

ISD #314
Isanti, Pine, Chisago,
& Kanabec Counties
Braham, MN 55006

AGENDA
REGULAR SCHOOL BOARD MEETING
Monday, October 20, 2014
7:00 pm – BAHS Community Room

1. Regular meeting called to order by Chair. Pledge of Allegiance.
Roll call.
2. Adopt Agenda.
3. Consent Agenda:
 - a. Approve the minutes of the September 15th Regular and the October 9th Working Board meetings.
 - b. Approve the October bills.
 - c. Review and accept the October Treasurer's report.
 - d. Enrollment Analysis.
4. Acknowledgement of Donations or Contributions.
5. Acknowledge Volunteer Help.
6. Open Forum
7. Consider acceptance of the FY 2014 School District Audit Report
8. Review Student Council Representative's report.
9. Review Elementary Principal's report.
10. Review Assistant Principal/Activities Director report.
11. Review High School Principal's report.
12. Review District Assessment Coordinator's report.
13. Review Community Education Director's report.
14. Superintendent's Report
15. School Board members' reports/updates.
16. Consider Personnel items.
17. Consider ratification of the Community Education Director contract for 2013-2015.
18. Consider 2014-2015 Seniority Lists for Instructional and Support Personnel
19. Consider bids received for snowplowing for the 2014-15 & 2015-16 seasons.
20. Consider approval of fundraisers for several groups.
21. Consider District Policy SECOND READING of six policies
22. Set Working Board meeting.
23. Reminder of the November School Board meeting.
24. Adjourn.

1. Meeting called to order by Chair. Pledge of Allegiance.

Roll Call.

2. Adopt agenda.

3. Consent Agenda.

- a. Approve the minutes of the September 15th Regular and the October 9th Working School Board meetings.

Ind. School District No. 314
Isanti, Pine, Chisago & Kanabec Counties
Braham, MN 55006

Regular School Board Meeting
Monday, September 15, 2014
7:00 pm – BAHS Community Room

The regular school board meeting was called to order by Chair Steve Eklund at 7:00 p.m. The Pledge of Allegiance was given.

Members present: S. Eklund, R. Hughes, Z. Braund, T. Cuda, A. Flowers, A. Londgren, M. Thompson and Supt. Gregory Winter.

Members absent: None

Motion by R. Hughes, second by M. Thompson to adopt the agenda with the additions of: employee lane correction; approval of School Board member employment; revision of employee maternity leave request; MSHSL Foundation resolution; and "C" Schedule MOU.

Motion by M. Thompson, second by A. Flowers to approve the minutes of the August 13th Working School Board and August 18th Regular school board meetings; approve the September bills of \$449,380.97; accept the September Treasurer's report. and, review the enrollment analysis. Carried.

Motion by R. Hughes, second by A. Londgren, to adopt the resolution acknowledging August 2014 donations. "BE IT RESOLVED, by the School Board of Independent School District No. 314 that the School Board accepts with appreciation the following contributions and permits their use as designated by the donors. Carried.

Donor	Item and/or Amount	Purpose
Gordon & Alice Stone	\$1,000.00	Football

There was nothing addressed under Open Forum.

Student Council Co-Presidents, McKenzie Larson, Angela Bendickson and Secretary Hunter Richmond reviewed their written report which included updates about Homecoming Week, Bomber Apparel sales, and continued recycling and announcements. Chair Eklund expressed his appreciation to Student Council and stated "you are truly ambassadors for the district".

Elementary Principal Jeff Eklund reviewed his written report. There was a great turnout for Open House. Kindergarten Orientation included a parent meeting with Jonelle Klemz, School Social Worker to discuss the importance of attendance. He thanked BEPO, Knife River, D & M Excavating and the high school Woods Class for their efforts that went into providing a larger sandbox at the elementary. Last year's MCA scores were reviewed. BAES students did a great job on their reading and math scores. The scores are the result of students, parents and staff efforts.

Motion by A. Londgren, second by M. Thompson to accept the District Mentoring handbook as updated and presented to the board. Carried

Activities Director Shawn Kuhnke reviewed his written report. Fall activities are up and running smoothly. Congratulations to Quinn Richmond and Jessica Borchardt as the 2014 Homecoming King and Queen. The annual eight team VB tournament is set for Saturday, October 4, 2014.

High School Principal Matt Lattimore reviewed his written report. He had the opportunity to meet with each of the high school grades individually to review the new Anti-bullying Policy and BYOD. April White, new Math Corps employee, will be working with up to 20 students grades 5 - 8. The Chromebooks are being utilized in classes and teachers are implementing the use in their class curriculum. Homecoming Coronation was Sunday, September 14 and was well done and very fun.

Board members reviewed the District Assessment Coordinator's report as submitted by Allison Marcus, DAC Coordinator. The scores look very good. Sup't Winter will be meeting with the Admin Team and Alli Marcus to continue to look ahead at the BYOD impact on expanding the curriculum.

Community Ed Director Cheryl Arnold reviewed her written report. All fall pre-school classes are filled. Eleven families were able to receive full tuition through grant opportunities and CE Director Arnold will continue to seek out other grants to assist more families in need of help with tuition. Early Childhood Screening is scheduled for Wednesday, October 1st, 2014. Appts are filling fast. The first CE Advisory Council meeting is scheduled for Thurs., Oct., 9th in the BAES Media Center at 6 p.m. The Annual Halloween Party will be Friday, October 31st from 5:30 to 7:30 p.m. Donations and volunteers are still needed.

Sup't. Winter reviewed his written report. He stated there would be a Working School Board meeting in the future to discuss weather related school closure. Sup't Winter met with Marc Johnson, ECMECC Director and Patrick Plant, prospective consultant to discuss development of a strategic plan for the ECMECC program. Sup't Winter also attended the Isanti County Collaborative meeting, Levy Seminar conference, and the Sup't Regional meeting. The hand wash stations and elementary key card access system are the only two projects awaiting completion. He stated it was one of the best starts to the school year since he's been here.

Motion by R. Hughes, second by T. Cuda to approve the employment of School Board Member Mike Thompson as a substitute and test monitor as allowed by M.S. 123B.195 with income for said services not to exceed \$8,000 for fiscal year 2014-2015. Mike Thompson abstained from voting. Carried unanimously.

Motion by A. Flowers, second by T. Cuda to approve the Resolution of School Board Supporting Form A Application to Minnesota State High School League Foundation. **Carried.** A copy of said resolution shall become part of the official minutes.

Motion by R. Hughes, second by M. Thompson to approve the MOU with the BEA union to add the Fall Weight Room supervisor to the "C" Schedule. **Carried.** A copy of said MOU shall become part of the official minutes.

Board members reported on individual meetings and activities attended which included the School Open Houses, FB and VB games, the state fair where the E85 supermileage car was displayed, Homecoming coronation, the Grantsburg VB Tournament, and other committee meetings.

Motion by A. Londgren, second by T. Cuda to approve the lane advancements of:
Cathy Moos, HS Special Ed Teacher, from BA+45 to BA+60, Step 3.
Aitor Leniz, 5th Grade Classroom Teacher from MA+30 to MA+45, Step 11. Carried

Motion by R. Hughes, second by M. Thompson to approve the change in hours for Michelle Kamholz, EC

Paraprofessional from 1084 to 1122 hours per year. The total hours include some non-student contact hours.
Carried.

Motion by A. Flowers, second by A. Londgren to approve the employment of:

Sarah Tilkens-Rogstad as a helper/server at the high school. Ms. Tilkens-Rogstad will work 5.75 hours per day and start at Step 1 of the helper/server pay scale according to the food service workers contract. Her start date was August 25, 2014.

Nichole Nelson as the Media Center Secretary at the elementary. Mrs. Nelson will work 32.5 hours per week and will start at Step 1 of the Secretary/Para contract. Her start date was September 2, 2014.

Brittany Abel as a Title One Para at the elementary. Ms. Abel will start at Step 1 of the Title 1 paraprofessional contract. Her start date was September 8, 2014.

Gayla Bjorkquist-Bone as the BASK (Braham After School Kids) Coordinator. Ms. Bone will work approximately 25 - 28 hours per week and will start at Step 1 of the Para portion of the Secretary/Para Contract. Her start date was September 8, 2014.

Chandra Peters as a special ed paraprofessional at the elementary. Ms. Peters will start at Step 1 of the Secretary/Para Contract. Her start date was September 2, 2014.

Sarah Golly as the Special Ed/Community Ed Secretary. Ms. Golly will start at Step 1 of the Secretary/Para contract. Her start date will be September 15, 2014.

Motion by R. Hughes, second by A. Flowers to approve the "C" Schedule employment of:

Sharon Pelovsky as an ECHO Yearbook Co- Advisor. She will be placed on Lane 7, Step 1 as per the "C" Schedule. Ms. Pelovsky will be sharing this position and will be compensated according to her placement divided by 2.

Carla Maslow as an ECHO Yearbook Co- Advisor. She will be placed on Lane 7, Step 1 as per the "C" Schedule.

Ms Maslow will be sharing this position and will be compensated according to her placement divided by 2.

Aitor Leniz as the Math Masters advisor. He will be paid as per the "C" Schedule.

Nancy VanderHeyden as the Fall Musical Technical Director. She will be placed on Lane 8, Step 8 as per the "C" Schedule Contract.

Amber Hoffman as the Fall Musical Choreographer. She will be placed on Lane 4, Step 1 as per the "C" Schedule.

Tammi Johnson as the Spring Play Assistant Director. She will be placed on Lane 3, Step 9 as per the "C" Schedule. Carried

Motion by M. Thompson, second by T. Cuda to make a step correction for Brooke Hohn to MA Step 8. Carried.

Motion by A. Londgren, second by A. Flowers to approve the maternity leave as provided for in the Secretary/Para contract for Amie Shockman for up to 12 weeks beginning approximately November 7, 2014. Carried

Motion by A. Londgren, second by M. Thompson to approve the MOU of the revision of the 2014-2015 Superintendent's Contract. **Carried.** A copy of the MOU will become part of the official minutes.

Motion by T. Cuda, second by R. Hughes to certify the MAXIMUM levy authority allowable for the district's property tax levy for the 2014 payable 2015. **Carried.** Official paperwork to follow when available. A copy of said levy authority shall become a part of the official minutes.

Following an announcement by Chair Steve Eklund: Motion by M. Thompson, second by T. Cuda as follows: **Ind. School District #314's Truth-In-Taxation Public Hearing will be set as an agenda item at the Regular December School Board meeting that will be held on Monday, December 15th, 7:00 p.m. in the BAHS Community Room.** Carried.

Motion by R. Hughes, second by T. Cuda to award the land lease agreement on the school owned farm property, 27.5 acres for the 2015 contract season to Michael C. Dennis, Jr., with the top bid of \$3,198.25 which is \$116.30/acre. Carried.

Motion by A. Londgren, second by A. Flowers to consider the revision of the 2015 Health and Safety Plan Attachment 10 Performance Criteria for submission to MDE because of the increased cost of the high school boiler repair. Carried.

The FY 2014 School District Audit Report from Burkhardt and Burkhardt, School District Auditors, was sent

electronically to the board members for review. A hard copy was given to the board members at this meeting. This report will be voted on at the October Regular Board meeting. No action was required at this meeting.

Motion by R. Hughes, second by A. Flowers to approve the FFA request to attend the National FFA Convention in Louisville, KY from Oct. 27 to Nov. 1, 2014. At this time, there are three females and 2 male students that will be attending. Carried.

Motion by R. Hughes, second T. Cuda to approve the Power Mechanics request for the supermileage team to submit their application to Shell Eco Marathon and to attend the competition around April 9, 2015 in Detroit MI, if their car is selected. Carried.

Motion by A. Londgren, second by M. Thompson to approve the Power Mechanics request to attend the MTEEA supermileage competition at the Brainerd International Raceway in Brainerd, MN in the spring of 2015. Carried.

