family member as a result of this policy. All such relationships shall be resolved by the board of directors in accordance with this policy.

VII. COMPLIANCE WITH EQUAL OPPORTUNITY AND DISCRIMINATION LAWS

Nothing in this policy shall be construed as discouraging the employment of a close family member for positions that do not involve direct or indirect supervision. Nothing in this policy shall

be construed to otherwise limit the employment opportunities of any person employment by Technical Academies of Minnesota.

Legal References: Minn. Stat. § 124E.07 (Charter Schools)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
42 U.S.C. § 2000e et seq. (Title VII of the Civil Rights Act)

Cross References: MSBA/MASA Model Policy 210.1 (Conflict of Interest - Charter School Board Members)
MSBA/MASA Model Policy 401 (Equal Employment Opportunity)

430 - Health Insurance Policy

Original Creation Date:9/28/2021

Last Reviewed:

PURPOSE

The purpose of this policy is to comply with terms of the Minnesota Health Insurance Transparency and Accountability Act applicable to charter schools.

POLICY STATEMENT

Technical Academies of Minnesota (TAM) will follow the guidelines set forth in this policy when procuring group health insurance coverage for its employees.

REQUESTS FOR PROPOSALS

TAM will request sealed proposals for group health insurance coverage from a minimum of three sources at least every two years. The requests for the proposals shall occur at a reasonable time before the date specified by the Board to open the sealed proposals.

SEALED BIDS

The District Finance committee will open all sealed proposals at the same time on the date specified by the Board. This date shall be a reasonable time prior to the plan's renewal date.

The Finance Committee will make a recommendation to the school board on which bid appears to be in the best of interest of the school.

The Finance Committee will notify employees covered by the group health insurance before the effective date of the changes in group health contract.

Upon the opening of the proposals, the content of the proposals becomes public data under Minn. Stat. Chapter 13

Legal References:

Minn. Stat. §124E.12 (Charter School Law)

Technical Academies of Minnesota

Adopted: Orig. 6/23/2013

Revised: 8/25/2020

500 SCHOOL WEAPONS POLICY

I. PURPOSE

The purpose of this policy is to assure a safe school environment for District students, staff and the public.

II. GENERAL STATEMENT OF POLICY

No student or nonstudent, including adults and visitors, shall possess, use or distribute a weapon when in a school location.

III. DEFINITION

A. "Weapon"

1. A "weapon" means any object, device or instrument designed as a weapon or through its use is capable of threatening or producing bodily harm or which may be used to inflict self-injury including, but not limited to, any firearm, whether loaded or unloaded; airguns; pellet guns; BB guns; all knives; blades; clubs; metal knuckles; nunchucks; throwing stars; explosives; fireworks; mace and other propellants; stun guns; ammunition; poisons; chains; arrows; and objects that have been modified to serve as a weapon.
2. No student shall possess, use or distribute any object, device or instrument having the appearance of a weapon and such objects, devices or instruments shall be treated as weapons including, but not limited to, weapons listed above which are broken or non-functional, look-alike guns; toy guns; and any object that is a facsimile of a real weapon.
3. No student shall use articles designed for other purposes (i.e., belts, combs, pencils, files, scissors, etc.), to inflict bodily harm and/or intimidate and such use will be treated as the possession and use of a weapon.

B. "School Location" includes a school building, school grounds, District activities or trips, bus stops, District buses or vehicles, District-contracted vehicles, the area of entrance or departure from school premises or events, and all District-related functions.

C. "Possession" means having a weapon on one's person or in an area subject to one's control in a school location. A student who finds a weapon on the way to school or in the District building, or a student who discovers that he or she accidentally has a weapon in

his or her possession, and takes the weapon immediately to a District staff member shall not be considered to possess a weapon.

IV. CONSEQUENCES FOR WEAPON POSSESSION/USE/DISTRIBUTION

- A. The District takes the use or distribution of weapons by students very seriously. Consequently, the minimum consequence for students possessing, using or distributing weapons may include:
1. Immediate out-of-school suspension;
 2. Confiscation of the weapon;
 3. Immediate notification of police;
 4. Parent or guardian notification; and
 5. Recommendation to the Board for dismissal, not to exceed one year.
- B. Pursuant to Minnesota law, a student who brings a firearm, as defined by federal law, to school may be expelled for at least one year. The School Board may modify this requirement on a case-by-case basis.

V. POLICY APPLICATION TO INSTRUCTIONAL EQUIPMENT/TOOLS

This Policy is not meant to interfere with instruction or the use of appropriate equipment and tools by students. Such equipment and tools, when properly possessed, used and stored, shall not be considered in violation of the rule against the possession, use or distribution of weapons by students. However, when authorized instructional and work equipment and tools are used in a potentially dangerous or threatening manner, such possession and use will be treated as the possession and use of a weapon.

VI. ADMINISTRATIVE DISCRETION

While use or distribution of weapons by students is serious, the Board and School Staff may use discretion in determining whether, under the circumstances, a course of action other than the minimum consequences specified above is warranted. If so, other appropriate action may be taken, including consideration of a recommendation for lesser discipline.

Legal References: Minn. Stat. §§ 127.26-127.39. (Pupil Fair Dismissal Act)
Minn. Stat. § 127.282 (expulsion for possession of firearm)
Minn. Stat. § 127.48 (referral to police)
18 U.S.C. § 921 (definition of firearm)

Technical Academies of Minnesota

Adopted: Orig. 6/23/2013

Revised: 8/25/2020

501 SEARCH OF STUDENT LOCKERS, DESKS, PERSONAL POSSESSIONS AND STUDENT'S PERSON

I. PURPOSE

The purpose of this policy is to provide for a safe and healthful educational environment by enforcing the District's policies against contraband.

II. GENERAL STATEMENT OF POLICY

- A. Pursuant to Minnesota statutes, school lockers are the property of the District. At no time does the District relinquish its exclusive control of lockers provided for the convenience of students. Inspection of the interior of lockers may be conducted by District staff members for any reason, at any time, without notice, without student consent, and without a search warrant. The personal possessions of students within a school locker may be searched only when District staff members have a reasonable suspicion that the search will uncover evidence of a violation of law or school rules. As soon as practicable after the search of a student's personal possessions, the school authorities must provide notice of the search to students whose lockers were searched unless disclosure would impede an ongoing investigation by police or District staff members.
- B. The policy above for school lockers also applies equally to student's desks or personal possessions as defined herein.
- C. It shall be a violation of this policy for students to use lockers and desks for unauthorized purposes or to store contraband. It shall be a violation for students to carry contraband on their person or in their personal possessions.

III. DEFINITIONS

- A. "Contraband" means any unauthorized item possession of which is prohibited by District policy and/or law. It includes but is not limited to weapons and "look-alikes," alcoholic beverages, controlled substances and "look-alikes," overdue books and other materials belonging to the District, and stolen property.
- B. "Personal possessions" includes but is not limited to purses, backpacks, bookbags, packages, and clothing.
- C. "Reasonable suspicion" means that a District staff member has grounds to believe that

the search will result in evidence of a violation of District policy, rules, and/or law. Reasonable suspicion may be based on a District staff member's personal observation, a report from a student or staff member, a student's suspicious behavior, a student's age and past history or record of conduct, or other reliable sources of information.

- D. "Reasonable scope" means that the scope and/or intrusiveness of the search is reasonably related to the objectives of the search. Factors to consider in determining what is reasonable include the seriousness of the suspected infraction, the reliability of the information, the necessity of acting without delay, and the age of the student.

IV. PROCEDURES

- A. District staff members may inspect lockers and desks at any time they believe inspection would be in the best interest of the District or the student body. Student lockers, desks and personal possessions may be randomly searched throughout the school year without notice, without student consent and without a search warrant.
- B. A District staff member conducting a search may determine when it is appropriate to have a second official present as an observer.
- C. District staff members may, without a search warrant, search the person and/or personal possessions based on a reasonable suspicion. The search will be reasonable in its scope and intrusiveness.
- D. As soon as practicable after a search pursuant to this policy, the District staff must provide notice of the search to students whose possessions were searched unless disclosure would impede an ongoing investigation by police or District staff.
- E. A search of a person shall be conducted in privacy by a District staff member of the same sex. A second staff member of the same sex shall be present as an observer during the search whenever feasible.
- F. A copy of this policy will be printed in the student handbook or disseminated in any other way which the staff team deem appropriate.

V. DIRECTIVES AND GUIDELINES

The District staff may establish reasonable directives and guidelines which address specific needs of the District, such as use of tape in lockers, standards of cleanliness and care, posting of pin-ups and posters which may constitute sexual harassment, etc.

VI. SEIZURE OF CONTRABAND

If a search yields contraband, District staff members will seize the item and, where appropriate, turn it over to legal authorities for ultimate disposition.

VIII. VIOLATIONS

A student found to have violated this policy and/or the directives and guidelines implementing it shall be subject to discipline in accordance with the District's Student Discipline Policy, which may include suspension, exclusion, or expulsion, and the student may, when appropriate, be referred to legal authorities.

Legal References: U.S. Constitution, Fourth Amendment
New Jersey v. T.L.O., 469 U.S. 325, 105 S.Ct. 733, 83 L.Ed.2d 720 (1985)
Zamora v. Pomeroy, 639 F.2d 662 (10th Cir. 1981).
Minn. Stat. § 127.47 (school locker policy)

Technical Academies of Minnesota

Adopted: Orig. 6/23/2013

Revised: 8/25/2020

502 DISTRIBUTION OF NON SCHOOL-SPONSORED MATERIALS ON SCHOOL PREMISES BY STUDENTS AND EMPLOYEES

I. PURPOSE

The purpose of this policy is to protect the exercise of District students' and staff' free speech rights, taking into consideration the educational objectives and responsibilities of the District.

II. GENERAL STATEMENT OF POLICY

- A. The District recognizes that students and staff have the right to express themselves on District property. This protection includes the right to distribute, at a reasonable time and place and in a reasonable manner, nonschool-sponsored material.
- B. To protect First Amendment rights, while at the same time preserving the integrity of the educational objectives and responsibilities of the District, the School Board adopts the following regulations and procedures regarding distribution of nonschool-sponsored material on District property and at District activities.

III. DEFINITIONS

- A. "Distribution" means circulation or dissemination of material by means of handing out free copies, selling or offering copies for sale, accepting donations for copies, or posting or displaying material.
- B. "Non school-sponsored material" or "unofficial material" includes all materials or objects intended for distribution, except school newspapers, employee newsletters, literary magazines, yearbooks and other publications funded and/or sponsored or authorized by the District. Examples of nonschool-sponsored materials include but are not limited to leaflets, brochures, buttons, badges, flyers, petitions, posters, and underground newspapers whether written by District students or staff or others, and tangible objects.
- C. "Obscene to minors" means:
 - 1. The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest of minors of the age to whom distribution is requested;
 - 2. The material depicts or describes, in a manner that is patently offensive to

prevailing standards in the adult community concerning how such conduct should be presented to minors of the age to whom distribution is requested, sexual conduct such as intimate sexual acts (normal or perverted), masturbation, excretory functions, and lewd exhibition of the genitals; and

3. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.
- D. "Minor" means any person under the age of eighteen (18).
- E. "Material and substantial disruption" of a normal District activity means:
1. Where the normal District activity is an educational program of the District for which student attendance is compulsory, "material and substantial disruption" is defined as any disruption that interferes with or impedes the implementation of that program.
 2. Where the normal District activity is voluntary in nature (including, without limitation, District athletic events, plays and concerts, and lunch periods) "material and substantial disruption" is defined as student rioting, unlawful seizures of property, conduct inappropriate to the event, participation in a school boycott, demonstration, sit-in, stand-in, walk-out, or other related forms of activity. In order for expression to be considered disruptive, there must exist specific facts upon which the likelihood of disruption can be forecast, including past experience in the school, current events influencing student activities and behavior, and instances of actual or threatened disruption relating to the written material in question.
- F. "School activities" means any activity sponsored by the District.
- G. "Libelous" is a false and unprivileged statement about a specific individual that tends to harm the individual's reputation or to lower that individual in the esteem of the community.

IV. GUIDELINES

- A. District students and staff have the right to distribute, at reasonable times and places as set forth in this policy, and in a reasonable manner, nonschool-sponsored material.
- B. Requests for distribution of nonschool-sponsored material will be reviewed by the District staff on a case-by-case basis. However, distribution of the materials listed below is always prohibited. Material is prohibited that:
 1. Is libelous or slanderous;
 2. Is pervasively indecent or vulgar or contains any indecent or vulgar language or representations, with a determination made as to the appropriateness of the material for the age level of students to which it is intended.
 3. Advertises or promotes any product or service not permitted to minors by law;

4. Advocates violence or other illegal conduct;
5. Constitutes insulting or fighting words, the very expression of which injures or harasses other people (e.g., threats of violence, defamation of character or of a person's race, religious or ethnic origin);
6. Presents a clear and present likelihood that, either because of its content or the manner of distribution, it will cause a material and substantial disruption of the proper and orderly operation and discipline of the District or District activities, will cause the commission of unlawful acts or the violation of lawful school regulations.

V. TIME, PLACE, AND MANNER OF DISTRIBUTION

- A. No non school-sponsored material shall be distributed during and at the place of a normal District activity if it is reasonably likely to cause a material and substantial disruption of that activity.
- B. Distribution of nonschool-sponsored material is prohibited when it blocks the safe flow of traffic within corridors and entranceways of the school.

VI. PROCEDURES

- A. Any District student or staff wishing to distribute non-school sponsored material must first submit for approval a copy of the material to the District staff at least 24 hours in advance of desired distribution time, together with the following information:
 1. Name and phone number of the person submitting the request and, if a student, the room number of his or her first-period class.
 2. Date(s) and time(s) of day intended display or distribution.
 3. Location where material will be displayed or distributed;
 4. If intended for students, the grade(s) of students to whom the display or distribution is intended.
- B. Within three school days, the District staff will review the request and render a decision. In the event that permission to distribute the material is denied or limited, the person submitting the request should be informed in writing of the reasons for the denial or limitation.
- C. If the person submitting the request does not receive a response within three school days, the person shall contact the District staff to verify that the lack of response was not due to an inability to locate the person.
- D. If the person is dissatisfied with the decision of the District staff, the person may submit a written request for appeal to the Board Chairperson. If the person does not receive a response within three (3) school days (not counting Saturdays, Sundays and holidays) of submitting the appeal, the person shall contact the Board Chairperson to verify that the

lack of response is not due to an inability to locate the person.

- E. Permission or denial of permission to distribute material does not imply approval or disapproval of its contents by either the District, the District staff, the School Board, or the individual reviewing the material submitted.

VII. DISCIPLINARY ACTION

- A. Distribution by any student of nonschool-sponsored material prohibited herein or in violation of the provisions of time, place and manner of distribution as described above will be halted and disciplinary action will be taken in accordance with the District's Student Discipline Policy.
- B. Distribution by any District staff of nonschool-sponsored material prohibited herein or in violation of the provisions of time, place and manner of distribution as described above will be halted and appropriate disciplinary action will be taken, in accordance with any individual contract, District policies and procedures, and/or governing statute.
- C. Any other party violating this policy will be requested to leave the District property immediately and, if necessary, the police will be called.

VIII. NOTICE OF POLICY TO STUDENTS AND EMPLOYEES

A copy of this policy will be published in student handbooks.

Legal References: U.S. Constitution, First Amendment.
Hazelwood School District v. Kuhlmeier, 484 U.S. 260, 108 S.Ct. 562, 98 L.Ed.2d 592 (1988).
Bethel Sch. Dist. No. 403 v. Fraser, 478 U.S. 675, 106 S.Ct. 3159, 92 L.Ed.2d 549 (1986).
Tinker V. Des Moines Indep. Sch. Dist., 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)
Bystrom v. Fridley High School, 822 F.2d 747 (8th Cir. 1986).

Technical Academies of Minnesota

Adopted: Orig. 6/23/2013

Revised: 8/25/2020

503 STUDENT DISCIPLINE

I. PURPOSE

The purpose of this policy is to ensure that students are aware of and comply with the District's expectations for student conduct. Such compliance will enhance the District's ability to maintain discipline and ensure that there is no interference with the educational process. The District will take appropriate disciplinary action when students fail to adhere to the Code of Student Conduct established by this policy.

II. GENERAL STATEMENT OF POLICY

The School Board recognizes that individual responsibility and mutual respect are essential components of the educational process. All students are entitled to learn and develop in a setting which promotes respect of self, others and property. Proper positive discipline can only result from an environment that provides options and stresses student self-direction, decision-making and responsibility. Districts can function effectively only with internal discipline based on mutual understanding of rights and responsibilities. Students must conduct themselves in an appropriate manner that maintains a climate, which creates an atmosphere conducive to high student achievement. Although this policy emphasizes the development of self-discipline, it is recognized that there are instances when it will be necessary to administer disciplinary measures. It is the position of the District that a fair and equitable District-wide student discipline policy will contribute to the quality of the student's educational experience. This discipline policy is adopted in accordance with and subject to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40 through 121A.56. In view of the foregoing and in accordance with Minn. Stat. § 121A.61, the school board, with the participation of service providers, students, parents and community members and such other individuals and organizations as appropriate, has developed this policy which governs student conduct and applies to all students of the District.

III. AREAS OF RESPONSIBILITY

A. The School Board

The School Board holds all District staff members responsible for the maintenance of order within the District and supports all personnel acting within the framework of this discipline policy.

B. District staff members

District staff shall be responsible for providing a well-planned teaching/learning environment and shall have primary responsibility for student conduct. District staff members shall enforce the Code of Student Conduct.

C. Parents or Legal Guardians

Parents and guardians shall be responsible for the behavior of their children as determined by law and community practice. They are expected to cooperate with District staff and to participate regarding the behavior of their children.

D. Students

Students are individually responsible for their behavior and for knowing and obeying the Code of Student Conduct and this policy.

E. Community Members

Members of the community are expected to contribute to the establishment of an atmosphere in which rights and duties are effectively acknowledged and fulfilled.

IV. STUDENT RIGHTS

All students have the right to an education and the right to learn which does not obstruct or interfere with the educational rights of other students.

V. STUDENT RESPONSIBILITIES

A. All students have the responsibility:

1. For their behavior and for knowing and obeying all District rules, regulations, policies and procedures;
2. To attend school daily, except when excused, and to arrive on time at school each day and to other school functions;
3. To pursue and attempt to complete the courses of study prescribed by the state and local school authorities;
4. To make necessary arrangements for making up work when absent from school;
5. To assist the District staff in maintaining a safe school for all students;
6. To assume that until a rule or policy is waived, altered or repealed, it is in full force and effect;
7. To be aware of and comply with federal, state and local laws;
8. To volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with school staff as appropriate;
9. To respect and maintain the District's property and the property of others;
10. To dress and groom in a manner which meets standards of safety and health and common standards of decency;
11. To avoid inaccuracies in student newspapers or publications and refrain from indecent or obscene language;
12. To conduct themselves in an appropriate physical or verbal manner; and

13. To recognize and respect the rights of others.

VI. CODE OF STUDENT CONDUCT

- A. The following are examples of unacceptable behavior subject to disciplinary action by the District. Any student who engages in any of these activities shall be disciplined in accordance with this policy. This policy applies to all school buildings, school grounds and school property, school-sponsored activities or trips, school bus stops, school buses, school vehicles, school contracted vehicles or any other vehicles approved for school purposes, the area of entrance or departure from school premises or events, and all school-related functions. This policy also applies to any student whose conduct at any time or in any place interferes with or obstructs the mission or operations of the school or the safety or welfare of the student, other students or staff.
1. Violations against property including, but not limited to, damage to or destruction of District property or the property of others, failure to compensate for damage or destruction of such property, arson, breaking and entering, theft, robbery, possession of stolen property, extortion, trespassing, unauthorized usage, or vandalism;
 2. The use of profanity or obscene language, or the possession of obscene materials;
 3. Gambling, including, but not limited to, playing a game of chance for stakes;
 4. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping school or classes, or leaving school grounds without permission;
 5. Violent opposition to authority;
 6. Using, possessing or distributing tobacco or tobacco paraphernalia;
 7. Using, possessing or distributing e-cigs or vapes or their paraphernalia;
 8. Using, possessing, distributing or being under the influence of alcohol or other intoxicating substances;
 9. Using, possessing, distributing or being under the influence of narcotics, drugs or other controlled substances, except as prescribed by a physician;
 10. Using, possessing or distributing items or articles that are illegal or harmful to persons or property including, but not limited to, drug paraphernalia;
 11. Using, possessing or distributing weapons or other dangerous objects;
 12. Violation of the school Weapons Policy;
 13. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;
 14. Possession, use or distribution of explosives or any compound or mixture, the primary or common purpose or intended use of which is to function by explosion;
 15. Possession, use or distribution of fireworks or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation;
 16. Violation of any local, state or federal law as appropriate;

17. Acts disruptive of the educational process, including, but not limited to, disobedience, disruptive or disrespectful behavior, defiance of authority, cheating, insolence, insubordination, failure to identify oneself, improper activation of fire alarms, or bomb threats;
18. Possession of nuisance devices or objects which cause distractions including, but not limited to pagers, radios and phones;
19. Violation of District bus or transportation rules or the District bus safety policy;
20. Violation of parking or school traffic rules and regulations, including, but not limited to, driving on District property in such a manner as to endanger persons or property;
21. Violation of directives or guidelines relating to lockers and personal space;
22. Possession or distribution of slanderous, libelous or pornographic materials;
23. Student attire or personal grooming which creates a danger to health or safety or creates a disruption to the educational process, including clothing which bears a message which is lewd, vulgar, or obscene, apparel promoting products or activities that are illegal for use by minors, or clothing containing objectionable emblems, signs, words, objects, or pictures communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership;
24. Criminal activity;
25. Falsification of any records, documents, notes or signatures;
26. Tampering with, changing, or altering records or documents of the District by any method including, but not limited to, computer access or other electronic means;
27. Impertinent or disrespectful language toward District staff;
28. Sexual abuse and/or harassment;
29. Actions, including fighting or any other assaultive behavior, which causes or could cause injury to the student or other persons or which otherwise endangers the health, safety, or welfare of District students or staff;
30. Committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;
31. Violations against persons, including, but not limited to, assault or threatened assault, fighting, harassment, interference or obstruction, attack with a weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure;
32. Verbal assaults, or verbally abusive behavior, including, but not limited to, use of language that is discriminatory, abusive, obscene, threatening, intimidating or that degrades other people;
33. Physical or verbal threats, including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;
34. Inappropriate, abusive, threatening, or demeaning actions based on race, color, creed, religion, sex, marital status, status with regard to public assistance, disability, national origin or sexual orientation;
35. Disobedience or insubordination to District staff;
36. Violation of District rules, regulations, policies or procedures;

37. Other acts, as determined by the District, which are disruptive of the educational process or dangerous or detrimental to students or staff or which violate the rights of others or which damage or endanger the property of the school, or which otherwise interferes with or obstruct the mission or operations of the District or the safety or welfare of District students or staff;
38. Students may not display in their personal space or in or around the school buildings, items which create a danger to health or safety or creates a disruption to the educational process, including but not limited to items which bear a message which is lewd, vulgar, or obscene, or items which promote products or activities that are illegal for use by minors, or containing objectionable emblems, signs, words, objects, or pictures communicating a message that is racist, sexist, or otherwise derogatory to any District student or staff or protected minority group or which connotes gang membership or causes continual/ chronic harassment. If posted items are objectionable, the student will be asked to remove the objectionable item or a staff member will remove the item and return it to the student. Refusal to remove displayed materials may result in suspension;
39. Shoplifting;
40. Stealing from other students.

VII. DISCIPLINARY ACTION OPTIONS

It is the general policy of the District to utilize Restorative Justice to the extent reasonable and appropriate based upon the specific facts and circumstances of student misconduct. The specific form of discipline chosen in a particular case is solely within the discretion of the District. At a minimum, violation of District rules, regulations, policies or procedures will result in discussion of the violation and a verbal warning. The District shall, however, impose more severe disciplinary sanctions for any violation, including exclusion or expulsion, if warranted by the student's misconduct, as determined by the District. Disciplinary action may include, but is not limited to, one or more of the following:

- A. Student conference with District staff member or staff team, and verbal warning;
- B. Parent contact;
- C. Parent conference;
- D. Removal from class;
- E. In-school suspension;
- F. Suspension from extracurricular activities;
- G. Restriction of privileges;

- H. Loss of school privileges;
- I. In-school monitoring or revised class schedule;
- J. Modified school programs;
- K. Referral to in-school support services;
- L. Referral to community resources or outside agency services;
- M. Financial restitution;
- N. Assignment to alternative program;
- O. Assignment to Area Learning Center;
- P. Transfer to another school;
- Q. Referral to police, other law enforcement agencies, or other appropriate authorities;
- R. Petition County Court for juvenile delinquency adjudication;
- S. Out-of-school suspension under the Pupil Fair Dismissal Act;
- T. Preparation of an admission or readmission plan;
- U. Expulsion under the Pupil Fair Dismissal Act;
- V. Exclusion under the Pupil Fair Dismissal Act;
- W. Other disciplinary action as deemed appropriate by the District.

VIII. Removal of Students from Class

- A. District staff has the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement or contacting the student's parents. When such measures fail, or when the teacher determines it is otherwise appropriate based upon the student's conduct, the District staff shall have the authority to remove the student from an activity pursuant to the procedures established by this discipline policy. "Removal from activity" and "removal" mean any actions taken by District staff to prohibit a student from attending an activity period for a period of time not to exceed five (5) days per violation, pursuant to this discipline policy. Grounds for removal from class shall include the following:
 - 1. Willful conduct which materially and substantially disrupts the rights of others to an education;
 - 2. Willful conduct which endangers staff, the student or other students, or the property of the District;

3. Willful violation of any District rules, regulations, policies or procedures, including the Code of Student Conduct in this policy; or
 4. Other conduct, which is at the discretion of District staff, requires removal of the student from class. Such removal shall be for at least one (1) activity period or day and shall not exceed five (5) such periods per violation.
- B. Procedures for Removal of a Student From a Class
1. A student shall receive a verbal warning, if the behavior should continue, the District staff will conference with the student and outline the steps of a suspension.
 2. Parents will be notified by telephone when possible of the suspension. A suspension form will be completed and mailed to the parents.
- C. Responsibility For and Custody of a Student Removed From Class
1. A student removed from class will be in the supervision of a District staff member until parents have been notified. Students will be expected to remain with a District staff member until parents/guardians have been notified and arrangements made for the student to go home.
 2. Transportation home will be provided by the parent/guardian or with the parent/guardian's approval.
 3. The student will be expected to work on their personal learning plan while placed in suspension.
- D. Procedures for Return of a Student to a Class From Which the Student Was Removed
1. Actions or approvals required such as notes, conferences, and readmission plans.
- E. Procedures for Notification
1. Specify procedures for notifying students and parents/guardians of violations of the rules of conduct and resulting disciplinary action;
 2. Actions or approvals required, such as notes, conferences, readmission plans.
- F. Disabled Students; Special Provisions
1. Procedures for consideration of whether there is a need for further assessment;
 2. Procedures for consideration of whether there is a need for a review of the adequacy of the current Individual Education Plan (IEP) of a disabled student who is removed from class or disciplined; and
 3. Any procedures determined appropriate for referring students in need of special education services to those services.
- G. Procedures for Detecting and Addressing Chemical Abuse Problems of Students While on School Premises
1. The District staff will comprise the chemical abuse pre assessment team pursuant to Minn. Stat. § 126.034;
 2. Establishment of a school and community advisory team to address chemical

- abuse problems in the District pursuant to Minn. Stat. § 126.035; and
3. Establishment of teacher reporting procedures to the chemical abuse pre assessment team pursuant to Minn. Stat. § 126.037.

- H. Procedures for Immediate and Appropriate Interventions Tied to Violations of the Code of Student Conduct
- I. Any Procedures Determined Appropriate for Encouraging Early Involvement of Parents or Guardians in Attempts to Improve a Student's Behavior.
- J. Any Procedures Determined Appropriate for Encouraging Early Detection of Behavioral Problems
- K. Mental Health Screening: If a pupil's total days of removal from school exceeds ten (10) cumulative days in a school year, the District shall make reasonable attempts to convene a meeting with the pupil and the pupil's parent or guardian before subsequently removing the pupil from school and, with the permission of a parent or guardian, arrange for a mental health screening for the pupil. The District is not required to pay for the mental health screening. The purpose of this meeting is to attempt to determine the pupil's need for assessment or other services of whether the parent or guardian should have the pupil assessed or diagnosed to determine whether the pupil needs treatment for a mental health disorder.
- L. The District agrees to coordinate crisis services to the extent funds are available with the county board for students with a serious emotional disturbance or other students who have an IEP whose behavior may be addressed by crisis intervention.
- M. Any procedures referred to in this policy are under the continual review of the Behavior Management Team and will be given to parents/students at the preschool/enrollment conference.
- N. Reasonable force may be used upon or toward the person of another without the child's consent when the following circumstance exists or the actor reasonably believes it to exist:
 1. When used by a District staff or bus driver, in the exercise of lawful authority, to restrain a child or pupil, or to prevent bodily harm or death to another; or
 2. When used by a District staff member or other person contracted by the District upon or toward a student when necessary to restrain the student from self-injury or injury to any other person or property.

IX. Dismissal

- A. "Dismissal" means the denial of the appropriate educational program to any student, including exclusion, expulsion and suspension. The District shall not deny due process or equal protection of the law to any student involved in a dismissal proceeding, which

may result in suspension, exclusion or expulsion. The District shall not dismiss any student without attempting to provide alternative programs of education prior to dismissal proceedings, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property. Such programs may include special tutoring, modification of the curriculum for the student, placement in a special class or assistance from other agencies.

