

## St. Croix Preparatory Academy Board Meeting Agenda October 21, 2025

1.	Call to Order						
2.	2. Open Forum						
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4.	Consent Agenda (Board Minutes, Executive Director Report)						
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	B. Executive Director Report	8					
	C. Governance – Policy Approval (First and Second Reading)	10					
	402 – Disability Nondiscrimination Policy						
	412 – Expense Reimbursement (technical edits only)						
	520 – Student Surveys						
	531 – Pledge of Allegiance (technical edits only)						
	532 – Use of Peace Officers and Crisis Teams to Remove						
	Students with IEPs from School Grounds						
	534 – School Meals Policy (approve redline edits)						
	601 – Charter School Curriculum and Instruction Goals						
	603 – Curriculum Development						
	606.5 – Library Materials						
	612.1 – Development of Parent and Family Engagement Policies						
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	616 – Charter School System Accountability						
	617 – Chater School Ensurance of Preparatory and High School						
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	620 – Credit for Learning						
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	214 - Out-of-State Travel by Charter School Board Members						
	401 - Equal Employment Opportunity						

	406 - Public and Private Personnel Data	
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	411 - Group Health Insurance Coverage	
	413 - Harassment and Violence	
	417 - Chemical Use and Abuse	
	418 - Drug-Free Workplace	
	419 - Tabacco-Free Environment	
	426 - Nepotism - Charter Schools	
	427 - Workload Limits for Certain Special Education Teachers	
	501 - School Weapons Policy	
	502 - Search of Student Lockers, Desks, Personal	
	Possessions and Student's Person	
	506 - Student Discipline	
	Governance Manual – technical edits	277
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6.	Adjourn Meeting	

# 2025-2026 Calendar

July 1-4	Holiday			
Aug 4-7	New Teachers Workshop			
Aug 11-15	PD Day			
Aug 18	First Day of School (Grades 5-12)			
Aug 18-22	Prep for Success Conferences K-4			
Aug 25	First Day of School (Grades K-4)			
Aug 29	Teacher Non-Duty Day			
Sept 1	Holiday			
Sept 22	PD Day			
Oct 15	End of Quarter 1			
Oct 16	MN Classical Education Conference			
Oct 16	PD Day			
Oct 17	Teacher Non-Duty Day			
Oct 20	Teacher Non-Duty Day			
Oct 21	Grading Day			
Nov 6	LS/MS/US PM Conferences			
Nov 7	LS Conferences			
Nov 26	PD Day			
Nov 27-28	Holiday			
Dec 19	End of Quarter 2/Semester 1			
Dec 22-Jan 1	Holiday			
Jan 2	Grading Day			
Jan 5	PD Day			
Jan 19	PD Day			
Jan 23	LS Conferences			
Feb 16	PD Day			
Mar 12	End of Quarter 3			
Mar 13	Grading Day			
Mar 16-20	Spring Break - Teacher Non-Duty			
April 3	Teacher Non-Duty Day			
May 22	Last Day of School/ End of Semester 2			
May 25	Holiday			
May 26	PD/Grading Day			
May 31	Graduation			
June 19	Holiday			
June 29-30	Holiday			

School Day	No School Day for LS Only
	chool Day/ tudents Day/

July 2025								
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T14/S9



T21/S20

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January 2026

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November 2025						D	ecer	nber	202	25
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T18/S17

February 2026								
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March 2026							
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T17/S16

April 2026								
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T21/S21

May 2026					
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T17/S16

June 2026				
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T0/S0

Quarter 1 = 40	Quarter	r 2 = 40	Semester 1 = 80	Quarter 3 = 46	Quarte	4 = 44	Semester 2 = 90
189 New Staff	Days 3	185 Reti	urning Staff Days	170 MS/US Stude	ent Days	163 LS	S Student Days

#### **SCPA School Board Minutes**

September 16, 2025

**Members Present**: T. Gulbransen (Chair), Bob Hajlo (Vice-Chair), D. Smith (Treasurer), A. Galati (Secretary), J. Johnson, R. Thorson, M. Adams, H. Gonzalez, K. Osberghaus

Members Absent: None

Remote Board Members: None

Ex-officio Members Present: J. Fuchs (Executive Director)

Guests: K. Gutierrez

- 1. Call to order: T. Gulbransen called the meeting to order at 6:00 PM.
- 2. Open Forum None
- 3. SCPA Board Calendar 2025-2026 September 2025
  - a. St. Croix Prep 2025-2026 Board Meetings Calendar
    - i. Motion to Approve cancelling the November Board Retreat on 11/15/25: B. Hajlo
    - ii. Second: R. Thorson
    - iii. Approved: All

#### 4. Consent Agenda

- a. Board Minutes
  - i. August 19, 2025 Minutes
  - ii. August 28, 2025 Minutes
- b. Executive Directors' Reports
  - Executive Director's Report August 2025 J. Fuchs
  - ii. <u>EDFO Board Report September 2025</u> K. Gutierrez
- c. Governance Policies for Approval
  - i. Policy 413 Harassment and Violence
    - o Motion to Approve the Consent Agenda: D. Smith
    - Second: R. Thorson
    - o Approved: All

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- ii. Policy 712 Video Surveillance
- iii. Acceptable Use Policy Access and Use of Security Camera Footage
  - o Motion to Approve the Consent Agenda: K. Osberghaus
  - o Second: A. Galati
  - o Approved: All
- Motion to Approve the Consent Agenda: H. Gonzalez
- Second: D. SmithApproved: All

#### 5. Agenda

- a. Quarterly Board Reports
  - i. Student Services: P. Rosell
  - ii. Lower School: J. Karatov
  - iii. Upper School: A. Sachariason
  - iv. Middle School: A. Kleinboehl
- b. Q Comp Goals for 2526 D. Thompson
  - i. Motion to Approve the Consent Agenda: A. Galati
  - ii. Second: J. Johnson
  - iii. Approved: All
- c. MCA 2025 Data J. Fuchs
- d. MDE Assurance of Compliance J. Fuchs
- e. Human Resources
  - i. Updated Job Description Review and Approval ED and EDoF T. Gulbransen
    - Executive Director of Finance and SCPA Founder
      - i. Motion to Approve the Consent Agenda: A Galati
      - ii. Second: B Hajlo
      - iii. Approved: All

- Executive Director Operations Update (in RED)
  - i. Motion to Approve the Consent Agenda: J Johnson
  - ii. Second: D Smithiii. Approved: All
- ii. Amended Employment Agreement EDOF
  - Motion to Approve the Consent Agenda: K Osberghaus
  - o Second: H Gonzalez
  - Approved: All
- iii. Amended Employment Agreement ED
  - o Motion to Approve the Consent Agenda: J Johnson
  - Second: K Osberghaus
  - o Approved: All
- f. Transportation Committee Discussion
  - i. Motion to make a committee ad hoc: B Hajlo
  - ii. Motion: M Adams
  - iii. Second: J Johnson
- g. Finance
  - i. SCPA Memorandum of Understanding J. Fuchs
  - ii. Technology Services Agreement with St. Croix Prep Foundation J. Fuchs
  - iii. Finance Committee September 2025
  - iv. Unaudited Financials June FY25 K. Gutierrez
- h. Governance
  - i. Governance Committee Minutes September 2, 2025
  - ii. <u>Minnesota State Statute Training September 2025</u> Move to October Board Meeting
  - iii. MN 124E (2024) Moved to October Board Meeting

- iv. MN Charter School Crosswalk 2024 Moved to October Board Meeting
- i. Strategic Planning Committee Report

#### Adjournment: 7:52 PM

• Motion to adjourn: A. Galati

Second: J. JohnsonApproved: All

Respectfully Submitted by A. Galati, St. Croix Preparatory Academy Board Secretary



### **Executive Director's Report to the Board**

Date of Report: October 2025

Report Prepared By: Jenn Fuchs, Ph.D.

#### **Goal 1: Analyze and Evaluate**

- Enrollment remains steady
  - o LS-454
  - o MS-373
  - US-403 (Higher than expected)
- Transportation
  - This has a significant impact as a result of the 9:45 am start and 4:15 end time on students, staff and families and we are exploring options for 26-27
- Crisis Team has been exploring options and costs for additional safety measures
  - We will be presenting those as a part of the Emergency Operations Plan (EOP) Presentation
- Action Planning work continues for Administrative Team
  - Time is set aside for each of the 3 teams to work and then report back to the entire administrative team
    - Work that is completed or will be by October 31
      - Team Building
      - Google Training
      - Surveyed Staff about the addition of the Staff Update
- Leadership Training
  - Completed our last session on Thin Book of Trust
    - Focus of our work moving forward is how embed this in our work as leaders

#### **Goal 2: Operational Leadership**

- Transportation
  - Moving forward with feasibility study to have our own contract for transportation
    - We have transportation vendors who have already reached out and are asking about the RFP
    - Per Statute we must let the resident district know about transportation by March 1

- Role of the Board committee will be to review the RFPs and make a recommendation to the Board
- Incident IQ (Facilities/IT ticketing and calendaring) goes live
- Policy Review
  - Governance has received the MSBA audit back and will be moving policies forward to the Board for review
- Janel Coleman has started as the Manager of Board and Executive Services as of October 1, 2025
- Key October Report Submissions
  - Friends of Education-Financials, Oct 1 Enrollment, Students falling behind, Fund Balance, Charter School Assurances
  - MDE-MN Automated Reporting Student System (MARSS), MN Common Course Catalog (MCCC), Oct 1 Enrollment

#### ST. CROIX PREPARATORY ACADEMY

Adopted:	MSE
Revised:	

MSBA/MASA Model Policy 402 Charter Orig. 1995 (as ISD Policy) Orig. 2022 (as Charter Policy)

#### 402 DISABILITY NONDISCRIMINATION POLICY

[NOTE: Charter schools are required by statute to have a policy addressing these issues.]

#### I. PURPOSE

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

#### II. GENERAL STATEMENT OF POLICY

- A. The charter school shall not discriminate against qualified individuals with disabilities because of the disabilities of such individuals in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions, and privileges of employment.
- B. The charter school shall not engage in contractual or other arrangements that have the effect of subjecting its qualified applicants or employees with disabilities to discrimination on the basis of disability. The charter school shall not exclude or otherwise deny equal jobs or job benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association.
- C. The charter school shall make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee unless the accommodation would impose undue hardship on the operation of the business of the charter school.
- D. Any job applicant or employee wishing to discuss the need for a reasonable accommodation, or other matters related to a disability or the enforcement and application of this policy, should contact Terri Smith, HR Director, (4260 Stagecoach Trail N, Stillwater, MN 55082, 651-395-5903, tsmith@stcroixprep.org.). This individual is the charter school's appointed ADA/Section 504 coordinator.

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

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

42 U.S.C. § 12101 (Americans with Disabilities Act)

29 C.F.R. Part 32 (Nondiscrimination on the Basis of Handicap in Programs or

Activities Receiving Federal Financial Aid)

34 C.F.R. Part 104 (Nondiscrimination on the Basis of Handicap in Programs or

Activities Receiving Federal Assistance)

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

MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)

#### 402 DISABILITY NONDISCRIMINATION POLICY

[NOTE: Charter schools are protected from discrimination on the basis of disability pursuantrequired by statute to Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act (ADA), and the Minnesota Human Rights Act. have a policy addressing these issues.]

#### I. PURPOSE

The purpose of this policy is to prohibit discrimination on the basis of disability in accordance provide a fair employment setting for all persons and to comply with state and federal law.

#### II. GENERAL STATEMENT OF POLICY

- A. The Academycharter school shall not discriminate against qualified individuals with disabilities because of the disabilities of such individuals in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions, and privileges of employment.
- B. The Academycharter school shall not engage in contractual or other arrangements that have the effect of subjecting its qualified applicants or employees with disabilities to discrimination on the basis of disability. The Academycharter school shall not exclude or otherwise deny equal jobs or job benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association.
- C. The Academycharter school shall make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the accommodation would impose undue hardship on the operation of the business of the Academycharter school.
- A. The Academy may refuse to hire an applicant or may discharge an employee who poses a direct threat to the health or safety of himself/herself or others that cannot be eliminated or reduced by reasonable accommodation.
- D. \_\_Any job applicant or employee wishing to discuss the need for a reasonable accommodation, or other matters related to a disability, or the enforcement and application of this policy, should contact the Human Resources Manager, 4260 Stagecoach Trail N, Stillwater, MN 55082, 651-395-5903.
- B. The Academy's ADA/Section 504 Coordinator is the Special Education Director, 4260 Stagecoach Trail N, Stillwater, MN 55082, 651-395-5707. Persons who wish to make a complaint regarding a disability discrimination matter may use the accompanying Discrimination, Harassment, and Violence Report Form. The form should be given to the ADA/Section 504 Coordinator.

#### Ill. Grievance Procedures

- A. File Complaint with ADA/Section 504 Coordinator
  - 1. Any employee who believes he or she has been discriminated against in violation of this policy by a teacher, administrator, other Academy personnel, or agent of the Academy, including, but not limited to, volunteers, or any person with knowledge or belief of conduct which may constitute unlawful disability discrimination toward an employee may file a local grievance (also referred to as a complaint) with the ADA/Section 504 Coordinator. Any school principal, other administrator, or other employee who receives a report of discrimination prohibited

- by this policy shall inform the ADA/Section 504 Coordinator immediately. If the complaint relates to the ADA/Section 504 Coordinator, then the complaint may be submitted to the Executive Director.
- 2. The Academy encourages the complainant to file a complaint within thirty (30) days of the alleged violation whenever possible. Upon filing a complaint with the Academy, the complainant will be asked to provide a brief description of the alleged discriminatory action, the date of the alleged action, and (list the name of the person(s) responsible for the alleged action.
- 3. The Academy encourages the complainant to use the accompanying Discrimination, Harassment, and Violence Report Form, but oral reports will be considered complaints as well. Use of the Report Form is not mandatory.
- 4. Submission of a good faith complaint of disability discrimination toward an employee will not affect the complainant's future employment, work assignments, or work environment.
- 5. False accusations or complaints of discrimination against another person are prohibited.

#### B. Pre-Grievance Contact

Prior to the submission of a grievance, the complainant may request a pre-grievance contact with the individual alleged to be directly responsible for the discriminatory action and/or with the persons having immediate supervisory authority related to the grievance. These persons may make reasonable efforts to meet with the Human Resources Manager to discuss the grievance that the complainant wishes to bring to their attention. Such a pre-grievance contact shall be at the option of the complainant; it shall not be a precondition for the submission of a grievance to the ADA/Section 504 Coordinator.

#### C. Investigation of Complaint

- 1. By authority of the Academy, the ADA/Section 504 Coordinator, upon receipt of a complaint, shall promptly forward the matter to the Human Resources Manager. Upon receipt of a complaint, the Human Resources Manager shall promptly undertake or authorize an investigation unless the matter can be resolved informally. The investigation may be conducted by Academy officials or by a third party designated by the Academy.
- 2. 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.
- 3. In determining whether alleged conduct constitutes a violation of this policy, the Academy should consider the surrounding circumstances, the nature of thebehavior, 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.
- 4. The investigation will be completed within thirty (30) days of receipt of the complaint, unless good cause exists for a longer period of time. Upon completion of the investigation, the investigator shall make a written report of the result of the Academy's investigation to the Human Resources Manager, who shall forward the report to the Executive Director. If the Human Resources Manager (as opposed to some other individual designated by the Academy) conducted the investigation, the report shall be filed directly with the Executive Director. The report shall include a determination of whether the allegations have been substantiated and whether they appear to be violations of this policy. The result of the Academy's investigation will be reported in writing to the complainant by the Academy in accordance with state and federal law regarding data or records privacy. The complainant will also be informed of the right to appeal per paragraph D below.

#### D. Appeal of Complaint

In the event the complainant does not believe that the complaint has been resolved to his or her satisfaction, he or she may appeal to the Human Resources Manager. If the Human Resources Manager (as opposed to some other individual designated by the Academy) conducted the investigation, the appeal may be filed directly with the Executive Director. Any appeal must be made in writing within ten (10) school days of receipt of the written result of the Academy's investigation.

#### E. Review of Appeal

The Human Resources Manager shall conduct a review of a timely appeal and within ten (10) school days of receipt of the appeal, shall investigate further if necessary and respond in writing to the complainant to the extent allowed by law. If the Human Resources Manager conducted the investigation, this review shall be conducted by the Executive Director. The decision of the Human Resources Manager (or of the

Executive Director if that individual conducted the review) is final but does not prohibit the complainant from pursuing alternative complaint procedures as discussed below in Section  $VI_{\star}$ 

#### IV. Academy Action

Upon completion of an investigation (or appeal) that determines a violation of this policy has occurred, the Academy will take appropriate action. Such action may include, but is not limited to, warning, suspension, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. Academy action taken for violation of this policy will beconsistent with requirements of applicable Minnesota and federal law and Academy policies and procedures.

#### V. Retaliation or Reprisal

The Academy will discipline or take appropriate action against any teacher, administrator, or other school personnel, or agent of the Academy, including, but not limited to, volunteers, who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged discrimination toward an employee prohibited by this policy, or who testifies, assists, or participates in an investigation, proceeding, or hearing relating to such discrimination or retaliation. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the retaliation or reprisal.

#### **VI.** Right to Alternative Complaint Procedures

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

#### **U.S. Department of Education**

Office for Civil Rights, Chicago Office 500 W. Madison Street -Suite 1475 Chicago, IL 60661 Tel: 312-730-1560

Fax: 312-730-1560

Email: OCR.Chicago@ed.gov

#### **MN Department of Human Rights**

Freeman Building 625 Robert Street North St. Paul, MN 55155 Tel: 651-539-1100 Toll-free: 1-800-657-3704

TOII-ITEE. 1-000-037-370

Fax: 651-296-9042

Email: <a href="mailto:lnfo.MDHR@state.mn.us">lnfo.MDHR@state.mn.us</a>

## Equal Employment Opportunity Commission

330 S. 2nd Avenue, Suite 720 Minneapolis, MN 55401

Tel: 1-800-669-4000

Fax: 612-335-4044

VII. Privacy

The Academy will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Academy's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

#### VIII. Post

The Academy shall conspicuously post the name of the ADA/Section 504 Coordinator, including, title, office mailing address and, telephone number. Dissemination of Policy, and Evaluation e-mail address). This policy shall be made available to all staff members and employee organizations individual is the charter school's appointed ADA/Section 504 coordinator.

A. The Academy shall review this policy and the Academy's operation for compliance with state and federal laws prohibiting discrimination on a periodic basis.

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

29 U.S.C. § 794 et seq. ((Section 504 of the Rehabilitation Act of 7973, §

*504*1973)

42 U.S.C., § 12101 Ch. 726 § 72772 (Americans with Disabilities Act)

29 C.F.R. Part 32 (Nondiscrimination on the Basis of Handicap in Programs or

Activities Receiving Federal Financial Aid)

34 C.F.R. Part 70434 C.F.R. Part 104 (Nondiscrimination on the Basis of

Handicap in Programs or Activities Receiving Federal Assistance)

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

MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)

#### ST. CROIX PREPARATORY ACADEMY

Adopted: 06/26/2018 Revised: 06/26/2018

MSBA/MASA Model Policy 412 Charter Orig.1995 (as ISD Policy) Orig.2022 (as Charter Policy)

#### 412 EXPENSE REIMBURSEMENT

[NOTE: Charter schools are required by statute to have a policy addressing these issues.]

#### I. PURPOSE

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

#### II. AUTHORIZATION

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

#### III. REIMBURSEMENT

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

#### IV. AIRLINE TRAVEL CREDIT

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

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

#### V. ESTABLISHMENT OF DIRECTIVES AND GUIDELINES

The Executive Director or Chief Operating Officer shall develop a schedule of reimbursement rates for charter school business expenses, including those expenses requiring advance approval and specific rates of reimbursement. The Executive Director or Chief Operating Officer shall also develop directives and guidelines to address methods and times for submission of requests for reimbursement.

**Legal References:** Minn. Stat. § 15.435 (Airline Travel Credit)

Minn. Stat. § 471.665 (Mileage Allowances)

Minn. Op. Atty. Gen. 1035 (Aug. 23, 1999) (Retreat Expenses)

Minn. Op. Atty. Gen. 161b-12 (Aug. 4, 1997) (Transportation Expenses) Minn. Op. Atty. Gen. 161B-12 (Jan. 24, 1989) (Operating Expenses of Car)

Cross References: MSBA/MASA Model Policy 214 (Out-of-State Travel by Charter School Board

Members

DOCUMENT # 412.Revision.a ADOPTED BY THE BOARD:

REVISED BY THE BOARD: 6/26/2018

EFFECTIVE DATE: 6/26/2018



#### ST. CROIX PREPARATORY ACADEMY

Adopted: MSBA/MASA Model Policy 412 Charter Orig. 1995 (as ISD Policy) Revised: Orig. 2022 (as Charter Policy)

#### 412 EXPENSE REIMBURSEMENT

[NOTE: Charter schools are required by statute to have a policy addressing these issues.]

#### **PURPOSE**

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

#### **AUTHORIZATION**

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

#### REIMBURSEMENT

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

#### **AIRLINE TRAVEL CREDIT**

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

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the tickets are purchased.

#### V.- ESTABLISHMENT OF DIRECTIVES AND GUIDELINES

The Executive Director or Chief Operating Officer shall develop a schedule of reimbursement rates for <a href="mailto:charter">charter</a> school-district business expenses, including those expenses requiring advance approval and specific rates of reimbursement. The Executive Director or Chief Operating Officer shall also develop directives and guidelines to address methods and times for submission of requests for reimbursement.

Legal References: Minn. Stat. -§ 15.435 (Airline Travel Credit)

Minn. Stat. § 471.665 (Mileage Allowances)

Minn. Op. Atty. Gen. 1035 (Aug. 23, 1999) (Retreat Expenses)

Minn. Op. Atty. Gen. 161b-12 (Aug. 4, 1997) (Transportation Expenses) Minn. Op. Atty. Gen. 161B-12 (Jan. 24, 1989) (Operating Expenses of Car)

Cross References: MSBA/MASA Model Policy 214 (Out-of-State Travel by Charter School Board

Members-

DOCUMENT # 412.Revision.a ADOPTED BY THE BOARD:

REVISED BY THE BOARD: 6/26/2018

EFFECTIVE DATE: 6/26/2018

# ST. CROIX PREPARATORY ACADEMY Adopted:\_\_\_\_\_\_ MSBA/MASA Model Policy 520 Charter Orig. 1995 (as ISD Policy) Revised:\_\_\_\_\_\_ Orig. 2022 (as Charter Policy)

#### **520 STUDENT SURVEYS**

[Note: Charter schools are required by statute to have a policy addressing student surveys.]

#### I. PURPOSE

Occasionally, the charter school utilizes surveys to obtain student opinions and information about students. The purpose of this policy is to establish the parameters of information that may be sought in student surveys.

#### II. GENERAL STATEMENT OF POLICY

Student surveys may be conducted as determined necessary by the charter school. Surveys, analyses, and evaluations conducted as part of any program funded through the U.S. Department of Education must comply with 20 United States Code section 1232h.

#### III. STUDENT SURVEYS IN GENERAL

- A. Student surveys will be conducted anonymously and in an indiscernible fashion. No mechanism will be used for identifying the participating student in any way. No attempt will be made in any way to identify a student survey participant. No requirement that the student return the survey shall exist, and no record of the student returning a survey will be maintained.
- B. The superintendent may choose not to approve any survey that seeks probing personal and/or sensitive information that could result in identifying the survey participant, or is discriminatory in nature based on age, race, color, sex, disability, religion, or national origin.
- C. Surveys containing questions pertaining to the student's or the student's parent(s) or guardian(s) personal beliefs or practices in sex, family life, morality, and religion will not be administered to any student unless the parent or guardian of the student is notified in writing that such survey is to be administered and the parent or guardian of the student gives written permission for the student to participate or has the opportunity to opt out of the survey depending upon how the survey is funded. Any and all documents containing the written permission of a parent for a student to participate in a survey will be maintained by the charter school in a file separate from the survey responses.
- D. Although the survey is conducted anonymously, potential exists for personally identifiable information to be provided in response thereto. To the extent that personally identifiable information of a student is contained in his or her responses to a survey, the charter school will take appropriate steps to ensure the data is protected in accordance with Minnesota Statutes chapter 13 (Minnesota Government Data Practices Act), 20 United States Code section 1232g (Family Educational Rights and Privacy Act) and 34 Code of Federal Regulations Part 99.
- E. The charter school must not impose an academic or other penalty on a student who opts out of participating in a student survey.