Motion by R. Hughes, second by A. Londgren to approve the first grade field trip to Franconia Sculpture Park in Shafer, MN. **Carried.** Thank you to the East Central Regional Arts Council for making this field trip possible.

The following six policies were presented for the **first reading** for consideration of adoption to be added to the District Policy Manual: #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; #524- Internet Acceptable Use and Safety Policy; and, #712 - Video Surveillance Other Than on Buses. No action is required at this time.

A TENTATIVE Working Board meeting was scheduled for Wednesday, Oct. 8, 2014 with WOLD Architect, Vaughan Diercks.

Chair Eklund reminded all present that the Regular October school board meeting is set for Monday, October 20th, 7:00 p.m., BAHS Community Room.

Motion by A. Londgren, second by A. Flowers to adjourn the meeting at 7:45 p.m.

Zane Braund, Clerk

Attest: _____
Steve Eklund, Chair

Ind. School Dist. No. 314
Isanti, Pine, Chisago &
Kanabec Counties
Braham, MN 55006

WORKING School Board Meeting
Thursday, October 9, 2014
7 p.m. - BAHS - Community Room

The WORKING meeting was called to order by Chair Steven Eklund at 7 p.m.
The Pledge of Allegiance was given.

Members present: Steven Eklund, Robert Hughes, Zane Braund, Tony Cuda, Angie Flowers,
Allison Londgren, and Sup't Winter.

Members absent: M. Thompson

Motion by A Londgren, second by A. Flowers to adopt the agenda as presented. Carried

There was continued discussion regarding the outdoor facilities needed for track, baseball and softball fields, repositioning the football field in a north/south direction, and the bleacher condition. There were three options presented. Option A had been presented in the past. Options B and C were looked at the most. Option C could pose a problem in the future if expansion of the high school building was needed. The school board, Administrative team and coaches will be asked to fill out worksheets regarding what the district needs and wants.

There was further discussion about cold weather closing. Discussion included having SchoolReach set up for notifying parents of a specific Bus Route in case of bus breakdown or getting stuck out on the route.

There was brief discussion about the audit.

Motion by A. Londgren, second by R. Hughes to adjourn the meeting.

Chair Eklund closed the Working meeting at 8:24 p.m.

Zane Braund, Clerk

Attest: _____
Steve Eklund, Chair

- b. Approve the October bills.**
- c. Review and accept the October Treasurer’s report.**
- d. Review enrollment analysis
Enrollment analysis and comparison.**

Grade	Sept 8	Oct 6
K	58	59
1	65	61
2	54	49
3	66	64
4	63	62
5	60	59
6	75	72
7	72	71
8	62	62
9	63	65
10	57	56
11	72	75
12	50	47
K - 12 Sub- Total	817	802
EC/SE	12	12
TOTAL K - 12 plus ECSE	829	814

4. Acknowledgement of donations or contributions.

Minnesota Statute 123B.02 permits school boards to “...receive, for the benefit of the district, bequests, donations, or gifts for any proper purpose and apply the same to the purpose designated. In that behalf, the board may act as trustee of any trust created for the benefit of the district, and for the benefit of pupils thereof.”

Therefore, the Superintendent recommends the following resolution:

“BE IT RESOLVED by the School Board of Independent School District No.314 that the School Board accepts with appreciation the following contributions and permits their use as designated by the donors.

Donor	Item and/or Amount	Purpose
Ron German - Drywall Company	\$255.00	FFA trip
Brian & Ken Fiedler - East Central Tire	\$200.00	FFA
Anonymous Donor	\$1,000.00	Scoreboard for E gym
Grandy Lions	\$5,000.00	FFA Greenhouse project
Kanabec - Isanti Co Farm Bureau	\$500.00	FFA Greenhouse project
Braham Moose Lodge #1544	\$500.00	FFA

5. Acknowledge Volunteer Help.

Thank you to the volunteers who assisted with the Vision and Hearing Screening for grades 1,3,5,7, 10 and Early Childhood Screening this fall. The volunteers were from: Pine Technical and Community College Nursing Program Instructor, Kristin Madigan; and, students Megan Bajor, Theresa Barman, Tanya Jacobs, Catherine MacKenzie, Joyce Norlander, Shannon Olson, Brittney Tyler, and Charity Wittmer; and, Parent Volunteers: Angie Beckman, Carrie Davis and Sue Riesing; and, Isanti County Public Health Nurse, Dawn Fiedler; and, RN Becky Hesselroth for their help with the Vision and Hearing Screening with grades 1,3,5,7, and 10.

6. Open Forum.

7. Consider acceptance of the FY 2014 School District Audit Report.

The Board is asked to take formal action to accept the FY 2014 School District Audit Report as presented by District Auditors Burkhardt and Burkhardt, at the meeting.

8. Review Student Council Representative's report.

**BAHS Student Council
School Board Report
October 2014**

Homecoming Week: September 15-19, 2014

Our Homecoming Week went very good.

Bomber Apparel and Accessories:

We will be selling clothing, etc. at the remaining home volleyball matches, and are currently designing new apparel for the upcoming winter sport season.

Recycling and Announcements:

We will continue to do recycling and read announcements on Fridays.

Tusen Tack Semi Load Up

Several hard working Student Council members helped Tusen Tack load up a semi-truck full of bags of clothing.

Student Leadership Workshop

Four young ladies went to a Student Leadership Workshop last week in Saint Cloud, where they learned valuable tools to help make a difference around our school.

Highway Ditch Clean Up

We will try and do this in the fall, but due to weather we might have to push it back to the spring.

9. Review Elementary Principal's report.

Braham Area Elementary October Board Report

1. Fire Prevention Week (Oct. 6-10)

- Thank to the Braham Fire Dept for spending time with us.
- Students rotated through different stations learning about fire safety.
- Since this program has been in place, fire calls have gone down.

2. Kindness in Chalk

- Thank you to Tracy Fix for bringing this exciting opportunity to BAS last week.
 - October is national bullying awareness month. Parents, friends, etc. were encouraged to grab a piece of chalk and write something kind, positive, or inspirational on the sidewalk.
- Thanks to the BAES parents that put a post-it note in EVERY student's locker K-6 with a treat and word of encouragement.

3. New Wash Stations

- Will be installed over MEA break. (we've been told!) :)

4. Key Card Access

- 3 entry points (Doors 1, 3, & 5)
- Eliminate key access to building

5. **Bomber PRIDE**

- Assembly October 15
- We will recognize all Kindergarten students and new students

6. **Title I**

- Please review the website
 - Parent Involvement Plan
 - Important Title I information
- Parent/Teacher Compact

7. **Rachels Challenge**

- Elementary program Oct. 28th
 - K-4 --Kindness and Compassion
 - 5-6--Rachel's Story
- Grades 7-12, Oct. 29th
- Community Meeting Oct. 29th @ 6:30 (Braham Community Ctr.)

8. **MAASFEP (Oct. 1-3)**

- **Updates and review on Title I policy**
 - **MMR review/explanation**
-

10. **Review Assistant Principal/Activities Director report.**

**Activities Director
School Board Report
October 20, 2014**

1. *Annie* dates and times are just around the corner:
 - i. November 8, 14 and 15 at 7:00 pm
 - ii. November 9 and 16 at 2:00 pm
2. Please be aware of the following dates for upcoming playoffs:
 - i. Cross Country Sections: at Milaca on October 23
 - ii. Volleyball Subsections: (higher seed) October 23
 - iii. Football Sections: (higher seed) October 21
3. Winter Sports will kick off with the JH Girls Basketball beginning on Monday, October 27th
 - i. C/JV/V Boys Basketball November 10
 - ii. C/JV/V Girls Basketball November 17
 - iii. Wrestling November 17
 - iv. JH Boys Basketball January 5
4. Participation numbers:
 - FFA Chapter:** 24 students
 - Jazz Band:** 13 students
 - Echelon:** 20 students

5. The home Volleyball Invite went well on Saturday, October 4 with Albany winning the tournament in both Varsity and JV.

Congratulations to the Volleyball team and their coaches for solidifying at least a tie for the Great River Conference Championship at Rush City on Tuesday. They have a chance of winning the conference title outright with a win in either of their next two games!

6. We are currently accepting applications for the EXCEL awards. The application process closes on October 15.

Respectfully Submitted, Shawn Kuhnke

11. Review High School Principal's report.

School Board Report October 2014 Matthew Lattimore, Principal

Homecoming 2014

We had a great homecoming this year. Student Council did a great of organizing all of the events and everything went off without an issue.

LEEA Award

Charity Allen was nominated by fellow staff members to represent Braham Area High School at the Leadership in Education Excellence Award that is sponsored through Resource and Training. Charity is a chemical health counselor that works with the students of Braham Area High School. She is also the advisor to SADD, Students Against Destructive Decisions.

½ Curriculum Day

We had our half day curriculum day on October 7th. The staff had a chance to work in grade level/ departments to review their curriculum and continue to align them with the state standards. It also gave the 1:1 group time to meet to discuss the initiative and make any needed modifications to the curriculum. Staff saw presentations on digital curriculum available to them and virtual field trips that are available to their classes.

Rachel's Challenge

We have been preparing for the presentation of Rachel's Challenge on October 29th. The students will see an hour long presentation in the morning about the life of Rachel Scott and her challenge to our students. In the afternoon 60 students will continue with further training to create a new group at the high school called Friends of Rachel. This presentation and group will be a great addition to the anti-bullying training we have been doing at the high school.

Multiple Measurements Rating (MMR) Reports

At the beginning of October, we received our Multiple Measurements Rating (MMR) from MDE. We are still in the process of breaking down the data, and finding areas that we can improve on.

Veterans Day Program

The 5th Annual Veterans Day program will be running on November 11th. We have invited local

veterans to attend, along with the local VFW Color Guard. Band and Choir will perform and students will be reading poems and speeches. I invite you all to attend at 8:15 am on November 11th.

12. Review District Assessment Coordinator's report.

District Assessment Coordinator
School Board Report

Optional Local Purpose Assessment (OLPA)

During October, teachers and students in grades 3-8 will have the opportunity to utilize the OLPA's to gauge each student's level of preparedness for the spring MCA testing. This test will be offered again in the spring as another checkpoint in preparation.

Career Testing

During the month of November, the 8th graders, 10th graders, and 11th graders will have the opportunity to complete various career assessments. The 8th graders will complete the ACT EXPLORE test. The EXPLORE test gives information about each student's knowledge, skills, interests, and potential plans. The 10th graders will be utilizing the ACT PLAN test. The PLAN test provides feedback within the four core areas of Math, reading, Science, and English for students as well as how each student's identified strengths correspond with various career options. The 11th graders will complete the ASVAB exam. This is an assessment that is provided to students by the military. The ASVAB focuses on four main areas of Arithmetic Reasoning, Word Knowledge, Paragraph Comparison, and Mathematics Knowledge. The results from the ASVAB are then translated into information about developed abilities and ability predictions. All of these tests are geared toward helping all students become college and career ready.

Multiple Measures Report (MMR)

The MMR provides districts with information regarding proficiency status compared to other schools within the state; as well as growth, achievement gap, and graduation rate information. Target scores are set by the state and each district is evaluated based on their progress toward their target score. A PowerPoint presentation with more detailed information will be shared at the meeting.

Respectfully Submitted,
Allison Marcus

13. Review Community Education Director's report.

Braham Area Community Education
Board Report Information submitted by Cheryl Arnold- 10/12/14

Community Ed Partnerships/Collaborations - Continuing to work with other programs for classes.

Annual Community Ed State Report- Due Nov. 1st

Fall Preschool Classes-

-Classes are FULL.

-MDE has 2 types of funding available to our school district. Currently we have been approved to receive both scholarships for our program.

ECFE- Early Childhood Family Education - Weekly ECFE clases- we have 8 families

Early Childhood Screening - Screened 25 students, 4 re-screens & 6 ECSE referrals.