- B. Violations leading to suspension, based upon severity, may also be grounds for actions leading to expulsion, and/or exclusion. A student may be dismissed on the following grounds:
1. Willful violation of any reasonable School Board regulation, including those found in this policy;
 2. Willful conduct which materially and substantially disrupts the rights of others to an education; and
 3. Willful conduct which endangers the student or other students or the property of the District.
- C. Suspension Procedures
1. "Suspension" means an action taken by the District staff prohibiting a student from attending school for a period of no more than ten (10) school days; provided, however, if a suspension is longer than five (5) school days, the suspending District staff shall provide the Board Chairperson with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) school day or less.
 2. Each suspension action shall include a readmission plan. The plan shall include, where appropriate, a provision for alternative programs to be implemented upon readmission. Consecutive suspensions may be imposed for the same course of conduct where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property, or where the District is in the process of initiating an expulsion, in which case the District may extend the suspension to a total of fifteen (15) days.
 3. In no event shall suspension exceed fifteen (15) school days, provided that an alternative educational program shall be implemented to the extent that suspension exceeds five (5) days.
 4. No suspension from school shall be imposed without an informal conference with the District student, advisor, and student's parent or guardian, except where it appears the student will create an immediate and substantial danger to self or to surrounding persons or property.
 5. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of the Minnesota Pupil Fair Dismissal Act, Minn Stat. §§ 21A.40 through 121A.56, shall be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent or guardian by certified mail within 48

hours of the conference. (See attached sample Notice of Suspension.)

6. In the event a student is suspended without an informal conference with the student, advisor, and student's parent or guardian, on the grounds that the student will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served either personally or by certified mail upon the student and the student's parent or guardian within 48 hours of the suspension. Service by certified mail shall be complete upon mailing.
7. Notwithstanding the foregoing provisions, the student may be suspended pending the School Board's decision in an expulsion or exclusion proceeding, provided that an alternative educational program shall be implemented to the extent that suspension exceeds five (5) days.
8. The School Board reserves the right to review and evaluate student conduct cases on an individual basis to determine if the suspension record(s) will be recorded on a student's permanent record.

D. Expulsion and Exclusion Procedures

1. "Expulsion" means an action taken by the School Board to prohibit an enrolled student from further attendance for a period that shall not extend beyond an amount of time equal to one school year from the date a student is expelled. The authority to expel rests with the School Board. A suspension of more than 15 consecutive school days becomes a de facto expulsion.
2. "Exclusion" means an action taken by the School Board to prevent enrollment or reenrollment of a student for a period that shall not extend beyond the school year. The authority to exclude rests with the School Board.
3. All expulsion and exclusion proceedings will be held pursuant to an in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40 through 121A.56.
4. No expulsion or exclusion shall be imposed without a hearing, unless the student and parent or guardian waives the right to a hearing in writing.
5. The student and parent or guardian shall be provided written notice of the District's intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and his or her parent or guardian by certified mail, and shall contain a complete statement of the facts; a list of the witnesses and a description of their testimony; state the date, time and place of hearing; be accompanied by a copy of the Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40 through 121A.56.; describe alternative educational programs accorded to the student prior to commencement of the expulsion or exclusion proceedings; and inform the student and parent or guardian of their right to:
 - a. Have legal counsel at the hearing;
 - b. Examine the student's records before the hearing;
 - c. Present evidence; and
 - d. Confront and cross-examine witnesses.
6. The hearing shall be scheduled within ten (10) days of the service of the written

notice unless an extension, not to exceed five (5) days, is requested for good cause by the District, student, parent or guardian.

7. All hearings shall be held at a time and place reasonably convenient to the student, parent or guardian and shall be closed, unless the student, parent or guardian requests an open hearing.
8. The proceedings of the hearing shall be recorded and preserved at the expense of the District, pending ultimate disposition of the action.
9. The student shall have a right to a representative of the student's own choosing, including legal counsel, at the student's sole expense. If the student is financially unable to retain legal counsel, the District shall advise the student's parent or guardian of available legal assistance. The School Board may appoint an attorney to represent the school in any proceeding.
10. If the student designates a representative other than the parent or guardian, the representative must have a written authorization from the student and the parent or guardian providing them with access to the student's records and allowing the representative to obtain copies thereof.
11. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by the District. Testimony shall be given under oath and the hearing officer shall have the power to issue subpoenas and administer oaths. The student cannot be compelled to testify in the dismissal proceedings.
12. At a reasonable time prior to the hearing, the student, parent or guardian, or authorized representative shall be given access to all District records pertaining to the student, including records upon which the proposed dismissal action may be based.
13. The student, parent or guardian, or authorized representative, shall have the right to compel the presence of any District staff or agent or any other person who may have evidence upon which the proposed dismissal action may be based, and to confront and cross-examine any witnesses testifying for the District.
14. The student, parent or guardian, or authorized representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.
15. The hearing officer shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which will be made to the School Board within two (2) days after the close of the hearing.
16. The decision by the School Board shall be based upon the findings and recommendation of the hearing officer and shall be made at a special meeting within five (5) days after receipt of the findings and recommendation. The School Board's decision shall be in writing and the controlling facts found upon which the decision is made shall be stated in sufficient detail to apprise the parties and the Commissioner of Education of the basis and reason for the decision.
17. Any expulsion or exclusion decision made by the School Board may be appealed to the Commissioner of Education pursuant to the Pupil Fair Dismissal Act, Minn.

Stat. § 121A.49.

18. The District shall report any expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.
19. The District shall report each expulsion or exclusion within thirty (30) days of the effective date of the action to the Commission of Education. This report shall include a statement of alternative programs of education accorded to the student prior to the commencement of the expulsion or exclusion proceedings.
20. Whenever a student fails to return to school within ten (10) school days of the termination of dismissal, the student and his/her parent or guardian shall be informed by certified mail of the student's right to attend and to be reinstated in the District.
21. The School Board reserves the right to review and evaluate student conduct cases on an individual basis to determine if the exclusion or expulsion will be recorded on a student's permanent record.

X. NOTIFICATION OF POLICY VIOLATIONS

Notification of any violation of this policy and resulting disciplinary action shall be as provided herein, or as otherwise provided by the Pupil Fair Dismissal Act or other applicable law. The District staff may provide additional notification as deemed appropriate.

XI. STUDENT DISCIPLINE RECORDS

It is the policy of the District that complete and accurate student discipline records be maintained. The collection, dissemination, and maintenance, and of student discipline records shall be consistent with applicable District policies and federal and state law, including the Minnesota Government Data Practices Act, Minn. Stat. Chapter 13. No Child Left Behind requires all public school districts to transfer formal disciplinary records to any private or public school where a student is enrolling, or seeking to enroll full-time or part-time. The transmittal must conform to FERPA (Family Educational Rights and Privacy Act).

XII. DISABLED STUDENTS

- A. Students who are currently identified as disabled under IDEA or Section 504 will be subject to the provisions of this policy providing that their violations are not a direct result of their disabling condition unless an educational program has specified a necessary modification.
- B. When a disabled student is removed from class, the District staff will review the educational plan and current assessment data. The District staff will determine if the placement was appropriate and recommend, if necessary, other methods of dealing with

the behavior. The District staff may also make exceptions as necessary and appropriate based on the disabling conditions of the student involved. Such exceptions may be reflected in the student's educational plan.

- C. The District agrees to coordinate crisis services to the extent funds are available with the county board for students with a serious emotional disturbance or other students who have an IEP whose behavior may be addressed by crisis intervention.
- D. For students with IEPs, a team meeting is required within five (5) school days of a suspension or prior to an expulsion or exclusion. If a student is placed on in-school suspension status according to school policy established for all students, for all or part of the day for two (2) or more consecutive days or three (3) times in one (1) month, a team meeting must be held. A student disabled under Section 504 but not under IDEA shall be entitled to such a meeting only pending expulsion, exclusion or suspension over ten (10) days. The team shall (a) determine whether the misconduct is related to the disabling condition; (b) review any assessments and determine the need for further assessment; and (c) review the adequacy of the current IEP and amend the goals and objectives or develop an alternative IEP program as appropriate. If it is determined that a student's misconduct is related to the student's disabling condition, the student may not be expelled or excluded, and an alternative program shall be sought.
- E. When a student who has an IEP is excluded or expelled for misbehavior that is not a manifestation of the student's disabling condition, the District shall provide special education and related services after a period of suspension, if suspension is imposed. The District shall initiate a review of the student's individual education plan within ten (10) days of the commencement of an expulsion, exclusion, or a suspension of ten (10) days or more.

XIII. DISTRIBUTION OF POLICY

- A. The District will notify students and parents of the existence and contents of this policy in such manner as it deems appropriate. Copies of this discipline policy shall be made available to all students and parents at the commencement of each school year and to all new students and parents upon enrollment. This policy shall also be available upon request to the Board Chairperson. The District's annual notice must inform parents that educational records, including formal disciplinary records, will be transmitted to other school districts to which the student may transfer. The District's annual notice must also inform parents of their right to:
 - 1. Review and inspect the student's education record, and
 - 2. Request amendment of that record.

XIV. REVIEW OF POLICY

The representatives of parents, students and staff in each school building shall confer at

least annually to review this discipline policy, determine if the policy is working as intended, and to assess whether the discipline policy has been enforced. Any recommended changes shall be submitted to the board chairperson for consideration by the School Board, which shall conduct an annual review of this policy.

Legal Reference: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. §§ 121A.40 to 121A.56 (Pupil Fair Dismissal Act of 1974)
Minn. Stat. §§ 121A.61 (Removal from Class)
Goals 2000: Educate America Act, Pub.L.No. 103-227 (1994)
Minn. Stat. § 120.17 (Students with Disabilities)
29 U.S.C. § 794 et seq. (Section 504 of the Rehabilitation Act of 1973) No
Child Left Behind (Transfer of discipline records) 20 U.S.C. §1232g
(FERPA)

Technical Academies of Minnesota

NOTICE OF SUSPENSION

(Date)

(Name of Parent or Guardian)

(Address)

(City, State, Zip)

Dear (Parent or Guardian)

(Name of Student) has been suspended from Technical Academies of Minnesota for (number of days) commencing on (date).

The grounds for suspension are:

Briefly, the facts that have been determined are:

The testimony received was:

An administrative conference to determine the above was conducted before _____, at _____ on _____
(Name of Administrator) (Time) (Date)

pursuant to Minn. Stat. §§ 121A.40-121A.56, a copy of which is enclosed.

The plan of readmission is:

Alternative educational services in the form of _____ will be available to be picked up at the school after [date] .

While suspended, the student may not come on any school campus except with you for the purpose of discussing conduct. If you have any questions, please call.

Sincerely, _____
Administrator

Enc: Minn. Stat. §§ 121A.40-121A.56 1

Adopted: Orig. 6/23/2013

Revised: 8/26/2015

Revised: 8/25/2020

503.2 BULLYING PROHIBITION POLICY

I. PURPOSE

- A. The District strives to provide safe, secure and respectful learning environments for all students in school buildings, on school grounds, school buses and at school-sponsored activities. Bullying, like other disruptive or violent behavior, is conduct that interferes with a student's ability to learn and a teacher's ability to educate.
- B. This policy protects students against bullying and harassment on the basis of actual or perceived race, ethnicity, color, creed, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation, including gender identity and expression, academic status related to student performance, disability, status with regard to public assistance, age, military status, unfavorable discharge from military service, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic defined in Chapter 363A. This policy also protects any student who voluntarily participates in any district function or activity, whether the student is enrolled in the District or not.

II. DEFINITIONS

- A. Prohibited conduct ("bullying") means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students creating an actual or perceived imbalance of power between the student engaging in bullying and the target of bullying that has or can be reasonably predicted by repeated forms or pattern to have one or more of the following effects:
 - 1. Placing the student in reasonable fear of harm to the student's person or property.
 - 2. Causing a substantially detrimental effect on the student's physical or mental health.
 - 3. Substantially interfering with the student's educational opportunities and performance.
 - 4. Substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.
 - 5. Bullying may take various forms, including without limitation, one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. This list is meant to be illustrative and non-exhaustive.
- B. "Cyberbullying" means using electronic information and communication technologies to

bully. This may include, but is not limited to a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network, Internet, website or forum, transmitted through a computer, cell phone, or other electronic device.

- C. "Remedial response" means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of the student who is the target of the prohibited conduct. Remedial response also means a measure to stop and correct retaliation for asserting, alleging, reporting or providing information about prohibited conduct (retaliation) or knowingly making a false report about prohibited conduct (false report), prevent retaliation or false reports from recurring and protect, support and intervene on behalf of the student who is the target of the prohibited conduct.
- D. "Immediately" means as soon as possible but in no event longer than 24 hours.
- E. "District staff" includes School Board members, educators, aids, school counselors, social workers, psychologists, other school mental health professionals, nurses and other school-based/linked medical providers/health professionals, cafeteria workers, custodians, bus drivers, athletic coaches, extracurricular activities advisors, paraprofessionals, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the District and its students.

III. PROHIBITIONS

- A. Bullying of a student or group of students is prohibited:
 - 1. During any District-sponsored or sanctioned programs, activities, events or trips.
 - 2. In District buildings, property, buses or other District-provided transportation, and at designated locations for students to wait for buses and other District-provided transportation.
 - 3. Through the transmission of information from a District computer or computer network, or other electronic District equipment.
 - 4. When communicated through any electronic technology or personal electronic device while on District property, buses or other District-provided transportation, at bus stops, and at District-sponsored or sanctioned events or activities.
 - 5. Off campus communication and use of electronic technology that seriously disrupts any student's education.
- B. Apparent permission or consent by a student being bullied does not lessen the prohibitions contained in this policy. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited. False accusations or reports of bullying against another student are also prohibited.

IV. RESPONSE

- A. Convener or designee, (hereinafter convener/designee) is the person responsible for receiving reports of bullying at the building level. They will ensure this policy and its procedures are fairly and fully implemented and serve as the primary contact on policy and procedural matters implicating both the district or school and department. If the

complaint involves the convener/designee, the complaint shall be made or filed directly with the Board Chairperson.

B. When investigating a complaint, Convener/designee may take into account the following factors:

1. The developmental ages 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.
5. The context in which the alleged incidents occurred.

C. Investigation of a bullying incident shall be initiated within three school days of receipt of a report and be completed within 10 school days, unless the Convener/designee grants in writing an additional five-day extension due to extenuating circumstances. See Attachment A for a template investigation process.

D. Consequences

Many student conflicts can be resolved immediately and do not require reporting or creation of an incident report. The District must respond to bullying in a manner tailored to the individual incident, considering the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance. Appropriate responses and consequences are outlined in either the Student Handbook or in Attachment B.

E. Appeal

Any party who is not satisfied with the outcome of the investigation may appeal to the District's Human Rights Officer within 10 school days of notification of the Convener/designee's decision. The District Human Rights Officer will conduct a review of the appeal and, within 10 school days of receipt of the appeal, will affirm, reverse or modify the findings of the report. The District Human Rights Officer shall notify the party requesting the appeal and the convener that its decision is final and shall document that notification in the incident report.

F. District Employees

When it is determined that a District staff was aware prohibited conduct was taking place but failed to report it, the staff will be considered to have violated this policy. The Personnel Committee shall consider staff discipline for such violations, making reference to any applicable collective bargaining agreement. Remedies for offending contractors should be imposed according to their contracts.

G. Reprisal

The District will take appropriate action against any student or District staff who retaliates against any person who reports 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, reprisal, harassment or intentional disparate treatment.

V. NOTICE AND DISSEMINATION OF REQUIREMENTS

- A. The District will give annual notice of this policy to students, parents or guardians, and District staff, and this policy shall appear in the student handbook and posted in an electronic format in the languages appearing on its district/school website. This policy should also be:
1. Posted in the school building offices and throughout each school building in areas accessible to students and District staff.
 2. Included in each school's student handbook on District policies.
 3. Be given to each District staff and independent contractor at the time of entering into the person's employment contract.

VI. PROFESSIONAL DEVELOPMENT AND EDUCATION

A. District Staff

Professional development will be offered annually to build the skills of all District staff to implement this policy. The content of such professional development shall include, but not be limited to:

1. Developmentally appropriate strategies to prevent incidents of bullying and to intervene immediately and effectively to stop them in a manner that does not stigmatize the victim.
2. Information about the complex interaction and power differential that can take place between and among an actor, target and witness to the bullying.
3. Research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk, and any specific interventions that may be particularly effective for addressing bias-based bullying.
4. Recognizing, responding to and reporting bullying.
5. Information about the incidence and nature of cyberbullying.
6. Information about Internet safety issues as they relate to cyberbullying.
7. A review of the district's reporting requirements related to bullying and cyberbullying.

B. Student Education

Each school shall incorporate into the school curriculum developmentally appropriate programmatic instruction to help students identify, prevent and reduce bullying and create a safe learning environment. The Convener or designee shall determine the scope and duration of the units of instruction and topics covered but should include evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct to engage all students in creating a safe and supportive school environment. See Attachment C for more information on student instruction.

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)

Attachment A – Template for investigation process

School District Action

The Convener/designee shall perform the investigation.

- A. Investigation of a bullying incident shall be initiated within three school days of receipt of a report and be completed within 10 school days, unless the Convener/designee grants in writing an additional five-day extension due to extenuating circumstances. The Convener/designee shall document the extension in the investigation report and shall notify the parties involved. The Convener/designee will make every effort to protect the confidentiality of those who report bullying incidents and is responsible for keeping and protecting access to any written records of the investigation.
- B. Prior to the investigation of an incident, the Convener/designee will take immediate steps, at its discretion, to protect the alleged actor(s), target(s), bystander(s) or reporter pending completion of an investigation. Once an investigation is concluded, further steps will be taken as needed to assure the continued safety of the complainant from additional incidents of bullying or retaliation.
- C. The purpose of the investigation is to make a determination as to whether a reported incident constitutes a case of bullying. These determinations will be made in consideration of the totality of the facts and the circumstances surrounding the incident, such as the nature of the behavior, past incidents or continuing patterns of behavior, the relationship between the parties involved and the context in which the alleged incident occurred.
 1. Identifying the alleged actor(s), target(s) and bystander(s), as well as any adult who witnessed the incident or may have reliable information about it.
 2. Conducting an individual interview in a private setting with the alleged actor and target. The alleged actor and target should never be interviewed together or in public. Individual interviews shall also be conducted in private with student and adult bystanders. The investigation may also consist of any other methods and documents deemed pertinent by the convener/designee.
 3. Determining how often the conduct occurred, any past incident or continuing pattern of behavior, and whether the target's education, including but not limited to, a negative impact on academic performance, educational opportunities and participation in District activities was affected.
 4. Assessing the individual and school-wide effects of the incident relating to safety, and assigning District staff to create and implement a safety plan to prevent the recurrence of an incidence that will restore a sense of safety for the target and other students who have been impacted.
 5. If the Convener/designee determines the reported incident may involve criminal activity or the basis for criminal charges, information about the incident must be conveyed to the appropriate law enforcement authorities. As part of making this determination, the Convener/designee may wish to consult with either a law enforcement officer or legal counsel. Law enforcement shall only be contacted if all other available remedies have been exhausted.
 6. When appropriate, preparing a report identifying his/her recommendation for

individual consequences.

7. Comprehensively documenting the details of the investigation.
8. When the investigation is complete, the Convener/designee shall ensure the investigation report is attached to the incident report.

Attachment B – Additional information on disciplinary actions

I. Remedial actions may include:

- A. For the student harmed
 - 1. Protect, support and intervene on behalf of the student who is the target of the prohibited conduct;
 - 2. Support may include: referral to student support staff for one-to-one support or social skills training; daily check-in and check-out with a trusted adult in the school; choice to participate in a restorative process, facilitated by a trained facilitator.

- B. For the student who violated the prohibited conduct policy
 - 1. Schools may use multi-tiered levels of response that are individualized, consistent, reasonable, fair, age-appropriate and should match the severity of the student's behavior and their developmental age. The consequences must be a natural and logical match to the prohibited behavior; consequences must be paired with meaningful instruction and guidance; and must be carefully planned with well-defined outcomes.
 - 2. Consequences may include:
 - a. A referral to appropriate staff for teaching and reinforcing appropriate school behavior;
 - b. Completion of a project on the topic of bullying to guide restitution;
 - c. A referral to participate in a restorative process facilitated by a trained facilitator if the student admits to having caused harm;
 - d. A meeting between the Convener/designee and the family of the student who did the harm;
 - e. A coordinated behavior plan that may include behavior contracts with a plan to prevent the prohibited conduct from recurring;
 - f. Individual counseling and one-to-one support to change behavior.
 - g. Warning, suspension, exclusion, expulsion or transfer.
 - h. Schools should avoid using punitive discipline (detention, suspensions, and expulsions) if any other method or consequence can be used with fidelity.
 - i. The District may review school-wide behavior data as well as the data related to the person who did the harm and the person harmed. If the investigator determines that a violation of this policy may be the result of school climate needs, the District may conduct classroom, school or District-wide training.

- C. When an investigation determines that bullying occurred, the Convener/designee shall explain the consequences in a non-hostile manner, and shall impose any consequence immediately and consistently. The Convener/designee shall keep communicating and working with all parties involved until the situation is resolved. Some key indicators of resolution include:
 - 1. The actor is no longer bullying and is interacting civilly with the target.
 - 2. The target reports feeling safe and is interacting civilly with the actor.
 - 3. District staff observe an increase in positive behavior and social-emotional

- competency in the actor and/or the target.
4. District staff observe a more positive climate in the physical location where bullying incidents were high.

II. Remedial Response and Referrals

The Convener/designee shall design and implement remedial measures to correct the problem behavior, prevent another occurrence of the problem, protect and provide support for the target of the bullying, and take corrective action for documented systemic problems related to bullying. The Convener/designee shall refer students who bully to positive-behavior small-group interventions (for anger management, trauma or social skills) within the school, if possible, to reinforce the behavioral expectation they violated and increase their social-emotional competency. The Convener/designee shall ask a school mental health professional to refer targets of bullying to individual or group therapy where they can openly express their feelings about their bullying experience, or social-skills training and/or groups where they can practice assertiveness and coping mechanisms.

Attachment C Student Instruction

District staff is encouraged to take such actions as deemed appropriate to accomplish the following goals:

- A. Engage students in creating a safe and supportive school environment.
- B. Partner with parents and other community members to develop and implement prevention and intervention programs.
- C. Engage all students and adults in integrating education, intervention and other remedial responses into the school environment.
- D. Train student bystanders to intervene in and report incidents of bullying and other prohibited conduct.
- E. Teach students to advocate for themselves and others.
- F. Prevent inappropriate referrals to special education of students who may engage in bullying or other prohibited conduct.
- G. Foster student collaborations to create a more conducive environment for a supportive school climate.
- H. Possible units of instruction could include:
 - 1. Social emotional learning.
 - 2. Appropriate behavior online/on social media and cyberbullying awareness and response.
 - 3. Valuing diversity in school and society.
 - 4. Advocacy skills for themselves and others.
 - 5. Skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying.
 - 6. The age-appropriate unit of instruction may be incorporated into seminars or individual's projects. Schools shall satisfy the documentation requirements established by the convener or designee to ensure compliance with this curricular requirement.

Technical Academies of Minnesota

Adopted: Orig. 6/23/2013

Revised: 3/6/2018

Revised: 8/25/2020

504 REHABILITATION ACT OF 1973

I. PURPOSE

Students may be disabled under Section 504 even though the students do not require special education services.

II. GENERAL STATEMENT OF POLICY

- A. It is the intention of the District to ensure that all the students who are disabled within the definition of Section 504 are identified, evaluated, and provided appropriate educational services. The District staff will consider the existence of a disability and possible Section 504 protection for students in the following circumstances:
1. When suspension or expulsion is being considered for any student
 2. When retention is being considered for any student
 3. When a student shows a pattern of not benefiting from the instruction being provided
 4. When a student returns to school after a serious illness or injury
 5. When a student exhibits a chronic health condition (lasting six months or longer)
 6. When a substance abuse is an issue
 7. When a disability of any kind is suspected

III. REFERRAL, IDENTIFICATION, PLANNING AND REVIEW

- A. The designated Section 504 Building Coordinator will utilize the following Section 504 process:
1. Step 1. Referral
Student, parents, teachers, and school social worker who believe they are observing a student substantially limited performance in one or more major life activities. A referral of the student may be made by completing the Section 504 Referral form and submitting it to the Section 504 Building Coordinator: Tammie Knick for DREAM, 1705 16th St NE, Willmar, MN 56201, or Jessica Gagnier for CHOICE, 315 South Grove Avenue, Owatonna, MN 55060 for processing. Call (320) 262-5640 for referral procedure forms. The 504 Building Coordinator will convene, review the referral, and based upon that review of student records, including academic, social, medical and behavioral, will make a decision regarding the need to evaluate.

2. Step 2. Does the student appear to have a disability under Section 504?
If yes the 504 Building Coordinator will proceed with the evaluation upon receipt of parent written permission. All evaluation activities will be employed. The Section 504 Building Coordinator will review the results of the evaluation. No final determination of whether the student will or will not be identified as a handicapped individual, within the meaning of Section 504, will be made by the committee without first inviting the parent/guardian of the student to participate in a meeting concerning such determination. After initial evaluation activities have been completed, the 504 Building Coordinator will invite the parent to a final evaluation meeting. The 504 Building Coordinator, along with the parent, will convene to review all evaluation data, and to determine eligibility under Section 504.
3. Step 3. Develop Accommodation Plan
If the student qualifies as disabled under Section 504, the team will develop an accommodation plan for the student. The educational services shall be implemented as outlined in the Student Accommodation Plan. One individual will be designated as the case manager to monitor the implementation of the plan and the progress of the student.
4. Step 4. Periodic Review
Each student accommodation plan will be reviewed periodically and at a minimum, the Student Accommodation Plan will be reviewed annually.

Technical Academies of Minnesota

Adopted: Orig. 6/23/2013

Revised: 3/2018

Revised: 8/25/2020

504F 504 ACCOMMODATION PLAN

Name: _____ Date: _____

Date of Birth: _____ School: _____

Teacher: _____ Grade: _____

1. Describe the nature of the concern:
2. Describe the basis for the determination of disability (if any):
3. Describe how the disability affects a major life activity:
4. The Child Study Team/Intervention Assistance Team has reviewed the files of the above named student and concludes that he/she meets the classification as a qualified disabled individual under Section 407 of the Rehabilitation Act of 1973. In accordance with the Section 407 guidelines, the school has agreed to make reasonable accommodations and address the student's individual needs by:

PHYSICAL ARRANGEMENT OF THE ROOM:

LESSON PRESENTATION:

ASSIGNMENTS/WORKSHEETS:

TEST TAKING:

ORGANIZATION:

BEHAVIORS:

SPECIAL CONSIDERATIONS:

Name of Physician:

Phone:

Medications:

Schedule:

Monitoring of Medications: _____ daily _____ weekly _____ as needed basis

Administered by:

COMMENTS:

Participants: (name and title)

_____	_____
_____	_____
_____	_____

Case Managers Name: _____

Technical Academies of Minnesota

Adopted: Orig. 6/23/2013

Revised: 3/2018

Revised: 8/25/2020

504.1 STUDENT SEX NONDISCRIMINATION

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. The District provides equal educational opportunity for all students, and does not unlawfully discriminate on the basis of sex. No student will be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any educational program or activity operated by the District on the basis of sex.
- B. It is the responsibility of every District staff to comply with this policy.
- C. The School Board designates a representative from the board each year as its Title IX coordinator. This employee coordinates the District's efforts to comply with and carry out its responsibilities under Title IX.
- D. Any student, parent or guardian having questions regarding the application of Title IX and its regulations and/or this policy should discuss them with the Title IX Coordinator. Questions relating solely to Title IX and its regulations may be referred to the Assistant Secretary for Civil Rights of the United States Department of Education. In the absence of a specific designee, an inquiry or complaint should be referred to the District Human Rights Officer.

III. REPORTING GRIEVANCE PROCEDURES

- A. Any student who believes he or she has been the victim of unlawful sex discrimination by a District staff or other District personnel, or any person with knowledge or belief of conduct which may constitute unlawful sex discrimination toward a student should report the alleged acts immediately to an appropriate District official designated by this policy or may file a grievance. The District encourages the reporting party or complainant to use the report form available from the District but oral reports shall be considered complaints

as well. Nothing in this policy shall prevent any person from reporting unlawful sex discrimination toward a student directly to a District Human Rights Officer.

- B. The District Human Rights Officer is the person responsible for receiving oral or written reports of religious, racial or sexual harassment or violence. Any District staff member who receives a report of religious, racial or sexual harassment or violence shall inform the District Human Rights Officer immediately.
- C. Upon receipt of a report or grievance, the District staff member must notify the District Human Rights Officer immediately, without screening or investigating the report. The Convener may request, but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the Convener to the District Human Rights Officer. If the report was given verbally, the District staff member shall personally reduce it to written form within 24 hours and forward it to the District Human Rights Officer. Failure to forward any report or complaint of unlawful sex discrimination toward a student as provided herein may result in disciplinary action against the District staff member. If the complaint involves the District staff member, the complaint shall be made or filed directly with the District Human Rights Officer by the reporting party or complainant.
- D. The school board hereby designates Kelly Enriquez, kenriquez@technicalacademies.org or 507-400-4009, as the District Human Rights Officer(s) to receive reports, complaints or grievances of unlawful sex discrimination toward a student. If the complaint involves the District Human Rights Officer, the complaint shall be filed directly with the Convener.
- E. The District shall conspicuously post the name of the Title IX coordinator and District Human Rights Officer, including office mailing addresses and telephone numbers.
- F. Submission of a good faith complaint, grievance or report of unlawful sex discrimination toward a student will not affect the complainant or reporter's future employment, grades or work assignments.
- G. Use of formal reporting forms is not mandatory.
- H. The District will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the District's legal obligations to investigate, to take appropriate action, and to conform to any discovery or disclosure obligations.

IV. INVESTIGATION

- A. By authority of the District, the District Human Rights Officer, upon receipt of a 2 report, complaint or grievance alleging unlawful sex discrimination toward a student shall promptly undertake or authorize an investigation. The investigation may be conducted by

District officials or by a third party designated by the District.

- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, the District should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
- D. In addition, the District may take immediate steps, at its discretion, to protect the complainant, pupils, teachers, administrators or other school personnel pending completion of an investigation of alleged unlawful sex discrimination toward a student.
- E. The investigation will be completed as soon as practicable. The District Human Rights Officer shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the Convener, the report may be filed directly with the School Board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

V. SCHOOL DISTRICT ACTION

- A. Upon conclusion of the investigation and receipt of a report, the District will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. District action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law and District policies.
- B. The result of the District's investigation of each complaint filed under these procedures will be reported in writing to the complainant by the District in accordance with state and federal law regarding data or records privacy.

VI. REPRISAL

The District will discipline or take appropriate action against any District student, staff or other school personnel who retaliates against any person who reports alleged unlawful sex discrimination toward a student or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such unlawful sex discrimination. Retaliation includes, but is not limited to, any

form of intimidation, reprisal or harassment.

VII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

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

VIII. DISSEMINATION OF POLICY AND EVALUATION

- A. This policy shall be made available to all District students, parents/guardians of students, staff members, employee unions and organizations.
- B. The District shall review this policy and the District's operation for compliance with state and federal laws prohibiting discrimination on a continuous basis.

Legal References: Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)
Minn. Stat. Ch. 363 (Minnesota Human Rights Act)
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)
34 C.F.R. Part 106 (Implementing Regulations of Title IX)

Cross References: MSBA/MASA Model Policy 102 (Equal Educational Opportunity)
MSBA/MASA Model Policy 413 (Harassment and Violence) MSBA/MASA
Model Policy 528 (Student Parental, Family, and Marital Status
Nondiscrimination)

INDEPENDENT SCHOOL DISTRICT NO. 4217

UNLAWFUL SEX DISCRIMINATION TOWARD A STUDENT

I. General Statement of Policy Prohibiting Unlawful Sex Discrimination Toward a Student

Independent School District No. 4217 maintains a firm policy prohibiting all forms of unlawful sex discrimination. All students are to be treated with respect and dignity. Unlawful sex discrimination by any District staff or other school personnel will not be tolerated under any circumstances.

Complainant: _____

Home Address: _____

Work Address: _____

Home Phone: _____ Work Phone: _____

Date of Alleged Incident(s): _____

Name of person you believe unlawfully discriminated toward you or a student on the basis of sex: _____

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

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; any verbal statements (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved; etc. (Attach additional pages if necessary):

Where and when did the incident(s) occur: _____

List any witnesses that were present: _____

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

(Complainant Signature)

(Date)

Received by: _____

Technical Academies of Minnesota

Adopted: Orig. 6/23/2013

Revised: 8/25/2020

504.3 STUDENT DISABILITY NONDISCRIMINATION

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. Disabled students are protected from discrimination on the basis of a disability.
- B. It is the responsibility of the District to identify and evaluate learners who, within the intent of Section 504 of the Rehabilitation Act of 1973, need special services, accommodations, or programs in order that such learners may receive a free appropriate public education.
- C. For this policy, a student who is protected under Section 504 is one who:
 - 1. Has a physical or mental impairment that substantially limits one or more major life activities, including learning; or
 - 2. Has a record of such impairment; or
 - 3. Is regarded as having such impairment.
- D. Students may be protected from disability discrimination and be eligible for services, accommodations, or programs under the provisions of Section 504 even though they are not eligible for special education pursuant to the Individuals with Disabilities Education Act.

III. COORDINATOR

Persons who have questions, comments, or complaints should contact Tammie Knick regarding grievances or hearing requests regarding disability issues. This person is the school district's ADA/504 Coordinator.

Legal References: 29 U.S.C. § 794 et seq. (Rehabilitation Act of 1973, § 504)
34 C.F.R. Part 104 (Implementing Regulations)

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

504.4 GENDER INCLUSION POLICY

I. PURPOSE

District students deserve respectful and inclusive learning environments that value students' gender identity and gender expression. The District aims to provide all students access to programming and facilities in which they feel comfortable and safe. The District is not required by law, but actively chooses, to create spaces that honor and value diversity at all levels, including gender identity.

II. GENERAL STATEMENT OF POLICY

This policy addresses the inequities some students, including intersex, transgender, and gender nonconforming students, confront as they navigate a system designed using a gender binary model.

III. DEFINITIONS

- A. *Gender* refers to the socially constructed roles, behaviors, activities, and attributes that a given society attaches to femininity or masculinity.
- B. *Sex* refers to a person's biology and is generally categorized as male, female, or intersex.
- C. *Gender Binary* refers to the social construction of a gender dichotomy between masculinity and femininity. The gender binary excludes alternate gender constructions.
- D. *Gender Identity* refers to a person's deeply held sense or knowledge of their own gender.
- E. *Gender Expression* refers to the manner in which persons represent or express gender to others, often through behavior, appearance, clothing, hairstyles, activities, voice, or mannerisms.
- F. *Gender Nonconforming*, *Gender Nonbinary*, and *Genderqueer* are terms for persons whose gender expression differs from stereotypical expectation or roles. This includes persons who identify outside traditional gender categories or identify as both genders.
- G. *Intersex* refers to a person's combination of features that distinguish male and female anatomy.

- H. *Transgender* is an adjective (not a noun) describing a person whose gender identity or expression differs from that traditionally associated with the sex at birth.
- I. *Cisgender* is an adjective (not a noun) referring to an individual who has a match between the gender they were assigned at birth and the roles and behaviors considered by society to be appropriate for that sex; describes someone who is not transgender.

IV. ENSURE GENDER INCLUSIVENESS

- A. District staff ensure inclusive access to programming and facilities. In accordance with procedure, the District will:
 - 1. Respect all students' gender identity and gender expression by honoring the right of students to be identified and addressed by their preferred name and pronoun:
 - a. District staff will ask the student's gender pronouns and preferred names, and renew this process each time a new student joins the group.
 - b. To ensure students' safety and autonomy, District staff will ask the student with whom this information can be shared or revealed: other students, other staff, parents, et cetera.
 - c. District staff will set a plan in place regarding how to best communicate students' gender information.
 - 2. With academic programming, prohibit the separation of students and/or curricular materials based upon gender unless it serves as a compelling pedagogical tool.
 - 3. Provide all students the opportunity to participate in co curricular and extracurricular activities offered in the District in a manner consistent with their gender identity.
 - 4. Provide all students with access to facilities that best align with students' gender identity.
 - 5. Change the gender of a student in the Student Information System if the Name/Gender Change Request Form is filled out and signed by the student and, if the student is under 18, the parent/guardian.
 - 6. Take steps to educate themselves on gender identity terminology, rights, and issues.

Legal References: Minn. Stat. 121A.04 (Athletic Programs; Sex Discrimination)
Minn. Stat. ch. 363A (Minnesota Human Rights Act)
Minn. Stat. 121A.031 (Safe and Supportive Minnesota Schools Act)
Minn. Stat. 121A.03, subd. 2 (Sexual, Religious and Racial Harassment and Violence Policy) 20 U.S.C 1681 et. seq. (Title IX)
20 U.S.C. 1791 et seq. (Equal Educational Opportunities)
Pronouns Matter! A Guide to Creating Safer Classrooms for Transgender Students by Oliver Schminkey

Adopted: Orig. 6/23/2013

Revised: 8/25/2020

505 HAZING PROHIBITION

I. PURPOSE

The purpose of this policy is to maintain a safe learning environment for students and staff that is free from hazing. Hazing activities of any type are inconsistent with the educational goals of the school district and are prohibited at all times.

II. GENERAL STATEMENT OF POLICY

- A. No District student, staff, volunteer, contractor or other employee of the District shall plan, direct, encourage, aid or engage in hazing.
- B. No District staff, volunteer, contractor or other employee of the District shall permit, condone or tolerate hazing.
- C. Apparent permission or consent by a person being hazed does not lessen the prohibitions contained in this policy.
- D. This policy applies to behavior that occurs on or off school property and during and after school hours.
- E. A person who engages in an act that violates District policy or law in order to be initiated into or affiliated with a student organization shall be subject to discipline for that act.
- F. The District will act to investigate all complaints of hazing and will discipline or take appropriate action against any District student, staff, volunteer, contractor or other employee of the District who is found to have violated this policy.

III. DEFINITIONS

- A. "Hazing" means committing an act against a student, or coercing a student into committing an act that creates a substantial risk of harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. The term hazing includes, but is not limited to:
 - 1. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking or placing a harmful substance on the body.
 - 2. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.

3. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
 4. Any activity that intimidates or threatens the student with ostracism, that subjects a student to extreme mental stress, embarrassment, shame or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school.
 5. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of school district policies or regulations.
- B. "Student organization" means a group, club or organization having students as its primary members or participants. It includes grade levels, classes, teams, activities or particular school events. A student organization does not have to be an official school organization to come within the terms of this definition.

IV. REPORTING PROCEDURES

- A. Any person who believes he or she has been the victim of hazing or any person with knowledge or belief of conduct which may constitute hazing shall report the alleged acts immediately to an appropriate District official designated by this policy.
- B. The building Convener is the person responsible for receiving reports of hazing at the building level. Any person may report hazing directly to a District Human Rights Officer or to the Convener.
- C. District staff, volunteers, contractors and other employees of the District shall be particularly alert to possible situations, circumstances or events which might include hazing. Any such person who receives a report of, observes, or has other knowledge or belief of conduct which may constitute hazing shall inform the building Convener immediately.
- D. Submission of a good faith complaint or report of hazing will not affect the complainant or reporter's future employment, grades or work assignments.

V. SCHOOL DISTRICT ACTION

- A. Upon receipt of a complaint or report of hazing, the District shall undertake or authorize an investigation by District officials or a third party designated by the District.
- B. The District may take immediate steps, at its discretion, to protect the complainant, reporter, students, or others pending completion of an investigation of hazing.
- C. Upon completion of the investigation, the 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 deter violations and to appropriately discipline prohibited behavior. 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, District policies and regulations.

VI. REPRISAL

The District will discipline or take appropriate action against any District student, staff, volunteer, contractor or other employee of the school district who retaliates against any person who makes a good faith report of alleged hazing 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 hazing. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

VII. DISSEMINATION OF POLICY

[Note: Proper reference should be made to the appropriate handbooks in each District.]
This policy shall appear in each school's student handbook and in each school's Building and Staff handbooks.

Legal References: Minn. Stat. § 121A.69 (Hazing Policy)
Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)

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 506 (Student Discipline)
MSBA/MASA Model Policy 525 (Violence Prevention) [Applicable to Students and Staff]
MSBA/MASA Model Policy 526

Technical Academies of Minnesota

Adopted: Orig. 6/23/2013

Revised: 8/25/2020

506 SCHOOL SPONSORED STUDENT PUBLICATIONS

I. PURPOSE

The purpose of this policy is to protect students' rights to free speech in production of official school publications while at the same time balancing the school's role in supervising student publications and the operation of public schools.

II. GENERAL STATEMENT OF POLICY

- A. Expression and representations made by students in school publications is not an expression of official school policy. Official school publications are free from prior restraint by officials except as provided by law. Faculty advisors shall supervise student writers to ensure compliance with the law and District policies.
- B. Students who believe their right to free expression has been unreasonably restricted in an official student publication may seek review of the decision by the Board Chairperson. The Board Chairperson shall issue a decision no later than five (5) school days after review is requested.
 - 1. Students producing official school publications shall be under the supervision of a District staff member. Official publications shall be subject to the guidelines set forth below.
 - 2. Official District publications may be distributed at reasonable times and locations.

III. DEFINITIONS

- A. "Distribution" means circulation or dissemination of material by means of handing out free copies, selling or offering copies for sale, accepting donations for copies, or posting or displaying material.
- B. "Official District publications" means school newspapers, yearbooks, material produced in communication, journalism of other writing classes as a part of the curriculum.
- C. "Obscene to minors" means:
 - 1. The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest of minors of the age to whom distribution is requested;
 - 2. The material depicts or describes, in a manner that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors of the age to whom distribution is requested, sexual

conduct such as intimate sexual acts (normal or perverted), masturbation, excretory functions, and lewd exhibition of the genitals; and

3. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

D. "Minor" means any person under the age of eighteen (18).

E. "Substantial disruption" of a normal school activity means:

1. Where the normal school activity is an educational program of the District for which student attendance is compulsory, "material and substantial disruption" is defined as any disruption which interferes with or impedes the implementation of that program.
2. Where the normal school activity is voluntary in nature (including, without limitation, District athletic events, plays and concerts, and lunch periods) "material and substantial disruption" is defined as student rioting, unlawful seizures of property, conduct inappropriate to the event, participation in a school boycott, demonstration, sit-in, stand-in, walk-out, or other related forms of activity. In order for expression to be considered disruptive, there must exist specific facts upon which the likelihood of disruption can be forecast, including past experience in the school, current events influencing student activities and behavior, and instances of actual or threatened disruption relating to the written material in question.

F. "District activities" means any activity of students sponsored by the District including, but not limited to, classroom work, library activities, break out sessions, and other similar gatherings, District athletic contests, band concerts, plays, and lunch periods.

G. "Libelous" is a false and unprivileged statement about a specific individual that tends to harm the individual's reputation or to lower that individual in the esteem of the community.

IV. GUIDELINES

A. Expression in an official District publication is prohibited when the material is:

1. Obscene to minors
2. Libelous or slanderous
3. Advertises or promotes any product or service not permitted for minors by law
4. Encourages students to commit illegal acts or violate District regulations or substantially disrupts the orderly operation of District activities.
5. Expresses or advocates sexual, racial or religious harassment or violence or prejudice
6. Distributed or displayed in violation of time, place and manner regulations

B. Time, Place and Manner of Distribution Students shall be permitted to distribute written

materials at school as follows:

1. Time

Distribution shall be limited to the hours before the school day begins, during lunch hour and after school is dismissed.

2. Place

Written materials may be distributed in locations so as not to interfere with the normal flow of traffic within the school hallways, walkways, entryways and parking lots. Distribution shall not impede entrance to or exit from school premises in any way.

3. Manner

No one shall induce or coerce a District student or staff member to accept a student publication.

Legal References: U.S. Constitution, First Amendment Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)
Bystrom v. Fridley High School, I.D.S. No. 14, 822 F.2d 747 (8th Cir. 1987)

Technical Academies of Minnesota

Adopted: Orig. 6/23/2013

Revised: 11/09

Revised: 8/25/2020

507 CORPORAL PUNISHMENT

I. PURPOSE

The purpose of this policy is to describe limitations on corporal punishment of students.

II. GENERAL STATEMENT OF POLICY

No agent of the District shall cause corporal punishment to be inflicted upon a student to reform unacceptable conduct or as a penalty for unacceptable conduct. As used in this policy, the term "corporal punishment" means conduct involving hitting or spanking a person with or without an object, or unreasonable physical force that causes bodily harm or substantial emotional harm.

III. EXCEPTIONS

District staff may use reasonable force to restrain a student only when necessary to prevent the child from injuring him or herself, others or property or to prevent bodily harm or death to another.

IV. VIOLATION

District staff who violate the provisions of this policy shall be subject to disciplinary action as appropriate. Any such disciplinary action shall be made pursuant to an in accordance with applicable statutory authority and District policies. Violation of this policy may also result in civil or criminal liability for the District staff member.

Legal References: Minn. Stat. § 127.03, Subd. 3 (Actions against districts and teachers)
 Minn. Stat. § 127.45 (Corporal Punishment)
 Minn. Stat. § 609.06(06)(07) (Authorized use of force)

Adopted: Orig. 6/23/2013

Revised: 3/2/2018

Revised: 8/25/2020

509 BUILDING VISITOR POLICY

I. PURPOSE

The School Board encourages visits by citizens and parents to our District buildings.

II. GENERAL STATEMENT OF POLICY

A. We advise these people to visit our school facility in accordance with reasonable procedures to control such visits. Visitors shall evaluate the quality of education at the District to determine its needs, and to join with the School Board in improving our system. The School Board also believes that the parents of students attending the school have special rights and responsibilities to keep themselves informed as to the day-to-day operation of the school. District staff members are requested to continue strong efforts to ensure that parents of school children are not only aware of the above policy but that they are cordially invited to visit our District buildings and to thereby develop a spirit of mutual cooperation which will insure to the benefit of the children involved.

1. General Building Visitors

All building visitors will check in and sign in at the front desk. Visitors shall receive and wear a nametag. Visitors will be assigned to a District staff member who is responsible for the visitor's actions while in the building.

2. Student Visitors (Shadowing a District Student)

The visit must be approved by the District students' advisor. The visiting student must obtain written permission from their parent, guardian and District staff member from their current school. The visiting student will check in and sign in at the front desk. The visiting student shall receive and wear a nametag. The District advisor of the student will be responsible for the actions of the visiting student. If at any time the visiting student is disruptive or disrespectful they will be asked to leave.

Adopted: Orig. 6/23/2013

Revised: 8/25/2020

510 MEDICATION AND DRUG POLICY HEALTH SERVICES

I. PURPOSE

In order to assure the health and safety of our students, we require the completion of the Health and Emergency Information form by parents/ guardians each school year.

II. GENERAL STATEMENT OF POLICY

- A. Parents/guardians of each student will be required to complete the Health and Emergency Information form and return it to the District during the first week of school. Please return this form as promptly as possible, since the information may be needed as early as the first week of school.
- B. If a student becomes ill or injured at the school, first aid or other necessary care will be given immediately. (First aid is the “immediate and temporary care given in the case of an accident or sudden illness before the service of a physician can be secured.”)
- C. District staff will not assume responsibility for any treatment beyond first aid. First aid procedures do not include any form of medical treatment. No drugs or medication, including non-prescription pain relievers, will be given. The District staff are NOT permitted to dispense non-prescription pain relievers including but not limited to Tylenol, Advil and aspirin to students.

III. MEDICATIONS

- A. The administration of medication to students is carried out under written orders from a student’s physician and written permission of the parents. The policies of the Minnesota Department of Health and the State Department of Education are followed. If possible, medications should be scheduled around school hours, thus avoiding the need for bringing medications into the school building. Under usual circumstances, school personnel give no medications (including aspirin and Tylenol) to a student. Whenever possible, parents are encouraged to make alternative arrangements so that it is unnecessary for District staff to administer medications. An exception to this is if a prescription medication needs to be taken during school hours. If a student requires a prescription medication FOUR times a day, or more often, District staff can give the medication in school ONLY if the following procedure is followed:
 - 1. ORIGINAL BOTTLE
Medication is sent in the original bottle with the name of the medication, how often it is taken, amount of dosage, physician’s name, name and telephone number of the pharmacy on the label. Parents who know their students need to

take medication at school can request a second bottle from their pharmacist to send to school.

2. WRITTEN REQUEST

The medication MUST be accompanied by a written request from the parent that their student should take the medication in school. The dosage given, time of day to give the medication, and specific directions for giving the medication.

3. PARENTS AND PHYSICIAN'S MEDICATION AND AUTHORIZATION FORM

This needs to be completed for the students on medication for extended periods of time or the entire school year. If a student is on a medication for a long period of time, please contact the District office for one of these forms.

IV. HEALTH CONDITIONS

Any student having health conditions, such as diabetes, asthma, seizures, frequent ear infections, or allergies (especially wasp/bee stings), will need to contact the school office during the first week of school. Parents/guardians are encouraged to contact the District office to arrange for a conference. The school office will share information regarding the health condition of students with the necessary District staff. Students having a history of hearing or vision difficulties should notify the school office of special needs.

V. ILLNESS/ACCIDENTS

If your child becomes ill in school, every attempt will be made to send your child home. Should your child have a minor injury, an advisor or the nurse will give first aid. If the accident is of a serious nature, parents will be called immediately. If the District is unable to contact the parents, a doctor will be called or the student will be transported to the nearest clinic for examination. We will try to contact you at home or at work, as you should assume responsibility for the care of your child. If we are unable to contact you, we will contact the persons designated on your child's emergency form. If all attempts to contact someone fail, your child will remain in school and will be sent home at the end of the day in the same manner in which they came to school. A child will be sent home with a temperature above 100 degrees. If a child has a temperature above 100 degrees, vomits or has diarrhea within the past 24 hours, please do not send him/her to school.

VI. COMMUNICABLE DISEASES AND INFECTIOUS CONDITIONS

To prevent the spread of contagious diseases, the school office needs to be informed of all students with a communicable disease. These include the following: chicken pox, pinkeye (conjunctivitis), measles, mumps, rubella, impetigo, ringworm, scabies, strep throat, influenza etc. If a student has chicken pox, pinkeye, lice, scabies, impetigo, or strep throat, the student needs to report to the school office for clearance to return to school. Parents should contact the school office regarding readmission guidelines for each particular disease.

VII. IMMUNIZATIONS

The school office checks the immunization records of all students. The Minnesota School Immunization Law requires that all students be properly vaccinated in order to remain enrolled in school. Since immunization laws change frequently, the school office will contact you if additional information regarding immunizations is needed. Immunizations will need to be up to date PRIOR to school entrance for all students including transfer students. Foreign exchange students, not transfer students, will have 30 days to update their immunizations. Seniors will receive a copy of their immunization record prior to graduation and are encouraged to keep this in a safe place, since this information is needed for entry into a college or university. The school office will provide periodic screening for vision, hearing and scoliosis. Parents are encouraged to make dental and medical appointments for their students to avoid conflicts during the school hours.

Adopted: Orig. 6/23/2013

Revised: 8/25/2020

511 INTOXICATION POLICY

I. PURPOSE

If a District staff member should have reasonable suspicion of use or possession of alcohol or other drugs, the student will be communicated with and the parents/guardians will be notified requesting that the student be removed immediately. Also a ten-day suspension may be administered with the recommendation that a drug test (urine analysis) be administered (up to \$55 at the school's expense). A negative test would allow the student to return to school immediately. A positive test would result in a recommendation that the student undergo a county assessment, and to follow the recommendations of that assessment.

Technical Academies of Minnesota

Adopted: Orig. 6/23/2013

Revised: 11/09, 3/18

Revised: 8/25/2020

512 TRANSPORTATION POLICY

I. PURPOSE

The District, through its School Board and contracted transportation service, shall provide transportation of one (1) round trip daily to and from the school within the local school district boundaries for all District students who wish transportation and who reside one mile or more walking distance from the school. Walking distance shall be defined as the shortest distance by public walkway, street, or highway to the assigned entrance of the assigned school of attendance.

Adopted: Orig. 6/23/2013

Revised: 8/25/2020

512.5 STUDENT SERVICES

I. PURPOSE

It is the mission of the District School Transportation Program to provide transportation to all students who reside within the boundaries of the District. Riding the school bus is a privilege, not a right.

II. GENERAL STATEMENT OF POLICY

All students are expected to follow the same behavioral standards while riding District buses as are expected on District property or at District activities, functions or events. All District rules are in effect while a student is riding the bus or at the bus stop.

III. CONSEQUENCES

Consequences for District bus/bus stop misconduct will be imposed by the District staff and will follow the guidelines established by the bus company the District has contracted with for services. In addition, all school bus/bus stop misconduct will be reported to the District Transportation Supervisor/Safety Director. Serious misconduct will be reported to the Department of Public Safety and may be reported to local law enforcement. School buses transporting students in the District may be equipped with video cameras. A number of cameras may be rotated among buses. The tapes will be used for driver training and as student training aids. See Administrative Rules and Regulations for implementation of this School Board policy.

Adopted: Orig. 6/23/2013

Revised: 8/25/2020

512.51 TRANSPORTATION SERVICES

I. PURPOSE

To provide Administrative Rules & Regulations to ensure the safety of our students.

II. GENERAL STATEMENT OF POLICY

- A. The District will provide School Bus Rider Training, a student safety instruction program for all students, beginning in the first month of school. By the completion of the first month of school, students will be able to demonstrate safety procedures and understand the reasons for the following competencies:
1. School bus transportation is a privilege not a right.
 2. District transportation policies for student conduct and school bus safety.
 3. Appropriate conduct while riding the school bus.
 4. Danger Zone locations around the bus.
 5. How to safely board and leave the bus.
 6. Demonstrate emergency evacuation via proper exits.
 7. Location of Emergency equipment (Fire Extinguisher, First Aid Kit, Tri-angle warning devices).
- B. The District will report to the Minnesota Department of Education and/or the Minnesota Department of Public Safety by October 15 of each year that the students have demonstrated the list of competencies or will explain why they have not. New students entering the District during the school year will receive the necessary training to comply with this training requirement. The training program the District will be utilizing will consist of information from the following publications or established training programs:
1. Minnesota Student Safety Video Series.
 2. Minnesota School Bus Driver Development Series.
 3. Other School Bus Safety Resources approved by MDE and DPS. II.

III. STUDENT CONDUCT ON SCHOOL BUSES AND CONSEQUENCES FOR MISBEHAVIOR

- A. The District supports the following rules and guidelines.
1. School bus and bus stop rules. The District school bus safety rules are to be posted on every bus. If these rules are broken, the District's discipline procedures are to be followed. Consequences are progressive and may include suspension of bus privileges. It is the school bus driver's responsibility to report unacceptable behavior to the District's Transportation Team.

2. Rules at the Bus Stop.
 - a. Get to your bus stop 5 minutes before your scheduled pick up time. The school bus driver will not wait for late students.
 - b. Respect the property of others while waiting at your bus stop.
 - c. Use appropriate language.
 - d. Keep your arms, legs and belongings to yourself.
 - e. Stay away from the street, road or highway when waiting for the bus.
 - f. After getting off the bus, move away from the bus.
 - g. If you must cross the street, always cross in front of the bus where the driver can see you. Wait for the driver to signal to you before crossing the street.
 - h. No fighting, harassment, intimidation or horseplay.
 - i. No use of alcohol, tobacco or drugs.

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

4. Consequences.

Consequences for the school bus/bus stop misconduct will apply to all regular, late routes, and extracurricular routes. Decisions regarding a student's ability to ride the bus in connection with co-curricular and extracurricular events (for example, field trips or competitions) will be at the sole discretion of the District. Parents or guardians will be notified of any suspension of bus privileges. All students who have the opportunity to ride district buses may do so as long as they display behavior that is reasonable and safe. Choosing to follow unacceptable behavior will result in the loss of bus service. The District staff shall determine consequences for misbehavior including suspension or termination of riding privileges. Bus drivers shall be required to report misbehavior to the District Transportation Supervisor.

5. Behavior Guidelines (Type A Offenses)
 - a. Spitting.
 - b. Excessive noise (warning by driver).
 - c. Excessive horseplay (warning by driver).
 - d. Eating and drinking on the bus.
 - e. Leaving a seat/standing while the bus is in motion.
 - f. Having squirt guns on the bus.

- g. Profanity, verbal abuse, harassment, obscene gestures or possession of objectionable material.
 - h. Playing radio unless with earphones.
 - i. Insubordination to the driver or chaperone.
 - j. Other offenses as reported by the driver or the District staff.
6. Behavior Consequences (Type A Offenses)
- a. 1st Offense: Warning, detention, or one to five days suspension from school and/or riding on the bus. Mandatory notification to parent with a copy of the bus policy.
 - b. 2nd Offense: Detention, or one to five day suspension from school and/or riding on the bus. Mandatory meeting with parents prior to resumption of riding privilege.
 - c. 3rd Offense: Five day suspension from school and/or five to ten day suspension from riding on the bus. Mandatory meeting with parents prior to resumption of riding privilege.
 - d. 4th Offense: Loss of all bus service. Mandatory meeting with parents.
7. Behavior Guideline (Type B Offenses)
- a. Hanging out the window.
 - b. Throwing or shooting of any object.
 - c. Physical aggression against any person.
 - d. Use of tobacco or any controlled substance.
 - e. Vandalism to the bus.
 - f. Holding onto or hooking onto any portion of the exterior of the bus.
 - g. Lighting of matches, fireworks, or any flammable object or substances.
 - h. Unauthorized entering or leaving the bus through emergency door/tampering with bus equipment.
 - i. Sexual, religious, or racial harassment of other students or drivers.
 - j. Violation of State Laws regarding carry-on items.
 - k. Other offenses may be reported by the driver or staff.
8. Behavior Consequences (Type B Offenses)
- a. 1st Offense: One to five day suspension from riding a bus. Mandatory meeting with parents.
 - b. 2nd Offense: Five to ten day suspension from riding the bus. Mandatory meeting with parents.
 - c. 3rd Offense: Loss of all bus service. Mandatory meeting with parents. Other Discipline: Based on the severity of a student's conduct, more serious consequences may be imposed at any time. Depending on the nature of the offense, consequences such as suspension or expulsion from school may also result from school bus/bus stop misconduct.

G. Records

Records of school bus/bus stop misconduct will be forwarded to the District and will be retained in the same manner as other student discipline records. Reports of

serious misconduct will be provided to the Department of Public Safety. Records may also be maintained in the office of the District Transportation Supervisor/Safety Director.

IV. PARENT AND GUARDIAN INVOLVEMENT

A. Parent/Guardian Responsibilities for Transportation Safety.

1. Become familiar with District rules and policies, regulations, and principles of school bus safety.
2. Assist students in understanding safety rules and encourage them to abide by them.
3. Recognize your responsibilities for the actions of your children.
4. Support safe riding practices and reasonable discipline efforts.
5. When appropriate, assist students in safely crossing local streets before boarding and leaving the bus.
6. Support procedures for emergency evacuation, and procedures in emergencies as set up by the District.
7. Respect the rights and privileges of others.
8. Communicate safety concerns to school administrators.
9. Monitor bus stops, if possible.
10. Support all efforts to improve school bus safety.

B. Parent and Guardian Notification

A copy of the District school bus and bus stop rules will be provided to each family at the beginning of the school year or when a child enrolls, if this occurs during the school year. Parents and guardians are asked to review the rules with their students.

V. SCHOOL BUS DRIVER DUTIES AND RESPONSIBILITIES

A. All school bus drivers shall be adequately prepared, both physically and mentally each day to perform required duties. These shall include:

1. Operating the vehicle in a safe and efficient manner.
2. Safety
The primary concern of each driver is safety. Drivers will exercise extreme caution during the loading and unloading process as well as when driving.
3. Defensive Driving
All drivers are to drive defensively at all times. A definition of defensive driving is: driving in a manner to avoid accident involvement despite adverse conditions created by roads, weather, traffic, or errors of other drivers or pedestrians.
4. Driving Adjustments
Winter and wet weather driving may require adjusting speed and normal driving practices to compensate for road conditions.
5. Emergency Doors

Emergency doors must be free and operable. Under no circumstances may the doors be obstructed to prevent easy access.