#### IV. STUDENT SURVEYS CONDUCTED AS PART OF DEPARTMENT OF EDUCATION PROGRAM

A. All instructional materials, including teacher's manuals, films, tapes, or other

supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any program funded in whole or in part by the U.S. Department of Education, shall be available for inspection by the parents or guardians of the students.

- B. No student shall be required, as part of any program funded in whole or in part by the U.S. Department of Education, without the prior consent of the student (if the student is an adult or emancipated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent, to submit to a survey that reveals information concerning:
  - political affiliations or beliefs of the student or the student's parent;
  - 2. mental and psychological problems of the student or the student's family;
  - 3. sex behavior or attitudes;
  - 4. illegal, antisocial, self-incriminating, or demeaning behavior;
  - critical appraisals of other individuals with whom respondents have close family relationships;
  - 6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
  - religious practices, affiliations, or beliefs of the student or the student's parent;
  - 8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).
- C. A charter school that receives funds under any program funded by the U.S. Department of Education shall develop local policies consistent with Sections IV.A. and IV.B., above, concerning student privacy, parental access to information, and administration of certain physical examinations to minors.
  - 1. The following policies are to be adopted in consultation with parents:
    - a. The right of a parent to inspect, on request, a survey, including an evaluation, created by a third party before the survey is administered or distributed by a school to a student, including procedures for granting a parent's request for reasonable access to such survey within a reasonable period of time after the request is received.
      - "Parent" means a legal guardian or other person acting *in loco parentis* (in place of a parent), such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child.
    - b. Arrangements to protect student privacy in the event of the administration or distribution of a survey, including an evaluation, to a student which contains one or more of the items listed in Section IV.B., above, including the right of a parent of a student to inspect, on request, any such survey.
    - c. The right of a parent of a student to inspect, on request, any instructional material used as part of the educational curriculum for the student and procedures for granting a request by a parent for such access within a reasonable period of time after the request is received.

"Instructional material" means instructional content that is provided to a student, regardless of format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (i.e., materials accessible through the Internet). The term does not include academic tests or academic assessments.

- d. The administration of physical examinations or screenings that the charter school may administer to a student. This provision does not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (20 United States Code section 1400, et seq.).
- e. The collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing the information to others for that purpose), including arrangements to protect student privacy that are provided by the charter school in the event of such collection, disclosure, or use.
  - (1) "Personal information" means individually identifiable information including a student or parent's first and last name; a home or other physical address (including street name and the name of the city or town); a telephone number; or a Social Security identification number.
  - (2) This provision does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as:
    - (a) college or other post-secondary education recruitment or military;
    - (b) book clubs, magazines, and programs providing access to low cost literary products;
    - (c) curriculum and instructional materials used by elementary and secondary schools;
    - (d) tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students, or to generate other statistically useful data for the purpose of securing such tests and assessments and the subsequent analysis and public release of the aggregate data from such tests and assessments:
    - (e) the sale by students of products or services to raise funds for school-related or education-related activities;
    - (f) student recognition programs.
  - (3) The right of a parent to inspect, on request, any instrument used in the collection of information, as described in Section IV.C.1., Subparagraph e., above, before the instrument is administered or distributed to a student and procedures for granting a request by a parent for reasonable access to such an instrument within

a reasonable period of time after the request is received.

- 2. The policies adopted under Section IV.C., Subparagraph 1., above, shall provide for reasonable notice of the adoption or continued use of such policies directly to parents of students enrolled in or served by the charter school.
  - a. The notice will be provided at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in a policy.
  - b. The notice will provide parents with an opportunity to opt out of participation in the following activities:
    - (1) Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information, or otherwise providing that information to others for that purpose.
    - (2) The administration of any third-party survey (non-Department of Education funded) containing one or more of the items contained in Section IV.B., above.
    - (3) Any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school and scheduled by the school in advance, and not necessary to protect the immediate health and safety of the student or other students.

"Invasive physical examination" means any medical examination that involves the exposure of private body parts, or act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

- c. The notice will advise students of the specific or approximate dates during the school year when the activities in Section IV.C.2., Subparagraph b., above, are scheduled, or expected to be scheduled.
- d. The notice provisions shall not be construed to preempt applicable provisions of state law that require parental notification and do not apply to any physical examination or screening that is permitted or required by applicable state law, including physical examinations or screenings that are permitted without parental notification.

#### V. NOTICE

- A. The charter school must give parents and students notice of this policy at the beginning of each school year and after making substantive changes to this policy.
- B. The charter school must inform parents at the beginning of the school year if the district or school has identified specific or approximate dates for administering surveys and give parents reasonable notice of planned surveys scheduled after the start of the school year. The charter school must give parents direct, timely notice when their students are scheduled to participate in a student survey by United States mail, e-mail, or another direct form of communication.
- C. The charter school must give parents the opportunity to review the survey and to opt their students out of participating in the survey.

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

Minn. Stat. § 121A.065 (District Surveys to Collect Student Information; Parent

Notice and Opportunity for Opting Out)

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

20 U.S.C. § 1232h (Protection of Pupil Rights)

34 C.F.R. § 99 (Family Educational Rights and Privacy Act Regulations)

Gonzaga University v. Doe, 536 U.S. 273 (2002)

C.N. v. Ridgewood Bd. of Educ., 430 F.3d. 159 (3<sup>rd</sup> Cir. 2005) Fields v. Palmdale School Dist., 427 F.3d. 1197 (9<sup>th</sup> Cir. 2005)

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

MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)

MSBA/MASA Model Policy 522 (Title IX Sex Nondiscrimination, Grievance

Procedure and Process)

#### DST. CROIX PREPARATORY ACADEMY POLICY

Adopted: 8/15/23

MSBA/MASA Model Policy 531 Charter Orig. 2003 (as ISD Policy) Orig. 2022 (as Charter Policy)

Revised: 8/15/23

#### 531 THE PLEDGE OF ALLEGIANCE

[NOTE: Recitation of the Pledge of Allegiance by students and instruction of students as provided in this policy are required by statute. Also, the statement in Article III., below, must be included in the student handbook or a policy guide. A local school board or a charter school board of directors may waive these statutory requirements by a majority vote taken annually. If the charter school board of directors waives the requirement to recite the Pledge of Allegiance, it may adopt a school policy regarding the reciting of the Pledge of Allegiance.]

#### I. PURPOSE

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

#### II. GENERAL STATEMENT OF POLICY

Students in this charter school shall recite the Pledge of Allegiance to the flag of the United States of America one or more times each week. The recitation shall be conducted:

- A. By each individual classroom teacher or the teacher's surrogate; or
- B. Over a school intercom system by a person designated by the school principal or other person having administrative control over the school.

#### III. EXCEPTIONS

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

#### IV. INSTRUCTION

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

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

Minn. Stat. § 121A.11, Subd. 4 (Instruction)

Minn. Stat. § 124E.03, Subd. 2(e) (Applicable Law)

Cross References: None

DOCUMENT # 531.Revision.b ADOPTED BY THE BOARD:

REVISED BY THE BOARD: 8/15/2023

EFFECTIVE DATE: 8/15/2023



#### ST. CROIX PREPARATORY ACADEMY POLICY

Adopted: MSBA/MASA Model Policy 531 Charter
Orig. :—2003 (as ISD

Policy)
Revised: Orig. 2022 (as Charter Policy)

#### **531** THE PLEDGE OF ALLEGIANCE

[NOTE: Recitation of the Pledge of Allegiance by students and instruction of students as provided in this policy are required by statute. Also, the statement in Article III., below, must be included in the student handbook or a policy guide. A local school board or a charter school board of directors may waive these statutory requirements by a majority vote taken annually. If the charter school board of directors waives the requirement to recite the Pledge of Allegiance, it may adopt a school policy regarding the reciting of the Pledge of Allegiance.]

#### I.-\_\_\_PURPOSE

The <u>charter</u> school board recognizes the need to display an appropriate United States flag and to provide instruction to students in the proper etiquette, display, and respect of the flag. -The purpose of this policy is to provide for recitation of the Pledge of Allegiance and instruction in school to help further that end.

#### II.-\_\_\_GENERAL STATEMENT OF POLICY

Students in this <u>charter</u> school<u>district</u> shall recite the Pledge of Allegiance to the flag of the United States of America one or more times each week. -The recitation shall be conducted:

- A. By each individual classroom teacher or the teacher's surrogate/designee; or
- B. Over a school intercom system by a person designated by the school principal, or other person having administrative control over the school, or administrative surrogate/designee.

#### III.- EXCEPTIONS

Anyone who does not wish to participate in reciting the Pledge of Allegiance for any personal reasons may elect not to do so. -Students and school personnel must respect another person's right to make that choice.

#### IV.\_\_\_INSTRUCTION

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

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

Minn. Stat. § 121A.11, Subd. 4 (Instruction)

MSBA/MASA Model Policy 531 Minn. Stat. § 124E.03, Subd. 2(e) (Applicable

Law)

Cross References: None

DOCUMENT # 531.Revision.b ADOPTED BY THE BOARD:

REVISED BY THE BOARD: 8/15/2023



EFFECTIVE DATE: 8/15/2023

ST. CROIX PREPARATORY ACADEMY	
Adopted:	MSBA/MASA Model Policy 532 Charter
	Orig. 2022 (as Charter Policy)
Revised:	Rev. 2024

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

[NOTE: Charter schools are required by statute to have a policy addressing these issues.]

#### I. PURPOSE

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

#### II. GENERAL STATEMENT OF POLICY

The charter school is committed to promoting learning environments that are safe for all members of the school community. It further believes that students are the first priority and that they should be reasonably protected from physical or emotional harm at all school locations and during all school activities.

In general, all students, including those with IEPs, are subject to the terms of the charter school's discipline policy. Building level administrators have the leadership responsibility to maintain a safe, secure, and orderly educational environment within which learning can occur. Corrective action to discipline a student and/or modify a student's behavior will be taken by staff when a student's behavior violates the charter school's discipline policy.

If a student with an IEP engages in conduct which, in the judgment of school personnel, endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, that student may be removed from school grounds in accordance with this policy.

#### III. DEFINITIONS

For purposes of this policy, the following terms have the meaning given them in this section:

- A. "Crisis team" means a group of persons, which may include teachers and non-teaching school personnel, selected by the building administrator in each school building who have received crisis intervention training and are responsible for becoming actively involved with resolving crises. The building administrator or designee shall serve as the leader of the crisis team.
- B. "Emergency" means a situation where immediate intervention is needed to protect a child or other individual from physical injury.
- C. "Peace officer" means an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the Board of Peace Officer Standards and Training, charged with the prevention and detection of crime and the enforcement of general criminal laws of the state and who has the full power of arrest. The term "peace officer" includes a person who serves as a sheriff, a deputy sheriff, a police officer, or a state patrol trooper.
- D. "Physical holding" means physical intervention intended to hold a child immobile or limit a child's movement, where body contact is the only source of physical restraint, and where immobilization is used to effectively gain control of a child in order to protect a child or other individual from physical injury.

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# [NOTE: This definition is added to provide clarity for discussion of physical holds later in this policy and in light of recent Minnesota legislative action.]

- E. The phrase "remove the student from school grounds" is the act of securing the person of a student with an IEP and escorting that student from the school building or school activity at which the student with an IEP is located.
- F. "School Resource Officer" means a peace officer who is assigned to work in an elementary school, middle school, or secondary school during the regular instructional school day as one of the officer's regular responsibilities through the terms of a contract entered between the peace officer's employer and the designated charter school.

[NOTE: The 2024 Minnesota legislature enacted this definition of "school resource officer." MSBA deleted the definition of "police liaison officer" as part of this change. Schools should use the term that reflects their local circumstances.]

- G. "Student with an IEP" or "the student" means a student who is eligible to receive special education and related services pursuant to the terms of an IEP or an individual interagency intervention plan (IIIP).
- H. All other terms and phrases used in this policy shall be defined in accordance with applicable state and federal law or ordinary and customary usage.

#### IV. REMOVAL OF STUDENTS WITH IEPS FROM SCHOOL GROUNDS

#### A. Removal By Crisis Team

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

If the student's behavior cannot be safely managed, school personnel may immediately request assistance from the school resource officer or a peace officer.

#### B. Removal By School Resource Officer or Peace Officer

If a student with an IEP engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the school building's crisis team, building administrator, or the building administrator's designee, may request that the school resource officer or a peace officer remove the student from school grounds.

If a student with an IEP is restrained or removed from a classroom, school building, or school grounds by a peace officer at the request of a school administrator or school staff person during the school day twice in a 30-day period, the student's IEP team must meet to determine if the student's IEP is adequate or if additional evaluation is needed.

Whether or not a student with an IEP engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, charter school personnel may report a crime committed by a student with an IEP to appropriate authorities. If the charter school reports a crime committed by a student with an IEP, school personnel shall transmit copies of the special education

and disciplinary records of the student for consideration by appropriate authorities to whom it reports the crime, to the extent that the transmission is permitted by the Family Education Rights and Privacy Act (FERPA), the Minnesota Government Data Practices Act, and charter school's policy, Protection and Privacy of Pupil Records.

[NOTE: If the charter school uses a different reference name for its student records policy, insert that name in place of the reference to Protection and Privacy of Pupil Records, which is the title of MSBA/MASA Model Policy 515.]

The fact that a student with an IEP is covered by special education law does not prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with an IEP.

#### C. Reasonable Force Permitted

- In removing a student with an IEP from school grounds, a building administrator, other crisis team members, or the school resource officer or other agents of the charter school, whether or not members of a crisis team, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another
- 2. In removing a student with an IEP from school grounds, police liaison officers and charter school personnel are further prohibited from engaging in the following conduct:
  - a. Corporal punishment prohibited by Minnesota Statutes, section 121A.58;
  - b. Requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;
  - c. Totally or partially restricting a child's senses as punishment;
  - d. Denying or restricting a child's access to equipment and devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the child's functioning except when temporarily removing the equipment or device is needed to prevent injury to the child or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the child as soon as possible;
  - e. Interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under Minnesota Statutes, Chapter 260E;
  - f. Physical holding (as defined above and in Minnesota Statutes, section 125A.0941) that restricts or impairs a child's ability to breathe, restricts or impairs a child's ability to communicate distress, places pressure or weight on a child's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's torso;
  - g. Withholding regularly scheduled meals or water; and/or
  - h. Denying a child access to toilet facilities.
- 3. Any reasonable force used under Minnesota Statutes, sections 121A.582; 609.06, subdivision 1; and 609.379 which intends to hold a child immobile or limit a child's movement where body contact is the only source of physical restraint or confines a child alone in a room from which egress is barred shall be reported to the Minnesota Department of Education as a restrictive procedure, including physical holding or seclusion used by an unauthorized or

untrained staff person.

#### D. <u>Parental Notification</u>

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

#### E. Continued Removals; Review of IEP

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

#### F. Effect of Policy in an Emergency; Use of Restrictive Procedures

A student with an IEP may be removed in accordance with this policy regardless of whether the student's conduct would create an emergency.

If the charter school seeks to remove a student with an IEP from school grounds under this policy due to behaviors that constitute an emergency and the student's IEP, IIIP, or behavior intervention plan authorizes the use of one or more restrictive procedures, the crisis team may employ those restrictive procedures, in addition to any reasonable force that may be necessary, to facilitate the student's removal from school grounds, as long as the crisis team members who are implementing the restrictive procedures have received the training required by Minnesota Statutes, section 125A.0942, subdivision 5, and otherwise comply with the requirements of section 125A.0942.

#### G. Reporting to the Minnesota Department of Education (MDE)

Annually, stakeholders may recommend, as necessary, to the Commissioner of MDE (Commissioner) specific and measurable implementation and outcome goals for reducing the use of restrictive procedures. The Commissioner must submit to the Legislature a report on charter schools' progress in reducing the use of restrictive procedures that recommends how to further reduce these procedures and eliminate the use of seclusion. By January 15, April 15, July 15, and October 15 of each year, charter schools must report, in a form and manner determined by the Commissioner, about individual students who have been secluded. By July 15 each year, charter schools must report summary data. The summary data must include information on the use of restrictive procedures for the prior school year, July 1 through June 30, including the use of reasonable force by school personnel that is consistent with the definition of physical holding or seclusion of a child with a disability.

#### Legal References:

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

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

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

Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)

Minn. Stat. § 121A.67 (Removal by Police Officer)

Minn. Stat. §§ 125A.094-125A.0942 (Restrictive Procedures for Children with Disabilities)

Minn. Stat. § 609.06 (Authorized Use of Force)

Minn. Stat. § 609.379 (Permitted Actions)

Minn. Stat. § 626.8482 (School Resource Officers; Duties; Training; Model Policy)

20 U.S.C. § 1232g et seg. (Family Educational Rights and Privacy (FERPA))

20 U.S.C. § 1415(k)(6) (Individuals with Disabilities Education Act)

34 C.F.R. § 300.535 (Referral to and Action by Law Enforcement and Judicial Authorities)

#### Cross References:

MSBA/MASA Model Policy 506 (Student Discipline)

MSBA/MASA Model Policy 507 (Corporal Punishment and Prone Restraint)

MSBA/MASA Model Policy 507.5 (School Resource Officers)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA/MASA Model Policy 525 (Violence Prevention)
MSBA/MASA Model Policy 806 (Crisis Management Policy)

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## ST. CROIX PREPARATORY ACADEMY SCHOOL MEALS

Adopted:	MSBA/MASA Model Policy 534 Charter
	Orig. 2022 (as Charter Policy)
Revised:	Rev. 2025

#### 534 SCHOOL MEALS POLICY

[NOTE: In 2021, the Minnesota legislature amended Minnesota Statutes, section 124D.111, to require that Minnesota charter schools that participate in the national school lunch program adopt a school meals policy. In 2023, the Minnesota legislature amended the statute to create the free school meals program].

[NOTE: This MSBA/MASA model policy is drafted to be consistent for all grade levels. However, charter schools may vary the meal charge policy for elementary, middle, and high schools.]

[NOTE: Charter schools must follow appropriate debt collection practices when attempting to recover unpaid a la carte item or second meal charges.]

#### I. PURPOSE

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

#### II. PAYMENT OF MEALS

A. All a la carte items or second meal purchases are to be prepaid before meal service begins. Families may add money to students' accounts through online electronic payment options or pay at the school office. A student who does not have sufficient funds will not be allowed to charge a la carte items or a second meal until additional money is deposited in the student's account.

If the charter school participates in the United States Department of Agriculture National School Lunch program and has an Identified Student Percentage below the federal percentage determined for all meals to be reimbursed at the free rate via the Community Eligibility Provision must participate in the free school meals program.

#### B. Free School Meals Program

- 1. The free school meals program is created within the Minnesota Department of Education.
- 2. Each school that participates in the United States Department of Agriculture National School Lunch program and has an Identified Student Percentage at or above the federal percentage determined for all meals to be reimbursed at the free rate must participate in the federal Community Eligibility Provision in order

  \*Board Polity 2-534534-1

to participate in the free school meals program.

- 3. Each school that participates in the free school meals program must:
  - a. participate in the United States Department of Agriculture School Breakfast Program and the United States Department of Agriculture National School Lunch Program; and
  - b. provide to all students at no cost up to two (2) federally reimbursable meals per school day, with a maximum of one (1) free breakfast and one (1) free lunch.
  - c. A student who has been determined eligible for free and reduced-price meals must always be served a reimbursable meal even if the student has an outstanding debt.

[NOTE: While subparagraph 3. above is inherent given subparagraph 2., MSBA recommends that school boards consider including subparagraph 3., which is stated in Minnesota Statutes, section 124D.111.]

- C. Once a meal has been placed on a student's tray or otherwise served to a student, the meal may not be subsequently withdrawn from the student by the cashier or other school official, whether or not the student has an outstanding meals balance.
- D. When a student has a negative account balance, the student will not be allowed to charge a snack item.
- E. If a parent or guardian chooses to send in one payment that is to be divided between sibling accounts, the parent or guardian must specify how the funds are to be distributed to the students' accounts. Funds may not be transferred between sibling accounts unless written permission is received from the parent or guardian.
- F. A student may purchase a second breakfast at the nonprogram price if the student has already selected a reimbursable breakfast.
- G. A student may purchase a second lunch at the nonprogram price if the student has already selected a reimbursable lunch.

[NOTE: New paragraphs F and G apply if a school receives school breakfast aid under Minnesota Statutes, section 124D.111 or school lunch aid under Minnesota Statutes, section 124D.111 respectively.]

#### III. LOW OR NEGATIVE ACCOUNT BALANCES - NOTIFICATION

- A. The charter school will make reasonable efforts to notify families when meal account balances are low or fall below zero.
- B. Families will be notified of an outstanding negative balance. Families will be notified by an automated calling system and email.
- C. Reminders for payment of outstanding student meal balances will not demean or stigmatize any student participating in the school lunch program, including, but not limited to, dumping meals, withdrawing a meal that has been served, announcing or listing students' names publicly, providing alternative meals not specifically related to dietary needs; providing nonreimbursable meals; or affixing stickers, stamps, or pins.

#### IV. UNPAID MEAL CHARGES

- A. The charter school will make reasonable efforts to communicate with families to resolve the matter of unpaid charges. Where appropriate, families may be encouraged to apply for free or reduced-price meals for their children.
- B. The charter school will make reasonable efforts to collect unpaid meal charges classified as delinquent debt. Unpaid meal charges are designated as delinquent debt when payment is overdue, the debt is considered collectable, and efforts are being made to collect it.
- C. Negative balances, not paid prior to the end of the semester, will be turned over to the executive director's designee for collection. In some instances, the charter school does use a collection agency to collect unpaid school meal debts after reasonable efforts first have been made by the charter school to collect the debt. Collection options may include, but are not limited to, use of collection agencies, claims in the conciliation court, or any other legal method permitted by law.
- D. The charter school may not enlist the assistance of non-charter school employees, such as volunteers, to engage in debt collection efforts.
- E. The charter school will not impose any other restriction prohibited under Minnesota Statutes, section 123B.37 due to unpaid student meal balances. The charter school will not limit a student's participation in any school activities, graduation ceremonies, field trips, athletics, activity clubs, or other extracurricular activities or access to materials, technology, or other items provided to students due to an unpaid student meal balance.

[NOTE: Schools that use a collection agency to collect unpaid school meals debt must address this in this policy. A new paragraph F. can be added to address the use of a collection agency.]

#### V. COMMUNICATION OF POLICY

- A. This policy and any pertinent supporting information shall be provided in writing the student handbook to:
  - 1. all households at or before the start of each school year;
  - 2. students and families who transfer into the charter school, at the time of enrollment; and
  - 3. all charter school personnel who are responsible for enforcing this policy.
- B. The charter school will post this policy on the charter school's website, or the website of the organization where the meal is served, in addition to providing the required written notification described above.
- C. If the charter school contracts with a third party for its meal services, it will provide the vendor with its school meals policy. The charter school will ensure that any third-party provider with whom the charter school enters into either an original or modified contract after July 1, 2021, adheres to the charter school's school meals policy.

#### Legal References:

Minn. Stat. § 123B.37 (Prohibited Fees)

Minn. Stat. § 124D.111 (School Meals Policies; Lunch Aid; Food Service Accounting)

42 U.S.C. § 1751 *et seq.* (Healthy and Hunger-Free Kids Act) 7 C.F.R. § 210 *et seq.* (School Lunch Program Regulations) 7 C.F.R. § 220.8 (School Breakfast Program Regulations)

USDA Policy Memorandum SP 46-2016, Unpaid Meal Charges: Local Meal Charge Policies (2016)

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USDA Policy Memorandum SP 47-2016, Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payments (2016)
USDA Policy Memorandum SP 23-2017, Unpaid Meal Charges: Guidance and

Q&A

**Cross References:** None



## ST. CROIX PREPARATORY ACADEMY SCHOOL MEALS

Adopted: MSBA/MASA Model Policy 534 Charter
Orig. 2022 (as Charter Policy)
Revised: Rev. 2025

#### 534 SCHOOL MEALS POLICY

[NOTE: In 2021, the Minnesota legislature amended Minnesota Statutes, section 124D.111, to require that Minnesota charter schools that participate in the national school lunch program adopt a school meals policy. In 2023, the Minnesota legislature amended the statute to create the free school meals program].