Community Education and Early Childhood Program Advisory Council - will give update

Annual Halloween Party- October 31 BAES- 5:30-7:30pm - Still looking for Donations and Volunteers!

14. Superintendent's report.



Superintendent's Report for Oct '14

A. Some updates on meetings and conferences that I have recently attended:

RRSEC: The Executive Committee discussed a number of personnel moves along with policy updates. There was also much discussion on the state statute on Special Education case loads. This may have an impact on staffing down the road.

ECMECC Governance: New officers were elected, Mr. Eklund was re-elected Chair of the ECMECC Governance Committee. Items discussed were ITV class sections, Network Bandwidth and Video Conference dollar bank. The budget was also discussed with with some explanation on revenue sources.

SEE: Paul Thissen, the current speaker of the Minnesota House of Representatives and Kurt Daudt the Minority Leader of the Minnesota House of Representatives were there to discuss the upcoming session following the November election. Tom Melcher also gave a presentation on the changes in school funding.

MASA: Attended many interesting sessions. One session, "Collaboration Through Technology" highlighted a program we had been a part of last year. The session discussed schools receiving music lessons through the MacPhail Center for the Arts.

District Curriculum: The District Curriculum Committee met on the ½ day. A number of agenda items were discussed. Two agenda items, Status of 1:1 and Use of eBooks took up much of the time of the meeting. Both initiatives are going well, however, more support and time is needed to fine tune the curriculum.

SEE Regional: The regional meeting was at the Creamery in Isanti. The group discussed the

upcoming platform for the SEE organization. They are looking for approval from the regional committees for their platform as the legislature reconvenes in the funding year of the next biennium. Also discussed was the upcoming election and some of the possible outcomes that may impact school funding and policies.

15. School Board members' reports/updates.

16. Consider Personnel items.

Michael Faurie - Long Term Substitute PhyEd/Health/DAPE

High School Principal Matt Lattimore is recommending Michael Faurie be hired as the Long Term Substitute in PhyEd/Health/DAPE. Mr. Faurie has previous experience long term substitute teaching in PhyEd/Health/DAPE. Mr. Faurie will be with us from the departure of Mrs. Engelking until her return from maternity leave.

Melissa Banks- High School Special Education Paraprofessional long term sub

High School Principal Matt Lattimore is recommending Melissa Banks be hired as the 5 hour per day High School Special Education Paraprofessional long term sub. Ms. Banks has previous experience as a para in the Mora School district. Ms. Banks will start at Step 1 on the para scale of the Secretary/Paraprofessional Contract. Her first day of employment will be October 20, 2014.

Lane Advancement Request

Lori Auers - Kindergarten Teacher,

Lori Auers, Kindergarten Teacher has submitted a request for lane advancement from MA+45 to MA+60. Ms. Auers has completed all necessary requirements to qualify for this lane advancement. Ms. Auers 2014-2015 salary will be based on MA+60, Step 11.

Long-Term Leave of Absence Request

Heidi Nordby - HS paraprofessional

Heidi Nordby, high school paraprofessional has submitted a leave of absence request for up to one year. Her last day of work for Braham Schools would be Wednesday, October 15, 2014. It is the recommendation of the Sup't that the board approve this leave of absence.

Employee Family Medical Leave Request

Britne Engelking, - HS Phy Ed/Health Teacher

Britne Engelking, has requested that her maternity leave be changed to a leave request under the Family Medical Leave Act. Her leave started September 18th, 2014 until after the baby is born. She is requesting that her total absence would be 12 weeks.

Employee Request for Medical Leave

Lynette Simmons - HS Special Ed Para

Lynette Simmons, HS Special Ed Para has submitted a request for medical leave as per the Secretary-Para Contract effective October 1, 2014 due to her medical condition and the updated requirements of her special ed para position. It is the recommendation of Sup't Winter that the board approve this request.

"C" Schedule Employment Change

Kendell Proell – 7th Grade Baseball

AP / AD Shawn Kuhnke is recommending an employment change for Kendell Proell from JV Track and Field to be hired as the 7th grade Baseball coach starting spring 2015. Mr. Proell will be placed on Lane Four, Step 2 as per the "C" Schedule Contract for 2014-2015.

"C" Schedule Employment Recommendations

Joe Lakeberg – Head Track and Field

AP / AD Shawn Kuhnke is recommending Joe Lakeberg to be hired as the Head Track & Field Coach starting spring 2015. Mr. Lakeberg will be placed on Lane Ten, Step 4 as per the "C" Schedule Contract for 2014-2015.

Amber Hoffman – Knowledge Bowl

AP / AD Shawn Kuhnke is recommending Amber Hoffman to be hired as the Knowledge Bowl Coach starting winter 2014. Ms. Hoffman will be placed on Lane Two, Step 1 as per the "C" Schedule Contract for 2014-2015.

Brea Durovec – JV Track

AP / AD Shawn Kuhnke is recommending Brea Durovec to be hired as the JV Track Coach starting spring 2015. Ms. Durovec will be placed on Lane Eight, Step 1 as per the "C" Schedule Contract for 2014-2015.

Katy Ederer – JH Track and Field

AP / AD Shawn Kuhnke is recommending Katy Ederer to be hired as the JH Track and Field Coach starting spring 2015. Ms. Ederer will be placed on Lane Four, Step 1 as per the "C" Schedule Contract for 2014-2015.

17. Consider ratification of the Community Education Director contract for 2013-2015.

The school board negotiating team has reached a tentative agreement with the Community Education Director. The contract is in the signature file for review, if desired. It is recommended that the full board act to ratify this contract agreement.

18. Consider 2014-2015 Seniority Lists for Instructional and Support Personnel

<h2 style="margin: 0;">Braham Area Public Schools --- Instructional Staff - Detailed Seniority List 14-15</h2>

No.	NAME	START DATE	Ten-ured	CURRENT VALID LICENSURE	EXPIRATION	CURRENT GENERAL ASSIGNMENT
1	Berry, Mary	8/20/1981	T	Mild-Severe M HDCP, Elem. Educ. Tchr/Cood Work Exp. Handicapped	2015	3rd Grade
1	Vaughan, Robert	8/20/1981	T	Social Studies, Coaching (7-12)	2018	Social Studies
2	Kirby, Roxanne	9/4/1987	T	Elem. Educ. (K-6)	2019	Kindergarten
3	McDonald, Dayla	9/2/1988	T	Elem. Educ. (PreK-6)	2019	6th Grade
4	Bergren, Bethany	8/29/1990	T	Elem. Educ. (1-6)	2017	2nd Grade
5	Pearson, Susan	8/31/1993	T	Phy Ed. (K-12), Coach (7-12) Develop/Adapt PhyEd(PreK-12)	2015	Elem. Phy Ed/DAPE
6	Monson, Shane	8/29/1995	T	Elem. Educ. (1-6), Coaching Principal K-12	2017 2015	6th Grade
7	Auers, Lori	1/1/1997	T	Elem. Educ. (K-6)	2018	Kindergarten
8	Vanderport-Johnson, Carmen	1/24/2000	T	English/Language Arts Principal K-12/Dist. Sup't.	2015 2015	English
9	Kuhnke, Shawn	8/29/2000	T	Elem. Educ. (1-6) K-12 Principal	2017 2016	AD / Asst Principal
9	Leniz, Aitor	8/29/2000	T	Elem. Educ. (K-6)	2016	5th Grade
9	Leniz, Karen	8/29/2000	T	Elem. Educ. (1-6)	2017	3rd Grade

10	Fox, Shannon	8/28/2001	T	English/Language Arts/Coaching	2019	English
10	Halvorson, Kimberly	8/28/2001	T	Elem. Educ. (1-6)	2019	2nd Grade
10	Johnson, Tammi	8/28/2001	T	Soc. Studies, Media Specialist Principal (K-12)	2015 2016	Media Coord .50; Psych .33 & .17 Elem tech
10	Olson, Dawn	8/28/2001	T	Elem. Educ. (K-6)	2018	Kindergarten
10	Sparling, Jay	8/28/2001	T	Social Studies-All (7-12)	2016	Social Studies
10	Weisz, Paulette	8/28/2001	T	Speech/Lang Path. (PreK-12)	2017	Speech/Lang. Clinician
11	Lundin, Jennifer	1/21/2002	T	English/LangArts(7-12) Reading(K-12)	2018	English / 1st Gr Rdg Gifted & Talented Coord
12	Eichten, Jared	8/26/2002	T	Industrial Arts (5-12)	2017	U.L.O.A.
13	Johnson, Bryan	8/25/2003	T	InstrBand/Orch, Classroom Music	2016	Music
13	Swanson, Becky	8/26/2003	T	Social Studies - ALL (7-12)	2015	Social Studies .5 FTE
14	Hohn, Nicholas	8/28/2003	T	Elem. Educ. (K-6), Social Studies (5-8)	2017	Elem Tech Tchr & Assistive Integration
15	Ludwig, Emily	8/30/2005	T	Mathematics (5-12)	2015	7 & 8 Math
16	Blomdahl, David	8/30/2006	T	Life Science, Science (5-8)	2016	7 & 8 Sci / Human Anatomy
17	Blomdahl, Katie	8/29/2007	T	Elem. Educ.(K-6), Math (5-8)	2016	1st Grade
17	Fix, Tracy	8/29/2007	T	Elem. Educ.(K-6), 5-8 Math	2018	6th Grade
17	Hanson, Ashley	8/29/2007	T	Elem. Educ. (K-6) PrePrimary/Early Childhood	2017	4th Grade
17	Hohn, Brooke	8/29/2007	T	Elem. Educ.(K-6), 5-8 Math	2017	1st Grade
17	Lee, Kristi	8/29/2007	T	Speech/Lang.Pathologist (PreK-12)	2015	Speech/Lang. Pathologist
17	Tye, Eric	8/29/2007	T	EBD (K-12)	2017	H.S. Special Education
18	Engelking, Britne	11/12/2007	T	Phy. Ed. (K-12), Health DAPE (PreK-12)	2015	Phys Educ/Health/DAPE
19	Stone, Beth	1/22/2008	T	Mathematics (5-12)	2018	HS Math

20	DeRushia, Andrea	8/27/2008	T	Elem.Educ.(K-6), Math (5-8)	2016	2nd Grade
21	Beidleman, Kimberly	9/2/2009	T	Early Childhood Educ(Birth-Gr.3)	2019	Title 1 Reading/ESL
				Elem. Educ. (K-6)	2019	
				K - 12 Reading		
22	Tomczak, Cassandra	1/25/2010	T	Phy. Ed./Health Educ. (K-12)	2016	3-6 Gr Phy. Ed./Health
				- .14 Variance for DAPE	2014	5/6 DAPE
23	Maher, Kearina	8/31/2010	T	Mathematics (5-12)	2015	H.S. Math
24	Harvey, Shandell	8/30/2011	T	Elem. Educ./Comm.Arts,Lit(5-8)	2018	5th Grade
24	Klemz, Jonelle	8/30/2011	T	School Social Worker (PreK-12)	2019	Social Worker
24	Lemieux, Lori	8/30/2011	T	Elementary Education (1-6)	2017	4th Grade
25	Eklund, Jeffrey	7/30/2012	T	Principal K-12	2017	Elementary Principal
				Phy. Educ. (K-12)	2017	
26	Moos, Catherine	8/28/2012		Elem.Educ., LD, Pre-Primary	2018	5 - 9 Special Ed
26	Olson, Mariah	8/28/2012		ECSE (B - Age 6)	2017	ECSE
26	Palmer, Leah	8/28/2012		LD (K-12)	2017	SLD
27	Mattson, JeanAnn	9/24/2012		Elem. Educ. (K-6)	2017	1st Grade
28	Proell, Kendell	8/26/2013		K-12 Phy Ed / 5-12 Health	2019	Phy Educ/Health Gr 7-9
28	McNallie, Laurie	8/26/2013	T	Fam & Cons Sci (5-12)	2015	Family & Consumer Sci .67
				Reading (K-12)		
28	Becker, Luke	8/26/2013		Ind Tech / Vo Ag (K-12)/Wrk Based Lrng	2019	Ind Tech & Voc Ag
28	Lund, Candice	8/26/2013		Elem. Educ.K-6, Soc St 5-8	2018	Kindergarten
28	Prigge, Karen	8/26/2013	T	DCD (K-12)	2016	HS Spec Ed DCD
29	Jibben, Shawnda	1/4/2014		LD (K-12), Social Studies (5-12)	2018	5-12 Spec Ed LD
30	Lattimore, Matthew	7/1/2014		Social Studies (All), Principal K-12	2016	Secondary Principal