6. Service Door

The service door of the bus must be closed at all times while the bus is in motion.

7. Overloads

The registration card in all vehicles designates the maximum number of passengers allowed to be carried. This limit cannot be exceeded. A driver should call the designated individual for instructions should a vehicle become overloaded.

8. Railroad Crossings

All vehicles used to transport students must stop at railroad crossings, using required procedures, whether they are loaded or empty. School buses shall not activate the eight-way lights; four-way hazard lights are to be used before stopping and when crossing tracks.

9. Smoking Prohibited

Smoking by either the driver or the passengers is prohibited on any school bus, Type III vehicle, or on school property.

B. Conducting thorough pre-trip and post-trip inspections of the vehicle and special equipment.

1. Bus Inspection

Drivers are required to make a pre-trip inspection of the bus before each trip. Failure to do so is a violation of State Law. Defects are to be reported in writing. Drivers are required to check their buses for students, vandalism and articles left on the bus after each route segment.

2. Safety Equipment

All drivers are responsible for ensuring that the necessary safety equipment is aboard the bus, including fire extinguisher, first aid kit, bodily fluids clean-up kit, flashlight, reflectorized emergency warning device, and any additional items required by the District. Drivers of vehicles for disabled students will ensure all student health information cards are on board the bus.

3. Bus Cleaning

Drivers are required to keep the interior of their buses swept and free on trash at all times. The drivers are also responsible for cleaning the exterior of their buses, weather permitting.

4. Fueling

The driver is responsible for ensuring that his or her assigned vehicle is adequately fueled before leaving the yard. Smoking is prohibited in the fueling area. The engine shall be turned off while fueling. Drivers should never fuel with passengers aboard.

5. The minimum pre-trip inspection requirements have been clarified to include:

- a. Service brakes
- b. Hand brake

- c. Steering
- d. Lights and reflectors, and adjustment
- e. Eight lamp system, and stop arm
- f. A copy of the inspection report must be carried in the vehicle.

C. Ensuring the safety, welfare and orderly conduct of passengers while on the bus. (See Section II)

D. Meeting emergency situations in accordance with operating procedures (See Section V).

E. Communicate effectively with District staff, students, parents, law enforcement officials and motoring public.

1. Relations with Students.

Bus drivers will treat students with respect and will refrain from any conduct that is intended or could be perceived as demeaning, intimidating or harassing.

2. Relations with District Officials

District officials can and will be of considerable assistance to drivers. They are trained in the education of students and it is in their best interest that control and discipline be maintained on the bus. Therefore, it is very important that drivers have good relationships with the school officials and give them full cooperation.

3. Relations with the Public

It is important to remember that to the general public, the driver represents the District. Buses are one of the most visible vehicles on the road. Drivers must deal with students, parents and other motorists in a polite, professional and considerate manner.

4. Student Discipline

Although drivers are responsible for maintaining order on the bus, drivers must always remember that the types of actions they may use are limited. Drivers must never, under any circumstances, use corporal punishment. Drivers have no authority to deny a child the privilege of riding the bus, or drop the student at other than the designated stop. Any denial of bus riding privileges can come only from the District authorities.

5. Route Changes

Any problems, of whatever kind, encountered by a driver on the routes or trips should be brought to the attention of the designated District official as soon as possible.

6. Unauthorized Passengers

Only authorized passengers may be transported in a bus. Any other passenger must be specifically approved by the District staff and be issued a written bus pass. This pass is only available from the District staff.

7. Notices

It is the responsibility of the driver to check for notices each day and to check with his or her supervisor regularly.

F. Completing required reports.

It is the responsibility of the driver to completely fill out and timely turn in all reports, discipline referrals, time cards, and mechanical defect slips as required. This includes all requirements pertaining to pre-trip inspections and stop-arm violation reports.

G. Completing required training programs successfully (See Section VI)

H. Providing maximum safety for passengers during loading and unloading.

1. Standees Prohibited

Standees are not allowed on a moving school bus. Drivers must not move a bus from a stopped position until all passengers are seated. Students are to remain seated until the bus has stopped.

2. Dangerous Articles

No weapons or articles that may be classified as dangerous, may be transported on a school bus. This includes any and all weapons, gasoline cans, animals, and other dangerous or objectionable items. Possession of weapons on school property or the bus will not be tolerated. Companion dogs are allowed.

I. Wearing the driver's seat belt whenever the bus is in motion. Additional driver duties and responsibilities may be found in the driver handbook. All bus driver dismissals will be reported to the Department of Public Safety pursuant to Department of Public Safety directions.

VI. OPERATING RULES AND PROCEDURES

A. General Operating Rules

1. All routes shall be on file with the District's School Transportation Supervisor/Safety Director and also in the District Office.
2. Only students assigned to the school bus by the District shall be transported. The number of students or other authorized passengers transported in or assigned to a school bus shall not be more than the legal capacity for the bus. No person shall be allowed to stand when the bus is in motion.
3. Drivers are to enforce the provisions of the school bus and bus stop rules as appropriate. Students may be released from the bus at only two points, the designated bus stop or at school, except in the case of an emergency or as otherwise authorized.
4. The parent/guardian may designate by a signed, written request a day care facility, respite care facility, the residence of a relative or the residence of a person chosen by the parent/guardian as the address of the student for transportation purposes. The address must be in the attendance area of the assigned school and meet other eligibility requirements.
5. Students who misbehave severely may be returned to the school immediately and reported to the District staff or other designated individual.

6. Safety evacuation drills for student passengers shall be conducted at least twice a year.
7. There shall be no students in the bus while the fuel tank is being filled. On leaving the vehicle when the students are in the bus, the driver shall stop the bus, remove the ignition key, set the brakes and otherwise render the bus immobile.
8. Buses shall not be run backwards on the District grounds or any other point if it can be avoided. If it is necessary to run a bus backwards on District grounds, the driver shall have another responsible person act as a guard flagman in back of the bus to keep other persons out of the path and to issue warnings to the driver of approaching traffic.
9. When arriving or leaving the District grounds, the driver must not follow closer than 50 feet from the vehicle directly in front of the bus or closer than 500 feet when traveling on the highway.
10. No school bus shall pull any trailer when students are being transported on regular routes to or from school.
11. In case of an accident or breakdown of the bus, the driver shall contact the dispatcher using the two-way radio. If no radio contact is available, the driver shall not leave the bus but shall send two responsible students to the nearest house to summon help.

B. Use of Signals, Loading or Unloading

1. The driver shall activate the flashing eight-light system of the bus at least 300 feet before stopping to load or unload students when outside an incorporated municipality, and 100 feet when operating within an incorporated municipality, and shall not extinguish such lights until loading or unloading is completed and persons who must cross the roadway or highway are safely across.
2. Bring the vehicle to a complete stop in the right hand lane of the roadway parallel to the center line.
3. Prior to discharging students, open the door, activate red flashing lights and extend the stop arm. Discharge students only after all traffic (front and rear) has come to a complete stop.
4. Keep the door open and an eight-light system operating until all students have been loaded or unloaded safely.
5. The driver should avoid loading or unloading students where the view is obstructed to other motorists for 200 feet in either direction.
6. The driver will not permit students to stand or get on or off the bus while it is in motion.
7. The driver will bring the bus to a full stop and disengage gears by shifting the gear shift lever into neutral position or selector into neutral or park position before loading or unloading students.
8. Buses shall load and unload students only at designated locations.

C. Crossing Highways and Streets

1. The driver shall be responsible for safely delivering the students who must cross the highway or street by one of the following methods:
 - a. Students shall pass approximately 10 feet in front of the school bus so as to be seen by the driver and cross the road only upon receiving a hand signal from the driver, or
 - b. The student shall pass approximately 10 feet in front of the bus so as to be seen by the driver and be conducted across the roadway by the school bus patrol, or
 - c. The driver shall personally conduct the students across the road after following required procedures for disabling the bus, or
 - d. The driver shall visually ascertain that students getting off the bus who do not need to cross the road are a safe distance from the bus before moving the vehicle.

D. Type III Vehicles

1. Any vehicle designed to carry a maximum capacity of 10 passengers must meet all legal requirements for a school bus. Any Type III vehicle used to transport students must carry all emergency equipment listed in Section IV. B. W. If District-owned, the District name will be clearly marked on the side of the vehicle.
2. Students will not be regularly transported in private vehicles. However, private vehicles may be used for convenience or in an emergency if district vehicles are not available. Whenever a private vehicle needs to be used every effort possible will be made to use a vehicle that has passed the DPS safety guidelines and inspection or could if subjected to those guidelines and inspections.
3. Drivers of Type III vehicles must comply with the following:
 - a. Hold a valid MN driver's license.
 - b. Have on file their drivers license number at the District office prior to vehicle use.
 - c. Reasons for transportation of students in Type III vehicles:
 - i. There are fewer than 10 students to be transported.
 - ii. Students live in an area not accessible by a regular bus route.
4. Operation of Type III vehicles. The District will operate Type III vehicles as defined by the Minnesota Department of Public Safety (DPS) 11 and the Minnesota Department of Education (MDE). The District may require other guidelines that may be greater than DPS and MDE. Guidelines and Qualifications:
 - a. All drivers must have a valid Minnesota driver's license and be in good physical health.
 - b. Vehicle is to be used for District related transportation only.
 - c. Requests for vehicles must be made and approved prior to usage.
 - d. The District Transportation Supervisor will monitor all vehicle usage.
 - e. Passenger capacity is not to exceed 10, including the driver or the manufacturer rating, if less than 10.

- f. Emergency equipment will be in each Type III vehicle at all times, railroad placards will be displayed according to DPS and MDE regulations.
- 5. Driver Duties:
 - a. Check with the District Transportation Staff regarding pickup and return sites for the vehicle.
 - b. Pre-trip and post-trip duties:
 - i. Oil to be checked when filled with fuel.
 - ii. Report any mechanical problems to District Transportation Staff.
 - iii. Fuel vehicle $\frac{1}{4}$ tank or less prior to return of vehicle (Check with District Transportation Staff where to purchase fuel).
 - iv. Clean vehicle interior after each use
 - c. Complete mileage log after each trip.
 - d. No student is allowed to drive a District vehicle (except Driver Education vehicle while supervised only)
- E. Operate vehicles according to regulations set forth by the DPS, MDE and the District.
- F. In the event of an accident: the driver should check for injuries, get required emergency help, obtain names of others involved, talk only to law enforcement officers and contact District officials.
- G. Defensive driving training is encouraged but not required for all type III vehicle drivers.
 - 1. Maintenance:
 - a. Type III vehicles owned or leased to the District will be maintained according to manufacturer specifications and or specifications as set forth by DPS, MDE and the District Transportation Department.
 - b. Maintenance will be performed by the District approved mechanic or dealership or independent garage as identified by the District Transportation Supervisor.
 - c. Out of District emergency repairs should be made before the return trip. If repairs can not be made, or the driver needs information where to repair the vehicle, the driver should contact the District Transportation Supervisor or the District office, either by school radio or telephone. Contact of a District official should be made as soon as reasonably possible.

VII. SCHOOL BUS DRIVER TRAINING

A. Training

All new bus drivers shall be provided with pre-service training, including in-vehicle (actual driving) instruction before transporting students and shall meet the competencies specified by the Department of Public Safety. All school bus drivers shall receive a minimum of eight hours of in-service training annually. The following driver training

standards represents the minimum areas of training which each driver must receive prior to entering service to the District:

1. Pre-Trip Inspection.

Both new and experienced drivers must be familiar with the elements of the mandatory pre-trip inspection required under Minnesota law including:

- a. The engine compartment includes belts, valves, fluid leaks.
- b. Engines start including warning lights, gauges, horn, fuel level.
- c. Brakes including pedal reserve, and air/vacuum gauges.
- d. Interior including seats, floor, lights.
- e. Electrical charging system.
- f. Emergency Door including smooth latch operation, alarm buzzer.
- g. Entrance door operation.
- h. Lift door operation and alarm.
- i. Lift equipment for wheelchairs.
- j. Wheels service brakes, emergency break.
- k. Exterior lights including headlights, brake lights, market lights, turn signals.
- l. Exhaust system.
- m. Windows, windshield, and inspection sticker
- n. Eight-Light system and stop arm
- o. Emergency equipment -- first aid kit, bodily fluids clean-up kit, flashlight reflectors, two-way radio.

2. Fundamentals and Techniques of School Bus Driving.

The driver training program must include:

- a. Relevant laws.
- b. Rules of the road.
- c. District safety policies.
- d. Defensive driving.
- e. Driving in inclement weather conditions such as reduced visibility due to rain, snow, fog, wet roads or icy roads.
- f. Dealing with pedestrians and students in traffic.
- g. Operation of the manual or automatic transmission.
- h. The use of the drivetrain for stopping the school bus.
- i. Situations where the hand break will and will not stop a moving bus.
- j. Steering and turning techniques.
- k. Right and left turn maneuvers.
- l. Gauging the speed of the other vehicles on cross streets.
- m. Use of mirrors.
- n. Merging into traffic.
- o. Visual perceptions.
- p. Safe following distances.
- q. Safe passing procedures.
- r. Safe backing procedures.

- s. Use of the eight-light system.
 - t. Loading and unloading procedures.
 - u. Knowledge of the danger zone concept.
 - v. Policies and Procedures for grade level railroad crossings.
 - w. Emergency use of the public address system.
 - x. Response to an approaching emergency vehicle while unloading
 - y. Leaving the bus unattended at school sites.
3. Special Education Transportation
- Special education transportation requires skills and abilities that exceed those required to provide normal school bus service. Drivers will be familiar with:
- a. What to do in a medical emergency.
 - b. Handling of wheelchairs.
 - c. Operation of lift equipment.
 - d. Proper use of wheelchair securement devices.
 - e. District policies on the use of seat belts on designated students.
 - f. Handicapped conditions.
 - g. Responsibilities of the bus driver and the bus aide.
 - h. District policy in situations where a responsible person is not available to receive a student.
4. Emergency Procedures
- Drivers must be prepared to deal with emergency situations while operating on routes and field trips. Included in these emergency situations are mechanical breakdown, fire, accident, or passenger injury. Drivers are to receive training in:
- a. Identifying the degree of an emergency before beginning an evacuation.
 - b. Identifying a safe evacuation unloading area.
 - c. Preplanning emergency evacuations for both conventional and lift buses.
 - d. Front, rear, and both door evacuations.
 - e. Evacuation of special education students, evacuation of physically disabled students and students using wheelchairs.
 - f. Placement of students in a safe location.
 - g. Cooperation in emergency evacuation drills.
 - h. Mechanical breakdowns.
 - i. Stop the bus in a safe location.
 - ii. Keep passengers on the bus if safe to do so.
 - iii. Take steps to warn motorists.
 - iv. Radio or call for assistance.
 - v. How to secure the school bus and place emergency triangles.
 - vi. Use of the two-way communication system in an emergency.
 - vii. When it is appropriate to evacuate the school bus.
 - i. How to supervise an emergency evacuation.
 - i. Emergency evacuation of the disabled.
 - ii. Special considerations when evacuating a lift bus.
 - iii. Lifting techniques for handling disabled students in an emergency

situation.

- j. Priorities when dealing with injured passengers.
 - i. How to use the school bus first aid kit.
 - ii. Use and operation of the fire extinguisher.
 - k. Dealing with other motorists and the police.
 - l. Use of emergency reflectors and hazard lights.
 - m. Control of exposure to blood borne pathogens.
 - n. Use of body fluid clean-up kits.
 - o. District policy on medical emergencies.
 - p. Recognition and handling of epileptic seizure.
 - q. How to respond if a passenger has a weapon on the bus
5. First Aid/CPR.
All drivers must demonstrate proficiency in first aid and CPR as required by the Department of Public Safety. This may be shown by current certification in CPR and first aid by the American Red Cross or American Heart Association or equivalent.
6. Private or Confidential Student Information
Types of student data that are considered private or confidential under Minnesota Statutes.
7. Student Discipline
- a. Creating a positive attitude on the school bus.
 - b. Oral and visual communications skills between the driver and passengers.
 - c. Dealing confidently with a disruptive student .
 - d. District discipline policy.
 - e. Developing and enforcing workable rules.
 - f. Incident report forms.
 - g. District policy on possession of weapons by students.
 - h. District policy on sexual, racial, and religious harassment/ violence.
 - i. District policy on smoking.
8. Human Relations Appropriate
- a. Driver behavior.
 - b. Sensitivity to a diverse student population.
 - c. Sensitivity to handicapping conditions.
 - d. Relations with parents and school staff.
 - e. Working with a special education bus aide.
9. Chemical Abuse
- a. How alcohol and/or drugs can affect driving skills.
 - b. Drug-testing programs.
 - c. State and federal requirements.

B. Evaluation

All drivers will be evaluated for the following competencies at least once annually and

pursuant to the District Support Staff Evaluation Program.

1. Safely operate the type of school bus the driver will be driving.
2. Understand student behavior, including issues relating to students with disabilities.
3. Ensure orderly conduct of students on the bus and handle incidents of misconduct appropriately.
4. Know and understand relevant laws, rules of the road and local school bus safety policies.
5. Handle emergency situations.
6. Safely load and unload students.
7. Demonstrate proficiency in first aid and CPR procedures.
8. Other competencies as identified in the District Support Staff Evaluation Program.

C. Required Random Drug and Alcohol Testing

49 CFR 382 requires Drug and Alcohol Testing for all school bus drivers. Effective January 1, 1996 and thereafter, this District will implement a plan to include a random testing program, whereby 50% of the drivers are tested for drug use and 25% are tested for alcohol misuse, each year. Drug testing shall include the following drugs: Amphetamines, Cocaine, Marijuana, Opiates, and Phencyclidine. The types of tests that will be included in the testing program will be the following:

1. Pre-employment;
2. Post-accident;
3. Random;
4. Reasonable suspicion;
5. Return-to-duty; and
6. Follow-up testing.
7. Refusal to submit to the random drug or alcohol testing program will result in termination of employment with the district at a minimum.

VIII. EMERGENCY PROCEDURES

A. Fire

In the event of a fire, the first priority is to evacuate the bus. Drivers will make certain passengers are safe before attempting to put out the fire.

B. Injuries/Medical Emergencies

Drivers will be familiar with first aid and CPR procedures. Drivers should first contact the dispatcher to call 911 in the case of serious injuries. Drivers should administer proper first aid in accordance with their training and level of ability. In the event an injured passenger is taken to the hospital, record the student's name and the name of the hospital where the student is sent.

C. Tornado

If there is a likelihood that the tornado will hit a vehicle, and there is no escape route available or no time to drive to a safe location, the driver should evacuate the bus, taking the first aid kit. The driver will take the students to the basement of a nearby building or to the nearest depression or ditch upwind (toward the storm) of the bus far enough away from the bus so that the bus will not roll over on them and instruct them to cover their heads with their arms. If the students are wearing coats or jackets, these can be used to provide additional protection for their heads and bodies. Drivers should take only the first aid kit from the bus. In the event of a tornado warning at the end of the school day, the drivers and buses will remain at the school site until the warning is lifted. If drivers are on the road when they hear a tornado warning or spot a funnel, and there is not time to evacuate the students after stopping the bus, drivers should have the students assume the protective position, remaining in their seats, with their heads below window level.

D. Evacuation

Drivers should evacuate buses only when there is a danger of fire, collision, or other potential hazard. Drivers should inform passengers that there is an emergency, and in very calm and precise terms, tell them exactly what they are to do. When safely possible, drivers will keep all evacuees a minimum of 100 feet from the bus. They should be loaded back onto the bus only when the driver has determined it is safe to do so.

E. Accident

In case of an accident, the driver should immediately assess students for injuries and begin any emergency first aid procedures if necessary. The driver must also notify the District and law enforcement of any school bus accident immediately. Upon providing emergency care and notifying the District, the driver shall:

1. In cooperation with police officers and/or ambulance service, assist with the care of the students.
2. See that all injured students receive proper care.
3. Determine facts pertaining to the accident.
4. Call the District staff to give a list of names and circumstances so they can begin calling parents.
5. Discuss the accident only with the police and District officials. Do not admit fault at the accident scene. That will be determined upon concluding the accident investigation.
6. Record all student's names.
7. Not leave the scene of an accident until released by the driver's supervisor.
8. All incident/accident reports will be filled out according to the rules and regulations of the Department of Public Safety and/or MDE. Before leaving for the day, the driver shall fill out an accident report. All bus accidents will be reported to the Department of Public Safety.

F. Cold Weather Stop

If a driver is stuck or stalled in cold weather, the driver should call for assistance and wait for help. The driver should avoid relying on the engine to provide heat for the driver and

passengers as long as possible. If it is necessary to run the engine to provide heat, the driver will make sure the exhaust pipe is clear of snow, open windows for ventilation, and check the passengers frequently for headaches or drowsiness.

G. Dangerous Weapons

If a driver observes or learns that a passenger may have a dangerous weapon on the bus, he or she should remain calm and call for assistance using a predetermined code. The driver should give the location of the bus to the dispatcher, continue the route and wait for assistance. The driver should not inform the passenger suspected of having the weapon that he or she knows of the weapon.

H. Lights

In an emergency stop, the driver should turn on the four-way hazard warning lights, and running or clearance lights.

I. Getting Assistance

Use the two-way radio communications system to get assistance. Drivers should report the location and number of the bus, the nature of the problem and the status of the passengers. If the driver cannot use a radio to contact the dispatcher, ask a passerby or other motorist to do so from the nearest telephone. The driver should write out the number and location of the school bus, the nature of the emergency, and the status of the passengers.

IX. VEHICLE MAINTENANCE STANDARDS

- A. All District vehicles shall be maintained in safe operating conditions through a systematic preventive maintenance and inspection program established by the District Transportation Supervisor/Safety Director.
- B. All school vehicles shall be inspected in accordance with legal requirements.
- C. Daily pre-trip inspections shall be required and prompt reports submitted of defects to be immediately corrected.

X. EXPENDITURES FOR SCHOOL BUS SAFETY ACTIVITIES

A description of the District funds expended for school bus safety activities from student transportation reserved revenue is kept in the school and is available for review. As required by law, these expenditures will be annually reported to the Department of Public Safety.

XI. SCHOOL TRANSPORTATION SUPERVISOR/SAFETY DIRECTOR

The District has designated individuals to serve as the District Transportation

Supervisor/Safety Director. The name, address, and telephone number are as follows:
Transportation Supervisor/Safety Director 1705 16th St NE Willmar MN 56201,
320-262-5640.

“Don’t lose your riding Privilege!”

FOLLOW THESE BUS RULES

1. Observe the same conduct as in the classroom.
2. Be courteous, use no profane language.
3. Do not eat or drink on the bus.
4. Keep the bus clean.
5. Cooperate with the driver.
6. Do not smoke.
7. Do not be destructive.
8. Stay in your seat.
9. Keep heads, hands, and feet inside the bus.
10. Bus driver is authorized to assign seats.

Adopted: Orig. 6/23/2013

Revised: 8/25/2020

512.512 PRIVATE USE OF VEHICLES

I. PURPOSE

The School Board recognizes the need for some District staff to use their own automobiles for District purposes occasionally.

II. GENERAL STATEMENT OF POLICY

- A. To safeguard the District, staff and students in matters of liability, the following policy shall be observed:
 - 1. During school hours no student shall be sent on school errands with his or her own automobile, or staff's automobile, or a District-owned automobile unless permission is granted by District staff or his/her designee.
 - 2. No student shall drive a private vehicle to another instructional site without parent or guardian's, and the District staff's written approval.
 - 3. District staff using their own vehicles for authorized trips out of the District shall be reimbursed at a mileage rate established by the School Board.

Adopted: Orig. 6/23/2013

Revised: 8/25/2020

513 INTERVIEWS OF STUDENTS BY OUTSIDE AGENCIES

I. PURPOSE

There are occasions in which persons other than District officials and staff find it necessary to speak with a student during the school day. Student safety and disruption of the educational program is of concern to the District. The purpose of this policy is to establish the procedures for access to students by authorized individuals during the school day.

II. GENERAL STATEMENT OF POLICY

- A. Generally, students may not be interviewed during the school day by persons other than a student's parents, District officials, staff, except as otherwise provided by law and / or this policy.
- B. Requests from law enforcement officers and those other than a student's parents, District officials, or staff to interview students shall be made through the Office Manager. Upon receiving a request, it shall be the responsibility of the Office Manager to determine whether the request will be granted. Prior to granting a request, the Office Manager shall attempt to contact the student's parents to inform them of the request, except where otherwise prohibited by law.

III. INTERVIEWS CONDUCTED UNDER THE MALTREATMENT OF MINORS ACT

- A. In the case of an investigation pursuant to the Maltreatment of Minors Act, Minn. Stat. S 626.556, Subd. 10, a local welfare agency and a local law enforcement agency may interview, without parental consent, an alleged victim and any minors who currently reside with or who have resided with the alleged perpetrator. The interview may take place at school and during school hours. District officials will work with the local welfare agency or law enforcement agency to select a place appropriate for the interview. The interview may take place outside the presence of the perpetrator or parent, legal custodian, guardian, or District official.
- B. If the interview took place or is to take place on District property, an order of the juvenile court pursuant to Minn. Stat. S 626.556, Subd. 10 (c) may specify that District officials may not disclose to the parent, legal custodian, or guardian the contents of the notification of intent to interview the child on District property and/or any other related information regarding the interview that may be a part of the child's record. The District

official must receive a copy of the order from the local welfare or law enforcement agency.

- C. When the local welfare or local law enforcement agency determines that an interview should take place on District property, District officials must receive written notification of intent to interview the child on District property prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct and interview on District property. Where the interviews are conducted by the local welfare agency, the notification must be signed by the chair of the local social services agency or the chair's designee. The notification is private educational data on the student. District officials may not disclose to the parent, legal custodian or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded. Until District officials receive said notification, all inquiries regarding the nature of the investigation or assessment should be directed to the local welfare or law enforcement agency responsible for the investigation.
- D. District officials shall have discretion to reasonably schedule the time, place, and manner of an interview by a local welfare or local law enforcement agency on District premises. However, where the alleged perpetrator is believed to be an District official or staff, the local welfare or local law enforcement agency will have discretion to determine where the interview will be held. The interview must be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the District officials and the local welfare or law enforcement agency. However, District officials must yield to the discretion of the local welfare or law enforcement agency concerning other persons in attendance at the interview. District officials will make every effort to reduce the disruption to the educational program of the child, other students, or District staff when an interview is conducted on District premises.
- E. Students shall not be taken from District property without the consent of the program coordinator and without proper warrant.

Legal References: Minn. Stat. S 13.32 (Educational Data)
Minn. Stat. S 626.556, Subd. 10 (c) and (d) (Duties of Local Welfare Agency and Local Law enforcement agency upon receipt of a report)

Cross References: RBED Policy 103 (Complaints – Students, Employees, Parents, Other Persons)
RBED Policy 406 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
RBED Policy 507 (Protection and Privacy of Pupil Records)

Adopted: Orig. 6/23/2013

Revised: 8/25/2020

514 FIELD TRIP POLICY

I. PURPOSE

The District wishes to provide students with rich experiences outside of the classroom that offer a safe alternative to education in school.

II. GENERAL STATEMENT OF POLICY FOR FIELD TRIPS

- A. School trips at the District which occur during one day require enough chaperones to maintain the ratio of at least one (1) adult to 15 students, unless specified by field trip site. Chaperones are District staff members or other adults approved by the District staff as chaperones.
- B. Overnight Trips at the District will need to be approved by District staff ahead of time. These arrangements need to include but are not limited to emergency contact information, transportation information, meal plans, gender supervision and sleeping arrangements. Enough chaperones will be provided to maintain a ratio of one (1) adult to 15 . Chaperones are District staff members or other adults approved by the District staff as chaperones. With all overnight field trips, parents and guardians of participating students will be notified a minimum of 2 weeks ahead of time.

Technical Academies of Minnesota

Adopted: Orig. 6/23/2013

Revised: 5/22/18

Revised: 8/25/2020

515 ADMISSION POLICY

I. GENERAL STATEMENT OF POLICY

The District has established April 15th as the cut off date for fall enrollment for the following year. April 16th, or the next business day following April 16th, a lottery will be held for admissions. Following that date, any remaining or new applications will be put on a waiting list and enrollment will be determined by the date of application.

Technical Academies of Minnesota

Adopted: Orig. 6/23/2013

Revised: 3/2/2018, 5/22/18

Revised: 8/25/2020

516 ATTENDANCE POLICY

I. GENERAL STATEMENT OF POLICY

The School Board has established the following system for new enrollees to determine educational intent: New students enrolling at the District will be expected to be in attendance or to have a pre-established work plan designed with their proposal team. Students accumulating more than 3 unexcused absences (as established by the School Board) and/or lack of credible educational work, will receive school notification through phone, e-mail or mail, and parents/guardians will need to contact the District in regard to absences and school work. The District will continue to notify parents through 15 unexcused absences. If attendance is not taken seriously and school work is not completed, following 15 unexcused absences, the student will be dropped from the school attendance rolls and will need to complete a full admissions packet in order to re-enroll with the District.

Legal Reference: 2017 Minnesota State Statute 126C.05 Definition of Pupil Units

Adopted: Original: 6/23/13

Revised: 12/12/15, 5/22/18

Revised: 8/25/2020

517 ENROLLMENT POLICY

I. PURPOSE

The purpose of this policy is to set program capacity and emphasize the importance of having an admissions deadline of April 15th each year of current students and new applicants.

II. GENERAL STATEMENT OF POLICY

Formal guidelines are necessary to allow the District to function and provide a quality learning environment for students. Parents/guardians must submit enrollment applications to the school by April 15th to have their student be considered for enrollment in the coming school year. The capacity limit at each school location is 150 students. If the capacity limit is reached, a lottery will be initiated for applications in excess of 150.