[NOTE: This MSBA/MASA model policy is drafted to be consistent for all grade levels. However, charter schools may vary the meal charge policy for elementary, middle, and high schools.]

[NOTE: Charter schools must follow appropriate debt collection practices when attempting to recover unpaid a la carte item or second meal charges.]

#### I. PURPOSE

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

#### II. PAYMENT OF MEALS

A. Students have use of a meal account. When an account balance falls below \$0.00[NOTE: Payment systems and procedures will likely vary from charter school to charter school. The charter school should select one of the following options and delete the remaining options.]

A. [OPTION 1: All a la carte items or second meal purchases are to be prepaid before meal service begins. [Insert description for how families may add money to students' accounts (e.g., electronic payment options, pay at the school office, etc.).] A student who does not have sufficient funds will not be allowed to charge a la carte items or a second meal until additional money is deposited in the student's account.]

[OPTION 2: Students have use of a meal account. When the balance reaches zero, a student may charge no more than \$[insert amount] or [insert number of meals] to this account]. When an account reaches this limit, a student shall not be allowed to charge second meals or a la carte items until the negative account balance is paid. [Insert



description for how families may add money to students' accounts (e.g., electronic payment options, pay at the school office, etc.).]]

B. Parents can send payment (check or cash) with their child to school to be dropped off in the main office or payment can be made via SchoolPay. SchoolPay (<a href="https://stcroixprep.schoolpay.com/">https://stcroixprep.schoolpay.com/</a>) is the school's electronic payment system that allows a parent to automatically pay for school fees (e.g. lunch, field trips and participation fees.

COPTION 3: Insert a charter school-specific process for payment of a la carte items or second meals.

If the charter school participates in the United States Department of Agriculture National School Lunch program and has an Identified Student Percentage below the federal percentage determined for all meals to be reimbursed at the free rate via the Community Eligibility Provision must participate in the free school meals program.

#### B. Free School Meals Program

- The free school meals program is created within the Minnesota Department of Education.
- 2. Each school that participates in the United States Department of Agriculture National School Lunch program and has an Identified Student Percentage at or above the federal percentage determined for all meals to be reimbursed at the free rate must participate in the federal Community Eligibility Provision in order to participate in the free school meals program.
- 3. Each school that participates in the free school meals program must:
  - participate in the United States Department of Agriculture School Breakfast Program and the United States Department of Agriculture National School Lunch Program; and
  - <u>b.</u> provide to all students at no cost up to two (2) federally reimbursable meals per school day, with a maximum of one (1) free breakfast and one (1) free lunch.
  - A student who has been determined eligible for free and reduced-price meals must always be served a reimbursable meal even if the student has an outstanding debt.

[NOTE: While subparagraph 3. above is inherent given subparagraph 2., MSBA recommends that school boards consider including subparagraph 3., which is stated in Minnesota Statutes, section 124D.111.]

- C. Once a meal has been placed on a student's tray or otherwise served to a student, the meal may not be subsequently withdrawn from the student by the cashier or other school official, whether or not the student has an outstanding meals balance.
- When a student has a negative account balance, the student will not be allowed to charge a snack item.



- E. If a parent or guardian chooses to send in one payment that is to be divided between sibling accounts, the parent or guardian must specify how the funds are to be distributed to the students' accounts. –Funds may not be transferred between sibling accounts unless verbal or written permission is received from the parent or quardian.
- F. A student may purchase a second breakfast at the nonprogram price if the student has already selected a reimbursable breakfast.
- G. A student may purchase a second lunch at the nonprogram price if the student has already selected a reimbursable lunch.

[NOTE: New paragraphs F and G apply if a school receives school breakfast aid under Minnesota Statutes, section 124D.111 or school lunch aid under Minnesota Statutes, section 124D.111 respectively.]

#### III. UNPAIDLOW OR NEGATIVE ACCOUNT BALANCES - NOTIFICATION

- A. The school participates in the National School Breakfast and Lunch Program; all enrolled students charter school will receive breakfast and lunch at no charge duemake reasonable efforts to state funding notify families when meal
- B. It is the school's procedure to offer breakfast and/or lunch meals that meet state and federal guidelines.
- C. The school will maintain the dignity of students by prohibiting lunch shaming or ostracizing students with unpaid or negative account balances. are low or fall below zero.
- B. Families will be notified of an outstanding negative balance once the negative balance reaches \$[insert amount] or [insert number of meals]. Families will be notified by [insert the method used to notify families (e.g., automated calling system, email, letters sent home)].
- C. D. The school will not withdraw a meal from a student once the meal has been placed on a tray or has otherwise been served regardless of outstanding meals balance.
- E. Students eligibleReminders for payment of outstanding student meal balances will not demean or stigmatize any student participating in the school lunch program, including, but not limited to, dumping meals, withdrawing a meal that has been served, announcing or listing students' names publicly, providing alternative meals not specifically related to dietary needs; providing nonreimbursable meals; or affixing stickers, stamps, or pins.

#### IV. UNPAID MEAL CHARGES

- A. The charter school will make reasonable efforts to communicate with families to resolve the matter of unpaid charges. Where appropriate, families may be encouraged to apply for free or reduced-price meals will always be served a for their children.
- B. The charter school will make reasonable efforts to collect unpaid meal regardless of unpaid food service accounts. charges classified as delinquent debt. Unpaid meal charges are designated as delinquent debt when payment is overdue, the debt is considered collectable, and efforts are being made to collect it.
- F. Alternate meals may not be provided to students as a result of school lunch debt. Providing an alternate meal not on the school menu violates Minnesota law (Minn. Stat. 124D.111 subd. 5).



C. Negative balances of more than \$[insert amount], not paid prior to [enter time period (e.g., end of the month, end of the semester, end of the school year)], will be turned over to the executive director or executive director's designee for collection. In some instances, the charter school does use a collection agency to collect unpaid school meal debts after reasonable efforts first have been made by the charter school to collect the debt. Collection options may include, but are not limited to, use of collection agencies, claims in the conciliation court, or any other legal method permitted by law.

<u>D</u>

G. The school does not use a collection agency to collect unpaid school meals debt.

H. The <u>charter</u> school may not enlist <u>the</u> assistance of non-<u>charter</u> school employees, such as volunteers, to engage in debt collection efforts.

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E. The <a href="charter">charter</a> school will not impose any other <a href="restrictions-restriction">restriction</a> prohibited under <a href="Minn. Stat.Minnesota Statutes">Minn. Stat.Minnesota Statutes</a>, <a href="section">section</a> 123B.37 due to unpaid student meal balances. The <a href="charter">charter</a> school will not limit a student's participation in any school activities, graduation ceremonies, field trips, athletics, activity clubs, or <a href="other-extracurricular">other</a> extracurricular activities or access to materials, technology, or other items provided to students due to an unpaid student meal balance.

[NOTE: Schools that use a collection agency to collect unpaid school meals debt must address this in this policy. A new paragraph F. can be added to address the use of a collection agency.]

#### V. COMMUNICATION OF POLICY

- A. This policy and any pertinent supporting information shall be provided in writing (i.e., mail, email, back-to-school packet, student handbook, etc.) to:
  - 1. all households at or before the start of each school year;
  - students and families who transfer into the <u>charter</u> school<u>district</u>, at the time of enrollment; and
  - 3. all <u>charter</u> school personnel who are responsible for enforcing this policy.
- B. The <u>charter</u> school will post this policy on the <u>school district'scharter school's</u> website, or the website of the organization where the meal is served, in addition to providing the required written notification described above.
- C. If the charter school contracts with a third party for its meal services, it will provide the vendor with its school meals policy. The charter school will ensure that any third-party provider with whom the charter school enters into either an original or modified contract after July 1, 2021, adheres to the charter school's school meals policy.

Legal References:

Minn. Stat. § 123B.37 (Prohibited Fees)

Minn. Stat. § 124D.111 (School Meals Policies; Lunch Aid; Food Service

Accounting)

42 U.S.C. § 1751 *et seq.* (Healthy and Hunger-Free Kids Act) 7 C.F.R. § 210 *et seq.* (School Lunch Program Regulations) 7 C.F.R. § 220.8 (School Breakfast Program Regulations)

USDA Policy Memorandum SP 46-2016, Unpaid Meal Charges: Local Meal

Charge Policies (2016)



USDA Policy Memorandum SP 47-2016, Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payments (2016)

USDA Policy Memorandum SP 23-2017, Unpaid Meal Charges: Guidance and

Q&A

Cross References: None

# ST. CROIX PREPARATORY ACADEMY Adopted:\_\_\_\_\_

MSBA/MASA Model Policy 601 Charter Orig. 2022 (as Charter Policy) Rev. 2024

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

#### 601 CHARTER SCHOOL CURRICULUM AND INSTRUCTION GOALS

[NOTE: Minnesota Statutes, section 120B.11 requires charter schools to adopt a comprehensive long-term strategic plan that addresses the review of curriculum, instruction, student achievement, and assessment. MSBA/MASA Model Policies 601, 603, and 616 address these statutory requirements. In addition, MSBA/MASA Model Policies 613-615 and 617-620 provide procedures to further implement the requirements of Minnesota Statutes, section 120B.11.]

#### I. PURPOSE

The purpose of this policy is to establish broad curriculum parameters for the charter school that encompass the Minnesota Academic Standards and federal law and are aligned with comprehensive achievement and civic readiness.

#### II. GENERAL STATEMENT OF POLICY

The policy of the charter school is to strive for comprehensive achievement and civic readiness in which all learning in the charter school should be directed and for which all charter school learners should be held accountable.

#### III. DEFINITIONS

- A. "Academic standard" means a summary description of student learning in a required content area or elective content area.
- B. "Antiracist" means actively working to identify and eliminate racism in all forms in order to change policies, behaviors, and beliefs that perpetuate racist ideas and actions.
- C. "Benchmark" means specific knowledge or skill that a student must master to complete part of an academic standard by the end of the grade level or grade band.
- D. "Comprehensive Achievement and Civic Readiness" means striving to: meet school readiness goals; close the academic achievement gap among all racial and ethnic groups of students and between students living in poverty and students not living in poverty; have all students attain career and college readiness before graduating from high school; have all students graduate from high school; and prepare students to be lifelong learners.
- E. "Culturally sustaining" means integrating content and practices that infuse the culture and language of Black, Indigenous, and People of Color communities who have been and continue to be harmed and erased through the education system.
- F. "Curriculum" means charter school or school adopted programs and written plans for providing students with learning experiences that lead to expected knowledge, skills, and career and college readiness.
- G. "Ethnic studies" as defined in Minnesota Statutes, section 120B.25, has the same meaning for purposes of this section. Ethnic studies curriculum may be integrated in existing curricular opportunities or provided through additional curricular offerings.
- H. "Experiential learning" means learning for students that includes career exploration through a specific class or course or through work-based experiences such as job shadowing, mentoring, entrepreneurship, service learning, volunteering, internships,

other cooperative work experience, youth apprenticeship, or employment.

- I. "Institutional racism" means structures, policies, and practices within and across institutions that produce outcomes that disadvantage those who are Black, Indigenous, and People of Color.
- J. "Instruction" means methods of providing learning experiences that enable students to meet state and charter school academic standards and graduation requirements including applied and experiential learning.
- K. "Performance measures" are measures to determine charter school and school site progress in striving to achieve comprehensive achievement and civic readiness and must include at least the following:
  - 1. the size of the academic achievement gap; rigorous course taking, including college-level advanced placement, international baccalaureate, postsecondary enrollment options, including concurrent enrollment, other rigorous courses of study or industry certification courses or programs, and enrichment experiences by student subgroup;
  - 2. student performance on the Minnesota Comprehensive Assessments;
  - 3. high school graduation rates; and
  - 4. career and college readiness under Minnesota Statutes, section 120B.30, subdivision 1.

[Note: Definitions B, E, G, and I were added to Minnesota Statutes, section 120B.11—the Comprehensive Achievement and Civic Readiness law—effective August 1, 2023. The definitions apply to revisions to the Comprehensive Achievement and Civic Readiness law regarding strategic plans; these revisions are effective "for all strategic plans reviewed and updated after June 30, 2024.]

#### IV. LONG-TERM STRATEGIC PLAN

- A. The school board, at a public meeting, must adopt a comprehensive, long-term strategic plan to support and improve teaching and learning that is aligned with striving for comprehensive achievement and civic readiness and includes the following:
  - clearly defined charter school and school site goals and benchmarks for instruction and student achievement for all student categories identified in Minnesota Statutes, section 120B.35, subdivision 3, paragraph (b)(2);

### [NOTE: MSBA/MASA Model Policy 601, Section IV.B. and MSBA/MASA Model Policy 616 address this requirement.]

a process to assess and evaluate each student's progress toward meeting state and local academic standards, assess and identify students for participation in gifted and talented programs and services and accelerate their instruction, adopt early-admission procedures consistent with Minnesota Statutes, section 120B.15 and identifying the strengths and weaknesses of instruction in pursuit of student and school success and curriculum affecting students' progress and growth toward career and college readiness and leading to the world's best workforce;

#### [NOTE: MSBA/MASA Model Policy 618 addresses this requirement.]

 a system to periodically review and evaluate the effectiveness of all instruction and curriculum, taking into account strategies and best practices, student outcomes, principal evaluations under Minnesota Statutes, section 123B.147, subdivision 3, students' access to effective teachers who are members of populations underrepresented among the licensed teachers in the charter school and who reflect the diversity of enrolled students under Minnesota Statutes, section 120B.35, subdivision 3(b)(2), and teacher evaluations under Minnesota Statutes, section 122A.40, subdivision. 8, or 122A.41, subdivision 5;

#### [NOTE: MSBA/MASA Model Policy 616 addresses this requirement.]

4. strategies for improving instruction, curriculum, and student achievement, including the English and, where practicable, the native language development and the academic achievement of English learners;

#### [NOTE: MSBA/MASA Model Policy 616 addresses this requirement.]

- 5. a process to examine the equitable distribution of teachers and strategies to ensure children in low-income families, children in families of People of Color, and children in American Indian families are not taught at higher rates than other children by inexperienced, ineffective, or out-of-field teachers;
- 6. education effectiveness practices that
  - a. integrate high-quality instruction, technology, and curriculum that is rigorous, accurate, antiracist, and culturally sustaining;
  - ensure learning and work environments validate, affirm, embrace, and integrate cultural and community strengths for all students, families, and employees;
  - c. provide a collaborative professional culture that seeks to retain qualified, racially and ethnically diverse staff effective at working with diverse students while developing and supporting teacher quality, performance, and effectiveness; and
- 7. an annual budget for continuing to implement the charter school plan; and
- 8. identifying a list of suggested and required materials, resources, sample curricula, and pedagogical skills for use in kindergarten through grade 12 that accurately reflect the diversity of the state of Minnesota.
- B. The charter school is not required to include information regarding literacy in a plan or report required under this section, except with regard to the academic achievement of English learners.
- C. Every child is reading at or above grade level every year, beginning in kindergarten, and multilingual learners and students receiving special education services are receiving support in achieving their individualized reading goals pursuant to Policy 621 (Literacy and the Read Act).
- D. The charter school is subject to and must comply with the Education for English Learners Act under Minnesota Statutes, sections 124D.58 to 124D.64 as though the charter school is a district.
- E. Starting in the 2025-2026 school year, the charter school must adopt and review a language access plan under Minnesota Statutes, section 123B.32 as though the charter school is a district.

[The 2024 Minnesota legislature amended Minnesota Statutes 124E.03, subdivision 9 to add Paragraph E. Paragraph D. precedes Paragraph E. in this

### statute. The language access plan is required starting in the 2025-26 school year. The board may choose to adopt Paragraph E. now or wait until 2025.]

**Legal References:** Minn. Stat. § 120B.018 (Definitions)

Minn. Stat. § 120B.02 (Educational Expectations and Graduation Requirements

for Minnesota Students)

Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum, Instruction, and Student Achievement Goals; Striving for Comprehensive

Achievement and Civic Readiness)

Minn. Stat. § 120B.12 (Read Act Goal and Interventions)

Minn. Stat. § 120B.30, Subd. 1 (Statewide Testing and Reporting System)
Minn. Stat. § 120B.35, Subd. 3 (Student Academic Achievement and Growth)

Minn. Stat. § 122A.40, Subd. 8 (Employment; Contracts; Termination)

Minn. Stat. § 122A.41, Subd. 5 (Teacher Tenure Act; Cities of the First Class;

Definitions)

Minn. Stat. § 123B.147, Subd. 3 (Principals) Minn. Stat. § 124E.03 (Applicable Law)

Minn. Stat. § 125A.56, Subd. 1 (Alternate Instruction Required before

Assessment Referral)

20 U.S.C. § 5801, et seq. (National Education Goals) 20 U.S.C. § 6301, et seq. (Every Student Succeeds Act)

Cross References: MSBA/MASA Model Policy 104 (Charter School Mission Statement)

MSBA/MASA Model Policy 613 (Graduation Requirements)

MSBA/MASA Model Policy 614 (Charter School Testing Plan and Procedure) MSBA/MASA Model Policy 615 (Testing Accommodations, Modifications, and

Exemptions for IEPs, Section 504 Plans, and LEP Students)

MSBA/MASA Model Policy 616 (Charter School System Accountability) MSBA/MASA Model Policy 618 (Assessment of Student Achievement)

#### ST. CROIX PREPARATORY ACADEMY

Adopted:	MSBA/MASA Model Policy 603 Charter
,	Orig. 2022 (as Charter Policy)
Revised:	

#### 603 CURRICULUM DEVELOPMENT

[NOTE: Minnesota Statutes, section 120B.11 requires charter schools to adopt a comprehensive long-term strategic plan that addresses the review of curriculum, instruction, student achievement, and assessment. MSBA/MASA Model Policies 601, 603, and 616 address these statutory requirements. In addition, MSBA/MASA Model Policies 613-615 and 618-620 provide procedures to further implement the requirements of Minnesota Statutes, section 120B.11.]

#### I. PURPOSE

The purpose of this policy is to provide direction for continuous review and improvement of the school curriculum.

#### II. GENERAL STATEMENT OF POLICY

Curriculum development shall be directed toward the fulfillment of the goals and objectives of the education program of the charter school.

#### III. RESPONSIBILITY

The executive director shall be responsible for curriculum development and for determining the most effective way of conducting research on the charter school's curriculum needs and establishing a long-range curriculum development program. Timelines shall be determined by the executive director that will provide for periodic reviews of each curriculum area.

#### IV. CHARTER SCHOOL ADVISORY COMMITTEE

- A. The school board must establish an advisory committee to ensure active community participation in all phases of planning and improving the instruction and curriculum affecting state and charter school academic standards.
- B. The Charter School Advisory Committee, to the extent possible, must reflect the diversity of the charter school and its school sites, include teachers, parents, support staff, students, and other community residents, and provide translation to the extent appropriate and practicable. Whenever possible, parents and other community residents must comprise at least two-thirds of committee members.
- C. The Charter School Advisory Committee must pursue community support to accelerate the academic and native literacy and achievement of English learners with varied needs, from young children to adults, consistent with Minnesota Statutes, section 124D.59, subdivisions 2 and 2a.
- D. The charter school may establish site teams as subcommittees of the Charter school Advisory Committee.
- E. The Charter School Advisory Committee must recommend to the school board
  - 1. rigorous academic standards, student achievement goals and measures consistent with Minnesota Statutes, sections 120B.11, subdivision 1a, 120B.022 subdivisions 1a and 1b, and 120B.35;
  - charter school assessments;

- 3. means to improve students' equitable access to effective and more diverse teachers;
- 4. strategies to ensure the curriculum is rigorous, accurate, antiracist, culturally sustaining, and reflects the diversity of the student population;
- 5. strategies to ensure that curriculum and learning and work environments validate, affirm, embrace, and integrate the cultural and community strengths of all racial and ethnic groups; and
- 6. program evaluations.
- F. School sites may expand upon charter school evaluations of instruction, curriculum, assessments, or programs.

#### V. SCHOOL SITE TEAM

Each school must establish a site team to develop and implement strategies and education effectiveness practices to improve instruction, curriculum, cultural competencies, including cultural awareness and cross-cultural communication, and student achievement at the school site. The site team must include an equal number of teachers and administrators and at least one parent. The site team advises the board and the advisory committee about developing the annual budget and creates an instruction and curriculum improvement plan to align curriculum, assessment of student progress, and growth in meeting state and charter school academic standards and instruction.

#### VI. CURRICULUM DEVELOPMENT PROCESS

[NOTE: In light of changes in Minnesota law regarding curriculum, MSBA encourages charter schools to consider deleting Article VI, Section A or revising it to reflect local curriculum development processes. Literacy planning is now addressed in new model policy 621: Literacy and the READ Act.]

- A. Students who do not meet or exceed Minnesota academic standards, as measured by the Minnesota Comprehensive Assessments that are administered during high school, shall be informed that admission to a public school is free and available to any resident under 21 years of age or who meets the requirements of Minnesota Statutes, section 120A.20, subdivision 1(c). A student's plan under this section shall continue while the student is enrolled.
- B. The executive director shall be responsible for keeping the school board informed of all state-mandated curriculum changes, as well as recommended discretionary changes, and for periodically presenting recommended modifications for school board review and approval.
- C. The executive director shall have discretionary authority to develop guidelines and directives to implement school board policy relating to curriculum development.

#### Legal References:

Minn. Stat. § 120A.20 (Admission to Public School)

Minn. Stat. § 120B.10 (Findings; Improving Instruction and Curriculum)

Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum, Instruction, and Student Achievement Goals; Striving for Comprehensive Achievement and Civic Readiness)

Minn. Stat. § 120B.12 (Read Act Goal and Interventions)

Minn. Stat. § 120B.125(f) (Planning for Students' Successful Transition to

Postsecondary Education and Employment; Personal Learning Plans)

Minn. Stat. § 124D.58 - 65 (Education for English Learners Act)

Minn. Stat. § 124E.03 (Applicable Law)

Minn. Rules Part 3500.0550 (Inclusive Educational Program)

Minn. Rules Part 3501.0660 (Academic Standards for Kindergarten through Grade 12)

Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)

Minn. Rules Part 3501.0820 (Academic Standards for the Arts)

Minn. Rules Parts 3501.0900-3501.0960 (Academic Standards in Science)

Minn. Rules Parts 3501.1200-3501.1210 (Academic Standards for English Language Development)

Minn. Rules Parts 3501.1300-3501.1345 (Academic Standards for Social Studies)

Minn. Rules Parts 3501.1400-3501.1410 (Academic Standards for Physical Education)

20 U.S.C. § 6301, et seq. (Every Student Succeeds Act)

#### Cross References:

MSBA/MASA Model Policy 604 (Instructional Curriculum) MSBA/MASA Model Policy 605 (Alternative Programs) MSBA/MASA Model Policy 613 (Graduation Requirements)

MSBA/MASA Model Policy 614 (Charter School Testing Plan and Procedure) MSBA/MASA Model Policy 615 (Testing Accommodations, Modifications, and

Exemptions for IEPs, Section 504 Plans, and LEP Students)

MSBA/MASA Model Policy 616 (Charter School System Accountability) MSBA/MASA Model Policy 618 (Assessment of Student Achievement) MSBA/MASA Model Policy 619 (Staff Development for Standards)

MSBA/MASA Model Policy 620 (Credit for Learning)

MSBA/MASA Model Policy 623 (Mandatory Summer School Instruction)

#### ST. CROIX PREPARATORY ACADEMY

Adopted:	MSBA/MASA Model Policy 606.5 Charter
	Orig. 2023
Revised:	

#### **606.5 LIBRARY MATERIALS**

#### I. PURPOSE

The purpose of this policy is to provide direction and to delegate responsibility for selection and reconsideration of library materials.