31	Hoffman, Amber	8/26/2014		Science 5-8; Life Science	2019	Sci 9 & Biology
31	Thompson, Deborah	8/26/2014		Spanish	2016	.5 FTE Spanish
31	Lakeberg, Joe	8/26/2014		Physical Education	2019	Elem Special Ed Waiver in Progress
31	Durovec, Brea	8/26/2014		Elementary Education	2019	3rd Grade
31	Thies, Katie	8/26/2014		Vocal & Class music Instr/(Band/orch) & class music	2017 2018	K-12 Vocal Music
31	Flogel, Tiffany	8/26/2014				Business Ed - submitted 6/14
31	Marcus, Allison	8/26/2014		School Counselor	2019	HS School Counselor
31	Weiss, Kayla	8/26/2014		Elementary Education	2019	5th Grade
31	Ederer, Kathryn	8/26/2014		Elementary Education	2015	4th Grade
31	Rud, Kelly	8/26/2014		Special Education LD/EBD, PE, Coach	2019	Elem Special Education
31	Pelovsky, Sharon	8/26/2014		Visual Arts	2016	Art - Grades 7 - 12
31	Lakeberg, Brittany	8/26/2014		Math Gr 5-12 Community Ed Dir	2018 2015	Sci 8; Chem; STEM 8; & Enr Chem - Variance until 5/29/15
	Community Educ.					
1	Arnold, Cheryl	8/28/2001	T	Pre-Kindergarten/Comm Educ Dir	2015	ECFE Coord/Tchr
2	Monson, Kristina	8/26/2014		Elementary Education	2018	Early Childhood Tchr .81 FTE
	Rasmussen, Lindsay	8/26/2014		not applicable		P/T Early Childhood Tchr
	Billstrom, Jodie	8/30/2013	N/A	Community Expert	2015	ECFE Parent Facilitator
School Board Approved: _____				Date: _____		

SENIORITY LIST - SUPPORT PERSONNEL

FALL 2014

TITLE I	Marcelene Linn	1999 (Sept)
A.O.M.	Kathy Sutton	2005 (Dec)
	Kayla Richmond	2013 (Aug)
	Sarah Anderson	2013 (Aug)
	Brittany Abel	2014 (Sep)
<hr/>		
CLERICAL & PARA STAFF	Janet Strohkirch	1983 (Aug)
	Lois Parson	1984 (Oct)
	Retta Nelson	1988 (Oct)
	Edie Kaunonen	1989 (Feb)
	Teresa Person	1992 (Oct)
	Merideth Coleman	1995 (Dec)
	Barb Johnson	1998 (Jan)
	Julie Johnson	1998 (Oct)
	Lynette Simmons	1999 (Oct)
	Heidi Nordby	2004 (Oct)
	James Albright	2004 (Oct)
	Kristine Stull	2005 (Sept)
	Averyl Rude	2005 (Oct)
	Dana Hendren	2006 (Jan)
	Michelle Becker	2006 (Oct)
	Carla Maslow	2007 (Sept)
	Amie Shockman	2012 (Sept)
	Ellen McKinney	2012 (Oct)
	Ramona McAllister	2013 (Sept)
	Lucy Pinataro	2014 (Mar)
	Michelle Kamholz	2014 (Apr)
	Lori Williams	2014 (Aug)
	Nichole Nelson	2014 (Aug)
	Chandra Peter	2014 (Sep)
	Gayla Bone	2014 (Sep)
	Sarah Golly	2014 (Sep)
<hr/>		
CUSTODIAL STAFF	Randy Coleman	1985 (Feb)
	Bonnie Swanson	2003 (Dec)
	Alan Haggemiller	2005 (Aug)
	Mariys Carlson	2010 (Nov)
	Tim Burton	2014 (Jan)
	Stephanie Hamilton	2014 (Apr)
	Andrew Olson	2014 (Sept)
<hr/>		
FOOD SERVICE STAFF	Melinda Husnick	2003 (Nov)
	Tammy Johnson	2004 (Oct)
	Cindy Ledford	2006 (Dec)
	Gay Hagford	2012 (Feb)
	Terri Stone	2012 (Dec)
	Mary Rubink	2014 (Feb)
	Hydie Hecht	2014 (Apr)
	Sarah Tilkens-Rogstad	2014 (Aug)

School Board Approved: _____

Date: _____

19. Consider bids received for snowplowing for the 2014-15 & 2015-16 seasons.

Bids were due by Wednesday, October 1, 2014, 2:00 p.m. and were opened the same day.

Name	Bid amount	Bid amount	Bid amount
Held for Winter Storage & Snowplowing	P/U with plow \$50/hour	Skid steer/bobcat \$55/hour	Loader \$65/hour
This was the only bid received.			

20. Consider approval of fundraisers from requesting groups.

The following groups have requested approval for the fundraisers listed below for 2014-15:

Group	Kind of fundraiser	Estimated \$ raised
Cross Country	Entertainment Books	\$400
Cross Country	Concessions	\$1,000
Jr High Choir/Band	Magazine sales	\$1,500
Super Mileage	Letters to donors	\$2,000
Baseball	Concessions	\$1,200
Football	Gold Cards	\$5,000
Football	Concessions	\$1,500
FFA	Fruit & Meat sale	\$3,000
JR/SR Prom	Bagging groceries @ CUB	\$800-1,000
Volleyball	Host a Tournament (10/4)	\$1,500
Volleyball	Concessions	\$1,500
VB for Breast Cancer	Dig Pink Night	\$1,500

21. Consider SECOND reading of MSBA Policies #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; #524 - Internet Acceptable Use and Safety Policy; and, #712 - Video Surveillance Other Than on Buses.

413 HARASSMENT AND VIOLENCE

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

A. The policy of the school district is to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability. The school district prohibits any form of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

B. A violation of this policy occurs when any pupil, teacher, administrator, or other school personnel of the school district harasses a pupil, teacher, administrator, or other school personnel or group of pupils, teachers, administrators, or other school personnel through conduct or communication based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, as defined by this policy. (For purposes of this policy, school personnel includes school board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the district.)

C. A violation of this policy occurs when any pupil, teacher, administrator, or other school personnel of the school district inflicts, threatens to inflict, or attempts to inflict violence upon any pupil, teacher, administrator, or other school personnel or group of pupils, teachers, administrators, or other school personnel based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

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

III. DEFINITIONS

A. "Assault" is:

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

B. "Harassment" prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals' race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability when the conduct:

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

C. "Immediately" means as soon as possible but in no event longer than 24 hours.

D. Protected Classifications; Definitions

1. "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:
 - a. has a physical, sensory, or mental impairment which materially limits one or more major life activities;
 - b. has a record of such an impairment; or
 - c. is regarded as having such an impairment.
2. "Familial status" means the condition of one or more minors being domiciled with:
 - a. their parent or parents or the minor's legal guardian; or
 - b. the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against harassment on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.
3. "Marital status" means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.
4. "National origin" means the place of birth of an individual or of any of the individual's lineal ancestors.
5. "Sex" includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
6. "Sexual orientation" means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness. "Sexual orientation" does not include a physical or sexual attachment to children by an adult.
7. "Status with regard to public assistance" means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.

E. 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 employment or an education; or
 - b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
 - c. that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment or educational environment.
2. Sexual harassment may include, but is not limited to:

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

F. Sexual Violence; Definition

- 1. Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts, as defined in Minn. Stat. § 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.

G. Violence; Definition

Violence prohibited by this policy is a physical act of aggression or assault upon another or group of individuals because of, or in a manner reasonably related to, race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

IV. REPORTING PROCEDURES

A. Any person who believes he or she has been the victim of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability by a pupil, teacher, administrator, or other school personnel of the school district, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a pupil, teacher, administrator, or other school personnel or group of

pupils, teachers, administrators, or other school personnel should report the alleged acts immediately to an appropriate school district official designated by this policy. The school district encourages the reporting party or complainant to use the report form available from the principal of each building or available from the school district office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a school district human rights officer or to the superintendent.

B. In Each School Building. The building principal, the principal's designee, or the building supervisor (hereinafter building report taker) is the person responsible for receiving oral or written reports of harassment or violence prohibited by this policy at the building level. Any adult school district personnel who receives a report of harassment or violence prohibited by this policy shall inform the building report taker immediately. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant. School district personnel who fail to inform the building report taker of a report of harassment or violence in a timely manner may be subject to disciplinary action.

C. Upon receipt of a report, the building report taker must notify the school district human rights officer immediately, without screening or investigating the report. The building report taker may request, but may not insist upon, a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the building report taker to the human rights officer. If the report was given verbally, the building report taker shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any harassment or violence report or complaint as provided herein may result in disciplinary action against the building report taker.

D. In the District. The school board hereby designates **School Counselor** as the school district human rights officer(s) to receive reports or complaints of harassment or violence prohibited by this policy. If the complaint involves a human rights officer, the complaint shall be filed directly with the superintendent.

E. The school district shall conspicuously post the name of the human rights officer(s), including mailing addresses and telephone numbers.

F. Submission of a good faith complaint or report of harassment or violence prohibited by this policy will not affect the complainant or reporter's future employment, grades, or work assignments.

G. Use of formal reporting forms is not mandatory.

H. Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

V. INVESTIGATION

A. By authority of the school district, the human rights officer, upon receipt of a report or complaint

alleging harassment or violence prohibited by this policy, shall immediately undertake or authorize an investigation. The investigation may be conducted by school district officials or by a third party designated by the school district.

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

VI. SCHOOL DISTRICT ACTION

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

VII. REPRISAL

The school district will discipline or take appropriate action against any pupil, teacher, administrator, or other school personnel who retaliates against any person who makes a good faith report of alleged harassment or violence prohibited by this policy 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, harassment, or intentional disparate treatment.

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 school district from taking immediate action to protect victims of alleged harassment, violence, or abuse.

X. DISSEMINATION OF POLICY AND TRAINING

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

Legal References: Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
Minn. Stat. § 609.341 (Definitions)
Minn. Stat. § 626.556 *et seq.* (Reporting of Maltreatment of Minors)
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)
29 U.S.C. § 621 *et seq.* (Age Discrimination in Employment Act)
29 U.S.C. § 794 (Rehabilitation Act of 1973, § 504)
42 U.S.C. § 1983 (Civil Action for Deprivation of Rights)
42 U.S.C. § 2000d *et seq.* (Title VI of the Civil Rights Act of 1964)
42 U.S.C. § 2000e *et seq.* (Title VII of the Civil Rights Act)
42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)

Cross References: MSBA/MASA Model Policy 102 (Equal Educational Opportunity)
MSBA/MASA Model Policy 401 (Equal Employment Opportunity)
MSBA/MASA Model Policy 402 (Disability Nondiscrimination Policy)
MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 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 524 (Internet Acceptable Use and Safety Policy)
MSBA/MASA Model Policy 525 (Violence Prevention)
MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)

Adopted: *MSBA/MASA Model Policy 413*
Orig. 1995
Revised: *Rev. 2012*

Braham Area Public Schools
Ind. School Dist. #314
Braham, MN 55006

414 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 school personnel to report suspected child neglect or physical or sexual abuse.