III. LOTTERY PROCESS

A. General

When the number of applications exceeds the number of openings in a particular grade or program, a lottery will be conducted to determine those students who will be admitted or put on the waiting list. The steps outlined below will be followed to ensure this procedure is equitable to all applicants. A completed enrollment application is required in order to be included in the annual lottery and/or be placed on the waiting list. The lottery is open to observation by the public and will be posted in the school calendar and on the website.

B. Enrollment Eligibility

To be eligible for enrollment as a 7th grader, a student must have successfully completed the 6th grade. To be eligible for 8th grade, a student must have successfully completed 7th grade. To be eligible for the high school program, students must have successfully completed 8th grade.

C. Enrollment Preferences

1. Siblings will be given first priority (ahead of children of staff) provided there is an opening in the grade to which they are applying. Siblings who submit applications after the lottery will be placed at the top of the waitlist (ahead of children of staff).

2. Prospective students who are children of District staff will receive second enrollment preference provided there is an opening in the grade or program to which they are applying. If District staff members are hired after the lottery, those District staff members' children will be placed first on the waiting list (behind siblings), in the order in which the parents were hired.
3. Siblings refers to those prospective students who have siblings currently enrolled at a District school in the academic year in which the lottery is being conducted.
4. Any child of a family unit related biologically, by marriage or adoption to one or both parents.
5. Any child in 'long-term' placement within a foster-care situation with the family of a current student. NOTE: parents must provide the District documentation from their case manager, a judge, or the court.
6. If the family of a current District student plans to be a host family to a foreign exchange student, that student will be considered a sibling (see above). NOTE: A student will be considered "enrolled" at the District after completion of the enrollment paperwork.

D. Process to determine the number of students to be accepted

The District staff will propose and the School Board will determine the number of openings in each grade 7-12, for the next school year by the February board meeting of the application year. This number will take into account the need to over-enroll grade levels, depending on the projected number of students who will either not return or who will not accept the enrollment offer. This will be based on past data as well as current trends in enrollment. After the siblings of current students are admitted, if there are still spaces, move on to children of District staff. If there are more siblings than there are openings in a particular grade, then a lottery must be held amongst the siblings. After the siblings are admitted, if there are still spaces, move on to children of staff. If there are more children of staff than there are openings in a particular grade or program, then a lottery must be held amongst the children of District staff. If there are more children of District staff members than there are openings in a particular grade or program, a lottery must be held amongst the children of District staff. For each grade, the number of siblings and children of District staff members in the prospective student pool will be subtracted from the number of total students to be accepted. This is the number of openings that will be filled through the lottery process. The appropriate number of applicants from each grade will then be randomly drawn until the enrollment goals are reached.

E. Lottery Procedure

The lottery will begin by assigning a number to each of the student applications submitted. These numbers will be put into a container. The numbers will be pulled out one at a time until all the open spots are filled and then numbers will continue to be drawn for the waiting list. The District will send "acceptance" letters to all prospective applicants; send "waiting list" letters to the remaining applicants including enrollment

agreements or waiting list forms as appropriate. Families will have two weeks from the email/ mailing date to return the enclosed enrollment agreement accepting their enrollment. Once the process is completed, the results will be printed (and saved as a PDF) and an affidavit certifying compliance with this policy and applicable state law will be signed by the two District staff members conducting the lottery. All other witnesses will be asked to sign a form indicating they witnessed the lottery. A copy of this policy will be attached to the spreadsheets, signed affidavit, and witness form to complete the documentation, which will be filed at the school. Following the lottery, those students who have not been admitted will be placed on the waiting list and will be admitted as space permits. The steps outlined below will be followed to ensure the procedure is equitable to all applicants.

F. Waiting List

1. Underlying Considerations

The goal of the waiting list is to have a list of students from which to pull to maintain maximum class sizes for the next academic year. All students on the waiting list will know their waiting list number and the updated list will be posted online so students know which number has been enrolled at the District.

2. Waiting List Procedures

All students will be assigned a waiting list number during the lottery procedures. Letters to those students on the waiting list will be sent at the same time as acceptance letters. The waiting list is maintained by the Office Manager and updated throughout the year as students are enrolled off of the list. The waiting list will be posted on the website (with no identifying information) and updated monthly. Families may request to be removed from the waiting list at any point. If a sibling of a currently enrolled student, or the student of a new District staff member, submits an application after the lottery, that student will move to the top of the waiting list (behind any other siblings or District staff children currently on the waiting list). NOTE: The waiting list for the District is intended for the sole purpose of enrollment and distribution of information deemed appropriate by the District to be of interest to those parties. The District will not sell, distribute, or otherwise disseminate waiting list information. The District will not use this list for solicitation purposes other than to gather interest and involvement in those things related to enrollment, expansion, or related interests at the District. The waiting list will be published online- organized per grade level and identified by student number.

G. Enrollment of New Students after the Lottery

Openings will be filled on a grade level basis unless the total school enrollment falls below the budgeted number of students.

H. Confirmation of Opening

The Office Manager will notify families when a position is open once the school receives

confirmation that a family is turning down an enrollment offer, receives a withdrawal form or confirmed enrollment from another school.

I. Contact Next on Waiting List

As a space becomes available, the Office Manager will contact via phone and email the first student next on that grade's waitlist. Once a parent has been contacted, they must respond within 72 hours in order to accept the position or the Office Manager may offer the position to the next student on the list.

J. Accepting a Position Mid-Year

When accepting a position mid-year, the following must be discussed with the parent: The student's start date (not to exceed ten school days from the offering date, unless otherwise noted by the school, such as the beginning of a semester), grade level, transportation needs, and siblings who may be on the waiting list, or want to be added to it. Once the decision has been made to enroll, the parent/guardian(s) must provide the student's birth date and the name of the student's current school so that District staff can enter the student into the student information system and request student records. Families accepting a position mid-year will be asked to complete an enrollment form to provide the school with all required information.

K. Re-enrollment after Long-Term Leave

The purpose of this subsection is to define the actions of District in the case of students taking a 'long-term leave' from the school which under Minnesota state statutes constitutes de-enrollment from the District, and the process for those students to be re-enrolled at the District. This policy is to support families in situations such as an educational sabbatical, family travel, mental health treatment or hospitalization, or a short-term relocation for work. Families who request long-term leave and follow the process laid out in this policy may re-enroll their child in the District without going through the enrollment process and the child will be immediately enrolled upon returning.

1. Long-term leave and re-enrollment procedures

All students are unenrolled from the District after not attending school for fifteen consecutive days. To qualify for re-enrollment eligibility, parents or guardians must request long-term leave from the Office Manager at least 30 days before the start of the long-term leave, giving the beginning and end dates of the student's leave from the District, as well as the reason and documentation for the long-term leave. Families who follow this procedure will be immediately enrolled upon return. In the case of hospitalization, treatment, or a court order program, the 30-day notification may be waived, and the end date remains flexible.

2. Open Enrollment Spots

When a student is unenrolled from the District for any reason, their spot will be offered to the next student on the waiting list if the student is going to be out for longer than 15 days. This may result in the over-enrollment of a class or grade when the student on long-term leave returns. No further offers of enrollment will be made until that grade or program is once again under-enrolled.

3. Conditions and Limits on Long-Term Leave

Students may not miss more than the equivalent of one year. The days on leave must be consecutive. No more than 2 students at any grade level or advisory will be granted a long-term leave at any one time. Only the first students to request long-term leave and meet all conditions listed in the policy will be granted long-term leave. This may not include students needing to take a long-term leave to enter a treatment facility, receive medical care, or participate in a court ordered program.

L. Student Withdrawal

When a student withdraws from the District, a Withdrawal Form should be completed and returned by a parent to the Office Manager.

M. Enrollment Documentation

Before students begin at the District, parents/guardians will complete an enrollment packet. If transfer records from a previous district do not have a verified birth date, parents/guardians will also provide proof of the student's age in the form of a passport, state ID, or birth certificate upon enrollment. As required by Federal and State Civil Rights laws, students/families will be asked to self-identify a student's race/ethnicity. If a family refuses, the District staff who enroll students may assign the race/ethnicity based on sight.

N. Non-Discrimination

It is the policy of the School Board to comply with federal and state laws prohibiting discrimination to the end that no person protected by such law shall, on the grounds of race, color, nationality, ethnic origin, religion, gender, marital status, sexual orientation, status with regard to public assistance, age, or disability (hereinafter "protected class status") be excluded from participation in, be denied of, or be otherwise subjected to discrimination under any educational program, in employment, or recruitment, consideration, or selection, whether full time or part time under any educational program, employment or activity operated by the District.

O. Dual Enrollment

The District will not dual-enroll students with online institutions or homeschool programs that reduce the time spent at the District. This policy, however, does not preclude eligible students from participating in Post Secondary Enrollment Opportunities.

Adopted: Orig. 6/23/2013

Revised: 8/25/2020

524 INTERNET ACCEPTABLE USE AND SAFETY POLICY

I. PURPOSE

The purpose of this policy is to set forth policies and guidelines for access to the District computer system and acceptable and safe use of the Internet, including electronic communications.

II. GENERAL STATEMENT OF POLICY

In making decisions regarding student and employee access to the District computer system and the Internet, including electronic communications, the District considers its own stated educational mission, goals, and objectives. Electronic information research skills are now fundamental to preparation of citizens and future employees. Access to the District computer system and to the Internet enables District students and staff to explore thousands of libraries, databases, bulletin boards, and other resources while exchanging messages with people around the world. The District expects that staff will blend thoughtful use of the District computer system and the Internet throughout the curriculum and will provide guidance and instruction to students in their use.

III. LIMITED EDUCATIONAL PURPOSE

The District is providing students and employees with access to the District computer system, which includes Internet access. The purpose of the system is more specific than providing District students and staff with general access to the Internet. The District system has a limited educational purpose, which includes use of the system for classroom activities, educational research, and professional or career development activities. Users are expected to use Internet access through the District system to further educational and personal goals consistent with the mission of the District and District policies. Uses, which might be acceptable on a user's private personal account on another system, may not be acceptable on this limited-purpose network.

IV. USE OF SYSTEM IS A PRIVILEGE

- A. The use of the District system and access to use of the Internet is a privilege, not a right. Depending on the nature and degree of the violation and the number of previous violations, unacceptable use of the District system or the Internet may result in one or more of the following consequences:
 1. Suspension or cancellation of use or access privileges;

2. Payments for damages and repairs;
3. Discipline under other appropriate school district policies, including suspension, expulsion, exclusion or termination of employment; or
4. Civil or criminal liability under other applicable laws.

V. UNACCEPTABLE USES

- A. The following uses of the District system and Internet resources or accounts are considered unacceptable:
1. Users will not use the District system to access, review, upload, download, store, print, post, receive, transmit or distribute:
 - a. Pornographic, obscene or sexually explicit material or other visual depictions that are harmful to minors;
 - b. Obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit language;
 - c. Materials that use language or images that are inappropriate in the education setting or disruptive to the educational process;
 - d. Information or materials that could cause damage or danger of disruption to the educational process;
 - e. Materials that use language or images that advocate violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination.
 2. Users will not use the District system to knowingly or recklessly post, transmit or distribute false or defamatory information about a person or organization, or to harass another person, or to engage in personal attacks, including prejudicial or discriminatory attacks.
 3. Users will not use the District system to engage in any illegal act or violate any local, state or federal statute or law.
 4. Users will not use the District system to vandalize, damage or disable the property of another person or organization, will not make deliberate attempts to degrade or disrupt equipment, software or system performance by spreading computer viruses or by any other means, will not tamper with, modify or change the District system software, hardware or wiring or take any action to violate the District's security system, and will not use the District system in such a way as to disrupt the use of the system by other users.
 5. Users will not use the District system to gain unauthorized access to information resources or to access another person's materials, information or files without the implied or direct permission of that person.
 6. Users will not use the District system to post private information about another person, personal contact information about themselves or other persons, or other personally identifiable information, including, but not limited to, addresses, telephone numbers, identification numbers, account numbers, access codes or passwords, labeled photographs of students, or other information that would

make the individual's identity easily traceable, and will not repost a message that was sent to the user privately without permission of the person who sent the message. This policy will allow the posting of work related information for staff on the internet. This could include a photograph, school phone number, email address and a short bio.

7. Users must keep all account information and passwords on file with the designated District official. Users will not attempt to gain unauthorized access to the District system or any other system through the District system, attempt to log in through another person's account, or use computer accounts, access codes or network identification other than those assigned to the user. Messages and records on the District system may not be encrypted without the permission of appropriate District authorities.
 8. Users will not use the District system to violate copyright laws or usage licensing agreements, or otherwise to use another person's property without the person's prior approval or proper citation, including the downloading or exchanging of pirated software or copying software to or from any District computer, and will not plagiarize works they find on the Internet.
 9. Users will not use the District system for conducting business, for unauthorized commercial purposes or for financial gain unrelated to the mission of the District. Users will not use the District system to offer or provide goods or services or for product advertisement. Users will not use the District system to purchase goods or services for personal use without authorization from the appropriate District official.
- B. If a user inadvertently accesses unacceptable materials or an unacceptable Internet site, the user shall immediately disclose the inadvertent access to an appropriate District official. In the case of a District staff member, the immediate disclosure shall be to the District staff member's Convener. This disclosure may serve as a defense against an allegation that the user has intentionally violated this policy. In certain rare instances, a user also may access otherwise unacceptable materials if necessary to complete an assignment and if done with the prior approval of and with appropriate guidance from the appropriate teacher or, in the case of a District staff member, the building Convener

VI. FILTER

- A. With respect to any of its computers with Internet access, the District will monitor the online activities of minors and employ technology protection measures during any use of such computers by minors and adults. The technology protection measures utilized will attempt to block or filter Internet access to visual depictions that are:
1. Obscene;
 2. Pornographic; or
 3. Harmful to minors.

- B. The term “harmful to minors” means any picture, image, graphic image file, or other visual depiction that:
1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; or
 2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
 3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors. This could include but is not limited to sites promoting violence, discrimination, illegal substances, bomb making, and even online selling/auction, chat rooms, or forums that detract from the academic purpose of the school.
- C. A District staff member may disable the technology protection measure, during use by a student or District staff member, to enable access for bona fide research or other lawful purposes.

VII. CONSISTENCY WITH OTHER SCHOOL POLICIES

Use of the District computer system and use of the Internet shall be consistent with District policies and the mission of the District.

VIII. LIMITED EXPECTATION OF PRIVACY

- A. By authorizing use of the District system, the District does not relinquish control over materials on the system or contained in files on the system. Users should expect only limited privacy in the contents of personal files on the District system.
- B. Routine maintenance and monitoring of the District system may lead to a discovery that a user has violated this policy, another District policy, or the law.
- C. An individual investigation or search will be conducted if District authorities have a reasonable suspicion that the search will uncover a violation of law or District policy.
- D. Parents have the right at any time to investigate or review the contents of their child’s files and email files. Parents have the right to request the termination of their child’s individual account at any time.
- E. District staff members should be aware that the District retains the right at any time to investigate or review the contents of their files and email files. In addition, District staff members should be aware that data and other materials in files maintained on the District system may be subject to review, disclosure or discovery under Minn. Stat. Ch. 13 (the Minnesota Government Data Practices Act).

- F. The District will cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with District policies conducted through the District system.

IX. INTERNET USE AGREEMENT

- A. The proper use of the Internet, and the educational value to be gained from proper Internet use, is the joint responsibility of District students, parents and staff.
- B. This policy requires the permission of and supervision by the designated District staff before a student may use a school account or resource to access the Internet.
- C. The Internet Use Agreement form for students must be read and signed by the user and the parent or guardian. The Internet Use Agreement form for District staff must be signed by the staff member. The form must then be filed at the school office.

X. LIMITATION ON SCHOOL DISTRICT LIABILITY

Use of the District system is at the user's own risk. The system is provided on an "as is, as available" basis. The District will not be responsible for any damage users may suffer, including, but not limited to, loss, damage or unavailability of data stored on school district diskettes, tapes, hard drives or servers, or for delays or changes in or interruptions of service or misdeliveries or nondeliveries of information or materials, regardless of the cause. The District is not responsible for the accuracy or quality of any advice or information obtained through or stored on the District system. The District will not be responsible for financial obligations arising through unauthorized use of the District system or the Internet.

XI. USER NOTIFICATION

- A. All users shall be notified of the District policies relating to Internet use.
- B. This notification shall include the following:
 - 1. Notification that Internet use is subject to compliance with District policies.
 - 2. Disclaimers limiting the District's liability relative to:
 - a. Information stored on District diskettes, hard drives or servers.
 - b. Information retrieved through District computers, networks or online resources.
 - c. Personal property used to access District computers, networks or online resources.
 - d. Unauthorized financial obligations resulting from use of District resources/accounts to access the Internet.
 - 3. A description of the privacy rights and limitations of District sponsored/managed

Internet accounts.

4. Notification that, even though the District may use technical means to limit student Internet access, these limits do not provide a foolproof means for enforcing the provisions of this acceptable use policy.
5. Notification that goods and services can be purchased over the Internet that could potentially result in unwanted financial obligations and that any financial obligation incurred by a student through the Internet is the sole responsibility of the student and/or the student's parents.
6. Notification that the collection, creation, reception, maintenance and dissemination of data via the Internet, including electronic communications, is governed by Policy 406, Public and Private Personnel Data, and Policy 527, Protection and Privacy of Pupil Records.
7. Notification that, should the user violate the District's acceptable use policy, the user's access privileges may be revoked, school disciplinary action may be taken and/or appropriate legal action may be taken.
8. Notification that all provisions of the acceptable use policy are subordinate to local, state and federal laws.

XII. PARENTS' RESPONSIBILITY; NOTIFICATION OF STUDENT INTERNET USE

- A. Outside of school, parents bear responsibility for the same guidance of Internet use as they exercise with information sources such as television, telephones, radio, movies and other possibly offensive media. Parents are responsible for monitoring their student's use of the District system and of the Internet if the student is accessing the District system from home or a remote location.
- B. Parents will be notified that their students will be using District resources/accounts to access the Internet and that the District will provide parents the option to request alternative activities not requiring Internet access. This notification should include:
 1. A copy of the user notification form provided to the student user.
 2. A description of parent/guardian responsibilities.
 3. A notification that the parents have the option to request alternative educational activities not requiring Internet access and the material to exercise this option.
 4. A statement that the Internet Use Agreement must be signed by the user, the parent or guardian, and the supervising teacher prior to use by the student.
 5. A statement that the District's acceptable use policy is available for parental review.

XIII. IMPLEMENTATION; POLICY REVIEW

- A. The District may develop appropriate user notification forms, guidelines and procedures necessary to implement this policy for submission to the School Board for approval. Upon approval by the School Board, such guidelines, forms and procedures shall be an

addendum to this policy.

- B. The District shall revise the user notifications, including student and parent notifications, if necessary, to reflect the adoption of these guidelines and procedures.
- C. The District Internet policies and procedures are available for review by all parents, guardians, staff and members of the community.
- D. Because of the rapid changes in the development of the Internet, the School Board shall conduct an annual review of this policy.

Adopted: Orig. 6/23/2013

Updated 8/25/2020

524.11F INTERNET USE AGREEMENT - STUDENT

I. STUDENT

I have read and do understand the District policies relating to safety and acceptable use of the District computer system and the Internet and agree to abide by them. I further understand that should I commit any violation, my access privileges may be revoked, school disciplinary action may be taken, and/or appropriate legal action may be taken.

User's Full Name (please print):

User Signature:

Date:

II. PARENT OR GUARDIAN

As the parent or guardian of this student, I have read the District policies relating to safety and acceptable use of the District computer system and the Internet. I understand that this access is designed for educational purposes. The District has taken precautions to eliminate controversial material. However, I also recognize it is impossible for the District to restrict access to all controversial materials and I will not hold the District or its staff responsible for materials acquired on the Internet. Further, I accept full responsibility for supervision if and when my child's use is not in a school setting. I hereby give permission to issue an account for my child and certify that the information contained on this form is correct.

Parent or Guardian's Name (please print):

Parent or Guardian's Signature:

Date:

III. SUPERVISING TEACHER (Must be signed if applicant is a student)

I have read the District policies relating to safety and acceptable use of the District computer system and the Internet and agree to promote these policies with the student. Because the student may use the Internet on the District computer system for individual work or in the context of another class, I cannot be held responsible for the student's use of the Internet on network. As the supervising teacher I do agree to instruct the student on acceptable use of the Internet and network and proper network etiquette.

Teacher's Name (please print):

Teacher's Signature:

Date:

Technical Academies of Minnesota

Adopted: Orig. 6/23/2013

Revised: 8/25/2020

524.12F INTERNET USE AGREEMENT - EMPLOYEE

I. SCHOOL DISTRICT EMPLOYEE

I have read and do understand the school district policies relating to safety and acceptable use of the District computer system and the Internet and agree to abide by them. I further understand that should I commit any violation, my access privileges may be revoked, school disciplinary action may be taken, and/or appropriate legal action may be taken.

User's Full Name (please print):

User Signature:

Date:

Adopted: Orig. 6/23/2013

Revised: 8/25/2020

525 POLICY ON STAFF NOTIFICATION OF VIOLENT BEHAVIOR BY STUDENTS

I. PURPOSE

This policy addresses staff notification of violent behavior by students. The purpose of this policy is to address the circumstances in which data should be provided to District staff members about students with a history of violent behavior in order to serve the student and protect students and staff members. The policy incorporates a written notice to assure that appropriate data are made available to District staff members and to guarantee an accurate record of the data provided. Development of this policy was required by the 2003 Legislature (See 2003 Session Laws, Special Session Chapter 9, Article 2, §53) and helps districts comply with Minn. Stat. §§121A.64 and 121A.75. Data about students are governed by both state and federal law, Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act) and 20 U.S.C §1232g (Family Educational Rights and Privacy Act or FERPA). More detailed information on school district practice and policy regarding student records and data can be found in the District's Data Practices Policy (Protection and Privacy of Pupil Records Policy) and approved Records Retention Schedule.

II. DEFINITIONS

- A. For purposes of this Policy on Staff Notification of Violent Behavior by Students (Policy) and the model notification form, terms have the meaning given them.
 - 1. Director means the person or persons responsible for performing the District's obligations under this Policy.
 - 2. District staff means the instructional personnel responsible for the course or room to which a student is assigned at any given time.
 - 3. History of Violent Behavior
 - a. A student will be considered to have a history of violent behavior if incident(s) of violence have occurred as follows:
 - i. Violent behavior that occurs prior to January 1 of a given school year will be considered to give rise to notice requirements under this Policy for that school year and the following school year.
 - ii. Violent behavior that occurs on or after January 1 of a given school year will be considered to give rise to notice requirements under this Policy for that school year and the two following school years.
 - b. If a student has an incident of violence within these time frames, that incident and all other past related or similar incidents of violence will be

reported.

4. Incident(s) of Violence means willful conduct in which a student has threatened or caused physical injury to a person(s) or significant damage to property, regardless of whether related to a disability or whether discipline was imposed. This does not include injury or damage that is accidental or is the result of negligence. An incident of violence includes an incident described in notices received from either law enforcement or the juvenile courts.
5. Legitimate Educational Interest for purposes of federal and state law, is when a District staff member is determined to have a legitimate educational interest in data related to a history of violent behavior if the data requested are:
 - a. Necessary for that District staff member to perform appropriate tasks that are specified in his or her position description or by a contract agreement;
 - b. Used solely within the context of District business and not for purposes extraneous to the District staff member's areas of responsibility or to the District;
 - c. Relevant to the accomplishment of a job-related task or to a determination about the student; and
 - d. Consistent with the purposes for which the data are maintained.
6. District Staff Member includes:
 - a. A person licensed by the State and appointed by the School Board to an administrative, supervisory, instructional or other professional position such as a teacher, school social worker or school psychologist;
 - b. A person employed by or under contract to the School Board to perform a special task such as paraprofessional, school bus driver, secretary, clerk, occupational therapist, or the school board attorney for the period of his or her performance as an employee or contractor; and
 - c. A substitute for persons listed above for the period of his or her performance as substitute.

III. STAFF NOTIFICATION

A. Recipients of Notice

Each District staff member of a student with a history of violent behavior (see Section II. C., above), will receive written notification from the Director prior to placement of the student in the teacher's classroom. In addition, the Director will give notice to other District staff members who have a legitimate educational interest, as defined in this policy, in the data.

B. Determination of Who Receives Notice

Detailed determination of which District staff members have a legitimate educational interest will be made by the District's official appointed by the School Board under the Minnesota Government Data Practices Act. In the event the District official makes this detailed determination, the District official will provide guidance to whomever determines

what data will be shared. A District staff member who receives notice under this policy may provide notice to someone substituting for him or her or for another District staff member who has received notice.

C. Form of Written Notice

The notice given to District staff members must be in writing and must include the following:

1. Name of the student;
2. Date of notice;
3. The history of violent behavior as defined in Section II of this Policy; and
4. Reminder of the private nature of the data provided. If appropriate, the notice will also include any or all of the following:
 - a. Explanation of what occurred in each incident of violent behavior if known, specifically including any mitigating factors;
 - b. Types of situations that might trigger violent behavior by the student, if known; Successful strategies or interventions, if known; and
 - c. Documents that the District staff member may review to assist understanding of the student (e.g. IEP or § 504 plan).

D. Record of Notice

The Director must keep a copy of the notice or other documentation to provide a record of those District staff members notified under this section. Retention of the written notice provided to school staff members is governed by the approved Records Retention Schedule.

E. Law Enforcement Reports

The administration must immediately forward to appropriate District staff members those notices related to an incident of violent behavior received from law enforcement pursuant to Minn. Stat. §121A.75. The law enforcement notice must be followed by the formal written notice set forth above within a reasonable time, not to exceed ten business days. All other notices received from law enforcement pursuant to Minn. Stat. §121A.75 must be disseminated as required by that section. Retention of the law enforcement notice is governed by Minn. Stat. §121A.75, subd. 2(e).

F. Model Notice

A model form for District Staff Member Notification is attached as Appendix I.

IV. NOTICE TO OTHER SCHOOL DISTRICTS

When transferring records of a student with a history of violent behavior, administration must send to an enrolling school district, charter school or alternative education program all student records, including all data about the student's history of violent behavior, consistent with this Policy. Transferring the records is not a violation of the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g or the Minnesota 4

Government Data Practices Act, Minn. Stat. Ch. 13, provided the annual FERPA parental notice requirements are met. These written records within the student's file are educational records and are to be transmitted to an enrolling school district, as set forth in Minn. Stat. §120A.22, subd. 7.

V. PARENTAL NOTICE

The District official will notify parents that it gives classroom teachers and other District staff members notice about students' history of violent behavior. This will be included as part of the Annual Notice of Rights required by FERPA and shall be provided to a parent/guardian at the time a Notice about the student's violent behavior under this Policy is first provided or if it is changed. In addition, the District official will notify parents that this Notice is an educational record and will be transferred to an enrolling school district. Parents will be given notice that they have the right to review and challenge records or data, (including the data documenting the history of violent behavior), under both state and federal law as set forth in the District Data Practices Policy.

VI. TRAINING NEEDS

Pursuant to Minn. Stat. § 121A.64, representatives of the School Board and representatives of the District staff will discuss the needs of students and staff. The parties may discuss necessary training which may include training on conflict resolution and positive behavior interventions and may discuss necessary intervention services such as student behavioral assessments.

Legal References: Minn. Stat. § 120A.22, subd. 7 (Education Records)
Minn. Stat. § 121A.64 (Notification of Students with Violent Behavior)
Minn. Stat. § 121A.75 (Law Enforcement Notice to Schools)
Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
34 C.F.R. §§ 99.1-99.67 (Rules implementing FERPA)
Minn. Stat. §13.04, subd. 4 (Process for challenging data under state law)
34 C.F.R. §§99.20 – 99.22 (Process for challenging data under federal law)

Technical Academies of Minnesota

Adopted: Orig. 6/23/2013

Revised: 8/25/2020

526 TITLE ONE PARENT INVOLVEMENT POLICY

I. GENERAL STATEMENT OF POLICY

The District has qualified for Federal Title One funding. The funding will be used to increase reading and math ability. Title programs require an advisory group to assist with program determination and implementation. A Title One advisory group will be developed by October 15th each year with meetings held in October and March. The advisory group will consist of 2 District staff members and 3 parents of children identified. This group will look at student progress and refine/define the program.

Adopted: Orig. 6/23/2013

Revised: 3/2/2018

Revised: 8/25/2020

527 PROTECTION AND PRIVACY OF PUPIL RECORDS

I. PURPOSE

The District gives notice to parents of students currently in attendance, of their rights regarding pupil records.

II. GENERAL STATEMENT OF POLICY

- A. Parents and eligible students are hereby informed that they have the following rights:
1. That parent or eligible student has a right to inspect and review the student's education records;
 2. That the parent or eligible student has a right to request the amendment of the student's education records to ensure that those records are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
 3. That the parent or eligible student has a right to deny consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that federal and state law and the regulations promulgated thereunder authorize disclosures without consent;
 4. That the parent or eligible student has a right to file a complaint with the U.S. Department of Education regarding an alleged failure by the District to comply with the requirements of 20 U.S.C.1232g, and the rules promulgated thereunder;
 5. That the parent or eligible student has a right to obtain a copy of the District's policy regarding the protection and privacy of pupil records; and
 6. That copies of the District's policy regarding the protection and privacy of school records are located in the school office.
- B. The District has adopted a School Board policy in order to comply with state and federal laws regarding education records. The policy does the following:
1. It classifies records as public, private or confidential.
 2. It establishes procedures and regulations to permit parents or students to inspect and review a student's education records. These procedures include the method of determining fees for copies, a listing of the locations of these education records, and the identity of the individuals in charge of the records.
 3. It establishes procedures and regulations to allow parents or students to request the amendment of a student's education records to ensure that the records are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights.