#### II. GENERAL STATEMENT OF PURPOSE

The school board recognizes that library materials serve as a vital component of a student's education by enriching the breadth of the curriculum as a whole and meeting the needs and interests of individual students. The purpose of library materials is to meet the needs of all students. Therefore, questions regarding selection and reconsideration of library materials should be handled differently than those concerning textbooks and instructional materials.

To ensure that library materials fulfill this role, the school board delegates to the superintendent or the superintendent's designee responsibility for administering a process for selection of library materials. Responsibility for selection shall rest with professionally trained school district staff, with recognition that the school board has the final authority on selection of library materials. Parents and guardians have the right and the responsibility to determine their children's access to library materials.

[NOTE: The school board may choose to revise the General Statement of Purpose.]

#### III. DEFINITIONS

A. "Library" is the school district resource that holds the library collection that serves the information and independent reading needs of students and supports the curriculum needs of teachers and staff. The term "library" includes a school library media center. The term also includes access to electronic materials.

For school districts with multiple school buildings, the term "library" refers to the resource within a specific school building.

Minnesota Statutes, section 124D.991, states that a school district or charter school library or school library media center provides equitable and free access to students, teachers, and administrators and that a school library or school library media center must have the following characteristics:

- 1. ensures every student has equitable access to resources and is able to locate, access, and use resources that are organized and cataloged;
- 2. has a collection development plan that includes but is not limited to materials selection and deselection, a challenged materials procedure, and an intellectual and academic freedom statement;
- 3. is housed in a central location that provides an environment for expanded learning and supports a variety of student interests;
- 4. has technology and Internet access; and
- 5. is served by a licensed school library media specialist or licensed school librarian.

[NOTE: The school board may add a sentence that incorporates the term(s) used to identify libraries in the school district, such as "The school district's libraries are commonly referred to as \_\_\_\_\_\_.]

- B. "Library collection" consists of the library materials made available to students.
- C. "Library materials" are the books, periodicals, newspapers, manuscripts, films, prints, documents, videotapes, subscription content, electronic and digital materials (including e-books, audiobooks, and databases), and related items made available to students in a school building or through access to electronic materials This term does not include materials made available to students as part of the curriculum.
- D. "Library media specialist" is a teacher holding a Library Media Specialist teaching license issued by the Professional Educator Licensing and Standards Boards and who is trained to deliver library services to students and staff in a library. A library media specialist is authorized under Minnesota Rules to provide to students in kindergarten through grade 12 instruction that is designed to provide information and technology literacy skills instruction, to lead, collaborate, and consult with other classroom teachers for the purpose of integrating information and technology literacy skills with content teaching, and to administer media center operations, programming, and resources.

[NOTE: The specific titles of the school district's library staff should be used for this definition and substituted for "library media specialist" throughout this model policy. Please note the new 2024 law in Article IV regarding administration of selection and reconsideration procedures.]

#### IV. RESPONSIBILITY FOR SELECTION OF LIBRARY MATERIALS

- A. The school board recognizes the expertise of the school district's professional staff and the vital need of such staff to be responsible for selection of library materials.
- B. While recommendations by administrators, faculty members, students, parents, and other community members may be considered, the final responsibility for selection of library materials shall rest with the library media specialist.
- C. The procedures for selection and reconsideration set forth in this policy will be administered by:
  - 1. a licensed library media specialist under Minnesota Rules, part 8710.4550;
  - an individual with a master's degree in library science or library and information science; or
  - 3. a professional librarian or a person trained in library collection management.
- D. The school board may decline to purchase, lend, or shelve or remove access to library materials legitimately based on:
  - 1. practical reasons, including but not limited to shelf space limitations, rare or antiquarian status, damage, or obsolescence;
  - legitimate pedagogical concerns, including but not limited to the appropriateness of potentially sensitive topics for the library's intended audience, the selection of library materials for a curated collection, or the likelihood of causing a material and substantial disruption of the work and discipline of the school; or
  - compliance with state or federal law.

### [NOTE: In 2024, the Minnesota legislature enacted a new law—Minnesota Statutes 134.51--that includes the new provisions above.]

#### IV. SELECTION OF LIBRARY MATERIALS

- A. Selection Criteria: The library materials selection process should result in a library collection that, when considered as a whole, is consistent with the following criteria:
  - Library materials shall support and be consistent with the general educational goals of the state and the district and the aims and objectives of individual schools and specific courses;
  - 2. Library materials shall be chosen to enrich and support the curriculum as well as to promote reading for pleasure by responding to the personal needs and interests of student users;
  - 3. Library materials shall not be excluded because of the race, nationality, religion, sex, gender, or political views of the writer;
  - 4. Library materials shall be appropriate to and reflect the needs, ages, maturity level, emotional development, ability levels, learning styles, social development, background, diversity, and needs and interests of the students for whom the materials were selected;
  - 5. Library materials shall meet high standards of quality in one or more of these categories (presented alphabetically):
    - a. Artistic quality and/or literary style;
    - b. Authenticity;
    - c. Critical thinking;
    - d. Educational significance;
    - e. Factual content;
    - f. High interest for intended audience; and
    - g. Readability.
  - 6. The selection of library materials shall conform to the constraints of the school district budget.

[NOTE: Before adopting selection criteria, the school board is strongly encouraged to consult with the licensed library media specialist, who possesses professional expertise and experience in selecting appropriate library materials. The school board may choose to adopt selection criteria specifically designed for each school building.]

[NOTE: A school board may choose to adopt similar selection criteria for classroom library materials, with the classroom teacher making selection decisions. If a school board chooses to address classroom libraries, the board can decide whether to follow the reconsideration process in this model policy or to create a different process for classroom library materials.]

B. The library media specialist shall consult sources and specialists experienced in library materials collections appropriate for the building's students and that are reputable, experienced, unbiased, and professionally trained in school library materials.

### [NOTE: The school board may choose to identify specific sources and specialists that satisfy this paragraph.]

- C. The superintendent or the superintendent's designee shall be responsible for keeping the school board informed of progress on review and selection of each building's library materials.
- D. Library materials that are outdated, inaccurate, no longer useful for curricular support or reading enrichment, or have not been utilized for an extended period of time may be removed. Library materials that are in poor physical condition may be removed or replaced as determined by the library media specialist or the principal.
- E. Gifts and Donations of Library Materials

Materials offered for donation or gifted to a school library may be accepted if they comply with the library collection selection criteria and approved by the library media specialist. The school district's libraries welcome donations of books and other resource materials from individuals and organizations, but also reserve the right to decline to accept library materials that do not meet the criteria for selection. In addition, financial donations to benefit school district's libraries will be accepted with the understanding that funds will be used to purchase materials that are needed for libraries based on the needs of the individual schools.

#### V. INDIVIDUAL STUDENT ACCESS TO SPECIFIC LIBRARY MATERIAL

A parent or guardian may request that access to specific material in the library materials collection be restricted from their student. The school shall take reasonable steps to fulfill this request. This type of request will not result in removal of specific library collection material from the library or restrictions upon any other student accessing specific library materials.

#### VI. RECONSIDERATION OF SPECIFIC LIBRARY MATERIAL

- A. The school board seeks to uphold students' access to library materials that meet the educational goals and selection criteria set forth in this policy.
- B. A school district employee, student, or a parent or guardian of a school district student may request reconsideration of specific library material on the basis of appropriateness. Access to the material in question shall not be restricted until the procedures listed below have been fully completed and a decision to remove or restrict the materials has been made.

### [NOTE: The school board may decide whether to allow a building principal to remove library materials pending completion of the reconsideration process.]

- C. Informal Request for Reconsideration of Specific Library Material
  - 1. Requests for reconsideration of specific library material shall be directed to the library media specialist and the building principal. The building principal and the library media specialist shall assume responsibility for processing the request on an informal basis.
  - 2. The building principal and/or the library media specialist shall provide an explanation to the individual who submitted the request. The explanation shall include the particular selection criteria that the material in question met in order to be included in the library as curriculum support or as an independent reading choice for students in the building.
  - 3. If the request is not resolved informally, the principal shall submit a report on the matter to the superintendent or the superintendent's designee. The

requestor will have an option to initiate a Formal Request for Reconsideration.

- D. Formal Request for Reconsideration of Specific Library Collection Material
  - 1. A Formal Request for Reconsideration of specific library material is initiated upon submission of a completed *Formal Request for Reconsideration of Specific Library Collection Material* form. The form must be completed in its entirety for each work that is subject to a request for reconsideration. The principal shall notify the superintendent or the superintendent's designee and the library media specialist of receipt of a completed Formal Request form.

If specific library material is the subject of a Formal Request for Reconsideration and a final decision is made to retain the specific library material, then the specific library material shall not be subject to additional requests for reconsideration for three years following the date of final resolution of the initial Formal Request for Reconsideration.

- On an annual basis, the Superintendent or the superintendent's designee shall appoint a Library Materials Review Committee (Review Committee). This committee shall include:
  - a. One member of the school district administration
  - b. One principal
  - c. Two teachers
  - d. One library media specialist (or district media specialist or public librarian if the school district does not have a library media specialist)
  - e. Two members of the school district community with no direct connection with the request for reconsideration
  - f. Two student representatives (as appropriate to the specific request).

[NOTE: This list of Review Committee members is an example. The school board may alter this list. The charter school may decide to create Review Committees for individual schools.]

- 3. The Review Committee shall establish a date upon which it will discuss the request and whether the specific library collection material conforms to the selection criteria set forth in this policy.
- 4. The Review Committee
  - a. may consult individuals, organizations, and other resources with relevant professional knowledge on school library material;
  - b. shall examine the specific library material as a whole;
  - c. shall examine the specific library material as to its conformance with the criteria for selection of library materials; and
  - d. shall submit a written report to the superintendent or the superintendent's designee containing the Review Committee's decision on whether to retain, to remove, or to take other action regarding the specific library material.
- 5. The superintendent or the superintendent's designee shall inform the requestor and the school board of the Review Committee's decision. The

requestor may appeal the Review Committee's decision to the superintendent or the superintendent's designee by submitting a written appeal to the superintendent or the superintendent's designee within fourteen (14) days of submission of the Review Committee's decision to the requestor. The superintendent or the superintendent's designee shall provide a written decision on a requestor's appeal within a reasonable time period.

[NOTE: The school board can decide whether to allow appeal of a Review Committee decision to the superintendent or the superintendent's designee. If appeal to the superintendent or the superintendent's designee is permitted, the school board may direct the superintendent or the superintendent's designee to craft an appeal process or the board may choose to create the process itself.]

6. The requestor shall have the right to appeal the decision of the superintendent or the superintendent's designee to the school board.

[NOTE: The school board may decide whether to allow an appeal of a Review Committee decision directly to the school board or whether the appeal to the superintendent or the superintendent's designee is a required intermediary step. If appeal to the school board is permitted, the school board may direct the superintendent or the superintendent's designee or designee to craft an appeal process or the board may choose to create the process itself.]

#### VII. CHALLENGE REPORT

Upon the completion of a content challenge or reconsideration process in accordance with this policy, the school board must submit a report of the challenge to the Commissioner of the Minnesota Department of Education that includes:

- A. the title, author, and other relevant identifying information about the material being challenged;
- the date, time, and location of any public hearing held on the challenge in question, including minutes or transcripts;
- C. the result of the challenge or reconsideration request; and
- D. accurate and timely information on who from the school district the Department of Education may contact with questions or follow-up.

[NOTE: This article was enacted in 2024 by the Minnesota legislature.]

#### VIII. PROHIBITION ON RETALIATION

The school district may not discriminate against or discipline an employee for complying with Minnesota Statutes, section 134.51.

#### [NOTE: This article was enacted in 2024 by the Minnesota legislature.]

#### **Legal References:** Minn. S

Minn. Stat. § 120A.22, Subd. 9 (Compulsory Instruction)

Minn. Stat. § 123B.02 (General Powers of Independent School Districts)

Minn. Stat. § 123B.09 (School Board Responsibilities)

Minn. Stat. § 124D.991 (Public School Libraries and Media Centers) Minn. Stat. § 134.51 (Access to Library Materials and Rights Protected)

Minn. Rules Part 8710.4550 (Library Media Specialists)

Bd. of Educ., Island Trees Union Free Sch. Dist. No. 26 v. Pico, 457 U.S. 853

(1982)

Virginia State Bd. of Educ. v. Barnette, 319 U.S. 624, 642 (1943)

**Cross References:** MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy) MSBA/MASA Model Policy 606 (Textbooks and Instructional Materials)

### ST. CROIX PREPARATORY ACADEMY Formal Request for Reconsideration of Specific Library Collection **Material** (name of charter school)\_\_\_\_\_ school board adopted Policy 606.5 (Library Materials), under which the charter school board delegated responsibility for selection and evaluation of library materials to charter school staff. This policy establishes procedures for formal reconsideration of specific library collection material. A (name of charter school) employee, student, or a parent or quardian of a charter school student may request reconsideration of specific library material on the basis of appropriateness. A requestor has the option to request Formal Reconsideration if the informal process set forth in Policy 606.5 has not resolved the matter. The first step in the Formal Reconsideration process is submission of a fully completed Formal Request for Reconsideration form. A separate form must be completed in full for each library material item for which formal reconsideration is requested. If you wish to request formal reconsideration of specific library collection material, please return a completed form to: (name of charter school employee) \_(location/email address/other)\_\_ Date **Name of Requestor** Address Phone Email Type of Library Material (please check) Audio Recording Book (e-book) Digital Resource Movie App Magazine Streaming Media Database Other Newspaper Title:

The American Library Association has granted permission to the Minnesota School Boards Association to adapt its Sample Reconsideration Form for use by Minnesota school districts and charter schools.

Author/Producer:

Please explain the concern you have concerning this Library Material.		
Please explain the circumstances that brought this Library Material to your attention.		
Have you examined the entire Library Material? If not, please identify the sections you reviewed.		
Please identify resources that may provide additional information and/or other viewpoints regarding this Library Material.		
Please set forth the ways in which you believe this Library Material does not comply with the selection objectives and criteria set forth in Policy 606.5		
Please set forth the resolution that you seek.		
[Note: Minnesota school districts and charter schools may revise this sample form as they deem appropriate.]		

#### ST. CROIX PREPARATORY ACADEMY

Adopted:	MSBA/MASA Model Policy 612.1 Charter
	Orig. 1996 (as ISD Policy)
Revised:	Orig. 2022 (as Charter Policy)

### 612.1 DEVELOPMENT OF PARENT AND FAMILY ENGAGEMENT POLICIES FOR TITLE I PROGRAMS

[Note: This policy reflects recent federal statutory changes made by the Every Student Succeeds Act (ESSA), which require charter schools to meet with parents and jointly develop parent and family engagement policies. This policy lists the required components of the parent and family engagement policies described herein and serves as a framework for their development. The policies and these components are mandatory for the charter school to receive federal funds under this program.]

#### I. PURPOSE

The purpose of this policy is to encourage and facilitate involvement by parents of students participating in Title I in the educational programs and experiences of students. The policy shall provide the framework for organized, systematic, ongoing, informed, and timely parental involvement in relation to decisions about the Title I services within the charter school. The involvement of parents by the charter school shall be directed toward both public and private school children whose parents are charter school residents or whose children attend school within the boundaries of the charter school.

#### II. GENERAL STATEMENT OF POLICY

- A. The policy of the charter school is to plan and implement, with meaningful consultation with parents of participating children, programs, activities, and procedures for the engagement of parents and families in its Title I programs.
- B. The policy of the charter school is to fully comply with 20 United States Code section 6318 which requires the charter school to develop jointly with, agree upon with, and distribute to parents of children participating in Title I programs written parent and family engagement policies.

#### III. DEVELOPMENT OF CHARTER SCHOOL LEVEL POLICY

The school board will direct the administration to develop jointly with, agree upon with, and distribute to parents and family members of participating children a written parent and family engagement policy that will be incorporated into the charter school's Title I plan. The policy will establish the expectations for meaningful parent and family involvement and describe how the charter school will:

- A. Involve parents and family members in the joint development of the charter school's Title I plan and the development of support and improvement plans;
- B. Provide the coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools within the charter school in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance, which may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education;
- C. Coordinate and integrate parent and family engagement strategies with similar strategies, to the extent feasible and appropriate, with other relevant federal, state, and local laws and programs;

- D. Conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of the schools served, including identifying barriers to greater participation by parents in parental involvement activities (with particular attention to parents who are economically disadvantaged, disabled, have limited English proficiency, have limited literacy, or who are of a racial or ethnic minority background); the needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and strategies to support successful school and family interactions;
- E. Use the findings of such evaluations to design evidence-based strategies for more effective parental involvement and to revise, if necessary, the charter school parent and family engagement policies; and
- F. Involve parents in the activities of the schools, which may include establishing a parent advisory board comprised of a sufficient number and representative group of parents or family members served by the charter school to adequately represent the needs of the population served by the charter school for the purposes of developing, revising, and reviewing the parent and family engagement policy.

#### IV. DEVELOPMENT OF SCHOOL LEVEL POLICY

The charter school board will direct the administration to develop (or amend an existing parental involvement policy) jointly with, and distribute to, parents and family members of participating children a written parent and family engagement policy, agreed upon by such parents and families, that shall describe the means for carrying out the federal requirements of parent and family engagement. Parents shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school.

- A. The policy will describe the means by which each school with a Title I program will:
  - 1. Convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation in Title I programs, and to explain to parents of participating children the program, its requirements, and their right to be involved;
  - Offer a flexible number of meetings, such as meetings in the morning or evening, and may provide with Title I funds transportation, child care, or home visits, as such services relate to parental involvement;
  - 3. Involve parents in an organized, ongoing, and timely way in the planning, review, and improvement of the parental involvement programs, including the planning, review, and improvement of the school parent and family engagement policy and the joint development of the school-wide program plan, except that if a school has in place a process for involving parents in the joint planning and design of the school's programs, the school may use that process, if such process includes an adequate representation of parents of participating children;
  - 4. Provide parents of participating children with: timely information about Title I programs; a description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the achievement levels of the challenging state academic standards; if requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestions as soon as practicably possible; and

- 5. If the charter school program plan is not satisfactory to the parents of participating children, submit any parent's comments on the plan when it is submitted to the charter school.
- B. As a component of this policy, the charter school shall jointly develop with parents a school/parent compact which outlines how parents, staff, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help children achieve the state's high standards. The compact shall:
  - 1. Describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables participating students to meet state student academic achievement standards;
  - Describe the ways each parent will be responsible for supporting his or her child's learning by volunteering in his or her child's classroom and participating, as appropriate, in decisions relating to his or her child's education and use of extracurricular time.
  - 3. Address the importance of communication between teachers and parents on an on-going basis through the use of:
    - a. Annual parent-teacher conferences to discuss the compact and the child's achievement:
    - b. Frequent progress reports to the parents; and
    - c. Reasonable access to staff, opportunities to volunteer, participate in the child's class, and observe in the child's classroom.
    - d. Ensuring regular two-way, meaningful communication between family members and school staff and, to the extent practicable, in a language that family members can understand.
- C. To ensure effective involvement of parents and to support a partnership among the school, parents, and community to improve student academic achievement, the policy will describe how each school and the charter school will:
  - Provide assistance to participating parents in understanding such topics as the state's academic content standards and state academic achievement standards, state and local academic assessments, Title I requirements, and how to monitor a child's progress and work with educators to improve the achievement of their children;
  - 2. Provide materials and training to assist parents in working with their children to improve their children's achievement, such as literacy training and using technology, as appropriate, to foster parental involvement;
  - Educate school staff, with the assistance of parents, in the value and utility of contributions of parents and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and school;
  - 4. Coordinate and integrate parental involvement programs and activities with other federal, state, and local programs, including public preschool programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children to the extent feasible and appropriate;

- 5. Ensure, to the extent practicable, that information about school and parent meetings, programs, and activities is sent to the parents of participating children in a format and, to the extent practicable, in a language the parents can understand; and
- 6. Provide such other reasonable support for parental involvement activities as requested by parents.
- D. The policy will also describe the process to be taken if the charter school chooses to:
  - 1. Involve parents in the development of training for school staff to improve the effectiveness of such training;
  - 2. Provide necessary literacy training with funds received under Title I programs if all other funding has been exhausted;
  - 3. Pay reasonable and necessary expenses associated with parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;
  - 4. Train parents to enhance the involvement of other parents;
  - 5. Arrange meetings at a variety of times or conduct in-home conferences between teachers or other educators, who work directly with participating children, and parents who are unable to attend such conferences at school in order to maximize parental involvement and participation in school-related activities;
  - 6. Adopt and implement model approaches to improving parental involvement;
  - 7. Develop appropriate roles for community-based organizations and business in parental involvement activities; and
  - 8. Establish a parent advisory council to provide advice on all matters related to parental involvement in Title I programs.
- E. To carry out the requirements of parent and family engagement, the charter school, to the extent practicable, will provide opportunities for the informed participation of parents and family members (including parents and family members who have limited English proficiency, parents and family members with disabilities, and parents and family members of migratory children), including providing information and school reports in a format and, to the extent practicable, in a language that is understandable by the parents.
- F. The charter school shall inform parents and parent organizations of the existence of family engagement in education programs. The policies will be updated periodically to meet the changing needs of parents and the school.

**Legal References:** 20 U.S.C. § 6318 (Parent and Family Engagement)

Cross References: None

#### ST. CROIX PREPARATORY ACADEMY

Adopted:	MSBA/MASA Model Policy 616 Charter
,	Orig. 2022 (as Charter Policy)
Revised:	Rev. 2024

#### 616 CHARTER SCHOOL SYSTEM ACCOUNTABILITY

[NOTE: Minnesota Statutes, section 120B.11 requires charter schools to adopt a comprehensive long-term strategic plan that addresses the review of curriculum, instruction, student achievement, and assessment. Model Policies 601, 603, and 616 address these statutory requirements. In addition, Model Policies 613-615 and 617-620 provide procedures to further implement the requirements of Minnesota Statutes, section 120B.11.]

#### I. PURPOSE

The purpose of this policy is to focus public education strategies on a process that promotes higher academic achievement for all students and ensures broad-based community participation in decisions regarding implementation of the Minnesota K-12 Academic Standards and federal law.

#### II. GENERAL STATEMENT OF POLICY

Implementation of the Minnesota K-12 Academic Standards and federal law requires accountability for the charter school. The charter school established a system to transition to the graduation requirements of the Minnesota K-12 Academic Standards. The charter school also established a system to review and improve instruction, curriculum, and assessment which will include substantial input by students, parents or guardians, and local community members. The charter school will be accountable to the public and the state through annual reporting.

#### III. DEFINITIONS

A. "Comprehensive Achievement and Civic Readiness" means striving to: meet school readiness goals; close the academic achievement gap among all racial and ethnic groups of students and between students living in poverty and students not living in poverty; have all students attain career and college readiness before graduating from high school; and have all students graduate from high school; and prepare students to be lifelong learners.

[NOTE: The 2024 Minnesota legislature revised Minnesota Statutes, section 120B.11, including replacement of the term "world's best workforce" with "comprehensive achievement and civic readiness."]

B. "Credit" means a student's successful completion of an academic year of study or a student's mastery of the applicable subject matter, as determined by the charter school.

#### IV. ESTABLISHMENT OF GOALS; IMPLEMENTATION; EVALUATION AND REPORTING

#### A. Charter School Goals

1. The school board has established charter school-wide goals that provide broad direction for the charter school. Incorporated in these goals are the graduation and education standards contained in the Minnesota K-12 Academic Standards and federal law. The broad goals shall be reviewed annually and approved by the school board. The school board shall adopt annual goals based on the

recommendations of the charter school's Advisory Committee.

- 2. The Charter School Advisory Committee created under Policy 603 (Curriculum Development) is established by the school board to ensure active community participation in all phases of planning and improving the instruction and curriculum affecting state and charter school academic standards.
- 3. The charter school-wide improvement goals should address recommendations identified through the Charter School Advisory Committee process. The charter school's goal setting process will include consideration of individual site goals. Charter school goals may also be developed through an education effectiveness program, or through some other locally determined process.