II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to fully comply with Minn. Stat. § 626.556 requiring school personnel to report suspected child neglect or physical or sexual abuse.
- B. A violation of this policy occurs when any school personnel fails to immediately report instances of child neglect or physical or sexual abuse when the school personnel 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. “Accidental” means a sudden, not reasonably foreseeable, and unexpected occurrence or event which:
 - 1. is not likely to occur and could not have been prevented by exercise of due care; and
 - 2. if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence of event.
- B. “Child” means one under age 18 and, for purposes of Minn. Stat. Ch. 260C (Child Protection) and Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment), includes an individual under age 21 who is in foster care pursuant to Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18).
- C. “Immediately” means as soon as possible but in no event longer than 24 hours.
- D. “Mandated reporter” means any school personnel 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.

E. "Neglect" means the commission or omission of any of the acts specified below, other than by accidental means:

1. failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child's physical or mental health when reasonably able to do so, including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;
2. failure to protect a child from conditions or actions that seriously endanger the child's physical or mental health when reasonably able to do so;
3. failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors such as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for his or her own basic needs or safety or the basic needs or safety of another child in his or her care;
4. failure to ensure that a child is educated in accordance with state law, which does not include a parent's refusal to provide his or her child with sympathomimetic medications;
5. prenatal exposure to a controlled substance used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child's birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance or the presence of a fetal alcohol spectrum disorder;
6. medical neglect as defined by Minn. Stat. § 260C.007, Subd. 4, Clause (5);
7. chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child's basic needs and safety; or
8. emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.

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 and depended on those means for treatment or care of disease, except where the lack of medical care may cause serious danger to the child's health.

F. "Non-maltreatment mistake" means: (1) at the time of the incident, the individual was performing duties identified in the center's child care program plan required under Minn. Rules Part 9503.0045; (2) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years; (3) the individual has not been determined to have committed a similar non-maltreatment mistake under this paragraph for at least four years; (4) any injury to a child resulting from the incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical

professional or not; and (5) except for the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing requirements relevant to the incident. This definition only applies to child care centers licensed under Minn. Rules Ch. 9503.

- G. “Physical abuse” means any physical injury, 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 or any aversive or deprivation procedures, or regulated interventions, that have not been authorized by Minn. Stat. § 121A.67 or § 245.825.

Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian which does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, or school employee as allowed by Minn. Stat. § 121A.582.

Actions which are not reasonable and moderate include, but are not limited to, any of the following that are done in anger or without regard to the safety of the child: (1) throwing, kicking, burning, biting, or cutting a child; (2) striking a child with a closed fist; (3) shaking a child under age three; (4) striking or other actions which result in any non-accidental injury to a child under 18 months of age; (5) unreasonable interference with a child’s breathing; (6) threatening a child with a weapon, as defined in Minn. Stat. § 609.02, Subd. 6; (7) striking a child under age one on the face or head; (8) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances which were not prescribed for the child by a practitioner, in order to control or punish the child, or giving the child other substances that substantially affect the child’s behavior, motor coordination, or judgment or that result in sickness or internal injury, or subject the child to medical procedures that would be unnecessary if the child were not exposed to the substances; (9) unreasonable physical confinement or restraint not permitted under Minn. Stat. § 609.379 including, but not limited to, tying, caging, or chaining; or (10) in a school facility or school zone, an act by a person responsible for the child’s care that is a violation under Minn. Stat. § 121A.58.

- H. “School personnel” means professional employee or professional’s delegate of the school district who provides health, educational, social, psychological, law enforcement, or child care services.
- I. “Sexual abuse” means the subjection of a child by a person responsible for the child’s care, by a person who has a significant relationship to the child (as defined in Minn. Stat. § 609.341, Subd. 15), or by a person in a position of authority (as defined in Minn. Stat. § 609.341, Subd. 10) 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 which includes the status of a parent or household member who has committed a violation which requires registration under Minn. Stat. § 243.166, Subd. 1b(a) or (b) (Registration of Predatory Offenders).
- J. “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.

- K. "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.
- L. "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care who has subjected the child to, or failed to protect a child from, egregious harm, or a person whose parental rights were involuntarily terminated, been found palpably unfit, or one from whom legal and physical custody of a child has been involuntarily transferred to another.

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, county sheriff, or agency responsible for assisting or investigating maltreatment.
- 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, local welfare agency, or agency responsible for assisting or investigating maltreatment. 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. Regardless of whether a report is made, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident has occurred and may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.
- D. A mandated reporter who knows or has reason to know of the deprivation of parental rights or the kidnapping of a child shall report the information to the local police department or the county sheriff.
- E. With the exception of a healthcare professional or a social service professional who is providing the woman with prenatal care or other health care services, a mandated reporter shall immediately report to the local welfare agency if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive.
- F. A person mandated by Minnesota law and this policy to report who fails to report may be subject to criminal penalties and/or discipline, up to and including termination of employment.

- G. 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.
- H. 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, state, or local agency or agencies. The agency responsible for assessing or investigating reports of child maltreatment has the authority to interview the child, the person or persons responsible for the child's care, the alleged perpetrator, and any other person with knowledge of the abuse or neglect for the purpose of gathering the facts, assessing safety and risk to the child, and formulating a plan. The investigating agency may interview the child at school. The interview may take place outside the presence of a school official. The investigating agency, not the school, is responsible for either notifying or withholding notification of the interview to the parent, guardian or person responsible for the child's care. School 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.
- B. When the investigating agency determines that an interview should take place on school property, written notification of intent to interview the child on school property will be received by school officials 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 school property.
- C. Except where the alleged perpetrator is believed to be a school official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school 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 school officials 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 school officials 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 school employees when an interview is conducted on school premises.
- D. Where the alleged perpetrator is believed to be a school official or employee, the school district shall conduct its own investigation independent of MDE and, if involved, the local welfare or law enforcement agency.
- E. Upon request by MDE, the school district shall provide all requested data that are relevant to a report of maltreatment and are in the possession of a school facility, pursuant to an assessment or investigation of a maltreatment report of a student in school. The school district shall provide the requested data in accordance with the requirements of the Minnesota Government

Data Practices Act, Minn. Stat. Ch. 13, and the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

VI. MAINTENANCE OF SCHOOL RECORDS CONCERNING ABUSE OR POTENTIAL ABUSE

- A. When a local welfare or local law enforcement agency determines that a potentially abused or abused child should be interviewed on school property, written notification of the agency's intent to interview on school property must be received by school officials 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 the interview. The notification shall be private data. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notice or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation has been concluded.
- B. All records regarding a report of maltreatment, including any notification of intent to interview which was received by the school as described above in Paragraph A., shall be destroyed by the school only when ordered by the agency conducting the investigation or by a court of competent jurisdiction.

VII. 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.

VIII. DISSEMINATION OF POLICY AND TRAINING

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

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

Minn. Stat. § 121A.58 (Corporal Punishment)

Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)

Minn. Stat. § 121A.67 (Aversive and Deprivation Procedures)

Minn. Stat. § 243.166, Subd. 1b(a)(b) (Registration of Predatory Offenders)

Minn. Stat. § 245.825 (Use of Aversive or Deprivation Procedures)

Minn. Stat. § 260C.007, Subd. 4, Clause (5) (Child in Need of Protection)

Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18)

Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment)

Minn. Stat. § 609.02, Subd. 6 (Definitions – Dangerous Weapon)

Minn. Stat. § 609.341, Subd. 10 (Definitions – Position of Authority)

Minn. Stat. § 609.341, Subd. 15 (Definitions – Significant Relationship)

Minn. Stat. § 609.379 (Reasonable Force)

Minn. Stat. § 626.556 *et seq.* (Reporting of Maltreatment of Minors)

Minn. Stat. § 626.5561 (Reporting of Prenatal Exposure to Controlled Substances)

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

Cross References: MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)

Adopted:

MSBA/MASA Model Policy 414

Orig. 1995

Revised:

Rev. 2013

**Braham Area Public Schools
Ind. School Dist. #314
Braham, MN 55006**

415 MANDATED REPORTING OF MALTREATMENT OF VULNERABLE ADULTS

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to fully comply with Minn. Stat. § 626.557 requiring school personnel to report suspected maltreatment of vulnerable adults.
- B. It shall be a violation of this policy for any school personnel to fail to report suspected maltreatment of vulnerable adults when the school personnel has reason to believe that a vulnerable adult is being or has been maltreated, or has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained.

III. DEFINITIONS

- A. "Mandated Reporters" means any school personnel who has reason to believe that a vulnerable adult is being or has been maltreated.
- B. "Maltreatment" means the neglect, abuse, or financial exploitation of a vulnerable adult.
- C. "Neglect" means the failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care, or supervision which is: (1) reasonable and necessary to obtain or maintain the vulnerable adult's physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and (2) which is not the result of an accident or therapeutic conduct. Neglect also includes the absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health of the vulnerable adult which a reasonable person would deem essential to obtain or maintain the vulnerable adult's health, safety, or comfort considering the physical or mental capacity or dysfunction of the vulnerable adult. Neglect does not include actions specifically excluded by Minn. Stat. § 626.5572, Subd. 17.
- D. "Abuse" means: (a) An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of: (1) assault in the first through fifth degrees as defined in sections 609.221 to 609.224; (2) the use of drugs to injure or facilitate crime as defined in section 609.235; (3) the solicitation, inducement, and promotion of prostitution as defined in section 609.322;

and (4) criminal sexual conduct in the first through fifth degrees as defined in sections 609.342 to 609.3451. A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction. (b) Conduct which is not an accident or therapeutic conduct as defined in this section, which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following: (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult; (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening; (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and (4) use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under section 245.825. (c) Any sexual contact or penetration as defined in section 609.341, between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility. (d) The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another. Abuse does not include actions specifically excluded by Minn. Stat. § 626.5572, Subd. 2.

- E. "Financial Exploitation" means a breach of a fiduciary duty by an actor's unauthorized expenditure of funds entrusted to the actor for the benefit of the vulnerable adult or by an actor's failure to provide food, clothing, shelter, health care, therapeutic conduct or supervision, the failure of which results or is likely to result in detriment to the vulnerable adult. Financial exploitation also includes: the willful use, withholding or disposal of funds or property of a vulnerable adult; the obtaining of services for wrongful profit or advantage which results in detriment to the vulnerable adult; the acquisition of a vulnerable adult's funds or property through undue influence, harassment, duress, deception or fraud; and the use of force, coercion, or enticement to cause a vulnerable adult to perform services against the vulnerable adult's will for the profit or advantage of another.
- F. "Vulnerable Adult" means any person 18 years of age or older who: (1) is a resident or inpatient of a facility; (2) receives services at or from a licensed facility which serves adults as set forth in Minn. Stat. § 626.5572, Subd. 21(a)(2); (3) receives services from a licensed home care provider or home care provider service; or (4) regardless of residence or type of service received possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the individual's ability to adequately provide the person's own care without assistance or supervision and, because of the dysfunction or infirmity and need for care or services, has an impaired ability to protect the individual's self from maltreatment.
- G. "Caregiver" means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement.
- H. "School Personnel" means professional employees or their delegates of the school district engaged in providing health, educational, social, psychological, law enforcement, or other caretaking services of vulnerable adults.
- I. "Immediately" means as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.