4. It establishes procedures and regulations for access to and disclosure of education records.
5. It establishes procedures and regulations for safeguarding the privacy of education records and for obtaining prior written consent of the parent or student when required prior to disclosure. "Directory information" will be included in a student directory and will include the following information relating to a student: the student's name; address; telephone number; date and place of birth; major field of study; participation in officially recognized activities and sports; weight and height of members of athletic teams; dates of attendance; degrees and awards received; the most recent educational agency or institution attended by the student; and other similar information.
 - a. "Directory information" does not include identifying information on a student's religion, race, color, social position or nationality. The information listed above shall be public information that the District may disclose from the education records of a student. Should the parent of a student or the student so desire, any or all of the listed information will not be disclosed without the parent's or eligible student's prior written consent, except to District officials as provided under federal law. In order to make any or all of the directory information listed above "private," the parent or eligible student must make a written request to the District within thirty (30) days of receiving this information.

Adopted: Orig. 6/23/2013

Revised: 8/25/2020

528 POLICY FOR SUPPLEMENTAL STUDENT TRIPS

I. PURPOSE

In order to maintain fiscal stability of the District, student payments for supplemental field trips will need to be paid in full prior to the student and/or parent attending the trip. Each trip will have a nonrefundable down payment determined by the trip cost and the advisor. The District staff member will determine a deadline (if possible) for returning payment for tickets when a student cannot attend an event. In some instances when the ticket is nonrefundable, payment will not be returned. Trip organizers will set reasonable deadlines for payment submissions. District staff will make every effort to work with individuals who cannot make the monetary payments by the deadline; however, if the parent, guardian or student is unable to fulfill payment by the pre-established deadlines, students and/or parents will be unable to attend the event.

Technical Academies of Minnesota

Adopted: Orig. 6/23/2013

Revised: 8/25/2020

529 THE PLEDGE OF ALLEGIANCE

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. Students in this District shall recite the pledge of allegiance to the flag of the United States of America one or more times each week. The recitation shall be conducted:
 - 1. By a designated District official; or
 - 2. Over a school intercom system by a person designated by the District.

III. EXCEPTIONS

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

IV. INSTRUCTION

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

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

Technical Academies of Minnesota

Adopted: Orig. 6/23/2013

Revised: 3/4/2018

Revised: 8/25/2020

530 USE OF PEACE OFFICERS AND CRISIS TEAMS TO REMOVE STUDENTS WITH IEPs FROM SCHOOL GROUNDS

I. PURPOSE

The purpose of this policy is to describe the appropriate use of peace officers and crisis teams to remove, if necessary, a student with an individualized education program (IEP) from school grounds.

II. GENERAL STATEMENT OF POLICY

The District is committed to promoting learning environments that are safe for all members of the school community. It further believes that students are the first priority and that they should be reasonably protected from physical or emotional harm at all school locations and during all school activities. All students, including those with IEPs, are subject to the terms of the District's discipline policy. District staff have the leadership responsibility to maintain a safe, secure, and orderly educational environment within which learning can occur. Corrective action to discipline a student and/or modify a student's behavior will be taken by District staff when a student's behavior violates the District's discipline policy. If a student with an IEP engages in conduct that, in the judgment of District staff, endangers or may endanger the health, safety, or property of the student, other students, District staff members, or District property, that student may be removed from District grounds in accordance with this policy.

III. DEFINITIONS

- A. For purposes of this policy, the following terms have the meaning given them in this section:
1. "Student with an IEP" or "the student" means a student who is eligible to receive special education and related services pursuant to the terms of an IEP or an individual interagency intervention plan (IIIP).
 2. "Peace officer" means an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the Board of Peace Officer Standards and Training, charged with the prevention and detection 532-2 of crime and the enforcement of general criminal laws of the state and who has the full power of arrest. The term "peace officer" includes a person who serves as a sheriff, a deputy sheriff, a police officer, or a state patrol trooper.
 3. "Police liaison officer" is a peace officer who, pursuant to an agreement between

the District and a political subdivision or law enforcement agency, is assigned to a District building for all or a portion of the school day to provide law enforcement assistance and support to the District and to promote school safety, security, and positive relationships with students.

4. "Crisis team" means a group of persons, which may District staff who have received crisis intervention training and are responsible for becoming actively involved with resolving crises.
5. The phrase "remove the student from school grounds" is the act of securing the person of a student with an IEP and escorting that student from the school building or school activity at which the student with an IEP is located.
6. "Emergency" means a situation in which immediate intervention is necessary to protect a student or other individual from physical injury, emotional abuse due to verbal and nonverbal gestures, or to prevent severe property damage.
7. All other terms and phrases used in this policy shall be defined in accordance with applicable state and federal law or ordinary and customary usage.

IV. REMOVAL OF STUDENTS WITH IEPs FROM SCHOOL GROUNDS

A. Removal By Crisis Team

If the behavior of a student with an IEP escalates to the point where the student's behavior endangers or may endanger the health, safety, or property of the student, other students, District staff members, or District property, the school building's crisis team may be summoned. The crisis team may attempt to de-escalate the student's behavior by means including, but not limited to, those described in the student's IEP and/or behavior intervention plan. When such measures fail, or when the crisis team determines that the student's behavior continues to endanger or may endanger the health, safety, or property of the student, other students, District staff members, or District property, the crisis team may remove the student from school grounds. If the student's behavior cannot be safely managed, District staff may immediately request assistance from the police liaison officer or a peace officer.

B. Removal By Police Liaison Officer or Peace Officer

If a student with an IEP engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, District staff members, or District property, the school building's crisis team may request that the police liaison officer or a peace officer remove the student from District grounds. If a student with an IEP is restrained or removed from a classroom, school building, or school grounds by a peace officer at the request of a District staff person during the school day twice in a 30-day period, the student's IEP team must meet to determine if the student's IEP is 2 adequate or if additional evaluation is needed. Whether or not a student with an IEP engages in conduct that endangers or may endanger the health, safety, or property of the student, other students, District staff members, or District property. District staff may report a crime committed by a student with an IEP to appropriate authorities. If the

District reports a crime committed by a student with an IEP, District staff shall transmit copies of the special education and disciplinary records of the student for consideration by appropriate authorities to whom it reports the crime, to the extent that the transmission is permitted by the Family Education Rights and Privacy Act (FERPA), the Minnesota Government Data Practices Act, and District's policy, Protection and Privacy of Pupil Records. The fact that a student with an IEP is covered by special education law does not prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with an IEP.

C. Reasonable Force Permitted

In removing a student with an IEP from school grounds, crisis team members, the police liaison officer or other agents of the District, whether or not members of a crisis team, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another. In removing a student with an IEP from school grounds, police liaison officers and District staff are further prohibited from engaging in the following conduct:

1. Requiring the student to assume and maintain a specified physical position, activity, or posture that induces physical pain as an aversive procedure;
2. Presenting intense sounds, lights, or other sensory stimuli as an aversive stimulus;
3. Using noxious smell, taste, substance, or spray as an aversive stimulus;
4. Denying or restricting the student's access to equipment and devices such as hearing aids and communication boards that facilitate the student's functioning except temporarily when the student is perceived to be destroying or damaging equipment or devices;
5. Using faradic skin shock;
6. Restricting, totally or partially, the student's auditory or visual sense, except that study carrels may be used as an academic intervention;
7. Withholding regularly scheduled meals or water; and/or
8. Denying the student access to toilet facilities.

D. Parental Notification

The District staff shall make reasonable efforts to notify the student's parent or guardian of the student's removal from school grounds as soon as possible following the removal.

E. Continued Removals and Review of IEP

Continued and repeated use of the removal process described herein must be reviewed in the development of the individual student's IEP or IIIP.

F. Effect of Policy in an Emergency and Use of Conditional Procedures

A student with an IEP may be removed in accordance with this policy regardless of whether the student's conduct would create an emergency. If the District seeks to remove a student with an IEP from school grounds under this policy due to behaviors

that constitute an emergency and the student's IEP, IIP, or behavior intervention plan authorizes the use of one or more conditional procedures, the crisis team may employ those conditional procedures, in addition to any reasonable force that may be necessary, to facilitate the student's removal from school grounds. If the crisis team initiates use of conditional procedures in an emergency, the student's IEP team shall meet as soon as possible, but no later than five (5) school days after emergency procedures have commenced.

Legal References: 20 U.S.C. § 1415(k)(6) (Individuals with Disabilities Education Improvement Act of 2004 (IDEA))
34 C.F.R. § 300.529 (IDEA Regulation Regarding Involvement of Law Enforcement)
20 U.S.C. 1232g et seq. (Family Educational Rights and Privacy (FERPA))
Minn. Stat. § 13.01, et seq. (Minnesota Government Data Practices Act)
Minn. Stat. §§ 121A.40-121A.56 (Minnesota Pupil Fair Dismissal Act)
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)
Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)
Minn. Stat. § 121A.67 (Aversive and Deprivation Procedures)
Minn. Stat. § 609.06 (Authorized Use of Force)
Minn. Stat. § 609.379 (Permitted Actions)
Minn. Rule 3525.0200, Subp. 2c (Definition of "Emergency")
Minn. Rule 3525.2900, Subp. 5 (The IEP and Regulated Interventions)

Cross References: MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 507 (Corporal Punishment)
MSBA/MASA Model Policy 525 (Violence Prevention)
MSBA/MASA Model Policy 806 (Crisis Management Policy)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

Technical Academies of Minnesota

Adopted: Orig. 6/23/2013

Revised: 8/25/2020

531 WELLNESS

I. PURPOSE

The purpose of this policy is to assure a school environment that promotes and protects students' health, well being, and ability to learn by supporting healthy eating and physical activity.

II. GENERAL STATEMENT OF POLICY

- A. The School Board recognizes that nutrition education and physical education are essential components of the educational process and that good health fosters student attendance and education.
- B. The school environment should promote and protect students' health, well being, and ability to learn by encouraging healthy eating and physical activity.
- C. The District encourages the involvement of students, parents, teachers, food service staff, and other interested persons in implementing, monitoring, and reviewing school district nutrition and physical activity policies.
- D. Children need access to healthy foods and opportunities to be physically active in order to grow, learn, and thrive.
- E. All students in grades K-12 will have opportunities, support, and encouragement to be physically active on a regular basis.

III. GUIDELINES

- A. Foods and Beverages
 - 1. All foods and beverages made available on campus will be consistent with the current USDA Dietary Guidelines for Americans.
 - 2. School personnel will take every measure to ensure that student access to foods and beverages meet or exceed all federal, state, and local laws and guidelines.
 - 3. The District will make every effort to eliminate any social stigma attached to, and prevent the overt identification of, students who are eligible for free and reduced-price school meals.
 - 4. The District will provide students access to hand washing or hand sanitizing

before they eat meals or snacks.

5. The District will make every effort to provide students with sufficient time to eat after sitting down for school meals and will schedule meal periods at appropriate times during the school day.
6. The District will discourage tutoring, club, or organizational meetings or activities during mealtimes, unless students may eat during such activities.

B. Nutrition Education and Promotion

1. The District will encourage and support healthy eating by students and engage in nutrition promotion that is:
 - a. Offered as part of a comprehensive program designed to provide students with the knowledge and skills necessary to promote and protect their health;
 - b. Part of health education classes as well as classroom instruction in subjects such as math, science, language arts, social sciences, and elective subjects, where appropriate; and
 - c. Enjoyable, developmentally appropriate, culturally relevant, and includes participatory activities, such as contests, promotions, taste testing, and field trips.
2. The District will encourage all students to make age appropriate, healthy selections of foods and beverages.
3. The District will not use foods or beverages as rewards for academic performance or good behavior (unless this practice is allowed by a student's individual education plan or behavior intervention plan) and will not withhold food or beverages as punishment.

C. Physical Activity

1. Students need opportunities for physical activity and to fully embrace regular physical activity as a personal behavior. Toward that end, health education will reinforce the knowledge and self-management skills needed to maintain a healthy lifestyle and reduce sedentary activities such as watching television;
2. Opportunities for physical activity will be incorporated into other subject lessons, where appropriate; and
3. Classroom teachers will provide short physical activity breaks between lessons or classes, as appropriate.

D. Communications with Parents

1. The District recognizes that parents and guardians have a primary and fundamental role in promoting and protecting their children's health and well-being.
2. The District will support parents' efforts to provide a healthy diet and daily physical activity for their children.
3. The school district encourages parents to pack healthy lunches and snacks and

refrain from including beverages and foods without nutritional value.

4. The District will provide information about physical education and other school-based physical activity opportunities and will support parents' efforts to provide their children with opportunities to be physically active outside of school.

IV. IMPLEMENTATION AND MONITORING

- A. After approval by the School Board, the wellness policy will be implemented throughout the District.
- B. School staff, at the school or District level, will ensure compliance within the school's food service areas and will report to the District official as appropriate.
- C. The School staff will ensure compliance with the wellness policy and will provide an annual report of the District's compliance with the policy to the School Board.

Legal References: 42 U.S.C. § 1751 et seq. (Richard B. Russell National School Lunch Act)
42 U.S.C. § 1771 et seq. (Child Nutrition Act of 1966)
P.L. 108-265 (2004) § 204 (Local Wellness Policy)
7 U.S.C. § 5341 (Establishment of Dietary Guidelines)
7 C.F.R. § 210.10 (School Lunch Program Regulations)
7 C.F.R. § 220.8 (School Breakfast Program Regulations)
Local Resources: Minnesota Department of Education,
www.education.state.mn.us Minnesota Department of Health,
www.health.state.mn.us
County Health Departments
Action for Healthy Kids Minnesota, www.actionforhealthykids.org and
www.actionforhealthykids.org/filelib/toolsforteam/recom/MN-Healthy%20Foods%20for%20Kids%208-2004.pdf

Technical Academies of Minnesota

Adopted: Orig. 12-22-2020

535 Face Coverings

I. GENERAL POLICY

In accordance with Emergency Executive Orders 20-81 and 20-82, including the applicable face covering requirements established by the Minnesota Department of Education (MDE) and the Minnesota Department of Health (MDH), all persons are required to wear a face covering when they are in any building that is owned, leased, or operated by or on behalf of the District, unless an exemption or exception stated in this policy applies. Similarly, all persons are required to wear a face covering when they are in any vehicle that is owned, leased, or operated by or on behalf of the District, unless an exemption or exception stated in this policy applies. This policy will remain in effect as long as Emergency Executive Order 20-81 is in effect.

The MDH has stated that face coverings are meant to protect other people in case the person wearing the face covering does not know that he or she is infected with COVID-19. A face covering is not meant to be a substitute for social distancing. But a face covering is especially important in situations when maintaining social distancing (six feet of physical distance) is not possible.

For schools that have a kitchen, cafeteria, or other food services component licensed by MDH or a local health department, all food services workers must follow the Industry Guidance for Safely Reopening Restaurants and Bars. To the extent that this Policy conflicts with the MDH guidance for kitchen, cafeteria, or other food service, the more restrictive provision applies.

II. DEFINITIONS

A. Disability. The term “disability” means a mental or physical impairment that substantially or materially limits a major life activity.

B. District. The term “District” refers to Independent School District No. ___. The District is an institution of learning. It is also a nonprofit, political subdivision. The District is not a “business” that has “customers” for purposes of Emergency Executive Order 20-81.

C. Face Covering. The term “face covering” means any paper or disposable mask, cloth

face mask, medical-grade mask, medical grade respirator, scarf, bandanna, neck gaiter, or religious face covering that covers the nose and mouth completely in accordance with CDC guidance. Masks with valves, mesh, openings, holes, vents, or visible gaps in the material do not qualify as face coverings.

D. Face Shield. The term “face shield” means a clear plastic barrier that covers the face, extends below the chin, and wraps around the sides of the face to the ears. A face shield may not have an exposed gap between the forehead and the shield’s headpiece.

E. Medical Authority. For purposes of this policy, the term “medical authority” means a medical doctor, clinical psychologist, physician assistant, or nurse practitioner who has seen or treated the student or employee in question.

F. Medical Condition. For purposes of this policy, the term “medical condition” means a disease, illness, injury, or physiologic, mental, or psychological disorder. A biological or psychological state that is within the range of normal human variation is not a medical condition.

G. Parent. For purpose of this policy, the term “parent” means the legal parent, legal guardian, or conservator of a child who is under the age of eighteen. A student who is eighteen years of age or older is considered to be a “parent” for purposes of this policy, unless a court has found that the student is incompetent and has appointed a conservator for the student.

H. Visitor. For purposes of this policy, the term “visitor” means any person other than a student or employee of the District. The term visitor includes, but is not limited to, parents, community members, vendors, and contractors.

III. EXEMPTIONS

A. Circumstances When a Face Covering Should Not Be Used

- 1. Children under the age of two.** A face covering should not be placed on a child under the age of two.
- 2. Incapacitated persons.** A face covering should not be placed on any person who is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance.

3. **Trouble breathing.** A face covering should not be placed on any person who has trouble breathing,

B. Persons Who Are Exempt from Wearing a Face Covering

1. **Students five and under in child care.** Pre-kindergarten students who are five years of age or younger and are participating in child care programming in a District building are not required to wear a face shield or face covering. Pre-kindergarten students who are at least two years of age may wear face coverings if done in compliance with CDC guidance.
2. **Medical condition, mental health condition, or disability.** A person is not required to wear a face covering if the person has a medical condition, mental health condition, or disability that makes it unreasonable for the person to maintain a face covering. This includes a person who has a medical condition that compromises the person's ability to breath.

IV. WHEN FACE COVERINGS MAY BE TEMPORARILY REMOVED

A. Child Care and Prekindergarten.

1. **Temporary removal permitted when a face covering or a face shield is impracticable.** Nonexempt workers and children who are required to wear a face covering or shield may remove the covering or shield temporarily to engage in certain activities that make wearing a covering or shield impracticable. These activities include:
 - a. Eating;
 - b. Drinking;
 - c. Communicating with an individual who is deaf or hard of hearing;
 - d. Communicating with an individual who has a disability, medical condition, or mental health condition that makes communication with that individual difficult while wearing a face covering;
 - e. Participating in physical activities;

f. Participating in activities where the face covering would get wet;

g. Playing instruments;

h. Performing or presenting; and

i. Receiving a service, such as a nursing or medical service, which would be difficult or impossible to perform with a face covering;

2. **Single group cohort in single setting.** Nonexempt employees may temporarily remove face coverings or face shields when in an indoor classroom or care setting that is confined to one group or cohort. Employees are strongly encouraged to wear face coverings or shields in these settings to the extent possible, especially when social distancing cannot be maintained, unless wearing a covering or shield would interfere with the early childhood development process. This exception does not apply to staff who float between rooms such as those helping to cover staff break times or deliver meals. In those cases, staff must be required to wear face coverings.

B. Kindergarten Through Grade 12.

1. **Staff working alone.** Staff may temporarily remove face coverings when working alone (such that social distancing is maintained), including when alone in an office, classroom, district vehicle, cubicle with walls or barriers (including plexiglass) that are at least face level, or other enclosed work area.

2. **Temporary removal permitted when a face covering or a face shield is impracticable.** Any person who is in a school building or district office may temporarily remove a face covering or face shield in the following situations, provided that social distancing of at least six feet (or more, if specified below) is maintained, to the extent possible:

a. When engaging in indoor physical where the level of exertion makes wearing a face covering difficult or impracticable;

b. When eating or drinking;

c. When participating in practices or performances involving singing, acting, public speaking (e.g. debate or speech team events), or playing musical instruments that make wearing a face covering difficult or

impracticable, provided that twelve feet of social distancing is maintained, to the extent possible;¹

d. When asked to remove the covering for identification purposes, such as when a person enters a school building during the school day and a staff member asks the person to remove the face covering briefly for the purposes of verifying the person's identity;

e. When communicating with an individual who is deaf or hard of hearing or who has a disability, medical condition, or mental health condition that makes communication with a face covering difficult;

f. When participating in activities, such as swimming or showering, that would cause the face covering to become wet; and

g. When receiving a service – including nursing, medical, or personal care services – that cannot be performed or would be difficult to perform when the individual receiving the service is wearing a face covering.

¹ Depending on the activity, face shields should also be considered as an alternative if twelve feet of physical distance cannot be consistently maintained.

V. WHEN FACE SHIELDS ARE PERMITTED AS AN ALTERNATIVE TO FACE COVERINGS

A. Students. A nonexempt student may use a face shield as an alternative to a face covering if:

1. The student is unable to tolerate a face covering due to a developmental, behavioral, or medical condition;
2. The student is in kindergarten through eighth grade and the teacher or an administrator determines that wearing a face covering would be problematic for the student; or
3. A face covering would interfere with religious attire that is worn as part of

a sincerely held religious belief.

B. Employees. A nonexempt employee may use a face shield as an alternative to a face covering with approval from an administrator if:

1. The employee is a teacher and a face covering would impede the educational process;
2. The employee is a staff member who is providing direct student support services and a face covering would interfere with the services that are being provided;
3. The employee has a disability or medical condition that prevents the employee from wearing a face covering;
4. A face covering would interfere with religious attire that is worn as part of a sincerely held religious belief; or
5. A face covering would create a job hazard for the employee or others, if approved by an administrator based on local, state, or federal laws, requirements, or workplace safety and health standards and guidelines

C. Visitors. A visitor may use a face shield as an alternative to a face covering if:

1. The visitor states that he or she has a medical condition, mental health condition, or disability that makes it unreasonable to wear a face covering; or
2. A face covering would interfere with religious attire that is worn by the visitor as part of a sincerely held religious belief.

VI. PROCEDURES FOR DETERMINING WHETHER AN EXEMPTION APPLIES OR WHETHER AN INDIVIDUAL MAY WEAR A FACE SHIELD INSTEAD OF A FACE COVERING

A. Students. If a parent states that a student is exempt from wearing a face covering under this policy because the student has a medical condition, mental health condition, or disability that makes it unreasonable for the student to maintain a face covering, or if the parent states that a student is unable to tolerate a face covering because of a

developmental, behavioral, or medical condition, the District will require the parent to submit documentation from a medical authority stating that the student has such a condition or disability and needs to be exempted from wearing a face covering. The documentation from the medical authority must also state whether the student can wear a face shield.

1. **Exception.** The District will not require a parent to submit documentation from a medical authority if the District already has reliable information showing that the student has a medical condition, mental health condition, or disability that makes it unreasonable for the student to maintain a face covering, or if the District already has reliable information showing that the student is unable to tolerate a face covering because of a developmental, behavioral, or medical condition.

2. **Religious reasons.** The District will not require documentation if a parent or student over the age of fourteen states that a face covering would interfere with religious attire that is worn by the student as part of a sincerely held religious belief. The District may consider whether the student wore the same or similar religious attire before the COVID-19 pandemic began.

3. **Determination.** In determining whether a student is exempt from wearing a face covering, the District will consider the parent's request, any documentation the District receives from a medical authority, and all reliable information in the student's educational records. The District may also consider and give weight to the knowledge of certified staff members who have taught or worked with the student.

a. If the District determines that the student is exempt from wearing a face covering or is unable to tolerate a face covering because of a developmental, behavioral, or medical condition, the District will determine whether the student can wear a face shield.

b. If the District determines that the student is unable to wear a face covering or a face shield because of a medical condition, mental health condition, or disability, the District will consider other options for reducing the potential spread of COVID-19. Such options may include, but are not limited to, using plexiglass barriers around the student's desk, maintaining more than six feet of physical distance from the student, providing PPE for staff members who work with the student, and offering the student remote learning.

c. If the student has an IEP or Section 504 Plan, the IEP team or Section 504 team is responsible for determining the appropriate placement for the student and any accommodations or supports that may be necessary based on the student's disability. In determining the appropriate placement for the student, the IEP team or Section 504 team should consider the student's individual educational needs and all relevant information, including, but not limited to, whether the student's presence at school, without a face covering or face shield, would create a direct threat of harm to the student or others.

B. Employees. If an employee claims to be exempt from wearing a face covering under this policy, the District will require the employee to submit documentation from a medical authority stating that the employee: (1) has a medical condition, mental health condition, or disability that makes it unreasonable for the student to maintain a face covering; or (2) is unable to tolerate a face covering because of a developmental, behavioral, or medical condition.

1. **Exception.** The District will not require an employee to submit documentation from a medical authority if the District already has reliable information showing that the employee has a medical condition, mental health condition, or disability that makes it unreasonable for the employee to maintain a face covering, or if the District already has reliable information showing that the employee is unable to tolerate a face covering because of a developmental, behavioral, or medical condition.

2. **Religious reasons.** The District will not require documentation if an employee states that a face covering would interfere with religious attire that is worn by the employee as part of a sincerely held religious belief. The District may consider whether the employee wore the same or similar religious attire before the COVID-19 pandemic began.

3. **Determination.** In determining whether an employee is exempt from wearing a face covering because of a medical condition, mental health condition, or disability, the District will consider the employee's request, any documentation the District receives from a medical authority, and all reliable information the District maintains about the employee.

a. If the District determines that the employee has or may have a disability,

the District will engage in an interactive process with the employee.

b. If the District determines that the employee is unable to wear a face covering or a face shield because of a medical condition, mental health condition, or disability, the District will consider other options for reducing the potential spread of COVID-19. Such options may include, but are not limited to, using plexiglass barriers around the employee's work area, maintaining more than six feet of physical distance from others, and the availability of a remote work assignment.

c. The District is not required to create a remote work assignment, to create a light duty position, or to excuse an employee from performing the essential functions of the job.

C. Visitors. If a visitor is not wearing a face covering while in a building that is owned, leased, or operated by the District, a staff member will inform the visitor of the face covering requirement, offer a face covering, and request that the visitor put it on. If the visitor refuses and claims that he or she is entitled to an exemption from the face covering requirement, the staff member will contact an administrator to determine whether the visitor should be permitted in the building or should be required to leave. Visiting a building that is owned, leased, or operated by the District is a privilege, not a right. Based on the risk of harm that a visitor without a face covering or face shield creates when students and staff members are present for educational purposes, including the risk of a widespread outbreak that could close the schools, building administrators and other school officials may require a visitor to leave the premises if the visitor refuses to wear a face covering or face shield, or if the visitor refuses to maintain social distancing of at least six feet when students or staff are present for educational purposes. If the visitor refuses to leave, the school official, or a designee, should contact law enforcement.

D. School Board Meetings. Face coverings are generally required at school board meetings, regardless of where the meetings are held.

1. **Exception for medical condition or disability.** If a person asserts that he or she has a medical condition, mental health condition, or disability that makes it unreasonable for the person to maintain a face covering, the District will seek to accommodate the person by allowing the person to wear a face shield. If the person refuses to wear a face shield, the District may seek to accommodate the person by allowing the person to watch the meeting from a remote location. Individuals are encouraged to contact the Superintendent's office at least

twenty-four hours in advance of a school board meeting if they want the District to establish a separate remote location for the person to view the meeting.

2. **Temporary removal when speaking.** If a person has been recognized by the School Board Chair at a school board meeting (meaning the Chair has authorized the person to speak at the meeting), the person may temporarily remove a face covering while speaking to the Board at the meeting, provided that at least twelve feet of social distancing is maintained, to the extent possible.

VII. POSTING, TRAINING, SUPPORT, AND ACCESS

A. Posting. The requirement to wear a face covering will be conspicuously posted in the entryway of each building that is owned, leased, or operated by the District. Additionally, this policy will be posted in each building and posted on the District's website.

B. Training. The District will provide training to staff and students on the requirements of this policy. The training will address the proper use of face coverings in District buildings and vehicles, and will reinforce the importance of using face coverings, face shields, and social distancing to prevent the spread of COVID-19. The training will also seek to facilitate understanding in the school community about the exemptions and exceptions stated in this policy, including the legitimate reasons why some staff members and some students cannot wear face coverings. Additionally, the training will seek to combat any stigma associated with wearing or not wearing face coverings and will emphasize to students and staff that bullying or harassment related to the wearing of a face covering is prohibited and may result in discipline up to and including suspension, expulsion, or discharge.

C. Support. School staff members will provide support and guidance to a student who cannot wear a face covering because of a medical condition, mental health condition, or disability that makes it unreasonable for the student to maintain a face covering, and to a student who cannot wear a face covering because the student qualifies to wear a face shield instead of a face covering (i.e. the student is unable to tolerate a face covering due to a developmental, behavioral, or medical condition; a face covering would be problematic; or a face covering would interfere with religious attire that is worn as part of a sincerely held religious belief).

D. Access to Face Coverings. The District will make at least one face covering available to each student and to each employee of the District. Students and employees may choose to wear their own face coverings as long as they meet the definition of a "face covering" under this Policy and they cover the mouth and nose completely. To the extent

practicable, the District will maintain an extra supply of face coverings for students and employees who forget to bring them.

VIII. COMPLIANCE

A. Compliance with Other Policies.

1. Compliance with dress code. All face coverings must comply with the District's dress code requirements for clothing. Face coverings may not promote or contain images of items that are illegal for minors or items that minors are prohibited from possessing on school property. Additionally, face coverings must not contain images or messages that are: (1) vulgar; (2) obscene; (3) threatening; (4) incite violence; or (5) reasonably likely to create a material and substantial disruption at school. The District's dress code policy may not be interpreted to prohibit the wearing of any face covering or shield required under this policy. To the extent that any conflict exists between the two policies, this policy controls.

2. No bullying or harassment. No student, employee, or visitor may wear a face covering that violates any District policy, including, but not limited to, the District's policy prohibiting bullying and the District's policies prohibiting harassment and other forms of discrimination based on protected class status. Additionally, no student, employee, or visitor may bully, unlawfully harass, or unlawfully discriminate against any student or employee because the student or employee is wearing a face covering or a face shield, or is exempt from wearing a face covering or a face shield.

B. Discipline of Students. This policy contains reasonable school board regulations. Any student who willfully violates this policy is subject to discipline. The District will administer such discipline in accordance with the Minnesota Pupil Fair Dismissal Act.