### [NOTE: The board may choose to delete this committee reference if it deletes the committee below.]

#### B. <u>System for Reviewing All Instruction and Curriculum</u>

Incorporated in the process will be analysis of the charter school's progress toward implementation of the Minnesota Academic Standards. Instruction and curriculum shall be reviewed and evaluated by taking into account strategies and best practices, student outcomes, principal evaluations under Minnesota Statutes, section 123B.147, and teacher evaluations under Minnesota Statutes, section 122A.40 or 122A.41.

#### [Insert Local Cycle in this space]

#### C. Implementation of Graduation Requirements

- 1. The Charter School Advisory Committee shall also advise the school board on implementation of the state and local graduation requirements, including K-12 curriculum, assessment, student learning opportunities, and other related issues. Recommendations of the Charter School Advisory Committee shall be published annually to the community. The school board shall receive public input and comment and shall adopt or update this policy at least annually.
- 2. The school board shall annually review and determine if student achievement levels at each school site meet federal expectations. If the school board determines that student achievement levels at a school site do not meet federal expectations and the site has not made adequate yearly progress for two consecutive school years, the Charter School Advisory Committee shall work with the school site to adopt a plan to raise student achievement levels to meet federal expectations. The Charter School Advisory Committee may seek assistance from the Commissioner of the Minnesota Department of Education (MDE) (Commissioner) in developing a plan which must include parental involvement components.
- 3. The educational assessment system component utilized by the school board to measure individual students' educational progress must be based, to the extent annual tests are administered, on indicators of current achievement that show growth relative to an individual student's prior achievement. Indicators of achievement and prior achievement must be based on highly reliable statewide or charter schoolwide assessments. The school board will utilize models developed by the Commissioner for measuring individual student progress. The school board must coordinate with MDE in evaluating school sites and continuous improvement plans, consistent with best practices.

#### D. Comprehensive Continuous Improvement of Student Achievement

- 1. By [<u>date</u>] of each year, the Charter School Advisory Committee will meet to advise and assist the charter school in the implementation of the charter school system accountability and comprehensive continuous improvement process.
- 2. The Charter School Advisory Committee, working in cooperation with other committees of the charter school [such as the Technology, Educational Effectiveness, Grade Level, Site Instruction, Curriculum and Assessment Committees, etc.], will provide active community participation in:
  - a. Reviewing the charter school instructional and curriculum plan, with emphasis on implementing the Minnesota K-12 Academic Standards;
  - b. Identifying annual instruction and curriculum improvement goals for recommendation to the school board;
  - c. Making recommendations regarding the evaluation process that will be used to measure charter school progress toward its goals; and,
  - d. Advising the school board about development of the annual budget.
- 3. The Charter School Advisory Committee shall meet the following criteria:
  - a. The Charter School Advisory Committee shall ensure active community participation in all planning for instruction and curriculum affecting Graduation Standards.
  - b. The Charter School Advisory Committee shall make recommendations to the school board on charter school-wide standards, assessments, and program evaluation.
  - c. Building teams may be established as subcommittees to develop and implement an education effectiveness plan and to carry out methods to improve instruction, curriculum, and assessments as well as methods to use technology in meeting the charter school improvement plan.
  - d. A local plan to evaluate student progress, using a local process, shall be used for developing a plan for assessment of student progress toward the Graduation Standards, as well as program evaluation data for use by the Charter School Advisory Committee in the instruction and curriculum review process. This plan shall annually be approved by the school board.
- 4. Translation services should be provided to the extent appropriate and practicable.
- 5. The Charter School Advisory Committee shall meet the following timeline each year:
  - Month: Organizational meeting of the Committee to review the authorizing legislation and the roles and responsibilities of the Committee as determined by the school board.
  - Month(s): Agree on the process to be used. Become familiar with the instruction and curriculum of the cycle content area.
  - Month(s): Review evaluation results and prepare recommendations.

Month: Present recommendations to the school board for its input and approval.

E. <u>Evaluation of Student Progress Committee</u>. A committee of professional staff shall develop a plan for assessment of student progress, the Graduation Standards, as well as program evaluation data for use by the Charter School Advisory Committee to review instruction and curriculum, cultural competencies, including cultural awareness and cross-cultural communication, and student achievement at the school site. This plan shall annually be approved by the school board.

[NOTE: The board may choose to delete this paragraph regarding an Evaluation of Student Progress Committee upon consultation with school administration.]

#### F. Reporting

- Consistent with Minnesota Statutes, section 120B.36, subdivision. 1, the school 1. board shall publish a report in the local newspaper with the largest circulation in the charter school, by mail, or by electronic means on the charter school website. The school board shall hold an annual public meeting to review and revise, where appropriate, student achievement goals, local assessment outcomes, plans, strategies, and practices for improving curriculum and instruction and cultural competency and efforts to equitably distribute diverse, effective, experienced, and in-field teachers, and to review charter school success in realizing the previously adopted student achievement goals and related benchmarks and the improvement plans leading to comprehensive achievement and civic readiness. The school board must transmit an electronic summary of its report to the Commissioner in the form and manner the Commissioner determines. The charter school shall periodically survey affected constituencies in their native languages, where appropriate and practicable, about their connection to and level of satisfaction with school. The charter school shall include the results of this evaluation in its published reports and in its summary report to the Commissioner.
- 2. The school performance report for a school site and a charter school must include performance reporting information and calculate proficiency rates as required by the most recently reauthorized Elementary and Secondary Education Act.
- 3. The charter school must annually report the charter school's class size ratios by each grade to the Commissioner in the form and manner specified by the Commissioner.
- 4. The charter school must report whether programs funded with compensatory revenue are consistent with best practices demonstrated to improve student achievement.

#### G. Annual Public Report

- The charter school must publish an annual report approved by the board of directors. The annual report must at least include information on school enrollment, student attrition, governance and management, staffing, finances, academic performance, innovative practices and implementation, and future plans. A charter school may combine this report with the reporting required under Minnesota Statutes, section 120B.11 governing the world's best workforce.
- 2. A charter school must post the annual report on the school's official website. A charter school also must distribute the annual report by publication, mail, or

electronic means to its authorizer, school employees, and parents and legal guardians of students enrolled in the charter school.

3. The reports are public data under Minnesota Statutes, chapter 13.

#### Legal References:

Minn. Stat. Ch. 13 (Government Data Practices)

Minn. Stat. § 120B.018 (Definitions)

Minn. Stat. § 120B.02 (Educational Expectations and Graduation Requirements for Minnesota's Students)

Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum, Instruction, and Student Achievement Goals; Striving for Comprehensive Achievement and Civic Readiness)

Minn. Stat. § 120B.35 (Student Academic Achievement and Growth)

Minn. Stat. § 120B.36 (School Accountability)

Minn. Stat. § 122A.40 (Employment; Contracts; Termination)

Minn. Stat. § 122A.41 (Teacher Tenure Act; Cities of the First Class; Definitions) Minn. Stat. § 123B.04 (Site Decision Making; Individualized Learning Agreement; Other Agreements)

Minn. Stat. § 123B.147 (Principals) Minn. Stat. § 124E.03 (Applicable Law)

Minn. Stat. § 124E.16 (Reports)

Minn. Stat. § 126C.12 (Learning and Development Revenue Amount and Use)

Minn. Rules Parts 3501.0660 (Academic Standards for Language Arts)

Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)

Minn. Rules Parts 3501.0820 (Academic Standards for the Arts)

Minn. Rules Parts 3501.0900-3501.0960 (Academic Standards in Science)
Minn. Rules Parts 3501.1300-3501.1345 (Academic Standards for Social

Studies)

Minn. Rules Parts 3501.1400-3501.1410 (Academic Standards for Physical

Education)

20 U.S.C. § 6301, et seq. (Every Student Succeeds Act)

#### Cross References:

MSBA/MASA Model Policy 104 (Charter School Mission Statement)

MSBA/MASA Model Policy 601 (Charter School Curriculum and Instruction Goals)

MSBA/MASA Model Policy 613 (Graduation Requirements)

MSBA/MASA Model Policy 614 (Charter School Testing Plan and Procedure)
MSBA/MASA Model Policy 615 (Testing Accommodations, Modifications, and
Exemptions for IEPs, Section 504 Plans, and LEP Students)

MSBA/MASA Model Policy 617 (Charter School Ensurance of Preparatory and

High School Standards)

MSBA/MASA Model Policy 618 (Assessment of Student Achievement) MSBA/MASA Model Policy 619 (Staff Development for Standards)

MSBA/MASA Model Policy 620 (Credit for Learning)

#### ST. CROIX PREPARATORY ACADEMY

Adopted:	MSBA/MASA Model Policy 620 Charter
	Orig. 2022 (as Charter Policy)
Revised:	Rev. 2025

#### 620 CREDIT FOR LEARNING

[NOTE: Charter schools statutorily are required to provide students with credit for approved postsecondary courses, as set forth in Section V.; and accelerated or advanced academic courses offered by a higher education institution or nonprofit public agency, as set forth in Section VII. Additionally, charter schools are required by statute to identify whether the charter school offers weighted grades and, if it does, identify the courses for which a student may earn a weighted grade (Section VIII). Optional provisions related to awarding credit to students transferring from out-of-state, private, or home schools and the issuance of student grades for purposes of awarding certain honors, as set forth in Section IV., are not required by statute. Therefore, the language contained in Section IV. is suggested language, and a charter school may or may not include this section or may modify this section at its discretion.]

#### I. PURPOSE

This policy recognizes student achievement that occurs in postsecondary enrollment option and other advanced enrichment programs. This policy also recognizes student achievement that occurs in other schools, in alternative learning sites, and in out-of-school experiences such as community organizations, work-based learning, and other educational activities and opportunities. This policy addresses transfer of student credit from out-of-state, private, or home schools and online learning programs and to address how the charter school will recognize student achievement obtained outside of the charter school.

#### II. GENERAL STATEMENT OF POLICY

The policy of the charter school is to provide a process for awarding students credit toward graduation requirements for credits and grades students complete in other schools, postsecondary or higher education institutions, other learning environments, and online courses and programs.

#### III. DEFINITIONS

- A. "Accredited school" means a school that is accredited by an accrediting agency, recognized according to Minnesota Statutes, section 123B.445 or recognized by the Commissioner of the Minnesota Department of Education (Commissioner).
- B. "Concurrent enrollment" means nonsectarian courses in which an eligible pupil under Minnesota Statutes, section 124D.09, subdivision 5 or 5b, enrolls to earn both secondary and postsecondary credits, are taught by a secondary teacher or a postsecondary faculty member, and are offered at a high school for which the charter school is eligible to receive concurrent enrollment program aid under Minnesota Statutes, section 124D.091.
- C. "Course" means a course or program.
- D. "Eligible institution" means a Minnesota public postsecondary institution, a private, nonprofit two-year trade and technical school granting associate degrees, an opportunities industrialization center accredited by an accreditor recognized by the United States Department of Education, or a private, residential, two-year or four-year, liberal arts, degree-granting college or university located in Minnesota.
- E. "Nonpublic school" is a private school or home school in which a child is provided instruction in compliance with the Minnesota compulsory attendance laws.

F. "Weighted grade" is a letter or numerical grade that is assigned a numerical advantage when calculating the grade point average.

#### IV. TRANSFER OF CREDIT FROM OTHER SCHOOLS

- A. Transfer of Academic Requirements from Other Minnesota Public Secondary Schools
  - 1. The charter school will accept and transfer secondary credits and grades awarded to a student from another Minnesota public secondary school upon presentation of a certified transcript from the transferring public secondary school evidencing the course taken and the grade and credit awarded.
  - 2. Credits and grades awarded from another Minnesota public secondary school may be used to compute honor roll and/or class rank if a student has earned at least *[insert number]* credits from the charter school.

#### B. Transfer of Academic Requirements from Other Schools

- 1. The charter school will accept secondary credits and grades awarded to a student for courses successfully completed at a public school outside of Minnesota or an accredited nonpublic school upon presentation of a certified transcript from the transferring public school in another state or nonpublic school evidencing the course taken and the grade and credit awarded.
  - a. When a determination is made that the content of the course aligns directly with charter school graduation requirements, the student will be awarded commensurate credits and grades.
  - b. Commensurate credits and grades awarded from an accredited nonpublic school or public school in another state may be used to compute honor roll and/or class rank if a student has earned at least *[insert number]* credits from the charter school.
  - c. In the event the content of a course taken at an accredited nonpublic school or public school in another state does not fully align with the content of the charter school's high school graduation requirements but is comparable to elective credits offered by the charter school for graduation, the student may be provided elective credit applied toward graduation requirements. Credit that does not fully align with the charter school's high school graduation requirements will not be used to compute honor roll and/or class rank.
  - d. If no comparable course is offered by the charter school for which high school graduation credit would be provided, no credit will be provided to the student.
- 2. Students transferring from a non-accredited, nonpublic school shall receive credit from the charter school upon presentation of a transcript or other documentation evidencing the course taken and grade and credit awarded.
  - a. Students will be required to provide copies of course descriptions, syllabi, or work samples for determination of appropriate credit. In addition, students also may be asked to provide interviews/conferences with the student and/or student's parent and/or former administrator or teacher; review of a record of the student's entire curriculum at the nonpublic school; and review of the student's complete record of academic achievement.
  - b. Where the charter school determines that a course completed by a

- student at a non-accredited, nonpublic school is commensurate with charter school graduation requirements, credit shall be awarded, but the grade shall be "P" (pass).
- c. In the event the content of a course taken at an non-accredited, nonpublic school does not fully align with the content of the charter school's high school graduation requirements but is comparable to elective credits offered by the charter school for graduation, the student may be provided elective credit applied toward graduation requirements.
- d. If no comparable course is offered by the charter school for which local high school graduation credit would be provided, no credit will be provided to the student.
- e. Credit and grades earned from a non-accredited nonpublic school shall not be used to compute honor roll and/or class rank.
- C. A student must provide the school with a copy of the student's grades in each course taken for secondary credit under this policy, including interim or nonfinal grades earned during the academic term.

#### V. POSTSECONDARY ENROLLMENT CREDIT

- A. A student who satisfactorily completes a postsecondary enrollment options course or program under Minnesota Statutes, section 124D.09 that has been approved as meeting the necessary requirements is not required to complete other requirements of the academic standards corresponding to that specific rigorous course of study.
- B. Secondary credits granted to a student through a postsecondary enrollment options course or program must be counted toward the graduation requirements and subject area requirements of the charter school.
  - 1. Course credit will be considered by the charter school only upon presentation of a certified transcript from an eligible institution evidencing the course taken and the grade and credit awarded.
  - 2. Seven quarter or four semester postsecondary credits shall equal at least one full year of high school credit. Fewer postsecondary credits may be prorated.
  - 3. When a determination is made that the content of the postsecondary course aligns directly with a required course for high school graduation, the commensurate credit and grade will be recorded on the student's transcript as a course credit applied toward graduation requirements.
  - 4. In the event the content of the postsecondary course does not fully align with the content of a high school course required for graduation but is comparable to elective credits offered by the charter school for graduation, the charter school may provide elective credit and the grade will be recorded on the student's transcript as an elective course credit applied toward graduation requirements.
  - 5. If no comparable course is offered by the charter school for which high school graduation credit would be provided, the charter school will notify the Commissioner, who shall determine the number of credits that shall be granted to a student.
  - 6. When secondary credit is granted for postsecondary credits taken by a student, the charter school will record those credits on the student's transcript as credits earned at a postsecondary institution.

- C. A list of the courses or programs meeting the necessary requirements may be obtained from the charter school.
- D. By the earlier of (1) three weeks prior to the date by which a student must register for charter school courses for the following school year, or (2) March 1 of each year, the charter school must provide up-to-date information on the charter school's website and in materials that are distributed to parents and students about the program, including information about enrollment requirements and the ability to earn postsecondary credit to all pupils in grades 8, 9, 10, and 11. To assist the charter school in planning, a pupil must inform the charter school by October 30 or May 30 of each year of the pupil's intent to enroll in postsecondary courses during the following academic term. A pupil is bound by notifying or not notifying the charter school by October 30 or May 30.

## [NOTE: Because the 2024 Minnesota legislature amended the last two sentences, MSBA decided to add this language to this model policy.]

E. Postsecondary institutions must notify a pupil's school as soon as practicable if the pupil withdraws from the enrolled course. The institution must also notify the pupil's school as soon as practicable if the pupil has been absent from a course for ten consecutive days on which classes are held, based on the postsecondary institution's academic calendar, and the pupil is not receiving instruction in their home or hospital or other facility.

[NOTE: The 2024 Minnesota legislature enacted this provision.]

#### VI. CREDIT FOR EMPLOYMENT WITH HEALTH CARE PROVIDERS

Consistent with the career and technical pathways program, a student in grade 11 or 12 who is employed by an institutional long-term care or licensed assisted living facility, a home and community-based services and supports provider, a hospital or health system clinic, or a child care center may earn up to two elective credits each year toward graduation under Minnesota Statutes, section 120B.024, subdivision 1, paragraph (a), clause (8), at the discretion of the enrolling charter school. A student may earn one elective credit for every 350 hours worked, including hours worked during the summer. A student who is employed by an eligible employer must submit an application, in the form or manner required by the charter school, for elective credit to the charter school in order to receive elective credit. The charter school must verify the hours worked with the employer before awarding elective credit.

#### VII. ADVANCED ACADEMIC CREDIT

- A. The charter school will grant academic credit to a student attending an accelerated or advanced academic course offered by a higher education institution or a nonprofit public agency, other than the charter school.
- B. Course credit will be considered only upon official documentation from the higher education institution or nonprofit public agency that the student successfully completed the course attended and passed an examination approved by the charter school.
- C. When a determination is made that the content of the advanced academic course aligns directly with a required course for high school graduation, the commensurate credit and grade will be recorded on the student's transcript as a course credit applied toward graduation requirements.
- D. In the event the content of the advanced academic course does not fully align with the content of a high school course required for graduation but is comparable to elective credits offered by the charter school for graduation, the charter school may provide elective credit and the grade will be recorded on the student's transcript as an elective course credit applied toward graduation requirements.
- E. If no comparable course is offered by the charter school for which high school graduation

credit would be provided, the charter school will notify the Commissioner and request a determination of the number of credits that shall be granted to a student.

#### VIII. WEIGHTED GRADES

[NOTE: Charter schools must identify in policy whether they offer courses with weighted grades. Therefore, charter schools must include one of the following options in their policies. A school board must adopt an identical policy regarding weighted grade point averages for credits earned via postsecondary coursework as it gives to credits earned via concurrent enrollment coursework.]

A. The charter school does not offer weighted grades.

[or]

A. The charter school offers weighted grades for courses that are identified as more rigorous or academically challenging as follows:

[List the types of courses that will be awarded weighted grades and the multiplier, similar to the following examples.]

- 1. A grade awarded in an Advanced Placement course will be multiplied by a factor of \_\_\_\_\_ (i.e., 1.07).
- 2. A grade awarded in an Honors course will be multiplied by a factor of \_\_\_\_\_.
- 3. A grade awarded in a College In the Schools course will be multiplied by a factor of .
- 4. A grade awarded in a course taken through a Postsecondary Enrollment Options program will be multiplied by a factor of \_\_\_\_\_.
- 5. A grade awarded in a course in a duel enrollment course will be multiplied by a factor of \_\_\_\_\_.
- B. The charter school will update its website prior to the beginning of each school year with a listing of the courses for which a student may earn a weighted grade.

#### IX. PROCESS FOR AWARDING CREDIT

- A. The building principal will be responsible for carrying out the process to award credits and grades pursuant to this policy. The building principal will notify students in writing of the decision as to how credits and grades will be awarded.
- B. A student or the student's parent or guardian may seek reconsideration of the decision by the building principal as to credits and/or grades awarded upon request of a student or the student's parent or guardian if the request is made in writing to the executive director within five school days of the date of the building principal's decision. The request should set forth the credit and/or grade requested and the reason(s) why credit(s)/grade(s) should be provided as requested. Any pertinent documentation in support of the request should be submitted.
- C. The decision of the executive director as to the award of credits or grades shall be a final decision by the charter school and shall not be appealable by the student or student's parent or quardian except as set forth in Section IX.D. below.
- D. If a student disputes the number of credits granted by the charter school for a particular postsecondary enrollment course, or advanced academic credit course, the student may appeal the charter school's decision to the Commissioner. The decision of the Commissioner shall be final.

E. At any time during the process, the building principal or executive director may ask for course descriptions, syllabi, or work samples from a course where content of the course is in question for purposes of determining alignment with graduation requirements or the number of credits to be granted. Students will not be provided credit until requested documentation is available for review, if requested.

#### **Legal References:**

Minn. Stat. § 120B.02 (Educational Expectations and Graduation Requirements for Minnesota's Students)

Minn. Stat. § 120B.021 (Required Academic Standards)

Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum, Instruction, and Student Achievement Goals; Striving for Comprehensive Achievement and Civic Readiness)

Minn. Stat. § 120B.14 (Advanced Academic Credit) Minn. Stat. § 123B.445 (Nonpublic Education Council)

Minn. Stat. § 124D.03, Subd. 9 (Enrollment Options Program) Minn. Stat. § 124D.09 (Postsecondary Enrollment Options Act)

Minn. Stat. § 124D.094 (Online Instruction Act) Minn. Stat. § 124E.07 (Board of Directors)

Minn. Rules Parts 3501.0660 (Academic Standards for Language Arts)

Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)

Minn. Rules Parts 3501.0820 (Academic Standards for the Arts)

Minn. Rules Parts 3501.0900-3501.0960 (Academic Standards in Science) Minn. Rules Parts 3501.1200-3501.1210 (Academic Standards for English Language Development)

Minn. Rules Parts 3501.1300-3501.1345 (Academic Standards for Social Studies)

Minn. Rules Parts 3501.1400-3501.1410 (Academic Standards for Physical Education)

#### **Cross References:**

MSBA/MASA Model Policy 104 (Charter School Mission Statement)

MSBA/MASA Model Policy 601 (Charter School Curriculum and Instruction Goals)

MSBA/MASA Model Policy 613 (Graduation Requirements)

MSBA/MASA Model Policy 614 (Charter School Testing Plan and Procedure)
MSBA/MASA Model Policy 615 (Testing Accommodations, Modifications, and

Exemptions for IEPs, Section 504 Plans, and LEP Students)

MSBA/MASA Model Policy 616 (Charter School System Accountability) MSBA/MASA Model Policy 618 (Assessment of Student Achievement)

MSBA/MASA Model Policy 624 (Online Instruction)

#### ST. CROIX PREPARATORY ACADEMY

Adopted:	MSBA/MASA Model Policy 903 Charter
	Orig. 1995 (as ISD Policy)
Revised:	Orig. 2022 (as Charter Policy)

#### 903 VISITORS TO CHARTER SCHOOL BUILDINGS AND SITES

#### I. PURPOSE

The purpose of this policy is to inform the charter school community and the general public of the position of the school board on visitors to charter school buildings and other charter school property.

#### II. GENERAL STATEMENT OF POLICY

- A. The school board encourages interest on the part of parents and community members in charter school programs and student activities. The charter school board welcomes visits to charter school buildings and property by parents and community members provided the visits are consistent with the health, education and safety of students and employees and are conducted within the procedures and requirements established by the charter school.
- B. The charter school board reaffirms its position on the importance of maintaining a school environment that is safe for students and employees and free of activity that may be disruptive to the student learning process or employee working environment.

#### III. POST-SECONDARY ENROLLMENT OPTIONS STUDENTS

- A. A student enrolled in a post-secondary enrollment options course may remain at the charter school site during regular school hours in accordance with established procedures.
- B. A student enrolled in a post-secondary enrollment options course may be provided with reasonable access, during regular charter school hours, to a computer and other technology resources that the student needs to complete coursework for a post-secondary enrollment course in accordance with established procedures.