IV. REPORTING PROCEDURES

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

V. INVESTIGATION

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

VI. DISSEMINATION OF POLICY AND TRAINING

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

Legal References: Minn. Stat. § 13.02 (Collection, Security, and Dissemination of Records; Definitions)

Minn. Stat. § 245.825 (Aversive and Deprivation Procedures; Licensed Facilities and Services)

Minn. Stat. §§ 609.221-609.224 (Assault)

Minn. Stat. § 609.234 (Crimes Against the Person)

Minn. Stat. § 609.235 (Use of Drugs to Injure or Facilitate Crime)

Minn. Stat. § 609.322 (Solicitation, Inducement, and Promotion of Prostitution; Sex Trafficking)

Minn. Stat. § 609.341 (Definitions)

Minn. Stat. §§ 609.342-609.3451 (Criminal Sexual Conduct)

Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)

Minn. Stat. § 626.5572 (Definitions)

In re Kleven, 736 N.W.2d 707 (Minn. App. 2007)

Cross References: MSBA/MASA Model Policy 103 (Complaints – Students, Employees, Parents, Other Persons)

MSBA/MASA Model Policy 211 (Criminal or Civil Action Against School District, School Board Member, Employee, or Student)

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

MSBA/MASA Model Policy 406 (Public and Private Personnel Data)

MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)

Adopted: *MSBA/MASA Model Policy 415*

Orig. 1995

Revised: *Rev. 2009*

Braham Area Public Schools

Ind. School Dist. #314

Braham, MN 55006

506 STUDENT DISCIPLINE

I. PURPOSE

The purpose of this policy is to ensure that students are aware of and comply with the school district's expectations for student conduct. Such compliance will enhance the school district's ability to maintain discipline and ensure that there is no interference with the educational process. The school 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. The school board further recognizes that nurturing the maturity of each student is of primary importance and is closely linked with the balance that must be maintained between authority and self-discipline as the individual progresses from a child's dependence on authority to the more mature behavior of self-control.

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 which provides options and stresses student self-direction, decision-making, and responsibility. Schools 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 in which learning can take place. Overall decorum affects student attitudes and influences student behavior. Proper student conduct is necessary to facilitate the education process and to create 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. The position of the school district is 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.40-121A.56.

In view of the foregoing and in accordance with Minn. Stat. § 121A.55, the school board, with the participation of school district administrators, teachers, employees, students, parents, 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 school district.

III. AREAS OF RESPONSIBILITY

- A. The School Board. The school board holds all school personnel responsible for the maintenance of order within the school district and supports all personnel acting within the framework of this discipline policy.
- B. Superintendent. The superintendent shall establish guidelines and directives to carry out this policy, hold all school personnel, students, and parents responsible for conforming to this policy, and support all school personnel performing their duties within the framework of this policy. The superintendent shall also establish guidelines and directives for using the services of appropriate agencies for assisting students and parents. Any guidelines or directives established to implement this policy shall be submitted to the school board for approval and shall be attached as an addendum to this policy.
- C. Principal. The school principal is given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy, subject to final school board approval. The principal shall give direction and support to all school personnel performing their duties within the framework of this policy. The principal shall consult with parents of students conducting themselves in a manner contrary to the policy. The principal shall also involve other professional employees in the disposition of behavior referrals and shall make use of those agencies appropriate for assisting students and parents. A principal, in exercising his or her lawful authority, 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.
- D. Teachers. All teachers shall be responsible for providing a well-planned teaching/learning environment and shall have primary responsibility for student conduct, with appropriate assistance from the administration. All teachers shall enforce the Code of Student Conduct. In exercising the teacher's lawful authority, a teacher 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.
- E. Other School District Personnel. All school district personnel shall be responsible for contributing to the atmosphere of mutual respect within the school. Their responsibilities relating to student behavior shall be as authorized and directed by the superintendent. A school employee, school bus driver, or other agent of a school district, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student or prevent bodily harm or death to another.
- F. Parents or Legal Guardians. Parents and guardians shall be held responsible for the behavior of their children as determined by law and community practice. They are expected to cooperate with school authorities and to participate regarding the behavior of their children.
- G. Students. All students shall be held individually responsible for their behavior and for knowing and obeying the Code of Student Conduct and this policy.

- H. 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.

V. STUDENT RESPONSIBILITIES

All students have the responsibility:

- A. For their behavior and for knowing and obeying all school rules, regulations, policies, and procedures;
- B. To attend school daily, except when excused, and to be on time to all classes and other school functions;
- C. To pursue and attempt to complete the courses of study prescribed by the state and local school authorities;
- D. To make necessary arrangements for making up work when absent from school;
- E. To assist the school staff in maintaining a safe school for all students;
- F. To be aware of all school rules, regulations, policies, and procedures, including those in this policy, and to conduct themselves in accord with them;
- G. To assume that until a rule or policy is waived, altered, or repealed, it is in full force and effect;
- H. To be aware of and comply with federal, state, and local laws;
- I. To volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with school staff as appropriate;
- J. To respect and maintain the school's property and the property of others;
- K. To dress and groom in a manner which meets standards of safety and health and common standards of decency and which is consistent with applicable school district policy;
- L. To avoid inaccuracies in student newspapers or publications and refrain from indecent or obscene language;
- M. To conduct themselves in an appropriate physical or verbal manner; and
- N. 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 school district. These examples are not intended to be an exclusive list. 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 district 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 district or the safety or welfare of the student, other students, or employees.

1. Violations against property including, but not limited to, damage to or destruction of school 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. Violation of the school district's Hazing Prohibition Policy;
5. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission;
6. Violation of the school district's Student Attendance Policy;
7. Opposition to authority using physical force or violence;
8. Using, possessing, or distributing tobacco or tobacco paraphernalia;
9. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of alcohol or other intoxicating substances or look-alike substances;
10. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of narcotics, drugs, or other controlled substances, or look-alike substances, except as prescribed by a physician, including one student sharing prescription medication with another student;
11. Using, possessing, or distributing items or articles that are illegal or harmful to persons or
property including, but not limited to, drug paraphernalia;
12. Using, possessing, or distributing weapons, or look-alike weapons or other dangerous objects;
13. Violation of the school district's Weapons Policy;
14. Violation of the school district's Violence Prevention Policy;
15. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;
16. Possession, use, or distribution of explosives or any compound or mixture, the primary or common purpose or intended use of which is to function as an explosive;
17. 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;
18. Using an ignition device, including a butane or disposable lighter or matches, inside an educational building and under circumstances where there is a risk of fire, except where the device is used in a manner authorized by the school;
19. Violation of any local, state, or federal law as appropriate;
20. 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;
21. Violation of the school district's Internet Acceptable Use and Safety Policy; violation of School District and building policy in regard to use of any tablet type device supplied by the district. Also, any device brought into the district through the building's "Bring Your Own Device (BYOD) policy.

22. Possession of nuisance devices or objects which cause distractions and may facilitate cheating including, but not limited to, pagers, radios, and phones, including picture phones;
23. Violation of school bus or transportation rules or the school district's Student Transportation Safety Policy;
24. Violation of parking or school traffic rules and regulations, including, but not limited to, driving on school property in such a manner as to endanger persons or property;
25. Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker;
26. Violation of the school district's Search of Student Lockers, Desks, Personal Possessions, and Student's Person Policy;
27. Violation of the school district's Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches Policy;
28. Possession or distribution of slanderous, libelous, or pornographic materials;
29. Violation of the school district' Bullying Prohibition Policy;
30. 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;
31. Criminal activity;
32. Falsification of any records, documents, notes, or signatures;
33. Tampering with, changing, or altering records or documents of the school district by any method including, but not limited to, computer access or other electronic means;
34. Scholastic dishonesty which includes, but is not limited to, cheating on a school assignment or test, plagiarism, or collusion, including the use of picture phones or other technology to accomplish this end;
35. Impertinent or disrespectful language toward teachers or other school district personnel;
36. Violation of the school district's Harassment and Violence Policy;
37. 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 teachers, students, other school district personnel, or other persons;
38. Committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;
39. Violations against persons, including, but not limited to, assault or threatened assault, fighting, harassment, interference or obstruction, attack with a weapon, or look-alike weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure;
40. 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;
41. Physical or verbal threats including, but not limited to, the staging or reporting of

- dangerous or hazardous situations that do not exist;
- 42. 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;
- 43. Violation of the school district's Distribution of Non School-Sponsored Materials on School Premises by Students and Employees Policy;
- 44. Violation of school rules, regulations, policies, or procedures, including, but not limited to, those policies specifically enumerated in this policy;
- 45. Other acts, as determined by the school district, which are disruptive of the educational process or dangerous or detrimental to the student or other students, school district personnel or surrounding persons, 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 school district or the safety or welfare of students or employees.

VII. DISCIPLINARY ACTION OPTIONS

The general policy of the school district is to utilize progressive discipline 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 school district. At a minimum, violation of school district rules, regulations, policies, or procedures will result in discussion of the violation and a verbal warning. The school 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 school district. Disciplinary action may include, but is not limited to, one or more of the following:

- A. Student conference with teacher, principal, counselor, or other school district personnel, and verbal warning;
- B. Confiscation by school district personnel and/or by law enforcement of any item, article, object, or thing, prohibited by, or used in the violation of, any school district policy, rule, regulation, procedure, or state or federal law. If confiscated by the school district, the confiscated item, article, object, or thing will be released only to the parent/guardian following the completion of any investigation or disciplinary action instituted or taken related to the violation.
- C. Parent contact;
- D. Parent conference;
- E. Removal from class;
- F. In-school suspension;
- G. Suspension from extracurricular activities;
- H. Detention or restriction of privileges;
- I. Loss of school privileges;
- J. In-school monitoring or revised class schedule;
- K. Referral to in-school support services;
- L. Referral to community resources or outside agency services;
- M. Financial restitution;

- N. Referral to police, other law enforcement agencies, or other appropriate authorities;
- O. A request for a petition to be filed in district court for juvenile delinquency adjudication;
- P. Out-of-school suspension under the Pupil Fair Dismissal Act;
- Q. Preparation of an admission or readmission plan;

- R. Saturday school;
- S. Expulsion under the Pupil Fair Dismissal Act;
- T. Exclusion under the Pupil Fair Dismissal Act; and/or
- U. Other disciplinary action as deemed appropriate by the school district.

VIII. REMOVAL OF STUDENTS FROM CLASS

- A. Teachers have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement, assigning detention or other consequences, 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 teacher shall have the authority to remove the student from class pursuant to the procedures established by this discipline policy. “Removal from class” and “removal” mean any actions taken by a teacher, principal, or other school district employee to prohibit a student from attending a class or activity period for a period of time not to exceed five (5) days, pursuant to this discipline policy.

Grounds for removal from class shall include any of the following:

- 1. Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher’s ability to teach or communicate effectively with students in a class or with the ability of other students to learn;
- 2. Willful conduct that endangers surrounding persons, including school district employees, the student or other students, or the property of the school;
- 3. Willful violation of any school rules, regulations, policies or procedures, including the Code of Student Conduct in this policy; or
- 4. Other conduct, which in the discretion of the teacher or administration, requires removal of the student from class.

Such removal shall be for at least one (1) activity period or class period of instruction for a given course of study and shall not exceed five (5) such periods.

- B. If a student is removed from class more than ten (10) times in a school year, the school district shall notify the parent or guardian of the student’s tenth removal from class and make reasonable attempts to convene a meeting with the student’s parent or guardian to discuss the problem that is causing the student to be removed from class.

C. *Procedures for Removal of a Student From a Class.*

- 1. *Specify procedures to be followed by a teacher, administrator or other school district employee to remove a student from a class;*
- 2. *Specify required approvals necessary;*
- 3. *Specify paperwork and reporting procedures.*

D. Responsibility for and Custody of a Student Removed From Class.

1. Designation of where student is to go when removed;
2. Designation of how student is to get to designated destination;
3. Whether student must be accompanied;
4. Statement of what student is to do when and while removed;
5. Designation of who has control over and responsibility for student after removal from class.

E. Procedures for Return of a Student to a Class From Which the Student Was Removed.

1. Specification of procedures;
2. Actions or approvals required such as notes, conferences, readmission plans.

F. 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.

G. 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 Individualized Education Program (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.