1. Exempt students. School administrators may not dismiss an exempt student who does not wear a face covering.

2. Nonexempt students. School administrators may dismiss nonexempt students who refuse to wear a face covering, but suspension is strongly discouraged as a first step. School administrators are encouraged to take the following steps in addressing a student's refusal to wear a face covering:

a. Offer the student a face covering and give the student an opportunity to explain why he or she is refusing to wear a face covering. In accordance

with Section VI of this policy, determine whether an exemption applies or whether the student may wear a face shield instead of a face covering.

b. If the school administrator determines that the student is not exempt and that no other exception applies, the school administrator should direct the student to wear the face covering and inform the student that failure to comply with the directive will be considered to be insubordination, which is a ground for dismissal. If the student persists in refusing to wear a face covering, the school administrator may send the student home for the remainder of the school day and direct the student to wear a face covering upon returning to school, including entry on any District vehicles.

c. If the student returns to school the following day and persists in refusing to wear a mask, the school administrator may suspend the student for one school day by following the procedures stated in the Pupil Fair Dismissal Act. The school administrator should warn the student that another violation will result in a three-day suspension. The school administrator, or a designee, should also contact the student's parent to discuss the matter and give the parent the option of having the student receive remote instruction.

d. If the student returns to school after the suspension and persists in refusing to wear a mask, the school administrator may suspend the student for three school days by following the procedures stated in the Pupil Fair Dismissal Act. The school administrator should warn the student that another violation will result in a suspension of at least ten school days along with the initiation of expulsion proceedings. The school administrator, or a designee, should also contact the student's parent to discuss the matter and give the parent the option of having the student receive remote instruction.

e. If the student returns to school after the suspension and persists in refusing to wear a mask, the school administrator may suspend the student for ten school days, which may be extended to fifteen days for a regular education student, while initiating expulsion proceedings. The school administrator, or a designee, should also contact the student's parent to discuss the matter and give the parent the option of having the student receive online or remote instruction in lieu of attending school and as an alternative educational service beginning on the sixth day of suspension.

(Note: Special education students are entitled to receive a free appropriate public education beginning on the tenth cumulative day of suspension.)

f. If the student is expelled, the District may offer remote learning as an alternative educational service during the period of expulsion.

C. Discipline of Employees

1. **Exempt employees.** School administrators may not discipline an exempt employee who does not wear a face covering.

2. **Nonexempt employees.** School administrators may discipline nonexempt employees who refuse to wear a face covering. Employees must understand the importance of complying with District policies because employees serve as a role model for students. School administrators are encouraged to take the following steps in addressing an employee's refusal to wear a face covering:

a. Offer the employee a face covering and give the employee an opportunity to explain why he or she is refusing to wear a face covering. In accordance with Section VI of this policy, determine whether an exemption applies or whether the employee may wear a face shield instead of a face covering.

b. If the school administrator determines that the employee is not exempt and that no other exception applies, the school administrator should direct the employee to wear a face covering and inform the employee that failure to comply with the directive will be deemed to be insubordination, which is a ground for discipline up to and including immediate discharge. If the employee persists in refusing to wear a face covering, the school administrator may suspend the employee without pay for one duty day and direct the employee, in writing, to wear a face covering upon returning to work for the District. In issuing the suspension, the school administrator must comply with any applicable requirements set forth in the employee's employment contract or labor agreement.

c. If the employee returns to work following the suspension and persists in refusing to wear a mask, the school administrator should consult with the superintendent about taking further disciplinary action up to and potentially including immediate discharge.

D. Referral to Law Enforcement. A building administrator or other school official may report to law enforcement any employee or visitor who repeatedly violates this policy. An employee or visitor who willfully violates Executive Order 20-81 or 20-82 is guilty of a petty misdemeanor.

Legal

References:

Emergency Executive Order 20-81

Emergency Executive Order 20-82

Minn. Stat. § 12.45 (Governor's Orders and Rules, Effect)

Minn. Stat. § 12.45 (Violations; Penalties)

Cross References:

Other References

MDE Safe Learning Plan for 2020-2021 MDE 2020-2021 Planning Guidance for Minnesota Public Districts MDH Guidance for Delivering Direct Student Support Services: Staff Protective Equipment MDH Frequently Asked Questions About the Requirement to Wear Face Coverings, MDH 2020-2021 Planning Guide for Districts MDH Best Practices for Masks: Considerations for People with Disabilities and Special Health Needs

FACE COVERING EXEMPTION/FACE SHIELD AUTHORIZATION

A student in grades K-12 may be exempt from the requirement to wear a “face covering” at school if a “medical authority” certifies that the student has a medical condition, mental health condition, or disability that makes it unreasonable for the student to wear a face covering. A student who is not exempt from wearing a face covering may qualify to use a face shield as an alternative to a face covering if the student is unable to tolerate a face covering because of a developmental, behavioral, or medical condition.

- “Face covering” means a paper or disposable mask, cloth face mask, medical-grade mask, medical grade respirator, scarf, bandanna, neck gaiter, or religious face covering that covers the nose and mouth completely in accordance with CDC guidance.
- “Face shield” means a clear plastic barrier that covers the face, extends below the chin, and wraps around the sides of the face to the ears. A face shield may not have an exposed gap between the forehead and the shield’s headpiece.
- “Medical authority” means a medical doctor, clinical psychologist, physician assistant, or nurse practitioner who has seen or treated the student.

If you believe that your child is exempt from wearing a “face covering,” you must sign this form and have a “medical authority” sign and complete this form. An exception will be made if the District already has reliable information from a medical authority confirming that your child has a medical condition, mental health condition, or disability that makes it unreasonable for your child to maintain a face covering.

If your child is not exempt from wearing a face covering but you believe your child cannot tolerate a face covering because of a developmental, behavioral, or medical condition, you must sign this form and have a “medical authority” sign and complete this form. An exception will be made if the District already has reliable medical information confirming that your child has a developmental, behavioral, or medical condition that causes your child to be unable to tolerate a face covering.

This form must be given to your building principal. The School District will make the final determination of whether the student qualifies for an exemption or for the use of a face shield instead of a face covering.

TO BE COMPLETED BY PARENT/GUARDIAN

Student Name: _____ Date of Birth: _____

Address _____ School of Attendance: _____

I certify that the information on this form is true and accurate to the best of my knowledge.

Parent signature: _____ Date: _____

**TO BE COMPLETED BY MEDICAL
AUTHORITY**

Print Name: _____ Name of Clinic: _____

Clinic Address: _____ Clinic Phone: _____

Based on personal knowledge from examining, treating, or reviewing the medical records of the student who is identified above, I certify that the following is true and accurate (check those that apply and identify condition):

The student has the following medical condition, mental health condition, or disability that makes it unreasonable for the student to wear a face covering at school:

The student is unable to tolerate a face covering and should be permitted to use a face shield at school because of the following developmental, behavioral, or medical condition:

The student is unable to tolerate a face shield at school because of the following medical condition:

Signature of Medical Authority _____ Date: _____

The Minnesota Chapter of the American Academy of Pediatrics (MNAAP) has expressed support for children wearing face coverings with limited exceptions. MNAAP recommends considering whether the child is capable of physically removing their face covering in the event of an emergency. If yes, MNAAP generally believes most children should wear a face covering. A child should be exempt from wearing a face covering if the child has a medical condition that prevents the child from removing the face covering in an emergency. Examples including children with severe cognitive issues, significant sensory challenges, significant respiratory impairments (e.g. tracheostomy or on oxygen), or an orthopedic or neurological issue (e.g. cerebral palsy) that prevents the child from removing the face covering in an emergency.

Approved 12/22/2020

Adopted: Original: 5/22/18

Revised: 8/25/2020

540 AUDIO RECORDING DURING MEETINGS OR CONFERENCES

I. PURPOSE

Audio recording during any meeting at the District is acceptable provided such recording is allowed by law.

II. GENERAL STATEMENT OF POLICY

The District reserves the right to record meetings or conferences if it is notified that the meeting or conference will be recorded or believes the meeting or conference is being recorded or as otherwise allowed by law. The District recording of a meeting or conference will be maintained to be used only if verification is needed regarding the communication that was held during the meeting or conference. Storage of recording by the District will conform to FERPA (Family Educational Rights and Privacy Act) and/or the Minnesota Government Data Practices Act.

Legal Reference: 20 U.S.C. §1232g (FERPA)
 Minn. Stat. § 626A.02, Subd. 2
 Minn. Stat. Chap. 13

Technical Academies of Minnesota

Adopted: Orig 6/27/18

Revised: 8/25/2020

550 SPED TUITION REIMBURSEMENT POLICY

I. PURPOSE

The District offers tuition reimbursement, paid through Special Education FED419 funds for any para or District staff interested in taking a special education class.

II. GENERAL STATEMENT OF POLICY

If you would like to be considered for tuition reimbursement, please send an email to the Convener by first of the month. In the request, please list the course code, class name, college or university. Once received the Convener will submit to the Personnel Committee to review and submit to the School Board the amount to be distributed to all requesting District staff for final approval. Each site of the District will pay the school directly. The District staff is responsible to ensure payment happens in a timely manner with all relevant documentation. District staff receiving Tuition Reimbursement agrees to remain an employee of the District for 1 full school year following the last reimbursement received as stated in the Tuition Disbursement Agreement.

Technical Academies of Minnesota

Adopted: Orig 6/27/18

Revised: 8/25/2020

TUITION DISBURSEMENT AGREEMENT

This Tuition Agreement is entered into by the School Board of Technical Academies of Minnesota and _____.

The District and Employee are referred to in this Agreement as “the Parties.” WHEREAS, the District desires to offer the Employee tuition disbursement; WHEREAS, the Parties desire to specify the terms of their Agreement governing the terms and conditions of the Employee’s employment with the District; NOW, THEREFORE, IN CONSIDERATION OF the mutual promises and covenants contained in this Agreement, the Parties agree as follows:

A. Term

This Agreement will be in effect from _____ to _____ unless early termination occurs pursuant to Section 4 of this Agreement. This Agreement will not automatically renew upon expiration of the Term. Provided this Agreement is not terminated prior to the expiration of the Term, if the Employee wishes to continue eligibility for tuition disbursement after expiration of the Term, the Employee must notify the School Board through the Convener, in writing, not later than 60 days prior to expiration of the Term. Upon receiving such notice, the District may exercise its right to offer another tuition agreement to the Employee, but the District will not be obligated to do so.

B. Payment

While this Agreement is in effect, the District agrees to direct pay the institution of choice named as _____ based on the amount of FED419 funds available for the current fiscal year, the amount requested and the number of Employees with identical tuition reimbursement agreements. The District will pay the institution of choice per Semester as long as the invoice is submitted within the enrollment date determined by the institution. The obligation to make such payments shall cease immediately in the event that the Employee resigns or the Employee’s employment is terminated for any reason.

C. Position and Duties

Subject to the other provisions of the Agreement, the District hereby agrees to employ the teacher as an at-will employee in the position of Special Education Teacher with tuition disbursement, and the employee hereby accepts such employment, upon the terms and conditions set forth in this Agreement.

D. Disbursement Agreement

This is a disbursement agreement. The employee must complete required course work

within a qualifying Special Education Program and incur tuition expenses during their enrollment. The District will not be obligated to pay this tuition agreement in the amount of \$_____ if the employee does not complete the course work or receives a failing grade. In the event that the employee receives an incomplete or a failing grade, the employee agrees to pay back to the District the tuition incurred for that course(s).

E. Employment Status

All employees of the District are "at-will" employees. This Agreement is contingent upon School Board approval. The Agreement is an "at will" agreement. If employment is terminated, the District is not obligated to make a tuition disbursement payment. The Employee agrees to maintain employment with the District for one calendar year after the term of this agreement expires. If at any time during or after the term, not to exceed one year, the Employee resigns or takes employment with another district, the District may seek reimbursement for any tuition funds paid on behalf of the Employee. The Employee agrees to reimburse the District for funds paid on behalf of the employee for tuition. _____ (Initialed by Employee)

F. Entire Agreement

This Agreement constitutes the entire agreement between the Parties. No Party has relied upon statements or promises that are not set forth in this Agreement. The terms in this Agreement supersede any prior agreements between the Parties. Employee acknowledges that the Employee is an at will employee and that no policy, handbook, or practice adopted by the District creates an express or implied contract between the parties and that this Agreement includes all of the agreements between the parties.

Employee _____ / _____
(signature/date)

Convener _____ / _____
(signature/date)

Board Chairperson _____ / _____
(signature/date)

Adopted: Orig 4/27.2021

Revised:

560 TUITION REIMBURSEMENT POLICY

I. PURPOSE

The District offers up to 50% tuition reimbursement for any para or District staff interested in getting a necessary Teacher licensure area endorsement.

II. GENERAL STATEMENT OF POLICY

If you would like to be considered for tuition reimbursement, please send an email to the Convener by first of the month. In the request, please list the course code, class name, college or university. Once received the Convener will submit to the Personnel Committee to review and submit to the School Board the amount to be distributed to all requesting District staff for final approval. Each site of the District will reimburse up to 50% of tuition cost after submission of a transcript showing successfully completed courses. District staff receiving Tuition Reimbursement agrees to remain an employee of the District for a minimum of one full school year following the last reimbursement received as stated in the Tuition Disbursement Agreement.

Technical Academies of Minnesota

Adopted: Orig 6/27/18

Revised: 8/25/2020

TUITION DISBURSEMENT AGREEMENT

This Tuition Agreement is entered into by the School Board of Technical Academies of Minnesota and _____.

The District and Employee are referred to in this Agreement as “the Parties.” WHEREAS, the District desires to offer the Employee tuition disbursement; WHEREAS, the Parties desire to specify the terms of their Agreement governing the terms and conditions of the Employee’s employment with the District; NOW, THEREFORE, IN CONSIDERATION OF the mutual promises and covenants contained in this Agreement, the Parties agree as follows:

A. Term

This Agreement will be in effect from _____ to _____ unless early termination occurs pursuant to Section 4 of this Agreement. This Agreement will not automatically renew upon expiration of the Term. Provided this Agreement is not terminated prior to the expiration of the Term, if the Employee wishes to continue eligibility for tuition disbursement after expiration of the Term, the Employee must notify the School Board through the Convener, in writing, not later than 60 days prior to expiration of the Term. Upon receiving such notice, the District may exercise its right to offer another tuition agreement to the Employee, but the District will not be obligated to do so.

B. Payment

While this Agreement is in effect, the District agrees to direct pay the institution of choice named as _____ based on the funds available for the current fiscal year, the amount requested and the number of Employees with identical tuition reimbursement agreements. The District will pay the institution of choice per Semester as long as the invoice is submitted within the enrollment date determined by the institution. The obligation to make such payments shall cease immediately in the event that the Employee resigns or the Employee’s employment is terminated for any reason.

C. Position and Duties

Subject to the other provisions of the Agreement, the District hereby agrees to employ the teacher as an at-will employee in the position of Teacher with tuition disbursement, and the employee hereby accepts such employment, upon the terms and conditions set forth in this Agreement.

D. Disbursement Agreement

This is a disbursement agreement. The employee must complete required course work

within a qualifying Endorsement Program and incur tuition expenses during their enrollment. The District will not be obligated to pay this tuition agreement in the amount of \$_____ if the employee does not complete the course work or receives a failing grade. In the event that the employee receives an incomplete or a failing grade, the employee agrees to pay back to the District the tuition incurred for that course(s).

E. Employment Status

All employees of the District are "at-will" employees. This Agreement is contingent upon School Board approval. The Agreement is an "at will" agreement. If employment is terminated, the District is not obligated to make a tuition disbursement payment. The Employee agrees to maintain employment with the District for one calendar year after the term of this agreement expires. If at any time during or after the term, not to exceed one year, the Employee resigns or takes employment with another district, the District may seek reimbursement for any tuition funds paid on behalf of the Employee. The Employee agrees to reimburse the District for funds paid on behalf of the employee for tuition. _____ (Initialed by Employee)

F. Entire Agreement

This Agreement constitutes the entire agreement between the Parties. No Party has relied upon statements or promises that are not set forth in this Agreement. The terms in this Agreement supersede any prior agreements between the Parties. Employee acknowledges that the Employee is an at will employee and that no policy, handbook, or practice adopted by the District creates an express or implied contract between the parties and that this Agreement includes all of the agreements between the parties.

Employee _____ / _____
(signature/date)

Convener _____ / _____
(signature/date)

Board Chairperson _____ / _____
(signature/date)

Technical Academies of Minnesota

Adopted: 12/2020

Revised: 8/25/2020

600 E-LEARNING DAYS POLICY

I. PURPOSE

In the event that we have to cancel school due to inclement weather, Schools may call an 'E-learning day' instead of simply canceling school. This decision will be made clear in the notice sent to all families on that particular day.

II. GENERAL STATEMENT OF POLICY

- A. The 2017 Legislature has amended the Length of School Year; Hours of Instruction (Minn. Stat. § 120A.41) to include the option of a school utilizing E-learning days:
 - 1. Due to inclement weather.
 - 2. Up to five days in one school year.
 - 3. Counted as an instructional day and included as hours of instruction.

III. DEFINITION

- A. So what is an "E-learning Day?" To be counted in attendance for the day, students will need to open their email by 9:00am and correspond with their advisor via email. To log into their email, students should simply visit gmail.com and use their "@dreamta.org" or "@choiceta.org" account. Students may also call or text with their advisor if they have been given the advisor's phone number in advance.
- B. Working with their general education advisor, special education advisor and paraprofessionals, students will make a plan for their work and check in throughout the day. This could include work on an independent project, work that seminar instructors have assigned, general reading, math or whatever else they determine as a team.
- C. As they work, please remember that there are links to HEADRUSH, Google Classroom, and other important resources on our website www.technicalacademies.org. Students should check-in throughout the day, and send a follow-up email when they are signing off for the day in order to be counted present for the day.

IV. THE PLAN

- A. Advisors will develop a plan for these days. The plan will include:
 - 1. Accommodations for students without sufficient access to the Internet, hardware, or software in their homes.
 - 2. Accessible digital instruction for students with disabilities under chapter 125A and meet the needs of each student's Individual Education Plan (IEP)/504 plans.
 - 3. Notification to parents and students of the plan must occur at the beginning of the school year and, upon implementation of an E-learning day, there must be at

least one hours notice prior to the normal school start time that students are to follow the E-learning day plan.

4. Access to advisors and paraprofessionals via telephone and online during normal school hours.

V. ATTENDANCE

- A. Attendance must be taken by the advisor and records of attendance must be kept. Some ways attendance could be verified include:
 1. Logging in to advisory page(s), email or Headrush.
 2. Email exchange/text exchange/phone call with advisor and paraprofessional by 9:00am and again by 2:30pm
 3. Parents may verify attendance; a documentation process is developed and retained by the school as part of the student's attendance record.

VI. ACTIVITY IN ADVISORY

- A. Tasks must be completed during the regular hours of the E-learning day. Students without access cannot be required to make-up the work on another day.
- B. Students may use physical texts or books and may handwrite their work, but those resources would have to be available at home.
- C. Teachers must contact students by telephone or email to conference with students, assess and support their learning.

VII. QUALITY E-LEARNING EXPERIENCES

- A. Leverage digital tools students are using as part of their regular instruction (i.e., Google Classroom, Google Docs, apps).
- B. Include formative assessment and feedback.
- C. Provide opportunities for peer interaction.
- D. Include active engagement with advisors, monitoring progress and providing feedback, facilitating, coaching, clarifying and adjusting the task, and suggesting next steps.
- E. Include the option for the class to meet synchronously via video chat like Google Hangouts, Skype, or FaceTime.

VIII. OPTING OUT OF E-LEARNING DAYS

Students whose family chooses to not participate in the E-learning day are reported as absent. It is up to the student's advisor whether to consider this an excused absence under Minnesota Statutes, section 120A.22, subdivision 12. Parents should contact the main office if they are opting out their student on an E-learning day

IX. REPORTING IN MINNESOTA AUTOMATED REPORTING STUDENT SYSTEM

E-learning days would be reported as regular instructional days on the MARSS A School File. Students enrolled on an E-learning day would generate one day of membership. The length of the school day would be reported as the same length that was originally scheduled had the students attended at the school site.

Adopted: Orig.

Revised: 8/25/2020

601 DISTANCE LEARNING POLICY

I. PURPOSE

The purpose of this policy is to recognize and facilitate online learning options for those students who wish to take advantage of online learning coursework.

II. GENERAL STATEMENT OF POLICY

- A. The District shall limit enrollment to online learning courses to full-time students enrolled at the school.
- B. The District shall grant academic credit for completing the requirements of an online learning course.
- C. The District shall allow an online learning student to have the same access to the computer hardware and education software available in the school as to all other students in the school.
- D. The District shall continue to provide non-academic services to online learning students in the case of expulsion or exclusion.
- E. All qualified students will be offered the option of participating in online learning courses and programs when offered (and when scheduling allows).
- F. All federal and state rules and laws concerning students receiving special education services will be followed concerning the providing of services.
- G. The number of students served may be limited to a student/staff ratio, the physical size of the space and adjacent space, and subscriptions from a web-based provider.

III. DEFINITIONS

A. Online Learning

An interactive course or program that meets or exceeds state academic standards that delivers instruction from a teacher to a student by computer, includes frequent student assessment, and may include actual teacher contact time.

B. Online Learning Student

A student enrolled at a District school for purposes of compulsory attendance and enrolled in an online learning course.

C. Comprehensive Online Learning

Students may apply for full-time enrollment in an approved online learning program through open enrollment, agreement between school boards or to an online charter school following enrollment procedures and timelines in M.S. 124D.03 (Enrollment Options), M.S. 124D.08 (School Boards' Approval To Enroll In Nonresident District.) or M.S. 124E (Charter School). If a student enrolls full-time in an approved online learning program through open enrollment, they will not be unenrolled at the District.

D. Supplemental Online Learning

An online course taken in place of a course period during the regular school day at a local district school.

E. Enrolling district

Refers to Technical Academies of Minnesota

IV. PROCEDURES

A. Students

1. A student may enroll during a single school year in a maximum number of credits that would otherwise be offered by the school, with online courses not to exceed 50% of the student's full schedule of courses.
2. An online learning student may complete course work at a grade level that is different from the student's current grade level when approved by the instructor.

B. Classroom Membership and Teacher Contact Time

1. A Minnesota properly licensed teacher must deliver instruction to enrolled students receiving online instruction. The delivery of instruction occurs when the student interacts with the computer or the teacher and receives ongoing assistance and assessment of learning. The instruction may include curriculum developed by persons other than a teacher with a Minnesota license.
2. Classroom membership and teacher contact time will be determined with the input of the student, parent/guardian, online learning staff, and School Social Worker.

C. Academic Credit; Graduation Standards or Requirements

1. The District shall apply the same graduation requirements to all students, including online learning students.
2. The District shall use the same criteria for accepting traditional online learning credits or courses offered by the District as it does for accepting other credits.
3. If a student completes an online learning course or program that meets or exceeds a graduation standard or grade progression requirement at the District, that standard or requirement will be met.

D. In accordance with MN Statute 124D.095, all online courses at the District will:

1. Be taught by Minnesota licensed teachers;
 2. Meet or exceed state academic standards;
 3. Transfer to other MN public school districts; and
 4. Apply to high school graduation
- E. As in accordance with MN Statute 124D.095, Online Learning Rights & Responsibilities
1. Student's Rights
 - a. Participate in any approved OLL (online learning) program for which they qualify.
 - b. Enroll full-time in a comprehensive OLL school through open enrollment, charter school enrollment, or through an agreement between school boards.
 - c. Enroll in supplemental courses above 50% if TAM (the enrolling district) grants permission or if an agreement is made between schools for instructional services.
 - d. Enroll in supplemental OLL courses during a single school year to a maximum of 50% of the student's full schedule of courses per term at the District. Students may enroll in more than 1.0 ADM for credit recovery, other special circumstances covered under state law, or a fee.
 - e. Have the same access to computer hardware & software as other students enrolled in the district.
 - f. Complete coursework at a grade level that's different from the current grade.
 2. Student's Responsibilities
 - a. Must be enrolled at a District school.
 - b. Notify the District of their intent to enroll within 10 days of acceptance.
 - c. Sign a statement of assurance that they have reviewed and understand the expectations of OLL enrollment.
 - d. Enroll in supplemental OLL courses no later than the midpoint of District's term.
 - e. Adjust class schedule at school (reduce instructional contact) for supplemental OLL enrollment.
 - f. Complete the course(s).
 3. OLL Program's Rights
 - a. Provide students enrolled full-time in OLL with up to a full-time course load, or the equivalent per year.
 - b. Provide up to 50% of instruction through OLL per term for supplemental online learning students.
 - c. May limit participation by board resolution.
 4. OLL Program's Responsibilities
 - a. Within 10 days of acceptance, notify the student & enrolling district of the course, credits, start date of instruction and confirm the course meets the student's graduation requirements at their enrolling district.

- b. Assist students whose family qualifies for the education tax credit to acquire computer hardware or software for OLL.
 - c. Instruct no more than 40 students in an OLL course, unless granted a waiver by the commissioner.
 - d. Assist students with informing enrolling districts of OLL participation and course completion.
5. District Rights
- a. Reduce an OLL participant's traditional instruction in proportion to the OLL courses taken.
 - b. Challenge the validity of an OLL course
6. District Responsibilities
- a. Not prohibit a student from applying to enroll in OLL.
 - b. Award credit for completed coursework.
 - c. Allow students to participate in extracurricular activities.
 - d. Make available information about OLL to all interested people.

Technical Academies of Minnesota

Adopted: Orig. 8/25/2020

Revised: 8/25/2020

602- New Student Onboarding Framework

Each TAM school will use the following framework to develop a new student onboarding procedure/ document to ensure students are prepared for PBL and TAM School procedures.

- Admin Paperwork -
- Free and Reduced Lunch-
- SPED Review-
- Review Student Handbook and sign agreement
- Arrange Transportation Plan
- PBL Exploration
- Academic Assessments
- Personal Assessments
- Technology Training
- HEADRUSH/ Project Management Software
- Intro to Restorative Practice -
- Intro to Career and College Readiness -
- PSEO Options-
- Graduation Requirements-
- Intro to Work Based Learning/Work Experience-
- Intro to School Linked Therapy & available support services -
- Transcript Review & Create a Schedule-

Technical Academies of Minnesota

Adopted: Orig. 6/22/2013

Revised: 8/25/2020

609 RELIGION

I. PURPOSE

The purpose of this policy is to identify the status of religion as it pertains to the program of District #4217.

II. GENERAL STATEMENT OF POLICY

- A. The District shall neither promote nor disparage any religious belief or nonbelief. Instead, the District encourages all students and employees to have appreciation for and tolerance of each other's views.
- B. The District also recognizes that religion has had and is having a significant role in the social, cultural, political, and historical development of civilization.
- C. The District recognizes that one of its educational objectives is to increase its students' knowledge and appreciation of music, art, drama, and literature which may have had a religious basis or origin as well as a secular importance.
- D. The District supports the inclusion of religious music, art, drama, and literature in the curriculum and in school activities provided it is intrinsic to the learning experience and is presented in an objective manner without sectarian indoctrination.
- E. The historical and contemporary values and the origin of various religions, holidays, customs, and beliefs may be explained in an unbiased and nonsectarian manner.

III. RESPONSIBILITY

- A. It shall be the responsibility of the District staff to ensure that the study of religious materials, customs, beliefs, and holidays in the school district is in keeping with the following guidelines:
 - 1. The proposed activity must have a secular purpose.
 - 2. The primary objective of the activity must be one that neither advances nor inhibits religion.
 - 3. The activity must not foster excessive governmental relationships with religion.
 - 4. Notwithstanding the foregoing guidelines, reasonable efforts will be made to accommodate any student who wishes to be excused from attendance at school for the purpose of religious instruction or observance of religious holidays.
- B. The School Board is granted authority to develop and present for School Board review and approval directives and guidelines for the purpose of providing further guidance relative to the teaching of materials related to religion. Approved directives and guidelines shall be attached as an addendum to this policy.

Legal References: U. S. Const., amend. I
Minn. Stat. § 120A.22, Subd. 12(3) (Compulsory Instruction)
Minn. Stat. § 120A.35 (Absence From School for Religious Observance)
Minn. Stat. § 121A.10 (Moment of Silence)
Good News Club v. Milford Central School, 533 U.S. 98, 121 S.Ct. 2093,
150 L.Ed.2d 151 (2001)
Santa Fe Indep. Sch. Dist. v. Doe, 530 U.S. 290, 120 S.Ct. 2266 (2000)
Tangipahoa Parish Bd. of Educ. v. Freiler, 530 U.S. 1251, 120 S.Ct. 2706
(2000)
Lemon v. Kurtzman, 403 U.S.602, 91 S.Ct. 2105, 29 L.Ed.2d 745 (1971)
Wigg v. Sioux Falls Sch. Dist., 382 F.3d 807 (8th Cir. 2004)
Doe v. School Dist. of City of Norfolk, 340 F.3d 605 (8th Cir. 2003)
Stark v. Independent Sch. Dist. No. 640, 123 F.3d 1068 (8th Cir. 1997)
Florey v. Sioux Falls Sch. Dist. 49-5, 619 F.2d 1311 (8th Cir. 1980)
Roark v. South Iron R-1 Sch. Dist., 573 F.3d 556 (8th Cir. 2009)
Child Evangelism Fellowship v. Elk River Area Sch. Dist. No. 728, 599
F.Supp.2d 1136 (D. Minn. 2009)
LeVake v. Independent Sch. Dist. No. 656, 625 N.W.2d 502 (Minn. App.
2001)
Minn. Op. Atty. Gen. 169-J (Feb. 14, 1968)
Minn. Op. Atty. Gen. 169-K (Oct. 21, 1949)
Minn. Op. Atty. Gen. 63 (1940)
Minn. Op. Atty. Gen. 120 (1924)
Minn. Op. Atty. Gen. 121 (1924)

Cross References: MSBA/MASA Model Policy 801 (Equal Access to School Facilities)

Technical Academies of Minnesota

Adopted: Orig.

Revised: 8/25/2020

610 GRADUATION POLICY

I. Purpose

This policy sets forth requirements for graduation from the District.

II. General Statement of Policy

It is the District's policy that all students will fulfill applicable state required assessments as well as satisfactorily complete all course requirements and , as determined by the district and as established by the school board, in order to receive a diploma.