#### IV. RESPONSIBILITY

- A. The charter school administration shall present recommended visitor and post-secondary enrollment student procedures and requirements to the charter school board for review and approval. The procedures should reflect input from employees, students and advisory groups, and shall be communicated to the charter school community and the general public. Upon approval by the school board, such procedures and requirements shall be an addendum to this policy.
- B. The executive director shall be responsible for providing coordination that may be needed throughout the process and providing for periodic school board review and approval of the procedures.

#### V. VISITOR LIMITATIONS

A. An individual, post-secondary enrollment options student, or group may be denied permission to visit charter school property or such permission may be revoked if the visitor(s) does not comply with the charter school procedures and regulations or if the visit is not in the best interest of students, employees or the charter school.

- B. Visitors, including post-secondary enrollment options students, are authorized to park vehicles on charter school property at times and in locations specified in the approved visitor procedures and requirements which are an addendum to this policy or as otherwise specifically authorized by school officials. When unauthorized vehicles of visitors are parked on school property, school officials may:
  - 1. move the vehicle or require the driver or other person in charge of the vehicle to move it off charter school property; or
  - 2. if unattended, provide for the removal of the vehicle, at the expense of the owner or operator, to the nearest convenient garage or other place of safety off of school property.
- C. An individual, post-secondary enrollment options student, or group who enters charter school property without complying with the procedures and requirements may be guilty of criminal trespass and thus subject to criminal penalty. Such persons may be detained by the executive director or a person designated by the executive director in a reasonable manner for a reasonable period of time pending the arrival of a police officer.

**Legal References:** Minn. Stat. § 124D.09 (Post-Secondary Enrollment Options Program)

Minn. Stat. § 124E.07 (Board of Directors)

Minn. Stat. § 128C.08 (Assaulting a Sports Official Prohibited) Minn. Stat. § 609.605, Subd. 4 (Trespasses on School Property)

Cross References: None



#### **Bi-Annual Department Director Report**

Director Name: Terri Smith Department: Human Resources

Date: October 21, 2025

#### Section 1: SWOT Analysis

#### Strengths

- 1. Mission-driven staff aligned with school values
- 2. HRIS system in place to manage core HR functions and processes
- 3. Dedicated 1.5 FTE HR staff providing consistency and support

#### Weaknesses

- 1. Budget constraints limit salary and benefits competitiveness
- 2. Budget process occurs late in the fiscal year, limiting in-depth analysis of compensation
- 3. High turnover risk across all positions, particularly teaching and support roles
- 4. HR staffing remains lean relative to employee support needs, recruitment, and compliance demands

#### Opportunities

- Leverage technology platforms (Frontline, Skyward, Benefit Solver) more fully to streamline processes for employees and administrators, while expanding the use of data-driven insights to support decisionmaking
- 2. "Grow Your Own" programs and university partnerships can strengthen teacher development and recruitment pipelines, particularly for Special Education
- 3. Grant opportunities available to support staff wellness (e.g., snowshoe and disc golf initiatives)

#### **Threats**

- 1. Competition with traditional districts offering stronger pay and benefits
- 2. Rising healthcare and benefit costs impacting recruitment and retention
- 3. Ongoing teacher shortage reducing candidate availability and increasing competition (with some teachers leaving the field entirely)
- 4. Increasing compliance requirements (e.g., ESST, MN Paid Family Leave, federal education and employment law) straining budget and staff capacity



#### Section 2: Addressing Weaknesses and Threats

#### Response:

- 1. A comprehensive review of our compensation strategy is recommended. This would require a committee, as current HR staff do not have the capacity to lead this initiative independently and additional expertise would be needed.
- 2. While staff choose to work here for many reasons, we fall further behind each year when we are unable to increase compensation and employer benefit contributions at a rate that keeps pace with inflation and rising costs.

#### Section 3: Budget/Department Planning

- Minnesota's Paid Family Leave program takes effect January 1 with a 0.88% premium rate, shared between employers and employees. For FY26, this represents an additional employer cost of approximately \$32,536. Beginning in FY27, this cost will double as the program will be in effect for the entire fiscal year. At present, there is sufficient margin in the budget to absorb this expense.
- We had our life, disability, and long-term disability (LTD) coverages requoted and reviewed options for Minnesota Paid Family Leave (MNPFL) administrators in an effort to secure a premium rate lower than DEED's 0.88%. If the insurance carrier is changed, we will transition from Benefit Solver to Employee Navigator, which has been reviewed and confirmed as a suitable platform. Details of this process are included in the Benefits & MNPFL Update.

#### Section 4: Additional Notes & Future Planning

Upcoming priorities for next quarter:

- Employee communication regarding Minnesota Paid Family Leave
- Potential benefit change employee communication
- Potential new benefit platform migration/implementation

Anticipated challenges and mitigation strategies:

 Ongoing monitoring of recruitment and retention risks; consideration of compensation strategy adjustments

Support requested from the School Board:

Compensation strategy review and analysis support



#### Benefit & MNPFL Update October 9, 2025

#### Minnesota Paid Family Leave (MNPFL)

Effective January 1, 2026, Minnesota's Paid Family Leave (MNPFL) program will become law. Included with this update are key materials outlining program details and employer requirements:

- Paid Leave Notice Employee
- Paid Leave Mandatory Employer Poster
- MN Paid Leave Matter
- Paid Leave Notice Equivalent
- Paid Leave Equivalent Plan Poster
- Approved Equivalent Plans

#### Benefits Renewal and Carrier Recommendation

As discussed during our April 2025 benefits renewal cycle, we planned to re-quote our Group Term Life/AD&D and Long-Term Disability (LTD) coverage as MNPFL came more into focus. Following a market analysis conducted by USI, our benefits broker, we recommend transitioning from our current carrier, Principal, to MetLife, effective January 1, 2026.

#### Included with this update:

• 2025 St. Croix Prep Ancillary Marketing Analysis

#### **Key Highlights:**

- MNPFL rate: MetLife 0.79% vs. DEED State Plan 0.88%
- Life/AD&D premiums: Lower through MetLife
- LTD plan enhancement: Move from a 30-day to a 90-day gross-up plan, resulting in additional savings
- Rate guarantees: 2 years for Life/AD&D and 3 years for LTD

A detailed breakdown is provided in the included spreadsheet:

MNPFL and Life Cost Analysis

#### **Financial Impact:**

The recommended carrier changes yield an estimated annual savings of approximately \$13,076. Additionally, transitioning to MetLife will allow us to decouple our current benefit enrollment/management platform, BenefitSolver, tied to Principal, and move to Employee Navigator. The new platform provides equivalent functionality and will be budget neutral.

#### **Action Needed:**

- Approve changing Life, AD&D, and LTD carrier from Principal to MetLife
- Approve selecting MetLife as the MNPFL equivalent plan administrator in lieu of the state's default administrator (DEED)

#### Bi-Annual Academic Coordinator Report

#### **General Information**

Coordinator Name(s): Deanna Thompson and Nicole Donnay

Reporting Period (Bi-Annual): October 2025

#### **Section 1: SWOT Analysis**

Category	Details (examples included, replace with your entries)	
Strengths	Examples: Strong instructional leadership; High student engagement in programs	
	Created a process for teachers to request outside PD; allows us to be intentional with the use of PD funds	
	2. Restructured TDE (Teacher Development & Evaluation) program - moved focus to everyday classroom instruction and provided more coaching opportunities for teachers	
	3. Support for new teachers - start of year training, monthly meetings, providing opportunities for new teachers to observe other teachers, observations, and coaching 4. Curriculum work	
	LS - Last year, the LS team updated the yearlong curriculum map by grade level, content/subject areas, and unit details using the updated Core Knowledge Sequence and MN State Standards; this year, we will review updated ELA standards.	
	MS - Last year, I created a curriculum review cycle. Since it was new, teachers worked in content area groups to evaluate standards alignment; this year, we are continuing that work.  US - Working on curriculum mapping	
Weaknesses	Examples: Limited curriculum resources; Gaps in staff collaboration	
	Lower School STEP reading assessment website shutdown; using paper version     Lack of time due to unfilled Upper School Academic Coordinator position and training of new teachers in the lower school     Lagging guidance from MDE about READ Act implementation	

Opportunities	Examples: State grants for program innovation; Partnerships with higher education institutions
	Evaluate and strengthen K-12 curriculum alignment     Partner with colleges and universities to bring student teachers in.     This could be a way to recruit new teachers.
Threats	Examples: Budget cuts impacting program delivery; Teacher turnover  1. Teacher turnover  2. Funding for Q Comp program

#### **Section 2: Budgetary Needs**

Budget Category	Details/Notes
Anticipated Needs for Next Period	- Dedicating available funds to PD opportunities that align with placement in the curriculum review cycle and updates to MN State Standards (example: Social Studies teacher will have priority because new standards have to be fully implemented next year)
Long-Term Financial Considerations	- Funding for outside PD

#### Section 3: Professional Development Plans & Feedback

Focus Area	Details/Notes
Planned Professional Development Activities	8/11/25-8/15/22 - Back to School Staff Week - Updated the structure this year (two dedicated individual/team work days, two building-wide/division meeting days, and one flex day); LS - reading and math instruction and assessment; MS - creating a positive culture, emotional bank account, and conflict norms, grade level and division expectations alignment; US - content team work, advisory planning, and division meetings  9/22/25 - Reunification; EA/Para READ Act training; LS - Reading instruction; MS - Guided curriculum work, SRSD strategies for ELA; US - grade level SSTs, division meeting

	10/16/25 - MN Classical Education Conference or Grading Day
	10/31/25 - EA/Para READ Act training, Gmail training, Sessions related to Classical Education, AI & Writing, Seminars, TLAC, SRSD strategies, cultural competency, wellness, seminar planning, culturally responsive teaching
	11/26/25 - Curriculum work day
Feedback from Staff on PD Effectiveness	- Paras/EAs appreciated READ Act training; they have been reflecting on how to implement what they learned with the students they work with
	- Frontline required training - based on previous feedback, we transitioned from a 3-hour in-person meeting to online training. This training was time-consuming, and there were glitches with Frontline. We need to work through these issues for next year.
	- Dedicated curriculum/planning days for back-to-school week were helpful. This allowed for more work time in the classroom and dedicated time for grad-level and/or content area planning.
	- Teachers appreciate the teacher workdays during back-to-school week. It allowed time to set up classrooms and collaborate with their teams.
	- Frontline online training was flexible and opened up time to work with others instead of being at an in-person meeting.
	- Teachers appreciated collaboration time with grade level, specialists, and student service providers on 9/22. LS PD sessions allowed us time to review the curriculum to ensure consistency by seeing teaching in action. LS PD looked at student data and collaborated to determine strategies to improve instruction.
	- MS teachers had guided curriculum work on 9/22. Teachers indicated this was much-needed time, but some prefer to have this time in the morning vs. the afternoon.

Section 4: Additional Notes & Support Requested Notes:

Support requested from the Board of Directors:



#### **Q Comp Site Goal Update Form**

**General Information:** This form is to be used by all implementing schools as a means of updating the annual schoolwide (site) goal, as outlined in Minnesota Statutes, section 122A.414, subdivision 3(a). Goals should be in place by October 1 annually to ensure programs are fully implemented as required in Minnesota Statutes, section 122A.415, subdivision 1(d).

Contact the Q Comp team with any questions on this form and the goal-setting process at <a href="mailto:mde.q-comp@state.mn.us">mde.q-comp@state.mn.us</a>.

#### COMPLETE ONE FORM PER SCHOOL SITE

School Site Name: St. Croix Preparatory Academy Lower School District/Charter School Name: St. Croix Preparatory Academy

Superintendent or Director: Jenn Fuchs

Email: jennfuchs@stcroixprep.org

Q Comp Coordinator (or common contact person)

Name: Deanna Thompson Phone: 651-209-7371

Email: deannathompson@stcroixprep.org

The Minnesota Department of Education (MDE) will work with the identified coordinator or common contact person for all questions related to each site goal in the district/charter school. Accuracy of the goal(s) is the responsibility of the school site. MDE staff is available for assistance.

#### Please supply information where indicated (Steps 4 and 5):

In order for students to be successful, goals should be aligned across classrooms, learning teams, school sites, the district, and the state. As each school site develops their goal(s) for Q Comp, they should keep in mind the goals established by the district and state.

**Step 1**: Review existing state and district goals, including supporting state and district data as well as other plans (e.g., Title I, staff development, World's Best Workforce).

**Step 2**: Review schoolwide results for all state accountability tests [Minnesota Comprehensive Assessment (MCA) and Minnesota Test of Academic Skills (MTAS)] for *all students* in reading, mathematics, and science, as well as other schoolwide standardized academic achievement tests.

**Step 3:** Based on the data review, determine the academic content area focus and select a standardized assessment for the identified content area.

**Step 4**: Identify a measure of achievement defined by the standardized assessment and collect trend data. (If there is more than one goal for the site, please copy and complete this step for each goal.) Trend data must match all information identified in the specific and strategic, measurable, attainable, results-based, and time-bound (SMART) goal in Step 5.

Identify the standardized assessment in the SMART goal: DIBELS

Identify the academic content area assessed:

	Χ	Reading	Mathematics	Science	Other: Enter text here
--	---	---------	-------------	---------	------------------------

Identify assessed grades in the SMART goal: 3rd and 4th Grade

#### **School Trend Data**

(Note: All percentages must be calculated to at least one decimal place.)

School Year	Assessment Result
2024-2025	88.1% Starting Value

Goals must include the following: grades assessed, school name, valid measure defined by the standardized assessment, academic content area, and a quantified starting and ending value. The starting value must match the assessment result found in the School Trend Data table and must be based on actual student achievement results and not based on an average over time.

If a site is using a goal for reducing the achievement gap, as outlined in Step 5, please add data showing proficiency trend data for the two student groups. Adjust the table accordingly by adding columns, or copying and adding another table.

**Step 5**: Write a schoolwide SMART goal using one of the templates listed below.

By May 2026, 88.6% of K-4 students at St. Croix Preparatory Academy will meet or exceed the DIBELS 8th Edition benchmark, as measured by the spring benchmark assessment composite score. This will be achieved through targeted instruction, quarterly progress monitoring, and the implementation of evidence-based reading interventions for students identified as below benchmark.

#### All State Accountability Tests (MCA and MTAS)

The percentage of all students enrolled in grades #-# at SCHOOL NAME who are proficient on the ACADEMIC CONTENT AREA tests (MCA and MTAS) will increase from ##.#% in #### (prior year) to ##.#% in #### (current year).

**NOTE:** Data can be found in the Minnesota Report Card under: Are Students Mastering Standards?>Test Achievement Levels, Test Results and Participation>Test: All Academic Accountability Tests>Students Included: All tested

#### ACT

The percentage of all students in grade # at SCHOOL NAME who meet or exceed the College Readiness Benchmark composite score as measured by ACT will increase from ##.#% in #### (prior year) to ##.#% in #### (current year).

#### FAST

The percentage of all students in grades #-# at SCHOOL NAME who are in the "low risk" and "above average" categories on the FAST aReading (aMath) standardized assessment will increase from ##.#% in spring #### (prior year) to ##.#% in spring #### (current year).

The percentage of all students in grades #-# at SCHOOL NAME who meet their growth projection on FAST aReading (aMath) will increase from ##.#% in spring #### (prior year) to ##.#% in spring #### (current year).

#### • NWEA RIT Growth Projection

The percentage of all students in grades #-# at SCHOOL NAME who meet or exceed their fall to spring individual RIT Growth Projection on the NWEA MAP in ACADEMIC CONTENT AREA will increase from ##.#% in spring #### (prior year) to ##.#% in spring #### (current year).

#### • Teaching Strategies GOLD

The percentage of all students ages #-# at SCHOOL NAME who move up one level on the Teaching Strategies GOLD in DOMAIN AREA will increase from ##.#% in #### (prior year) to ##.#% in #### (current year).

**Note:** The goal must use all the indicators under one of the following sections: Language, Cognitive, Literacy, Mathematics, Science & Technology, Social Studies, The Arts, English Language Acquisition

#### • Other Standardized Assessment

The percentage of all students in grades #-# at SCHOOL NAME who meet or exceed the VALID MEASURE on the STANDARDIZED ASSESSMENT in ACADEMIC CONTENT AREA will increase from ##.#% in #### (prior year) to ##.#% in #### (current year).



## Comprehensive Achievement and Civic Readiness (CACR) Annual Summary Report

Please use this template as an internal tool to gather information. Responses should be submitted electronically in the <u>Minnesota Education Grant System</u> (MEGS). You can copy your responses from this template into MEGS.

If your district or charter does not utilize ESEA funds and complete ESEA reporting within MEGS, please submit an electronic copy of this form to <a href="mailto:CACR.MDE@state.mn.us">CACR.MDE@state.mn.us</a>.

**District or Charter Name**: St. Croix Preparatory Academy

**CACR Contact Name**: Deanna Thompson

**CACR Contact Title**: Academic Coordinator

CACR Contact Email: <a href="mailto:deannathompson@stcroixprep.org">deannathompson@stcroixprep.org</a>

**CACR Contact Phone Number**: 651-209-7371

#### **Annual Public Meeting**

These annual public meetings are to be held in the fall of each school year.

**CACR Requirement:** School boards are to hold an annual public meeting each fall to communicate plans for the upcoming school year based on a review of goals, outcomes and strategies from the previous year. Families and community partners should be meaningfully involved, and this meeting is to occur separately from a regularly scheduled school board meeting.

Provide the date of the school board annual public meeting to review progress on the CACR plan for the most recent school year: Monday, November 24, 2025

#### **Annual Report**

**CACR Requirement:** For each school year, the school board must publish a report in the local newspaper, by mail or by electronic means on the district website.

Provide the direct website link to the district's CACR annual report. If a link is not available, describe how the district disseminates the report to families and community partners:

https://www.stcroixprep.org/finance-committee/

#### Survey(s) of Staff, Students, and Families

**CACR Requirement:** Each school district must periodically survey affected constituencies, in their home language(s) where appropriate and practicable, about their connection to and level of satisfaction with school.

Summarize the results of your most recent survey(s) of staff, students, and families.

I will update with results from the current survey sent out to the community. Eric Molho will share the results the week of 10/20/25.

#### **Goals and Results**

#### All Students Ready for School

Does your district/charter enroll students in kindergarten? If no, you do not need to set a school readiness goal.

Goal	Result	Goal Status
Provide the established SMART goal for the 2024–25 SY.  Of the students enrolled in kindergarten by August 15th and still enrolled by October 1st of the 2024-2025 school year, 75% will attend the 4-day kindergarten camp in August 2024.	Provide the result for the 2024–25 SY that directly ties back to the established goal.  Of the students enrolled in Kindergarten between August 15th and October 1st of the 2024-2025 school year, 87.8% (79/90) attended kindergarten camp.	Check one of the following:  _X_ Goal Met (one-year goal)  Goal Not Met (one-year goal)  Goal Met (multi-year goal)  Goal Not Met (multi-year goal)  On Track (multi-year goal)  Not On Track (multi-year goal)  N/A (no kindergarten enrollment)
Provide the established SMART goal for the 2024–25 SY.  Of the students enrolled in kindergarten by October 1, 2024, 95% will advance to 1st grade.	Provide the result for the 2024–25 SY that directly ties back to the established goal.  Of the students enrolled in kindergarten by October 1st, 2024, 98.9% (89/90) advanced to 1st grade.	Check one of the following:  _X_ Goal Met (one-year goal)  Goal Not Met (one-year goal)  Goal Met (multi-year goal)  Goal Not Met (multi-year goal)  On Track (multi-year goal)  Not On Track (multi-year goal)  N/A (no kindergarten enrollment)

Goal	Result	Goal Status
Provide the established SMART goal for the 2024–25 SY.  Of the kindergarten students enrolled by October 1st of the 2024-2025 school year, 80% will meet the STEP 3 benchmark level in reading by the end of the year.	Provide the result for the 2024–25 SY that directly ties back to the established goal.  Of the students enrolled in kindergarten by October 1 of the 2024-2025 school year, 95.6% (86/90) met the STEP 3 benchmark level in reading by the end of the year.	Check one of the following:  _X_ Goal Met (one-year goal)  Goal Not Met (one-year goal)  Goal Met (multi-year goal)  Goal Not Met (multi-year goal)  On Track (multi-year goal)  Not On Track (multi-year goal)  N/A (no kindergarten enrollment)

Lower School teachers meet weekly in grade-level teams to collaborate on curriculum planning, data analysis, and instructional strategies. Additionally, child study meetings provide opportunities for teachers to discuss student needs, monitor interventions, and determine next steps. Following these meetings, teachers collect and analyze data on the effectiveness of interventions to guide instructional adjustments. Teachers provide ongoing communication with families through newsletters, phone calls, emails, and individual meetings. For students who do not meet reading proficiency benchmarks, kindergarten teachers may recommend targeted reading intervention services. These interventions are led by the reading specialist, who focuses on foundational literacy skills that have not yet been mastered on the STEP assessment. These students also participate in small group WIN Time (What I Need) instruction with the classroom teacher. The instruction may target phonological awareness areas such as rhyming, segmenting, identifying beginning sounds, and recognizing letter sounds. Students participate in STEP assessments four times annually. Student growth is continuously monitored through STEP data and classroom performance, ensuring that supplemental reading supports are responsive to each learner's needs.

#### Close the Achievement Gap(s) Between Student Groups

Goal	Result	Goal Status
Provide the established SMART goal for the 2024–25 SY.  Each PLC will implement reading curriculum supports and interventions to increase 'meets' or 'exceeds' proficiency of special education students in grades 5-8 to at least 56.5% on the MCA III/MTAS III Reading test administered in April 2025.	Provide the result for the 2024–25 SY that directly ties back to the established goal.  In 2025, 31 out of 57 (54.4%) students in grades 5-8 who received special education services achieved "meets" and "exceeds" on the MCA III/MTAS III.	Check one of the following:  Goal Met (one-year goal)  _X_ Goal Not Met (one-year goal)  Goal Met (multi-year goal)  Goal Not Met (multi-year goal)  On Track (multi-year goal)  Not On Track (multi-year goal)

Teachers meet weekly in Professional Learning Communities (PLCs) to analyze student data and review student work. As part of this process, teachers examine the previous year's MCA results, including strand-level data and benchmark reports, to identify specific standards requiring additional instructional focus. This data also informs decisions regarding student placement in targeted interventions, such as team-taught reading classes led by both general education and special education teachers or a Foundations Reading course. Based on identified areas of need, teachers implement a variety of support strategies within their classrooms. For the 25-26 SY, the middle school restructured the Strategies for Success class to include time for providing instruction for direct IEP service minutes.

#### All Students Ready for Career and College

Goal	Result	Goal Status
Provide the established SMART goal for the 2024–25 SY.  SCPA Upper School will implement curriculum supports and interventions in English, Math, Science, and Social Studies to increase the composite score from 25 to 25.5 on the 2024-2025 administration of the ACT.	Provide the result for the 2024–25 SY that directly ties back to the established goal.  The ACT composite score for the 2024-2025 school year was 25.4.	Check one of the following:  Goal Met (one-year goal)  _X_ Goal Not Met (one-year goal)  Goal Met (multi-year goal)  Goal Not Met (multi-year goal)  On Track (multi-year goal)
		Not On Track (multi-year goal)

SCPA's rigorous, college-preparatory curriculum serves as a key measure of ongoing student success. Teachers continually refine and implement curriculum designed to ensure students are well-prepared for postsecondary education. Within the framework of graduation requirements, instructors uphold our classical education model while offering a range of Advanced Placement (AP) courses throughout the high school years. Together with college acceptance data, these indicators inform our discussions and guide the identification of focus areas within each division, grade level, and PLCs.

#### All Students Graduate

Does your district/charter enroll students in grade 12? If no, you do not need to set a graduation goal.