H. Procedures for Detecting and Addressing Chemical Abuse Problems of Students While on School Premises.

1. Establishment of a chemical abuse pre-assessment team pursuant to Minn. Stat. § 121A.26;
2. Establishment of a school and community advisory team to address chemical abuse problems in the district pursuant to Minn. Stat. § 121A.27; and
3. Establishment of teacher reporting procedures to the chemical abuse pre-assessment team pursuant to Minn. Stat. § 121A.29.

I. Procedures for Immediate and Appropriate Interventions Tied to Violations of the Code of Student Conduct.

J. Any Procedures Determined Appropriate for Encouraging Early Involvement of Parents or Guardians in Attempts to Improve a Student's Behavior.

K. Any Procedures Determined Appropriate for Encouraging Early Detection of Behavioral Problems.

IX. DISMISSAL

- A. "Dismissal" means the denial of the current educational program to any student, including exclusion, expulsion and suspension. Dismissal does not include removal from class.

The school 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 school district shall not dismiss any student without attempting to provide alternative educational services before dismissal proceedings, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

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 any of the following grounds:

1. Willful violation of any reasonable school board regulation, including those found in this policy;
2. Willful conduct that significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities; or
3. Willful conduct that endangers the student or other students, or surrounding persons, including school district employees, or property of the school.

C. Suspension Procedures

1. "Suspension" means an action by the school administration, under rules promulgated by the School Board, 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 administrator shall provide the superintendent with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) school day or less where a student with a disability does not receive regular or special education instruction during that dismissal period.
2. If a student's total days of removal from school exceed ten (10) cumulative days in a school year, the school district shall make reasonable attempts to convene a meeting with the student and the student's parent or guardian before subsequently removing the student from school and, with the permission of the parent or guardian, arrange for a mental health screening for the student at the parent or guardian's expense. The purpose of this meeting is to attempt to determine the pupil's need for assessment or other services or whether the parent or guardian should have the student assessed or diagnosed to determine whether the student needs treatment for a mental health disorder.
3. Each suspension action may include a readmission plan. The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission which must not be used to extend the current suspension. A readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. School administration must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening, or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of a charge of child abuse, child neglect, or medical or educational neglect. The school

administration may not impose consecutive suspensions against the same student for the same course of conduct, or incident of misconduct, except where the student will create an immediate and substantial danger to self or to surrounding persons or property or where the school district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of fifteen (15) days.

4. A child with a disability may be suspended. When a child with a disability has been suspended for more than five (5) consecutive days or ten (10) cumulative school days in the same year, and that suspension does not involve a recommendation for expulsion or exclusion or other change in placement under federal law, relevant members of the child's IEP team, including at least one of the child's teachers, shall meet and determine the extent to which the child needs services in order to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the child's IEP. That meeting must occur as soon as possible, but no more than ten (10) days after the sixth (6th) consecutive day of suspension or the tenth (10th) cumulative day of suspension has elapsed.
5. The school administration shall implement alternative educational services when the suspension exceeds five (5) days. Alternative educational services may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessments, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center under Minn. Stat. § 123A.05 selected to allow the pupil to progress toward meeting graduation standards under Minn. Stat. § 120B.02, although in a different setting.
6. The school administration shall not suspend a student from school without an informal administrative conference with the student. The informal administrative conference shall take place before the suspension, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension. At the informal administrative conference, a school administrator shall notify the student of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the student may present the student's version of the facts. A separate administrative conference is required for each period of suspension.
7. 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. §§ 121A.40-121A.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 mail within forty-eight (48) hours of the conference. (See attached sample Notice of Suspension.)
8. The school administration shall make reasonable efforts to notify the student's parent or guardian of the suspension by telephone as soon as possible following suspension.
9. In the event a student is suspended without an informal administrative conference on the grounds that the student will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the student and the student's parent or guardian within forty-eight (48) hours of the suspension. Service by mail shall be complete upon mailing.
10. Notwithstanding the foregoing provisions, the student may be suspended pending the school

board's decision in an expulsion or exclusion proceeding, provided that alternative educational services are implemented to the extent that suspension exceeds five (5) days.

D. Expulsion and Exclusion Procedures

1. "Expulsion" means a school board action to prohibit an enrolled student from further attendance for up to twelve (12) months from the date the student is expelled. The authority to expel rests with the school board.
2. "Exclusion" means an action taken by the school board to prevent enrollment or re-enrollment 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 and in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§121A.40-121A.56.
4. No expulsion or exclusion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent or guardian.
5. The student and parent or guardian shall be provided written notice of the school district's intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and his or her parent or guardian personally or by 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.40-121A.56; describe alternative educational services accorded the student in an attempt to avoid the expulsion proceedings; and inform the student and parent or guardian of their right to: (1) have a representative of the student's own choosing, including legal counsel at the hearing; (2) examine the student's records before the hearing; (3) present evidence; and (4) confront and cross-examine witnesses. The school district shall advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Minnesota Department of Education (MDE).
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 school 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 school district shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense.
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. The school district shall advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from MDE. The school board may appoint an attorney to represent the school district 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 and/or copies of the student's records.

11. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by the school district. The hearing shall be conducted in a fair and impartial manner. Testimony shall be given under oath and the hearing officer shall have the power to issue subpoenas and administer oaths.
12. At a reasonable time prior to the hearing, the student, parent or guardian, or authorized representative shall be given access to all school district records pertaining to the student, including any tests or reports 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 school district employee 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 school 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 student cannot be compelled to testify in the dismissal proceedings.
16. The hearing officer shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to the school board and served upon the parties within two (2) days after the close of the hearing.
17. The school board shall base its decision upon the findings and recommendation of the hearing officer and shall render its decision at a meeting held within five (5) days after receiving the findings and recommendation. The school board may provide the parties with the opportunity to present exceptions and comments to the hearing officer's findings and recommendation provided that neither party presents any evidence not admitted at the hearing. The decision by the school board must be based on the record, must be in writing, and must state the controlling facts on which the decision is made in sufficient detail to apprise the parties and the Commissioner of Education (Commissioner) of the basis and reason for the decision.
18. A party to an expulsion or exclusion decision made by the school board may appeal the decision to the Commissioner within twenty-one (21) calendar days of school board action pursuant to Minn. Stat. § 121A.49. The decision of the school board shall be implemented during the appeal to the Commissioner.
19. The school district shall report any suspension, expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.
20. The school district must report, through the MDE electronic reporting system, each expulsion or exclusion within thirty (30) days of the effective date of the action to the Commissioner. This report must include a statement of alternative educational services given the student and the reason for, the effective date, and the duration of the exclusion or expulsion. The report must also include the student's age, grade, gender, race, and special education status. The dismissal report must include state student identification numbers of affected students.
21. Whenever a student fails to return to school within ten (10) school days of the termination of dismissal, a school administrator shall inform the student and his/her parent or guardian by mail of the student's right to attend and to be reinstated in the school district.

X. ADMISSION OR READMISSION PLAN

A school administrator shall prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. The plan may include measures to improve the student's behavior, including completing a character education program consistent with Minn. Stat. § 120B.232, Subd. 1, and require parental involvement in the admission or readmission process, and may indicate the consequences to the student of not improving the student's behavior. The readmission plan must not obligate parents to provide a sympathomimetic medication for their child as a condition of readmission.

XI. 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 teacher, principal or other school district official may provide additional notification as deemed appropriate.

XII. STUDENT DISCIPLINE RECORDS

The policy of the school district is that complete and accurate student discipline records be maintained. The collection, dissemination, and maintenance of student discipline records shall be consistent with applicable school district policies and federal and state law, including the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13.

XIII. DISABLED STUDENTS

Students who are currently identified as eligible under the IDEA or Section 504 will be subject to the provisions of this policy, unless the student's IEP or 504 plan specifies a necessary modification.

Before initiating an expulsion or exclusion of a student with a disability, relevant members of the child's IEP team and the child's parent shall, consistent with federal law, conduct a manifestation determination and determine whether the child's behavior was (i) caused by or had a direct and substantial relationship to the child's disability and (ii) whether the child's conduct was a direct result of a failure to implement the child's IEP. If the student's educational program is appropriate and the behavior is not a manifestation of the student's disability, the school district will proceed with discipline – up to and including expulsion – as if the student did not have a disability, unless the student's educational program provides otherwise. If the team determines that the behavior subject to discipline is a manifestation of the student's disability, the team shall conduct a functional behavioral assessment and implement a behavioral intervention plan for such student provided that the school district had not conducted such assessment prior to the manifestation determination before the behavior that resulted in a change of placement. Where a behavioral intervention plan previously has been developed, the team will review the behavioral intervention plan and modify it as necessary to address the behavior.

When a student who has an IEP is excluded or expelled for misbehavior that is not a manifestation of the student's disability, the school district shall continue to provide special education and related services during the period of expulsion or exclusion.

XIV. OPEN ENROLLED STUDENTS

The school district may terminate the enrollment of a nonresident student enrolled under an Enrollment Option Program (Minn. Stat. § 124D.03) or Enrollment in Nonresident District (Minn. Stat. § 124D.08) at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy (Minn. Stat. Ch. 260A), and the student's case has been referred to juvenile court. The school district may also terminate the enrollment of a nonresident student over the age of seventeen (17) enrolled under an Enrollment Options Program if the student is absent without lawful excuse for one or more periods on fifteen (15) school days and has not lawfully withdrawn from school.

XV. DISTRIBUTION OF POLICY

The school 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 in each principal's office.

XVI. REVIEW OF POLICY

The principal and 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 superintendent for consideration by the school board, which shall conduct an annual review of this policy.

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

Minn. Stat. § 120B.02 (Educational Expectations for Minnesota Students)

Minn. Stat. § 120B.232 (Character Development Education)

Minn. Stat. § 121A.26 (School Preassessment Teams)

Minn. Stat. § 121A.27 (School and Community Advisory Team)

Minn. Stat. § 121A.29 (Reporting; Chemical Abuse)

Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)

Minn. Stat. § 121A.575 (Alternatives to Pupil Suspension)

Minn. Stat. § 121A.582 (Reasonable Force)

Minn. Stat. §§ 121A.60-121A.61 (Removal From Class)

Minn. Stat. § 123A.05 (Area Learning Center Organization)

Minn. Stat. § 124D.03 (Enrollment Options Program)

Minn. Stat. § 124D.08 (Enrollment in Nonresident District)

Minn. Stat. Ch.125A (Students With Disabilities)

Minn. Stat. Ch. 260A (Truancy)

Minn. Stat. Ch. 260C (Juvenile Court Act)

20 U.S.C. §§ 1400-1487 (Individuals with Disabilities Education Improvement Act of 2004)

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

34 C.F.R. § 300.530(e)(1) (Manifestation Determination)

Cross References: MSBA/MASA Model Policy 413 (Harassment and Violence)

MSBA/MASA Model Policy 501 (School Weapons)

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

MSBA/MASA Model Policy 503 (Student Attendance)

MSBA/MASA Model Policy 505 (Distribution of Nonschool-Sponsored

Materials on School Premises by Students and Employees)

MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)

MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)

MSBA/MASA Model Policy 525 (Violence Prevention)

MSBA/MASA Model Policy 526 (Hazing Prohibition)
MSBA/MASA Model Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)
MSBA/MASA Model Policy 610 (Field Trips)
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)
MSBA/MASA Model Policy 711 (Video Recording on School Buses)
MSBA/MASA Model Policy 712 (Video Surveillance Other Than on Buses)

Adopted: MSBA/MASA Model Policy 506
Orig. 1995
Revised: Rev. 2013

Braham Area Public Schools
Ind. School Dist. #314
Braham, MN 55006

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 school 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 school district computer system and the Internet, including electronic communications, the school 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 school district computer system and to the Internet enables students and employees to explore thousands of libraries, databases, bulletin boards, and other resources while exchanging messages with people around the world. The school district expects that faculty will blend thoughtful use of the school 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 school district is providing students and employees with access to the school district computer system, which includes Internet access. The purpose of the system is more specific than providing students and employees with general access to the Internet. The school 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 school district and school 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

The use of the school 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 school district system or the Internet may result in one or more of the following consequences: suspension or

cancellation of use or access privileges; payments for damages and repairs; discipline under other appropriate school district policies, including suspension, expulsion, exclusion, or termination of employment; or civil or criminal liability under other applicable laws.