III. Definitions

A. Course credit

Is equivalent to a student's successful completion of a semester of study or a student's mastery of the applicable subject matter, as determined by the District.

B. Section 504 Plan

The defined appropriate accommodations or modifications that must be made in the school environment to support an individual student with an identified need.

C. Individualized Education Program

A written statement developed for a student eligible by law for special education and services.

D. Academic standard

1. A statewide adopted expectation for student learning in the content areas of language arts, mathematics, science, social studies, physical education, world language, or the arts; or
2. A locally adopted expectation for student learning in health, the arts, or career and technical Education.

E. English language learners or "ELL" student means an individual whose first language is not English and whose test performance may be negatively impacted by lack of English language proficiency.

IV. Test Administrator

The District Assessment Coordinator is the District test administrator and in charge of all test procedures.

V. Graduation Requirements

Students must fulfill state graduation requirements and successfully complete, high school level courses, as determined by the District, to graduate from a District school.

VI. Requirements to Participate in Graduation Ceremony

- A. The high school graduation ceremony is the commencement event provided to students, families, and community by the school district. A high school senior with the required course credits will be allowed to participate in the ceremony. The school Convener or designee will present a list of seniors to receive a diploma from the District to the School Board for its approval prior to the ceremony.
- B. The District reserves the right to not allow a student to participate in or attend the graduation ceremony for inappropriate and/or destructive behavior. This includes but is not limited to destroying or damaging property, disrupting the school day or activities, injuring or harming people or animals, or engaging in disrespectful behavior toward fellow District students or staff.
- C. In accordance with state law, the District will not charge fees for rental or purchase of caps, gowns, or diplomas.

VII. Early Graduation

- A. In accordance with state law, students may be considered for early graduation, as provided for within Minn. Stat. § 120B.07 upon meeting the following conditions:
 - 1. All course or standards and credit requirements must be met;
 - 2. All test requirements or higher guidelines have been satisfied;
 - 3. The Advisor will conduct an interview with the student and parent or guardian, familiarize the parties with opportunities available in postsecondary education, and arrive at a timely decision; and
 - 4. The Advisor's decision will be in writing and may be subject to review by the School Board.

VIII. Notice

The District will notify students and their parents of the district's graduation requirements within 30 working days of a student's entry into ninth grade.

IX. STATE AND DISTRICT GRADUATION REQUIREMENTS

A. Graduation Assessment Requirements

1. All enrolled students are subject to the following assessment requirements, unless the parents/guardians opt out:
 - a. Must participate in the MCA assessments in Reading, Math, and Science
 - b. Must have had an opportunity to complete the ACT Plus Writing in Grade 11.
2. All students must complete the currently adopted Minnesota Academic Standards, in accordance with the standards developed by the Minnesota Department of Education:
 - a. Minnesota Academic Standards, Language Arts K-12;
 - b. Minnesota Academic Standards, Mathematics K-12;
 - c. Minnesota Academic Standards, Science K-12;
 - d. Minnesota Academic Standards, Social Studies K-12;
 - e. Minnesota Academic Standards, Arts K-12; and
 - f. Minnesota Academic Standards, Physical Education K-12
3. All students must demonstrate their understanding of the following academic standards:
 - a. School District Standards, Health K-12; and
 - b. School District Standards, Career and Technical Education K-12.
 - c. School District Standards, World Languages K-12;
4. All students must also successfully demonstrate mastery of one of the following required standards:
 - a. Complete thirty two (32) credits, as recorded on the high school transcript.
 - b. Have met the requirements of an IEP or Section 504 Plan

B. Graduation Course Requirements

1. Students must successfully complete, as determined by the District, the following high school level course semester credits for graduation:
 - a. Graduation will occur at a District school upon the completion of the following:
 - i. Completion of 32 credits (8 credits earned for each grade at TAM in grades 9-12.
 - ii. Completion of all required Minnesota Academic Standards – Please see your student’s advisor if you have any questions about your child’s progress in completing the required MN Academic Standards
 - iii. Language Arts (4.0 credits)
 - iv. Social Studies (3.5 credits) - Students must have earned credits in each of the following areas: US History, World History, Economics, Geography, and Government)
 - v. Science (3.0 credits) - Students must have 1.0 credits in Life Science/Biology and 1.0 credits in Physical Sciences (Chem. or Physics)
 - vi. Math (3.0 credits) - Students must have Algebra II, Geometry and Probability and Statistics or Personal Finance or other Math courses.
 - vii. Reading (2.0 Credits)

- viii. Art (1.0 credit)
- ix. Physical Education and Health (1.5 credit) – Students must earn (0.5) credits in Health and (1.0) in Physical Fitness
- x. Electives (12.0 credits) - World Languages, Career and Technical Education, Community Service/Service Learning, and Lifelong Learning
- xi. Completing all required tests (MCA/ASVAB/ACT etc.)
- xii. Complete a Junior Project.
- xiii. Completing the Senior Project (which is included in the 8 required senior year credits).
- xiv. Students who do not complete these requirements will not receive a diploma.

C. By the end of grade 12, students who are continuously enrolled in grades 10-12 will meet one or more of the following:

1. Meet the requirements for secondary school graduation; and,
2. Complete a work experience program and enter the workplace with the skills necessary to obtain a livable wage job; and/or,
3. Complete one or more “industry recognized certificates” as determined by the student passing an industry developed test; and/or,
4. Complete an occupational area training at a technical college such as carpentry, cosmetology, heavy machinery, etc.; and/or,
5. Complete one or more years of postsecondary education and on track to complete an AA degree while at the Academy or within one year of graduating from the Academy; and/or,
6. Complete one or more years of postsecondary education and be admitted to a four year university

Legal References: Minn. Stat. § 120B.02 (Educational Expectations for Minnesota’s Students)
 Minn. Stat. § 120B.023 (Benchmarks)
 Minn. Stat. § 120B.024 (Graduation Requirements; Course Credits)
 Minn. Stat. § 120B.07 (Early Graduation)
 Minn. Stat. § 120B.11 (School District Process)
 Minn. Rules Parts 3501.0010-3501.0180 (Rules Relating to Graduation Standards –Mathematics and Reading)
 Minn. Rules Parts 3501.0200-3501.0290 (Rules Relating to Graduation Standards –Written Composition)
 Minn. Rules Parts 3501.0505-3501.0635 (K-12 Standards)
 20 U.S.C. § 6301, et seq. (No Child Left Behind Act)

Cross References: Policy 601 (Academic Standards and Instructional Curriculum)
 Policy 614 (School District Testing Plan)

Policy 616 (School District System Accountability)
Appendix I to Policy 610

Adopted: Original:1/29/2015

Revised: 2/24/2015

Revised: 8/25/2020

700 CSP PURCHASING AND PROCUREMENT PROCESS AND PROCEDURES POLICY

I. PURPOSE

No employee, officer, or agent of the District may participate in the selection, award, or administration of any contract supported by Federal funds if a real or apparent conflict of interest exists.

II. GENERAL STATEMENT OF POLICY

- A. District staff will follow a free and open competitive process.
- B. District staff will document purchasing activities and decisions.
- C. District staff who want to purchase something will discuss this with any connected parties (Sped team, Tech team, marketing team,) and possibly the whole staff.
- D. The request would be communicated to the Finance Committee as a verbal request for a purchase order (PO).
- E. The Finance Committee would inform the Office Manager to generate a PO and have the Convener sign it.
- F. District staff should contract with small and minority forms and women's business enterprises.
 - 1. District staff will take all necessary affirmative steps to assure that small and minority firms and women's business enterprises are used when possible.
 - 2. Affirmative steps include:
 - a. Placing qualified small and minority business and women's business enterprises on solicitation lists;
 - b. Assuring that small and minority business and women's business enterprises are solicited whenever they are potential sources;
 - c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
 - d. Establishing delivery schedules, where the requirements permits, which encourage participation by small and minority business and women's business enterprises; and
 - e. Using the services and assistance of the Small Business Administration,

and the Minority Business Development Agency of the Department of Commerce.

3. District staff would select one of the three permitted procurement methods from which to make the purchase.
 - a. Small purchases may be used for procurement of \$100,000 or less in the aggregate.
 - b. Small purchases are usually made through the use of purchase orders for purchases of goods and written contracts for purchases of consultant vendor services;
 - c. Proposals must be solicited from an adequate number of qualified sources (three to five) consistent with the nature and requirements of the procurement;
 - d. Competition is sought through oral or written price quotations but must be documented; and
 - e. For procurement of goods, catalogs or price lists may also be used.
4. Competitive Proposals
A procurement in excess of the small purchase threshold (more than \$100,000) may not be inappropriately broken up into smaller components solely to qualify for the less complicated procedures followed under the "small purchases" approach. * Contact MDE for guidance on competitive proposal procedures.
5. Noncompetitive proposals/sole source procurement.
*Noncompetitive negotiations may be utilized only under very limited circumstances. The buyer must show that another method of procurement was infeasible because:
 - a. The item or service was only available from a single source;
 - b. A public emergency or condition requiring urgency existed which did not permit the use of competitive procurement; or,
 - c. Competition was determined to be inadequate after receiving proposals from numerous sources.
6. For procurements within the small purchase threshold (\$100,000) the written procurement procedures must:
 - a. Ensure that the purchase of unnecessary or duplicate items is avoided.
 - b. Make sure a cost or price analysis is performed for every proposed procurement action, including contract modifications, and documentation to that effect is maintained in the procurement file.
7. Selection procedures must ensure that:
 - a. Awards are to be made to the bidder/offer or whose offer is responsive to the solicitation and is most advantageous to the charter school, price and other factors considered;
 - b. Any and all offers may be rejected when it is in the District's interest to do so;
 - c. The District staff must ensure that the award is only made to responsible contractors possessing the ability to perform successfully under the terms

- and conditions of the proposed procurement;
 - d. Consideration should be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources; and
 - e. Check references, contact current and prior clients
8. District staff must maintain records to detail the significant history of a procurement. These records include, but are not limited to documentation on:
 - a. The rationale for selecting the method of procurement used;
 - b. The rationale for selecting/rejecting the contractor;
 - c. The rationale for selecting the type of contract;
 - d. The basis for the cost or price of a contract;
 - e. The receipt of an adequate number or price or rate quotations from qualified source; and
 - f. Justification for lack of competition when competitive bids or offers are not obtained. District staff would then coordinate the purchase, possibly completing the purchase themselves. The purchase would preferably be made on credit with a check sent after the item(s) is received, but the purchase could be made using a school debit or credit card. The purchase order would show this.
 9. The Office Manager or other District staff would receive the item(s), and attach verification of receipt to the PO. This would normally be a signed packing slip.
 10. When the invoice arrives it too would be attached to the PO and packing slip and made ready for payment.
 11. The Office Manager will generate checks from invoices – if there were any question as to the receipt of the item or completion of the work the Finance Committee would verify before the check is written.
 12. The check(s) would be taken to two (2) of the designated check signers (signers are approved by the School Board at Annual Organization Meeting)
 13. The check would be mailed out at this point.

Adopted: Original: 1/29/15

Revised: 2/24/2015

Revised: 8/25/2020

701 PROPERTY MANAGEMENT POLICY FOR EQUIPMENT PURCHASED WITH CSP GRANT FEDERAL FUNDS

I. PURPOSE

Equipment, non-consumable supplies and other non-consumable items that are purchased with federal funds must be used to support the education of students and are intended for approved purposes identified under the grant.

II. GENERAL STATEMENT OF POLICY

An accurate inventory of all consumable items, equipment, capital expenditures purchased with federal CSP grant funds must be maintained and available to submit to MDE upon request. The District shall be responsible for implementing proper management and disposition of the equipment. If the District closes or is no longer able to utilize purchased items of value, they will distribute items purchased under the federal award to other charter schools, for similar purposes, at the discretion of the state.

III. MANAGEMENT OF EQUIPMENT

A. The management of equipment includes:

1. Assuring that the equipment is used for the project/program for which it was purchased.
2. Preventing loss, damage, or theft of the equipment.
3. Maintaining an inventory of items valued at \$500 or more and having a useful life of more than one year. The inventory shall contain a description, identification or serial number, source of property, purchase date, initial per unit cost and total cost of the property, and location of the items. Acquisitions of more than one like item should be presented on one line.
4. A physical inventory of the property must be taken yearly and the results reconciled with the property records. Keep the Inventory Record on hand for Auditors, and submit a copy of the Inventory Record to MDE with each Final Expenditure Report.
5. The control system for the District involves having a locked door policy at all times to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft shall be investigated.
6. The District has adequate maintenance procedures in place to keep the property in good condition. If the District is authorized or required to sell the property,

- proper sales procedures are in place to ensure the highest possible return.
7. Following procedures for transfer and disposal of equipment.

IV. USE OF EQUIPMENT

- A. The District shall use the property in the project or program for which it was acquired as long as needed, whether or not the project or program continues to be supported by federal funds. When no longer needed for the original project or program, the property may be used in other activities currently or previously supported by federal funds.
 1. During the time that property is used on the project or program for which it was acquired, the District shall also make the property available for use on other projects or programs if other use will not interfere with the work on the project or program for which the property was originally acquired. First preference for other use shall be given to other projects or programs sponsored by the federal awarding agency that financed the equipment.
 2. When acquiring replacement property, the District may use the property to be replaced as trade-in or sell the property and use the proceeds to offset the cost of the replacement property, subject to approval of the Secretary (MDE). Example: The school needs a better printer. They arrange for another school to buy their printer.
 - a. The District contacts MDE and lets them know the proposed terms of sale.
 - b. MDE gives approval to proceed with the sale.
 - c. The District sells the printer, purchases the new printer, and documents the new purchase on the Property Inventory Record (discussed below).

V. SALE OR DISPOSAL OF EQUIPMENT

- A. When original or replacement property is no longer needed for the original project or program or for other activities currently or previously supported by MDE, property shall be transferred to MDE, at the discretion of the State.
 1. Equipment may be transferred to a program or project supported by federal funds.
 2. If equipment is no longer needed:
 - a. If the initial cost was at least \$1,000, a fair market value must be established, and sale arranged. The sale must be to a program or project supported by federal funds.
 - b. If the initial cost was less than \$1,000, the equipment may be sold at fair market value or redirected at no cost to a program or project supported by federal funds.
 3. To sell equipment with value:
 - a. Get certified market value for equipment.
 - b. Send MDE a check from general funds.

- c. MDE will put the funds in the federal account for the District.
 - d. The inventory shall be updated.
- 4. If the equipment has no value, it may be disposed of. The inventory shall be updated.
 - a. A record showing the date, reason, sale, redirection, and disposal of the equipment shall be kept along with the inventory for five years after removal from the program.

Legal Reference: Property Standards Guide

Adopted: 6/22/2021

Revised:

705. Capitol Asset Accounting System

I. PURPOSE

The purpose of this policy is to provide for the development and maintenance of an inventory of the fixed assets of the school district and the establishment and maintenance of a fixed asset accounting system.

II. GENERAL STATEMENT OF POLICY

The policy of the school district is that a fixed asset accounting system and an inventory of fixed assets be developed and maintained. This policy defines dollar thresholds and descriptions for categories of capital assets for all departments of the district.

III. DEVELOPMENT OF INVENTORY AND ACCOUNTING SYSTEM

The conveners and other designees of the school board shall be responsible for the development and maintenance of an inventory of the fixed assets of the school district, and for the establishment and maintenance of a formal fixed asset accounting system. The accounting system shall be operated in compliance with the applicable provisions of the Uniform Financial Accounting and Reporting Standards for Minnesota School Districts (UFARS). In addition, the inventory shall specify the location of all continued abstracts showing the conveyance of the property to the school district; certificates of title showing title to the property in the school district; title insurance policies; and other property records relating to the real property of the school district.

IV. REPORT

The Board Finance Committee (with help from the sites) shall annually update the property records of the school district and provide an inventory of the fixed assets of the school district to the school board.

V. DEFINITIONS

Capital assets include land, land improvements, buildings, building improvements, construction in progress, machinery and equipment, vehicles, easements, works of art and historical treasures acquired by the District for use in providing services to the public. A capital asset is to be reported and depreciated in government-wide financial statements. In the government-wide financial statements, assets that are not capitalized are expended in the year of acquisition.

Capital assets are any purchases of \$2,500 or more. Capital assets must be approved at the board level, and the board must determine that these purchases align with the mission and vision of TAM.

VI. ACCOUNTING

- A. Inventory Record. The District shall inventory all capital assets. Each inventory record should include: description, year of acquisition, method of acquisition (e.g. purchase, donation, etc.), cost or estimated cost, salvage value, estimated useful life, location, serial # (if applicable), and program code.
- B. Recording Land Improvements. Land improvements include items such as excavation, non-infrastructure utility installation, driveways, sidewalks, parking lots, flagpoles, retaining walls, fencing, signs, outdoor lighting, and other non-building improvements intended to make the land ready for its intended purpose. Land improvements can be further categorized as non-exhaustible and exhaustible.
 - 1. Non-Exhaustible - Expenditures for improvements that do not require maintenance or replacement expenditures to bring land into condition to commence erection of structure, expenditures for improvements not identified with structures, and expenditures for land improvements that do not deteriorate with use or passage of time are additions to the cost of land and are not exhaustible and therefore not depreciable.
 - 2. Exhaustible - Other improvements that are part of a site, such as parking lots, landscaping and fencing, are usually exhaustible and are depreciable. Depreciation of site improvements is necessary if the improvement is exhaustible.
- C. Recording Building Improvements. Building improvements that extend the useful life should be capitalized. Examples of building improvements include roofing projects, remodeling or replacing major building components.
- D. Recording Construction in Progress. Construction in progress should be capitalized and not depreciated. It should be reported with land and other non-depreciating assets at the government-wide level.
- E. Recording Machinery and Equipment (Including Office Equipment). Assets such as furniture, machinery and equipment (that meet threshold levels) should be capitalized and inventoried. Some assets, individually, may fall below the capitalization threshold but may be purchased in large quantities by the District e.g. computers, books. District staff should aggregate such assets and consider the materiality and significance of them and if material or significant capitalize such items either individually or in the aggregate.
- F. Recording Vehicles. Vehicles should be identified, inventoried, and depreciated.

G. Establishing and Setting the Threshold Levels for Recording Capital Assets. The following elements of useful life and asset costs are established for capitalization of assets:

1. Estimated Useful Life - The first criterion is useful life. An asset must have an estimated useful life greater than one (1) year to be considered for capitalization and depreciation. Assets that are consumed, used-up, habitually lost or worn-out in one year or less will not be capitalized.
2. Asset Cost - The second criterion for determining depreciable capital assets is cost. The capitalization threshold shall be established as follows for per individual asset item:

 Capitalize and Depreciate

 Land & Construction in Progress Capitalize only

 Land Improvements –

 Improvements other than Bldgs. \$2,500

 Building & Improvements \$2,500

 Equipment & Transportation Vehicles \$2,500

K. Depreciation Definition. Depreciation is the process of allocating the cost of tangible property over a period of time rather than deducting the cost as an expense in the year of acquisition.

It is the District's policy to use the straight-line depreciation method. The basis of the asset is written off evenly over the useful life of the asset. The same amount of depreciation is taken each year. In general, the amount of annual depreciation is determined by dividing an asset's depreciable cost by its estimated life. The total amount depreciated can never exceed the asset's historic cost less salvage value. At the end of the asset's estimated life, the salvage value will remain.

To calculate depreciation on a capital asset, the following five factors must be known:

1. The date the asset was placed in service
2. The asset's cost or acquisition value
3. The asset's salvage value
4. The asset's estimated useful life, and
5. The depreciation method.

L. Obtaining an Asset's Cost of Acquisition Value. Capital assets are reported at historical cost and should include the cost of freight, site preparation, architect and engineering fees, etc. If something other than cash is used to pay for the asset, then the fair-market value of the non-cash payment or consideration determines the asset's cost or acquisition value. When the value of the consideration paid can't be determined, the asset's fair-market value determines its cost. With few exceptions, an

asset's cost should also include necessary costs incurred to place the asset in service. Costs include the invoice price plus incidental costs (insurance during transit, freight, capitalized interest as described earlier, duties, title search, registration fees, and installation costs). Exceptions to this rule include interest expenses associated with deferred payments and real estate taxes paid, if any, in the acquisition of property.

M. Establishing Classes of Assets. The District establishes the following major categories of capital assets, with further details defined in Exhibit A attached hereto and made a part of this policy:

- Construction in Progress
- Land Improvements – Improvements other than buildings
- Buildings and Improvements
- Equipment & Transportation Vehicles

**EXHIBIT A
CAPITAL ASSETS CLASSES**

Asset Class	Examples	Estimated Useful Life (in years)
Land Improvements – Improvements other than buildings		
Buildings and Improvements		
Electrical/Plumbing		30
HVAC Systems	Heating, Ventilation & A/C Systems	20
Interior Construction		25
Portable Classrooms		25
Roofing		20
School Buildings		50
Site Improvements	Paving, Flagpoles, Retaining Walls, Sidewalks, Fencing & Outdoor Lighting	20
Sprinkler/Fire System	Fire Suppression Systems	25

Equipment & Transportation Vehicles		
Athletic Equipment	Gymnastics, Football, Weight Machines & Wrestling Mats	10
Audio Visual Equipment	Projectors & Cameras (Still & Digital)	10
Communications Equipment	Mobile, Portable Radios, Non computerized	10
Computer Hardware	PCs, Printers, Network Hardware & Servers	5
Copiers		5
Custodial Equipment	Floor Scrubbers & Vacuums	15
Furniture & Accessories	Classroom & Office Furniture	20
Grounds Equipment	Mowers, Tractors & Attachments	15
Kitchen Equipment	Appliances & Serving Lines	15
Machinery & Tools	Shop & Maintenance Equipment, Tools	15
Musical Instruments	Pianos, String, Brass & percussion	10
Office Equipment	Fax, Shredders & Postage Meters	10
Outdoor Equipment	Playground, Radio Towers, Fuel Tanks, Pumps & Signs	20
Science & Engineering	Lab Equipment & Scientific Apparatus	10
Trailers		15
Vehicles	Buses, Vans & Pick-ups (Bldg & Grounds)	8

Legal References: Minn. Stat. § 123B.02 (School District Powers)
Minn. Stat. § 123B.02 (School Board Powers)
Minn. Stat. § 123B.51 (Schoolhouse and Sites; Access for Noncurricular Purposes)

Cross References: MSBA/MASA Model Policy 702 (Accounting)
MSBA Service Manual, Chapter 7, Education Funding

Technical Academies of Minnesota

Adopted: 7/2018

Revised: 8/25/2020

710. GENERAL FINANCE POLICY

I. PURPOSE

To maintain financial management of each school site.

II. GENERAL STATEMENT OF POLICY

- A. Financial management of each site shall be delegated to the Finance Committee of the sites and to a 3rd party firm as designated by the School Board.
- B. Financial statements shall be prepared by the 3rd party firm and be available for review no later than 5 days before the monthly School Board meeting.
- C. Key financial and control activities shall be monitored by the Treasurer and the 3rd party firm.

III. BUDGETING

- A. The site Financial Committees shall work with the 3rd party firm as designated by the School Board to create an annual operating budget to be presented to the School Board for approval.
- B. Adjustments to the budget during the year shall be made and approved only as the School Board designates or only as the sites Financial Committee requests.
- C. Budgeted expenses shall be allocated according to state and district reporting categories.

IV. CASH MANAGEMENT

- A. All cash received will be deposited in the bank account and no expenses will be paid from undeposited cash receipts.

V. AUDITS

- A. An independent audit shall be conducted annually by a CPA selected by the School Board. Financial Regulatory forms shall be completed as necessary by the sites with the help of the 3rd party firm designated by the School Board.

VI. PETTY CASH

- A. Each District school can maintain a \$200 petty cash fund to be used for reimbursement of minor out of pocket expenses.
- B. Documentation required for all request reimbursements.
- C. Petty Cash will remain in the custody of the Office Manager.

VII. OPENING/CLOSING ACCOUNTS

- A. The signature of the Treasurer shall be required to open or close accounts, subjects to restrictions of such authority established by the School Board.

VIII. MAIL MANAGEMENT

- A. All incoming mail is opened and distributed by the site Office Manager, with the exception of mail addressed to District staff which will be distributed to them directly

IX. RECORD RETENTION

- A. 3rd party financial company will work with each site to maintain all required records
- B. All record retention will meet state of Minnesota requirements .

Adopted: 8/25/2020

Revised:

725. RECORDS RETENTION / DOCUMENT DESTRUCTION POLICY

I. PURPOSE

The District must establish a process so that staff may identify records, assess their value and determine how long to keep them in compliance with state requirements concerning record retention and destruction law.

II. POLICY STATEMENT

It is the policy of the District to fully comply with the state law regarding record retention and destruction.

III. ADOPTION OF GENERAL SCHEDULE

- A. The District hereby adopts the General Record Retention Schedule for School Districts established by the State Records Disposition Panel pursuant to Minn. Stat. §138.17.
 - 1. District staff is directed to take the steps necessary to notify the State Archives that the District has officially adopted the general schedule.
 - 2. District staff is also directed to develop a process for retaining and disposing of school records in a manner consistent with that schedule.

Legal References: Minn. Stat. §138.17 (Government Records; Administration)
Minn. Stat. §124E (Charter School Law)
Resources: www.mnhs.org/preserve/records/retentionsched.html

Adopted: Orig. 6/23/2013

Revised: 3/4/2018

Revised: 8/25/2020

800 PARENT INVOLVEMENT POLICY

I. PURPOSE

Parents are an integral part of the educational programming at the District.

II. GENERAL STATEMENT OF POLICY

- A. It will be a policy of the School Board that:
1. Parents are invited to visit and volunteer at the school on a regular basis.
 2. Three parents will be elected to serve on the School Board for rotating three-year terms.
 3. All parents will be invited to participate on the Local Advisory Council with monthly meetings and topics planned and led by parents.
 4. Parents are requested to attend a minimum of four student/parent/guardian/advisor meetings throughout the year to discuss goals and progress of the student.
 5. Parents will organize the Parent Volunteers and schedule them accordingly.
 6. Parent concerns may be voiced at any School Board meeting, parent meeting, or to individual advisors. The appropriate site based team will address all concerns.
 7. Parents are requested to attend all public presentation nights to support the work of the District students.

Adopted: Orig. 6/23/2013

Revised: 8/25/2020

806 CRISIS MANAGEMENT POLICY

I. PURPOSE

The purpose of this Model Crisis Management Policy is to act as a guide for District staff, students, School Board members, and community members to address a wide range of potential crisis situations in the District.

II. GENERAL STATEMENT OF POLICY

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 should develop tailored building-specific crisis management plans for each school building in the District, and sections or procedures may be added or deleted in those crisis management plans based on building needs. The District will, to the extent possible, engage in ongoing emergency planning within the District and with first responders and other relevant community organizations. The District will ensure that relevant first responders in the community have access to their building-specific crisis management plans and will provide training to District staff to enable them to act appropriately in the event of a crisis.

III. GENERAL INFORMATION

A. The Policy and Plans

The 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 school can tailor a building-specific crisis management plan to meet that building's specific situation and needs. The District's staff 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 each school 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 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.

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 Convener. The Convener 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. Conveners will submit lock-down procedures for their building as part of the building-specific crisis management plan.

b. Evacuation Procedures

Evacuations of classrooms and buildings shall be implemented at the discretion of the Convener or his or her designee. Each building's crisis management plan will include procedures for transporting District students and staff a safe distance from harm to a designated safe area until released by the Convener 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 District 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 Convener or his or her designee will announce the need for sheltering over the public address system or other designated system. Each Convener will submit sheltering procedures for his or her building as part of the building-specific crisis management plan.

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 buildings to tailor response procedures when creating building-specific crisis management plans.

3. School Emergency Response Teams

a. Composition

The Convener 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 on-going 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 Convener. Each building will maintain a current list of school emergency response team members, which will be updated annually. The Convener, 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 office.

b. Leaders

The building Convener 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.

IV. PREPARATION BEFORE AN EMERGENCY

A. Communication

1. District Staff

District staff 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. District staff shall be aware of the 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 District staff. District staff 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 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. District 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.
6. A record of fire drills conducted at the building will be maintained in the building's office.
7. The District will have pre arranged sites for emergency sheltering and transportation as needed.
8. The 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 District also will designate a District official or his or her designee to meet local fire or law enforcement agents upon their arrival.

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 building office. Facility diagrams and site plans will be provided to first responders, such as fire and law enforcement personnel.

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 building office and updated annually. District staff will receive training on how to make emergency contacts, including 911 calls, when the District's main telephone number and location is electronically conveyed to emergency personnel instead of the specific building in need of emergency services. 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.

E. Warning Systems

The 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 crisis management committee to inform District students and staff 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 District staff 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 District 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 Convener 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 Convener 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.

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, school social worker, community grief counselors, or others in the community.

Grief-counseling procedures will be used whenever the District staff 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. School Social Worker will meet with relevant persons, including school psychologists and counselors, to determine the level of intervention needed for District 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 District students or staff.
5. Provide follow-up services to District students and staff who receive counseling.
6. Resume normal school routines as soon as possible.

V. SAMPLE PROCEDURES INCLUDED IN THIS POLICY

A. 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.

1. Fire

2. Hazardous Materials
3. Severe Weather: Tornado/Severe Thunderstorm/Flooding
4. Medical Emergency
5. Fight/Disturbance
6. Assault
7. Intruder
8. Weapons
9. Shooting
10. Hostage
11. Bomb Threat
12. Chemical or Biological Threat
13. Checklist for Telephone Threats
14. Demonstration
15. Suicide
16. Lock-down Procedures
17. Shelter-In-Place Procedures
18. Evacuation/Relocation
19. Media Procedures
20. Post-Crisis Procedures
21. School Emergency Response Team
22. Emergency Phone Numbers
23. Highly Contagious Serious Illness or Pandemic Flu

VI. 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.

B. Visitors

The District shall implement procedures mandating visitor sign in and visitors in school buildings. The 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 District shall establish procedures allowing student victims of criminal offenses on school property the opportunity to transfer to another school.

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)