Goal	Result	Goal Status
Provide the established SMART goal for the 2024–25 SY.  The SCPA upper school will implement support and interventions to maintain a graduation rate of at least 90% for the class of 2025.	Provide the result for the 2024–25 SY that directly ties back to the established goal.  The 2024-2025 graduation rate was 95%.	Check one of the following:  _X_ Goal Met (one-year goal)  Goal Not Met (one-year goal)  Goal Met (multi-year goal)  Goal Not Met (multi-year goal)  On Track (multi-year goal)  Not On Track (multi-year goal)  N/A (no 12th grade enrollment)

SCPA offers a range of academic supports to help Upper School students establish a solid foundation for on-time graduation. These initiatives include essay-writing practice, service learning opportunities, college information sessions, interest inventories, and SAT/ACT preparation. Many of these supports are embedded within weekly advisory meetings and through regular collaboration with college counselors to ensure that students remain on track for graduation. Despite these comprehensive supports, the school continues to face several challenges affecting graduation rates, such as inconsistent attendance, academic gaps among new students, prior credit deficiencies, and underdeveloped academic habits or mindsets.

#### All Students Prepared to be Lifelong Learners

Goal	Result	Goal Status
Provide the established SMART goal for the 2024–25 SY.  All K-12 students will participate in seminars at least twice annually to foster improvement in literacy skills and foster critical thinking and habits of discussion.	Provide the result for the 2024–25 SY that directly ties back to the established goal.  All teachers conducted at least two seminars throughout the class year, so all students had the opportunity to participate in a minimum of two seminars during the 24-25 SY.	Check one of the following:  _X_ Goal Met (one-year goal)  Goal Not Met (one-year goal)
		Goal Met (multi-year goal) Goal Not Met (multi-year goal) On Track (multi-year goal) Not On Track (multi-year goal)

Seminar training, coaching, and observation are essential components of new teacher development at SCPA. All new teachers participate in structured seminar training throughout their first three years, receiving guidance and support in planning and facilitating seminars. PLCs provide ongoing opportunities for teachers to collaborate, share strategies, and refine best practices related to seminar instruction. Throughout the school year,

professional development sessions further strengthen teachers' seminar skills. These include staff-led seminars, workshops on designing effective seminar plans, sessions on crafting high-quality discussion questions, and training focused on teaching students the habits and skills necessary for meaningful academic discourse.

#### 25-26 SY Goals

#### All Students Ready for School

#### Goal

Provide the established SMART goal for the 2025–26 SY.

Of the students enrolled in kindergarten by August 15th and still enrolled by October 1st of the 2025-2026 school year, 75% will attend the 4-day kindergarten camp in August 2024.

Provide the established SMART goal for the 2025-26 SY.

Of the students enrolled in kindergarten by October 1, 2025, 95% will advance to 1st grade.

Provide the established SMART goal for the 2025-26 SY.

Of the kindergarten students enrolled by October 1st of the 2025-2026 school year, 80% will meet the STEP 3 benchmark level in reading by the end of the year.

### Close the Achievement Gap(s) Between Student Groups - All racial and economic achievement gaps between students are closed

#### Goal

Provide the established SMART goal for the 2025-26 SY.

At least 70% of students who receive ADSIS reading intervention services in the middle school will achieve at least 20% growth from the beginning to the end of the year on the IXL nationally normed reading screener.

#### All Students Ready for Career and College

#### Goal

Provide the established SMART goal for the 2025–26 SY.

Each year, at least 90% of graduating students will have taken either the ACT or SAT, and a minimum of 70% of those students' scores will exceed the state-average score.

#### All Students Graduate

Does your district/charter enroll students in grade 12? If no, you do not need to set a graduation goal.

#### Goal

Provide the established SMART goal for the 2025-26 SY.

The SCPA upper school will implement support to maintain a graduation rate of at least 90% for the class of 2026.

#### All Students Prepared to be Lifelong Learners

#### Goal

Provide the established SMART goal for the 2025-26 SY.

Each year, at least 90% of the graduating class will have been accepted to a post-secondary institution.

#### Department Director Report - Activities Department

#### **General Information**

Director Name: Keven Seim

Department: Activities Department

Date: 10/8/25

#### **Section 1: SWOT Analysis**

Category	Details (examples included, replace with your entries)
Strengths	Examples: Efficient workflow systems; Strong vendor partnerships
	Student Centered - holistic support.     MSHSL Compliant.
	3. Maintains a positive culture with respect, accountability, and teamwork.
	<ul><li>4. Maintain competitive programs.</li><li>5. Program growth. Increased participation by 37% over the 3 years.</li><li>6. Coaching Staff</li></ul>
Weaknesses	Examples: Outdated equipment; Limited staff training opportunities
	<ol> <li>Communication (Teams, Department, Coaches)</li> <li>Scoreboards are outdated.</li> <li>Limited Recognition Spaces - Trophy Cases</li> </ol>
Opportunities	Examples: New funding opportunities; Technology upgrades
	<ol> <li>Need to identify a platform to use as a communication tool department wide.</li> <li>Baseball / Softball fields on campus.</li> <li>Scoreboard replacement.</li> <li>Touchscreen Recognition System</li> </ol>

Threats	Examples: Rising operational costs; Supply chain disruptions
	Lack of funding.     Limited Coaching Candidate Pool     Event staffing - Limited Pool

#### **Section 2: Addressing Weaknesses and Threats**

Prompt	Response
What steps are being taken to address the identified weaknesses and threats?	Searching for a communication platform that will span the entire department and all activities.  Meeting with administration and families about funding for on campus softball and baseball fields.  Working closely with the Foundation to grow designated funding opportunities.  In order to increase event staffing it is the department believe that we would need to raise payment for event workers.

#### **Section 3: Budget/Department Planning**

1. Please outline any anticipated large-scale budget requirements for the upcoming quarters and explain how these resources will address current challenges or position the department for future success.

Gymnasium scoreboard replacement.

Addition of Softball and Baseball fields on campus. (Multiplex Field)

Touchscreen Recognition System

#### **Section 4: Additional Notes & Future Planning**

Upcoming priorities for next quarter:

Anticipated challenges and mitigation strategies:

Support requested from the School Board:



Date: October 15, 2025

To: Terri Gulbransen

Dr. Jenn Fuchs

Re: Request to the St. Croix Preparatory Academy School Board for Board Approval Per

Policy #905 – Advertising At Athletic Fields And School Locations

Terri and Jenn, per the guidelines outlined in Policy #905 and on behalf of the St. Croix Prep Foundation, we are submitting a request for school board approval to display on-campus promotional materials for the St. Croix Prep Foundation's Prep Fund campaign.

#### **Background:**

The St. Croix Prep Foundation is launching its first-ever recurring gift campaign, The Prep Fund. The Prep Fund will encourage families, grandparents, alumni, and community supporters to make manageable monthly gifts—such as \$10, \$20, or \$30—to sustain and strengthen the mission of St. Croix Prep.

#### **Request:**

In alignment with the School's advertising policy and commitment to advancing the educational mission of St. Croix Prep, the Foundation respectfully requests School Board approval to display temporary, mission-related Prep Fund promotional materials on campus during the campaign period.

Proposed On-Site Promotional Elements:

- Portable signage (placed in designated common or entry areas)
- An atrium banner
- Handouts and flyers (for parent events and information tables)
- A donation "thermometer" visual to show campaign progress

All materials will be noncommercial, mission-based, and focused solely on advancing philanthropic support for the school. The intent is to build community engagement and awareness—not to promote or endorse any external entity, product, or service.

#### **Design and Approval:**

Design elements are currently in development and will be submitted to the Executive Director for review and final approval prior to display, ensuring full compliance with appearance and location guidelines.

#### Rationale:

The Prep Fund directly supports the mission and programs of St. Croix Prep. Allowing on-campus visibility for this initiative will help strengthen a culture of giving, deepen community connection, and ensure continued support for students and teachers.

#### **Summary of Request:**

We request that the School Board approve the Foundation's use of limited on-campus promotional materials for The Prep Fund campaign, subject to review and approval by the Executive Director or designee regarding content, placement, and duration.

Respectfully submitted,
—Signed by:

Brendon Sdirader

**Brendon Schrader** 

St. Croix Prep Foundation Board Chairman



## st.croixprep Emergency Operations Plan (Crisis Plan)

## Crisis Team

- 2 Teachers
- Principals
- Special Ed Director
- Facilities Director
- Tech Director
- Executive Director

### Safety Measures in Place

- Training for all staff
- 80+ cameras
- Entrances are locked
- Reflective Film on some windows near entrances
- Security personnel

## Safety Events already occurred in 2025

- Staff received training on plan during Back to School Days.
- Reunification Drill on Sept 22 with all staff
- Fire and Fire/Rally walk Drill
- Students receive EOP training during

  Class

## Safety Drills planned for 25-26

- Fire Drills
- Lockdown Drills
- Evacuation Drill
- Tornado Drill

### **Sections of EOP**

- Standard Response Protocol
  - Hold
  - Secure
  - Lockdown
  - Evacuate
  - Shelter

### Changes to EOP

#### Updates

- Population numbers, late start times
- ICS chart, Maps, Narcan and AED locations, where training files are located, Medical Supplies and Equipment
- A.L.I.C.E. to Standard Response Protocol and subsequent language throughout
- Safety Drills to reflect SRP language and removed A.L.I.C.E. language
- Added "Shelter" to actions for Severe Weather/Tornado
- Moved "visitor procedures" from A.L.I.C.E. area to Functional Content Area (Protective Measures)

## Lower School Crisis Plan Specifics

- Students evacuate with their classroom teacher.
- If students are in passing time/lunch/recess/specialists, the classroom teacher will meet the EA/students at the following locations:
  - Evacuation to parking lot:
    - Grades 1-4 in class
    - LS Music
    - Lunchroom/transition time
  - Evacuation to playground:
    - LS Phy ed
    - Recess
  - Evacuation to kindergarten patio:
    - Kindergarten in class
    - LS Art
- Attendance will be taken and reported to administration.

## Middle/Upper School Crisis Plan Specifics

- Students evacuate with their current hour.
- If students need to leave the building when they aren't in class (passing time/lunch/recess) they will meet their advisory teachers in the parking lot.
- Attendance will be taken and report to administration

## Special Ed/Medical Crisis Plan Specifics

- IEP/504 teams will discuss and outline evacuation procedures for students who require extra assistance (assistance with stairs, wagon, etc)
- 1:1 paraprofessionals will remain with their student at all times
- Students in the Health Office (HO) will evacuate with the HO.
   HO staff will notify the appropriate division by walkie/text

# Exploring Additional Measures

# Exploring Al for Existing Cameras-IntelliSee

-Yr 1 cost-\$25,000 -Yr 2+-\$12,000

Other Friends of Ed also Exploring

- Software for perimeter cameras that can alert for:
  - Weapons
  - Leaks
  - Trespass
  - Loitering
  - People missing from 106
     assigned areas
  - Person on the ground
  - Crowds
  - Vehicles
  - Cell Phones

CO, JF

#### Crisis Go-Emergency CommunicationiResponse Only

-Yr 1 cost-\$4880 -Yr 2-3-\$2895

Other Friends of Ed use this

- Software that allows staff to communicate during emergencies using their cell phones
  - We can push it, even if people don't have the app to indicate if students and staff are safe
  - Can quickly account for and alert others to an emergency
  - Can run in drill mode

CO, JF

#### Crisis GoiResponse and Reunification

-Yr 1 cost-\$6320 -Yr 2-3-\$4335

Other Friends of Ed use this

- Allows students to check in quickly off of the buses
- Checks in parents and creates a QR Code
- Allows teachers to see parents
   who are there to pick up their
   child.
- Timestamps the pick up time of each child.

## **3M Film**

-Yr 1 cost-107,000 for current version

Other Friends of Ed have advised against this, because you cannot exit the room through the window

- This has been explored before and was cost prohibitive
- Quote includes:
  - Cafeteria Windows and Doors \$8514 (Priority)
  - Entrance Doors
  - Lower part of ElementaryClassrooms

## School Resource Officer

-Annual cost-\$142,000

Concerns about changing the environment of the school

- This option has been explored before
  - Per Washington
     County the average
     cost per SRO in the
     county is \$142,000
  - We have paid them, in the past for events hourly.
  - They are willing to come for forming relationships and teaching lessons.

JF



#### Governance Committee Agenda and Minutes for October 7, 2025

Members: Jeff Johnson, Jenn Fuchs, Jenn Santini, Al Bagwell, Angie Galati, Madelyn Adams

Ex-Officio: Terri Gulbransen

Guests:

Absent:

**Location: Room 288** 

Agenda: October 7, 2025

- 1. MSBA Policy Audit results and next steps
  - a. Mandatory Policies for October 21st Board Meeting.
    - i. Madelynn: 402, 532, 520, 601, 603, 606.5
    - ii. Angie: 612.1, 616, 620, 903
    - iii. Jenn F: 412, 531
  - b. Policies for November 18th Board Meeting
    - i. Jeff: 102, 214, 401, 406, 410, 411
    - ii. Terri: 413, 417, 418, 419, 426, 427, 501, 502, 506
  - c. Policies for December 16th Board Meeting
    - i. Jenn F.: 512, 514, 515, 516, 521, 522, 524
    - ii. Jeff: 524.5, 526, 533, 534, 709, 721, 722, 806
- 2. Review and Revise:
  - a. Check in: SCPA Board Governance Manual 2024 for REVIEW
    - i. J. Santini and J. Johnson
    - ii. J. Santini will add a 5th bullet point on page 6 under Board Committees to allow for flexibility.
    - iii. FYI Technical edits
  - b. New legislation Check in Anything further here? T. Gulbransen
    - Reviewed and Verified: October 7, 2025. Board Members revise bylaws about teacher service hours and cannot serve on more than one charter school board.
    - ii. Copy Language re: teacher service hours in the Bylaws into the Governance Manual Jenn S.
    - iii. Jenn S: Finance Committee: add specifics to Governance Manual.

Respectfully submitted by A. Galati

#### ST. CROIX PREPARATORY ACADEMY

Adopted:	MSBA/MASA Model Policy 102 Charte
·	Orig. 2022 (as Charter Policy)
Revised:	Rev. 2023

#### 102 EQUAL EDUCATIONAL OPPORTUNITY

[NOTE: Charter schools are required by statute to have a policy addressing these issues.]

#### I. PURPOSE

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

#### II. GENERAL STATEMENT OF POLICY

- A. The policy of the charter school is to provide equal educational opportunity for all students. The charter school does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, parental status, status with regard to public assistance, disability, sexual orientation, including gender identity and expression, or age. The charter school also makes reasonable accommodation for students with disabilities.
- B. The charter school prohibits harassment and discrimination of any individual based on any of the protected classifications listed above. For information about the types of conduct that constitute violation of the charter school's policy on harassment and violence and the charter school's procedures for addressing such complaints, refer to the charter school's policy on harassment and violence (Policy 413).
- C. The charter school prohibits discrimination of students with a disability, within the intent of Section 504 of the Rehabilitation Act of 1973 ("Section 504"), who need services, accommodations, or programs in order to receive a free appropriate public education. For information as to protections that may apply pursuant to Section 504 and the charter school's corresponding procedures for addressing disability discrimination complaints, refer to the charter school's policy on student disability nondiscrimination (Policy 521).
- D. The charter school prohibits sexual harassment discrimination of any individual on the basis of sex in its education programs or activities. For information as to the protections that apply pursuant to Title IX and charter school's corresponding procedures and processes for addressing sexual harassment and discrimination, refer to the charter school's policy on Title IX sex nondiscrimination (Policy 522).
- E. The charter school shall provide equal opportunity for members of each sex and to members of all races and ethnicities to participate in its athletic program. In determining whether equal opportunity to participate in athletic programs is available for the purposes of this law, at least the following factors shall be considered to the extent that they are applicable to a given situation: whether the opportunity for males and females to participate in the athletic program reflects the demonstrated interest in athletics of the males and females in the student body of the educational institution; whether the opportunity for members of all races and ethnicities to participate in the athletic program reflects the demonstrated interest in athletics of members of all races and ethnicities in the student body of the educational institution; whether the variety and selection of sports and levels of competition effectively accommodate the demonstrated interests of members of each sex; whether the variety and selection of sports and levels of competition effectively accommodate the demonstrated interests of members of all races and ethnicities; the provision of equipment and supplies; scheduling of games and practice times; assignment of coaches; provision of locker rooms; practice and competitive facilities; and the provision of necessary funds for teams of one sex.

- F. This policy applies to all areas of education including academics, coursework, cocurricular and extracurricular activities, or other rights or privileges of enrollment.
- G. Every charter school employee shall be responsible for complying with this policy.
- H. Any student, parent, or guardian having a question regarding this policy should discuss it with the appropriate charter school official as provided by policy. In the absence of a specific designee, an inquiry or a complaint should be referred to the executive director.

Legal References: Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and

Violence Policy)

Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)

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

20 U.S.C. § 1681 et seq. (Title IX of the Education Amendments of 1972)

42 U.S.C. § 2000d et seq. (Title VI of the Civil Rights Act of 1964)

42 U.S.C. § 12101 et seq. (Americans with Disabilities Act)

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

MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)

MSBA/MASA Model Policy 522 (Title IX Sex Nondiscrimination Policy, Grievance

Procedure and Process)

DOCUMENT # 102.Revision.a ADOPTED BY THE BOARD:

REVISED BY THE BOARD: 1/23/2018

**EFFECTIVE DATE: 1/23/2018** 

Adopted: MSBA/MASA Model Policy 102 Charter
Orig. 2022 (as Charter Policy)

Revised: Rev. 2023

#### **102** EQUAL EDUCATIONAL OPPORTUNITY

[NOTE: Charter schools are required by statute to have a policy addressing these issues.]

#### I.- PURPOSE

The purpose of this policy is to ensure that equal educational opportunity is provided for all students of the charter school-district.

#### II.- GENERAL STATEMENT OF POLICY

- A. <u>The policy of the charter school district's policy is</u> to provide equal educational opportunity for all students. The <u>charter school district</u> does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, parental status, status with regard to public assistance, disability, sexual orientation, including <u>gender identity and expression</u>, or age. The <u>charter school district</u> also makes reasonable <u>accommodationsaccommodation</u> for <u>disabled students with disabilities</u>.
- B.— The <u>charter</u> school <u>district</u> prohibits <u>the</u> harassment <u>and discrimination</u> of any individual <u>forbased on</u> any of the <u>categories protected classifications</u> listed above. For information about the types of conduct that constitute violation of the <u>school district's charter school's</u> policy on harassment and violence and the <u>school district's charter school's</u> procedures for addressing such complaints, refer to the <u>school district's charter school's</u> policy on harassment and violence. (Policy 413).
- C. The charter school prohibits discrimination of students with a disability, within the intent of Section 504 of the Rehabilitation Act of 1973 ("Section 504"), who need services, accommodations, or programs in order to receive a free appropriate public education. For information as to protections that may apply pursuant to Section 504 and the charter school's corresponding procedures for addressing disability discrimination complaints, refer to the charter school's policy on student disability nondiscrimination (Policy 521).
- D. The charter school prohibits sexual harassment discrimination of any individual on the basis of sex in its education programs or activities. For information as to the protections that apply pursuant to Title IX and charter school's corresponding procedures and processes for addressing sexual harassment and discrimination, refer to the charter school's policy on Title IX sex nondiscrimination (Policy 522).
- E. The charter school shall provide equal opportunity for members of each sex and to members of all races and ethnicities to participate in its athletic program. In determining whether equal opportunity to participate in athletic programs is available for the purposes of this law, at least the following factors shall be considered to the extent that they are applicable to a given situation: whether the opportunity for males and females to participate in the athletic program reflects the demonstrated interest in athletics of the males and females in the student body of the educational institution; whether the opportunity for members of all races and ethnicities to participate in the athletic program reflects the demonstrated interest in athletics of members of all races and ethnicities in the student body of the educational institution; whether the variety and selection of sports and levels of competition effectively accommodate the demonstrated interests of members of each sex; whether the variety and selection of sports and levels of competition effectively accommodate the demonstrated interests of members of all races and ethnicities; the provision of equipment and supplies; scheduling of games and practice times; assignment of coaches; provision of locker rooms; practice and

competitive facilities; and the provision of necessary funds for teams of one sex.

- F. This policy applies to all areas of education including academics, coursework, cocurricular and extracurricular activities, andor other rights or privileges of enrollment.
- Every charter school district-employee to complyshall be responsible for complying with this policy-conscientiously.
- Any student, parent, or guardian having any questions a question regarding this policy should discuss it with the appropriate charter school administrators official as provided by policy. In the absence of a specific designee, an inquiry or a complaint should be referred to the Executive Directorexecutive director.

Legal References: \_\_\_\_Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)

Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)

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

20 U.S.C. § 1681 et seq. (Title IX of the Education Amendments of 1972)

42 U.S.C. § 2000d et seq. (Title VI of the Civil Rights Act of 1964)

42 U.S.C. § 12101 et seq. (Americans with Disabilities Act)

Cross References: MSBA/MASA Model Policy 402 (Disability

Nondiscrimination)

MSBA/MASA Model Policy 413 (Harassment and Violence)

MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)

MSBA/MASA Model Policy 522 (StudentTitle IX Sex Nondiscrimination Policy,

Grievance Procedure and Process)

DOCUMENT # 102.Revision.a ADOPTED BY THE BOARD:

REVISED BY THE BOARD: 1/23/2018

**EFFECTIVE DATE: 1/23/2018** 

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#### 214 OUT-OF-STATE TRAVEL BY CHARTER SCHOOL BOARD MEMBERS

#### I. PURPOSE

The purpose of this policy is to control out-of-state travel by charter school board members as required by law.

#### II. GENERAL STATEMENT OF POLICY

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

#### III. APPROPRIATE TRAVEL

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

#### IV. REIMBURSABLE EXPENSES

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

#### V. REIMBURSEMENT

- A. Requests for reimbursement must be itemized on the official charter school form and are to be submitted to the designated administrator. Receipts for lodging, commercial transportation, registration, and other reasonable and necessary expenses must be attached to the reimbursement form.
- B. Automobile travel shall be reimbursed at the mileage rate set by the Internal Revenue Service. Commercial transportation shall reflect economy fares and shall be reimbursed only for the actual cost of the trip.
- C. Amounts to be reimbursed shall be within the charter school board's approved budget allocations, including attendance at workshops and conventions.

#### VI. ESTABLISHMENT OF DIRECTIVES AND GUIDELINES

The Chief Operating Officer shall develop a schedule of reimbursement rates for charter school business expenses, including those expenses requiring advance approval and specific rates of reimbursement. The Chief Operating Officer shall also develop directives and guidelines to address methods and times for submission of requests for reimbursement.

**Legal References:** Minn. Stat. § 124E.07 (Board of Directors)

Minn. Op. Atty. Gen. 1035 (Aug. 23, 1999) (Retreat Expenses)
Minn. Op. Atty. Gen. 161b-12 (Aug. 4, 1997) (Transportation Expenses)

MSBA/MASA Model Policy 212 (Charter School Board Member Development) **Cross References:** 

MSBA/MASA Model Policy 412 (Expense Reimbursement)

DOCUMENT # 214.Revision.a ADOPTED BY THE BOARD:

REVISED BY THE BOARD: 5/15/2018

EFFECTIVE DATE: 5/15/2018



#### ST. CROIX PREPARATORY ACADEMY

Adopted: MSBA/MASA Model Policy 214 Charter

Orig.: 2005 (as ISD Policy)

Revised: Orig. 2022 (as Charter Policy)

#### **214** OUT-OF-STATE TRAVEL BY CHARTER SCHOOL BOARD MEMBERS

#### I.- PURPOSE

The purpose of this policy is to control out-of-state travel by <a href="mailto:charter">charter</a> school board members as required by law.

#### II. GENERAL STATEMENT OF POLICY

SchoolCharter school board members have an obligation to become informed on the proper duties and functions of a <a href="charter">charter</a> school board member, to become familiar with issues that may affect the <a href="charter">charter</a> school—district, to acquire a basic understanding of school finance and budgeting, and to acquire sufficient knowledge to comply with federal, state, and local laws, rules, regulations, and <a href="charter">charter</a> school board members. Occasionally, it may be appropriate for <a href="charter">charter</a> school board members to travel out of state to fulfill their obligations.