V. UNACCEPTABLE USES

A. The following uses of the school district system and Internet resources or accounts are considered unacceptable:

1. Users will not use the school 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 school 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 school district system to engage in any illegal act or violate any local, state, or federal statute or law.
4. Users will not use the school 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 school district system software, hardware, or wiring or take any action to violate the school district's security system, and will not use the school district system in such a way as to disrupt the use of the system by other users.
5. Users will not use the school 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 school 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, school addresses, work addresses, identification numbers, account numbers, access codes or passwords, labeled photographs, 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.
 - a. This paragraph does not prohibit the posting of employee contact information on school district webpages or communications between employees and other individuals when such communications are made for education-related purposes (i.e., communications with parents or other staff members related to students).
 - b. Employees creating or posting school-related webpages may include personal contact information about themselves on a webpage. However, employees may not post personal contact information or other personally identifiable information about students unless:

- (1) such information is classified by the school district as directory information and verification is made that the school district has not received notice from a parent/guardian or eligible student that such information is not to be designated as directory information in accordance with Policy 515; or
 - (2) such information is not classified by the school district as directory information but written consent for release of the information to be posted has been obtained from a parent/guardian or eligible student in accordance with Policy 515. In addition, prior to posting any personal contact or personally identifiable information on a school-related webpage, employees shall obtain written approval of the content of the postings from the building administrator.
- c. These prohibitions specifically prohibit a user from utilizing the school district system to
- post personal information about a user or another individual on social networks, including, but not limited to, social networks such as “MySpace” and “Facebook” or any other social media website currently present or developed in the future.
7. Users must keep all account information and passwords on file with the designated school district official. Users will not attempt to gain unauthorized access to the school district system or any other system through the school 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 school district system may not be encrypted without the permission of appropriate school authorities.
 8. Users will not use the school 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 school computer, and will not plagiarize works they find on the Internet.
 9. Users will not use the school district system for conducting business, for unauthorized commercial purposes, or for financial gain unrelated to the mission of the school district. Users will not use the school district system to offer or provide goods or services or for product advertisement. Users will not use the school district system to purchase goods or services for personal use without authorization from the appropriate school district official.
- B. A student or employee engaging in the foregoing unacceptable uses of the Internet when off school district premises also may be in violation of this policy as well as other school district policies. Examples of such violations include, but are not limited to, situations where the school district system is compromised or if a school district employee or student is negatively impacted. If the school district receives a report of an unacceptable use originating from a non-school computer or resource, the school district may investigate such reports to the best of its ability. Students or employees may be subject to disciplinary action for such conduct, including, but not limited to, suspension or cancellation of the use or access to the school district computer system and the Internet and discipline under other appropriate school district policies, including suspension, expulsion, exclusion, or termination of employment.
- C. If a user inadvertently accesses unacceptable materials or an unacceptable Internet site, the user shall immediately disclose the inadvertent access to an appropriate school district official. In the case of a school district employee, the immediate disclosure shall be to the employee’s immediate supervisor and/or the building administrator. 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 school district employee, the building administrator.

VI. FILTER

- A. With respect to any of its computers with Internet access, the school district will monitor the online activities of both minors and adults and employ technology protection measures during any use of such computers by minors and adults. The technology protection measures utilized will block or filter Internet access to any visual depictions that are:
 - 1. Obscene;
 - 2. Child pornography; 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.
- C. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.
- D. An administrator, supervisor, or other person authorized by the Superintendent may disable the technology protection measure, during use by an adult, to enable access for bona fide research or other lawful purposes.
- E. The school district will educate students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

VII. CONSISTENCY WITH OTHER SCHOOL POLICIES

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

VIII. LIMITED EXPECTATION OF PRIVACY

- A. By authorizing use of the school district system, the school 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 school district system.
- B. Routine maintenance and monitoring of the school district system may lead to a discovery that a user has violated this policy, another school district policy, or the law.
- C. An individual investigation or search will be conducted if school authorities have a reasonable suspicion that the search will uncover a violation of law or school district policy.
- D. Parents have the right at any time to investigate or review the contents of their child’s files and e-mail files. Parents have the right to request the termination of their child’s individual account at any time. Any request to review or terminate a student’s account shall be through the building principal in writing.
- E. School district employees should be aware that the school district retains the right at any time to investigate or review the contents of their files and e-mail files. In addition, school district employees should be aware that data and other materials in files maintained on the school district system may be subject to review, disclosure or discovery under Minn. Stat. Ch. 13 (the Minnesota Government Data Practices Act).
- F. The school 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 school district policies conducted through the school 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 students, parents, and employees of the school district.
- B. This policy requires the permission of and supervision by the school's designated professional 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, the parent or guardian, and the supervising teacher. The Internet Use Agreement form for employees must be signed by the employee. The form must then be filed at the school office. As supervising teachers change, the agreement signed by the new teacher shall be attached to the original agreement.

X. LIMITATION ON SCHOOL DISTRICT LIABILITY

Use of the school district system is at the user's own risk. The system is provided on an "as is, as available" basis. The school 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 virtual servers, or for delays or changes in or interruptions of service or misdeliveries or non-deliveries of information or materials, regardless of the cause. The school district is not responsible for the accuracy or quality of any advice or information obtained through or stored on the school district system. The school district will not be responsible for financial obligations arising through unauthorized use of the school district system or the Internet.

XI. USER NOTIFICATION

- A. All users shall be notified of the school district policies relating to Internet use.
- B. This notification shall include the following:
 - 1. Notification that Internet use is subject to compliance with school district policies.
 - 2. Disclaimers limiting the school district's liability relative to:
 - a. Information stored on school district diskettes, hard drives, or virtual servers.
 - b. Information retrieved through school district computers, networks, or online resources.
 - c. Personal property used to access school district computers, networks, or online resources.
 - d. Unauthorized financial obligations resulting from use of school district resources/accounts to access the Internet.
 - 3. A description of the privacy rights and limitations of school sponsored/managed Internet accounts.
 - 4. Notification that, even though the school 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 515, Protection and Privacy of Pupil Records.
 - 7. Notification that, should the user violate the school 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 school district system, school district devices, and of the Internet if the student is accessing the school district system from home or a remote location.
- B. Parents will be notified that their students will be using school district resources/accounts to access the Internet and that the school 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 school district's acceptable use policy is available for parental review.

XIII. IMPLEMENTATION; POLICY REVIEW

- A. The school district administration 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 administration shall revise the user notifications, including student and parent notifications, if necessary, to reflect the adoption of these guidelines and procedures.
- C. The school 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.
- E. The school district reserves the right to monitor all activity of the school network without prior notification to student, parents, guardian or school district staff.

Legal References: 15 U.S.C. § 6501 *et seq.* (Children's Online Privacy Protection Act)
17 U.S.C. § 101 *et seq.* (Copyrights)
20 U.S.C. § 6751 *et seq.* (Enhancing Education through Technology Act of 2001)
47 U.S.C. § 254 (Children's Internet Protection Act of 2000 (CIPA))
47 C.F.R. § 54.520 (FCC rules implementing CIPA)
Minn. Stat. § 121A.0695 (School Board Policy; Prohibiting Intimidation and Bullying)
Minn. Stat. § 125B.15 (Internet Access for Students)
Minn. Stat. § 125B.26 (Telecommunications/Internet Access Equity Act)
Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)
United States v. Amer. Library Assoc., 539 U.S. 194, 123 S.Ct. 2297, 56 L.Ed.2d 221 (2003)
Doninger v. Niehoff, 527 F.3d 41 (2nd Cir. 2008)
R.S. v. Minnewaska Area Sch. Dist. No. 2149, No. 12-588, 2012 WL 3870868 (D. Minn. 2012)
Tatro v. Univ. of Minnesota, 800 N.W.2d 811 (Minn. App. 2011), *aff'd* on other grounds 816 N.W.2d 509 (Minn. 2012)
S.J.W. v. Lee's Summit R-7 Sch. Dist., 696 F.3d 771 (8th Cir. 2012)
Kowalski v. Berkeley County Sch., 652 F.3d 656 (4th Cir. 2011)
Layshock v. Hermitage Sch. Dist., 650 F.3d 205 (3rd Cir. 2011)
Parents, Families and Friends of Lesbians and Gays, Inc. v. Camdenton R-III Sch. Dist., 853 F.Supp.2d 888 (W.D. Mo. 2012)
M.T. v. Cent. York Sch. Dist., 937 A.2d 538 (Pa. Commw. Ct. 2007)
J.S. v. Bethlehem Area Sch. Dist., 807 A.2d 847 (Pa. 2002)
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 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA/MASA Model Policy 519 (Interviews of Students by Outside Agencies)
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)
MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)
MSBA/MASA Model Policy 603 (Curriculum Development)
MSBA/MASA Model Policy 604 (Instructional Curriculum)
MSBA/MASA Model Policy 606 (Textbooks and Instructional Materials)
MSBA/MASA Model Policy 806 (Crisis Management Policy)
MSBA/MASA Model Policy 904 (Distribution of Materials on School District Property by Nonschool Persons)

Adopted: MSBA/MASA Model Policy 524
Orig. 1996
Revised: Rev. 2012

Braham Area Public Schools
Ind. School Dist. #314
Braham, MN 55006

712 VIDEO SURVEILLANCE OTHER THAN ON BUSES

I. PURPOSE

Maintaining the health, welfare, and safety of students, staff, and visitors while on school district property and the protection of school district property are important functions of the school district. The behavior of individuals who come on to school property is a significant factor in maintaining order and discipline and protecting students, staff, visitors, and school district property. The school board recognizes the value of video/electronic surveillance systems in monitoring activity on school property in furtherance of protecting the health, welfare, and safety of students, staff, visitors, and school district property.

II. GENERAL STATEMENT OF POLICY

A. Placement

1. School district buildings and grounds may be equipped with video cameras.
2. Video surveillance may occur in any school district building or on any school district property.

B. Use of Video Recordings

1. Video recordings will be viewed by school district personnel on a random basis and/or when problems have been brought to the attention of the school district.
2. A video recording of the actions of students and/or employees may be used by the school district as evidence in any disciplinary action brought against any student or employee arising out of the student's or employee's conduct in school district buildings or on school grounds.
3. A video recording will be released only in conformance with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and the rules and/or regulations promulgated thereunder.

C. Security and Maintenance

1. The school district shall establish appropriate security safeguards to ensure that video recordings are maintained and stored in conformance with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and the rules and/or regulations promulgated thereunder.
2. The school district shall ensure that video recordings are retained in accordance with the school district’s records retention schedule.

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

- Minn. Stat. § 121A.585 (Notice of Recording Device)
- Minn. Stat. § 138.17 (Government Records; Administration)
- Minn. Stat. § 609.746 (Interference with Privacy)
- 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
- 34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)

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 502 (Search of Student Lockers, Desks, Personal Possessions, and Student’s Person)
- MSBA/MASA Model Policy 506 (Student Discipline)
- MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
- MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)
- MSBA/MASA Model Policy 711 (Video Recording on School Buses)
- MSBA Service Manual, Chapter 2, Transportation

Adopted:

MSBA/MASA Model Policy 712

Orig. 1996

Revised:

Rev. 2012

Braham Area Public Schools
Ind. School Dist. #314
Braham, MN 55006

22. Set Working Board Meeting.

23. Reminder of the November Regular school board meeting.

The November Regular School Board meeting is set for Monday, November 17th, 7:00 pm, B100 – Community Room.

24. Adjourn.