#### III.-\_\_APPROPRIATE TRAVEL

Travel outside the state is appropriate when the <u>charter</u> school board finds it proper for <u>charter</u> school board members to acquire knowledge and information necessary to allow them to carry out their responsibilities as <u>charter</u> school board members. Travel to <u>anyregional or national meetings of the National Charter School Boards Association is presumed to fulfill this purpose. <u>Travel to other</u> out-of-state meetings for which the member intends to seek reimbursement from the <u>charter</u> school <u>district must should</u> be preapproved by the <u>charter</u> school board.</u>

#### IV. REIMBURSABLE EXPENSES

Expenses to be reimbursed may include transportation, meals, lodging, registration fees, required materials, parking fees, tips, and other reasonable and necessary <a href="mailto:charter">charter</a> school <a href="mailto:district">district</a>-related expenses.

#### V.-\_\_\_REIMBURSEMENT

- A.— Requests for reimbursement must be itemized on the official <a href="mailto:charter">charter</a> school-district form and are to be submitted to the designated administrator. Receipts for lodging, commercial transportation, registration, and other reasonable and necessary expenses must be attached to the reimbursement form.
- B.-\_\_\_\_Automobile travel shall be reimbursed at the mileage rate set by the Internal Revenue Service. Commercial transportation shall reflect economy fares and shall be reimbursed only for the actual cost of the trip.

C.-\_\_\_\_Amounts to be reimbursed shall be within the <u>charter</u> school board's approved budget allocations, including attendance at workshops and conventions.

#### VI.-\_\_\_ESTABLISHMENT OF DIRECTIVES AND GUIDELINES

The Chief Operating Officer shall develop a schedule of reimbursement rates for <u>charter</u> school <u>district</u> business expenses, including those expenses requiring advance approval and specific rates of reimbursement. The Chief Operating Officer shall also develop directives and guidelines to address methods and times for submission of requests for reimbursement.

#### **VII. ANNUAL REVIEW**

This policy must be annually reviewed by the school board.

[NOTE: The SCPA Board may choose to retain Article VII.]

Legal References: \_\_\_Minn. Stat. § 123B.09, Subd. 2 (School § 124E.07 (Board Member Training) of

Directors)

Minn. Stat. § 471.661 (Out-of-State Travel) Minn. Stat. § 471.665 (Mileage Allowances) Minn. Op. Atty. Gen. 1035 (Aug. 23, 1999) (Retreat Expenses) Minn. Op. Atty. Gen. 161b-12 (Aug. 4, 1997) (Transportation Expenses)

**Cross References:** \_\_\_MSBA/MASA Model Policy 212 (<u>Charter</u> School Board Member Development)

MSBA/MASA Model Policy 412 (Expense Reimbursement)

DOCUMENT # 214.Revision.a ADOPTED BY THE BOARD:

REVISED BY THE BOARD: 5/15/2018

EFFECTIVE DATE: 5/15/2018

#### ST. CROIX PREPARATORY ACADEMY

Adopted:	MSBA/MASA Model Policy 401 Charter
	Orig. 1995 (as ISD Policy)
Revised:	Orig. 2022 (as Charter Policy)

#### **401 EQUAL EMPLOYMENT OPPORTUNITY**

[NOTE: Charter schools are not required by statute to have a policy addressing these issues. However, the Equal Employment Opportunity Commission strongly encourages adoption of a policy and will look for such a policy during accreditation visits, audits, or investigations.]

#### I. PURPOSE

The purpose of this policy is to provide equal employment opportunity to all applicants for employment and for all St. Croix Preparatory Academy (SCPA) employees.

#### II. GENERAL STATEMENT OF POLICY

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

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

- B. SCPA prohibits the harassment of any individual for any of the categories listed above. For information about the types of conduct that constitute impermissible harassment and SCPA's internal procedures for addressing complaints of harassment, please refer to SCPA's policy on harassment and violence.
- C. This policy applies to all areas of employment, including hiring, discharge, promotion, compensation, facilities, or privileges of employment.
- D. Every SCPA employee shall be responsible for following this policy.
- E. Any person having a question regarding this policy should discuss it with the Human Resource Director.

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

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

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

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

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

of the Uniformed Services)

42 U.S.C. § 2000e et seq. (Equal Employment Opportunities; Title VII of the

Civil Rights Act)

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

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

MSBA/MASA Model Policy 405 (Veteran's Preference) MSBA/MASA Model Policy 413 (Harassment and Violence) ADOPTED BY THE BOARD ON DECEMBER 17, 2024.



ST. CROIX PREPARATORY ACADEMY

Adopted: MSBA/MASA Model Policy 401 Charter
Orig. 1995 (as ISD Policy)

Revised: Orig. 2022

(as Charter Policy)

#### **401** EQUAL EMPLOYMENT OPPORTUNITY

[NOTE: Charter schools are not required by statute to have a policy addressing these issues. However, the Equal Employment Opportunity Commission strongly encourages adoption of a policy and will look for such a policy during accreditation visits, audits, or investigations.]

#### I. PURPOSE

The purpose of this policy is to provide equal employment opportunity to all applicants for employment and for all St. Croix Preparatory Academy (SCPA) employees.

#### II. GENERAL STATEMENT OF POLICY

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

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

- B. SCPA prohibits the harassment of any individual for any of the categories listed above. For information about the types of conduct that constitute impermissible harassment and SCPA's internal procedures for addressing complaints of harassment, please refer to SCPA's policy on harassment and violence.
- C. This policy applies to all areas of employment, including hiring, discharge, promotion, compensation, facilities, or privileges of employment.
- D. Every SCPA employee shall be responsible for following this policy.
- E. Any person having a question regarding this policy should discuss it with the Human Resource Director.

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

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

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

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

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

of the Uniformed Services)

42 U.S.C. § 2000e et seq. (Equal Employment Opportunities; Title VII of the

Civil Rights Act)

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

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

Board Policy 401-1



MSBA/MASA Model Policy 405 (Veteran's Preference)
MSBA/MASA Model Policy 413 (Harassment and Violence)

ADOPTED BY THE BOARD ON DECEMBER 17, 2024.

#### ST. CROIX PREPARATORY ACADEMY

Adopted:	MSBA/MASA Model Policy 406 Charter
•	Orig. 1995 (as ISD Policy)
Revised:	Orig. 2022 (as Charter Policy)
	Pay 2023

#### 406 PUBLIC AND PRIVATE PERSONNEL DATA

[NOTE: The provisions of this policy accurately reflect the Minnesota Government Data Practices Act and are not discretionary in nature.]

#### I. PURPOSE

The purpose of this policy is to provide guidance to charter school employees as to the data the charter school collects and maintains regarding its employees, volunteers, independent contractors, and applicants ("personnel").

#### II. GENERAL STATEMENT OF POLICY

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

#### III. DEFINITIONS

- A. "Confidential" means the data are not public and are not accessible to the subject.
- B. "Finalist" means an individual who is selected to be interviewed by the charter school board for a position.
- C. "Parking space leasing data" means the following government data on an applicant for, or lessee of, a parking space: residence address, home telephone number, beginning and ending work hours, place of employment, location of parking space, and work telephone number.
- D. "Personnel data" means government data on individuals maintained because they are or were employees, applicants for employment, volunteers, or independent contractors for the school. Personnel data include data submitted by an employee to the school as part of an organized self-evaluation effort by the school to request suggestions from all employees on ways to cut costs, make the school more efficient, or to improve school operations.
- E. "Private" means the data is not public and is accessible only to the following: the subject of the data, as limited by any applicable state or federal law; individuals within the school whose work assignments reasonably require access; entities and agencies as determined by the responsible authority who are authorized by law to gain access to that specific data; and entities or individuals given access by the express written direction of the data subject.
- F. "Protected health information" means individually identifiable health information as defined in 45 Code of Federal Regulations, section 160.103, that is transmitted by electronic media, maintained in electronic media, or transmitted or maintained in any other form or medium by a health care provider, in connection with a transaction covered by 45 Code of Federal Regulations, Parts 160, 162 and 164. "Protected health information" excludes individually identifiable health information in education records

covered by the Family Educational Rights and Privacy Act, employment records held by a school in its role as employer; and records regarding a person who has been deceased for more than fifty (50) years.

- G. "Public" means that the data is available to anyone who requests it.
- H. "Public officials" means business managers; human resource directors; athletic directors whose duties include at least fifty (50) percent of their time spent in administration, personnel, supervision, and evaluation; chief financial officers; directors; and individuals defined as executive director and principals and in a charter school, individuals employed in comparable positions.

#### IV. PUBLIC PERSONNEL DATA

- A. The following information on current and former employees, volunteers, and independent contractors of the charter school, is public:
  - 1. name:
  - 2. employee identification number, which may not be the employee's Social Security number;
  - 3. actual gross salary;
  - 4. salary range;
  - 5. terms and conditions of employment relationship;
  - contract fees;
  - 7. actual gross pension;
  - 8. the value and nature of employer-paid fringe benefits;
  - 9. the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;
  - 10. job title;
  - 11. bargaining unit;
  - 12. job description;
  - 13. education and training background;
  - 14. previous work experience;
  - 15. date of first and last employment;
  - 16. the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action;
  - 17. the final disposition of any disciplinary action, as defined in Minnesota Statutes, section 13.43, subdivision. 2(b), together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the school;
  - 18. the complete terms of any agreement settling any dispute arising out of the employment relationship, including Executive Director buyout agreements, except that the agreement must include specific reasons for the agreement if it

involves the payment of more than \$10,000 of public money, and such agreement may not have the purpose or effect of limiting access to or disclosure of personnel data or limiting the discussion of information or opinions related to personnel data;

- 19. work location;
- 20. work telephone number;
- 21. badge number;
- 22. work-related continuing education;
- 23. honors and awards received; and
- 24. payroll time sheets or other comparable data that are used only to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data.
- B. The following information on current and former applicants for employment by the charter school is public:
  - veteran status;
  - relevant test scores;
  - rank on eligible list;
  - 4. job history;
  - 5. education and training; and
  - 6. work availability.
- C. Names of applicants are private data except when certified as eligible for appointment to a vacancy or when applicants are considered by the school board to be finalists for public employment.
- D. Applicants for appointment to a public body.
  - 1. Data about applicants for appointment to a public body collected by the charter school as a result of the applicant's application for employment are private data on individuals except that the following are public:
    - a. name;
    - city of residence, except when the appointment has a residency requirement that requires the entire address to be public;
    - c. education and training;
    - d. employment history;
    - e. volunteer work;
    - f. awards and honors;
    - g. prior government service;

- h. any data required to be provided or that are voluntarily provided in an application for appointment to a multimember agency pursuant to Minnesota Statutes, section 15.0597; and
- i. veteran status.
- 2. Once an individual is appointed to a public body, the following additional items of data are public:
  - a. residential address;
  - b. either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee;
  - c. first and last dates of service on the public body;
  - d. the existence and status of any complaints or charges against an appointee; and
  - e. upon completion of an investigation of a complaint or charge against an appointee, the final investigative report is public, unless access to the data would jeopardize an active investigation.
- 3. Notwithstanding paragraph 2., any electronic mail address or telephone number provided by a public body for use by an appointee shall be public. An appointee may use an electronic mail address or telephone number provided by the public body as the designated electronic mail address or telephone number at which the appointee can be reached.
- E. Regardless of whether there has been a final disposition as defined in Minnesota Statutes, section 13.43, subdivision 2(b), upon completion of an investigation of a complaint or charge against a public official, as defined in Minnesota Statutes, section 13.43, subdivision 2(e), or if a public official resigns or is terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources. Data relating to a complaint or charge against a public official is public only if:
  - 1. the complaint or charge results in disciplinary action or the employee resigns or is terminated from employment while the complaint or charge is pending; or
  - 2. potential legal claims arising out of the conduct that is the subject of the complaint or charge are released as part of a settlement agreement

Data that is classified as private under another law is not made public by this provision.

#### V. PRIVATE PERSONNEL DATA

- A. All other personnel data not listed in Article IV are private data will not be otherwise released unless authorized by law.
- B. Data pertaining to an employee's dependents are private data on individuals.
- C. Data created, collected, or maintained by the school to administer employee assistance programs are private.
- D. Parking space leasing data with regard to data on individuals are private.
- E. An individual's checking account number is private when submitted to a government entity.

F. Personnel data must be disseminated to labor organizations to the extent necessary to conduct elections, investigate and process grievances, and implement the provisions of Minnesota Statutes, chapters 179 and 179A. Personnel data shall be disseminated to labor organizations and the Minnesota Bureau of Mediation Services ("BMS") to the extent the dissemination is ordered or authorized by the Commissioner of the BMS. Employee Social Security numbers are not necessary to implement the provisions of Chapter 179 and 179A.

The home addresses, non-employer issued phone numbers and email addresses, dates of birth, and emails or other communications between exclusive representatives and their members, prospective members, and nonmembers are private data on individuals.

Dissemination of personnel data to a labor organization pursuant to Minnesota Statutes, section 13.43, subdivision 6, shall not subject the charter school to liability under Minnesota Statutes, section 13.08.

Personnel data described under Minnesota Statutes, section 179A.07, subdivision 8, must be disseminated to an exclusive representative under the terms of that subdivision.

- G. The school may display a photograph of a current or former employee to prospective witnesses as part of the school's investigation of any complaint or charge against the employee.
- H. The school may, if its responsible authority or designee reasonably determines that the release of personnel data is necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, release data that are relevant to the concerns for safety to:
  - 1. the person who may be harmed and to the attorney representing the person when the data are relevant to obtaining a restraining order;
  - 2. a prepetition screening team conducting an investigation of the employee under Minnesota Statutes, section 253B.07, subdivision 1; or
  - 3. a court, law enforcement agency, or prosecuting authority.
- I. Private personnel data or confidential investigative data on employees may be disseminated to a law enforcement agency for the purpose of reporting a crime or alleged crime committed by an employee, or for the purpose of assisting law enforcement in the investigation of a crime or alleged crime committed by an employee.
- J. A complainant has access to a statement provided by the complainant to the school in connection with a complaint or charge against an employee.
- K. When allegations of sexual or other types of harassment are made against an employee, the employee does not have access to data that would identify the complainant or other witnesses if the responsible authority determines that the employee's access to that data would:
  - 1. threaten the personal safety of the complainant or a witness; or
  - 2. subject the complainant or witness to harassment.

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

L. The school must report to the Minnesota Professional Educator Licensing and Standards Board ("PELSB") or the Board of School Administrators ("BOSA"), whichever has

jurisdiction over the teacher's or administrator's license, as required by Minnesota Statutes, section 122A.20, subdivision 2, and shall, upon written request from the licensing board having jurisdiction over license, provide the licensing board with information about the teacher or administrator from the school's files, any termination or disciplinary proceeding, and settlement or compromise, or any investigative file in accordance with Minnesota Statutes, section 122A.20, subdivision 2.

# [NOTE: The obligation to make a report set forth in this section applies to charter school boards and their executive directors and charter school authorizers.]

- M. Private personnel data shall be disclosed to the Minnesota Department of Employment and Economic Development for the purpose of administration of the unemployment insurance program under Minnesota Statutes, chapter 268.
- N. When a report of alleged maltreatment of a student in an elementary, middle school, high school or charter school is made to the Commissioner of the Minnesota Department of Education ("MDE") under Minnesota Statutes, chapter 260E, data that are relevant and collected by the school facility about the person alleged to have committed maltreatment must be provided to the MDE Commissioner on request for purposes of an assessment or investigation of the maltreatment report. Additionally, personnel data may be released for purposes of providing information to a parent, legal guardian, or custodian of a child in accordance with MDE Screening Guidelines.
- O. The school shall release to a requesting school or school private personnel data on a current or former employee related to acts of violence toward or sexual contact with a student, if
  - 1. an investigation conducted by or on behalf of the school or law enforcement affirmed the allegations in writing prior to release and the investigation resulted in the resignation of the subject of the data; or
  - the employee resigned while a complaint or charge involving the allegations was pending, the allegations involved acts of sexual contact with a student, and the employer informed the employee in writing, before the employee resigned, that if the employee resigns while the complaint or charge is still pending, the employer must release private personnel data about the employee's alleged sexual contact with a student to a school or school requesting the data after the employee applies for employment with that school or school and the data remain classified as provided in Minnesota Statutes, chapter 13.

Data that are released under this paragraph must not include data on the student.

- P. Data submitted by an employee to the school as part of an organized self-evaluation effort by the school to request suggestions from all employees on ways to cut costs, make the school more efficient, or improve the school operations is private data. An employee who is identified in a suggestion, however, shall have access to all data in the suggestion except the identity of the employee making the suggestion.
- Q. Protected health information, as defined in 45 Code of Federal Regulations, Parts 160 and 164, on employees is private and will not be disclosed except as permitted or required by law.
- R. Personal home contact information for employees may be used by the school to ensure that an employee can be reached in the event of an emergency or other disruption affecting continuity of school operations and may be shared with another government entity in the event of an emergency or other disruption to ensure continuity of operation for the school or government entity.

- S. The personal telephone number, home address, and electronic mail address of a current or former employee of a contractor or subcontractor maintained as a result of a contractual relationship between the school and a contractor or subcontractor entered on or after August 1, 2012, are private data. These data must be shared with another government entity to perform a function authorized by law. The data also must be disclosed to a government entity or any person for prevailing wage purposes.
- Т. When a continuing contract teacher is discharged immediately because the teacher's license has been revoked due to a conviction for child abuse or sexual offenses involving a child as set forth in Minnesota Statutes, section 122A.40, subdivision 13(b), or when the Commissioner of MDE makes a final determination of child maltreatment involving a teacher under Minnesota Statutes, section 260E.21, subdivision 4 or 35, the school principal or other person having administrative control of the school must include in the teacher's employment record the information contained in the record of the disciplinary action or the final maltreatment determination, consistent with the definition of public data under Minnesota Statutes, section 13.41, subdivision 5, and must provide PELSB and the licensing division at MDE with the necessary and relevant information to enable PELSB and MDE's licensing division to fulfill their statutory and administrative duties related to issuing, renewing, suspending, or revoking a teacher's license. In addition to the background check required under Minnesota Statutes, section 123B.03, a school board or other school hiring authority must contact PELSB and MDE to determine whether the teacher's license has been suspended or revoked, consistent with the discharge and final maltreatment determinations. Unless restricted by federal or state data practices law or by the terms of a collective bargaining agreement, the responsible authority for a school must disseminate to another school private personnel data on a current or former teacher (employee or contractor) of the district, including the results of background investigations, if the requesting school seeks the information because the subject of the data has applied for employment with the requesting school.

#### VI. MULTIPLE CLASSIFICATIONS

If data on individuals are classified as both private and confidential by Minnesota Statutes, chapter 13, or any other state or federal law, the data are private.

#### VII. CHANGE IN CLASSIFICATIONS

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

#### VIII. RESPONSIBLE AUTHORITY

The charter school has designated the Executive Director as the authority responsible for personnel data.

The responsible authority, or a charter school employee if so designated, shall serve as the school's data practices compliance official and, as such, shall be the HR Director and the Data Compliance Officer. If you have any questions, contact either at 651-395-5900.

#### IX. EMPLOYEE AUTHORIZATION/RELEASE FORM

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

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

Minn. Stat. § 13.02 (Definitions)

Minn. Stat. § 13.03 (Access to Government Data) Minn. Stat. § 13.05 (Duties of Responsible Authority)

Minn. Stat. § 13.37 (General Nonpublic Data) Minn. Stat. § 13.39 (Civil Investigation Data) Minn. Stat. § 13.41 (Licensing Data – Public Data)

Minn. Stat. § 13.43 (Personnel Data)

Minn. Stat. § 13.601, Subd. 3 (Applicants for Employment) Minn. Stat. § 15.0597 (Appointment to Multimember Agencies)

Minn. Stat. § 122A.20, Subd. 2 (Mandatory Reporting)

Minn. Stat. § 123B.03 (Background Check)

Minn. Stat. § 123B.143, Subd. 2 (Disclose Past Buyouts) Minn. Stat. Ch. 179 (Minnesota Labor Relations Act)

Minn. Stat. Ch. 179A (Minnesota Public Labor Relations Act)

Minn. Stat. § 253B.07 (Judicial Commitment: Preliminary Procedures)

Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)

Minn. Stat. Ch. 268 (Unemployment Insurance)

Minn. R. Pt. 1205 (Data Practices)

P.L. 104-191 (HIPAA)

45 C.F.R. Parts 160, 162 and 164 (HIPAA Regulations)

Cross References: MSBA/MASA Model Policy 206 (Public Participation in Charter School Board

Meetings/Complaints about Persons at Charter School Board Meetings and Data

Privacy Considerations)

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

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ADOPTED BY THE BOARD: 11/15/2011 REVISED BY THE BOARD: 09/25/2018

**EFFECTIVE DATE: 09/25/2018** 



#### ST. CROIX PREPARATORY ACADEMY

Adopted: MSBA/MASA Model Policy 406 Charter

Orig. 1995 (as ISD Policy)

Revised: Orig. 2022 (as Charter Policy)

Rev. 2023

#### 406 PUBLIC AND PRIVATE PERSONNEL DATA

[NOTE: The provisions of this policy accurately reflect the Minnesota Government Data Practices Act and are not discretionary in nature.]

#### I.-\_\_\_PURPOSE

The purpose of this policy is to provide guidance to <u>charter</u> school <u>district</u> employees as to the data the <u>charter</u> school <u>district</u> collects and maintains regarding its <u>employees</u>, <u>volunteers</u>, <u>independent contractors</u>, <u>and applicants</u> ("personnel—").

#### II.- GENERAL STATEMENT OF POLICY

- A.— All data on individuals collected, created, received, maintained, or disseminated by the <a href="mailto:charter">charter</a> school-district, which is classified by statute or federal law as public, shall be accessible to the public pursuant to the procedures established by the <a href="mailto:charter">charter</a> school district...
- B.-\_\_\_\_All other data on individuals is private or confidential.

#### III.- DEFINITIONS

- A.-\_\_\_\_\_ "Public" means that the data is available to anyone who requests it.
- B. "Private" means the data is available to the subject of the data and to school district staff who need it to conduct the business of the school district.
- C. "Confidential" means the data isare not available public and are not accessible to the subject.
- B. "Finalist" means an individual who is selected to be interviewed by the charter school board for a position.
- C. "Parking space leasing data" means the following government data on an applicationapplicant for, or leaselessee of, a parking space: residence address, home telephone number, beginning and ending work hours, place of employment, location of parking space, and work telephone number.
- O. "Personnel data" means government data on individuals maintained because they are or were employees of the school district, applicants for employment, volunteers, or independent contractors for the school district, or members of or applicants for an advisory board or commission. Personnel data include data submitted to the school district by an employee to the school as part of an organized self-evaluation effort by the school district to request suggestions from all employees on ways to cut costs, make the school district more efficient, or to improve school district operations. An employee who is identified in a suggestion shall have
- E. "Private" means the data is not public and is accessible only to the following: the subject of the data, as limited by any applicable state or federal law; individuals within the school whose work assignments reasonably require access to all data in the suggestion except the identity of the employee making the suggestion.

; entities and agencies as determined by the responsible authority who are authorized by law G. to gain access to that specific data; and entities or individuals given access by the express written direction of the data subject.

- \_"Protected health information" means individually identifiable health information as defined in 45 Code of Federal Regulations, section 160.103, that is transmitted in by electronic media, maintained in electronic media, or transmitted or maintained in any other form by a school district acting as or medium by a health care provider, in connection with a transaction covered by 45 Code of Federal Regulations, Parts 160, 162 and 164. "Protected health information" excludes individually identifiable health information in education records covered by the federal Family Educational Rights and Privacy Act-and, employment records held by a school district in its role as employer. and records regarding a person who has been deceased for more than fifty (50) years.
- "Public" means that the data is available to anyone who requests it.
- "Public officials" means business managers; human resource directors; athletic directors whose duties include at least fifty (50) percent of their time spent in administration, personnel, supervision, and evaluation; chief financial officers; directors; and individuals defined as executive director and principals and in a charter school, individuals employed in comparable positions.

#### IV.-\_\_\_

PUBLI	C PERSONNEL DATA
A	The following information on <u>current and former</u> employees, <u>including</u> -volunteers, and independent contractors of the charter school, is public:
	1name;
	2employee identification number, which shallmay not be the employee's social securitySocial Security number;
	3actual gross salary;
	4salary range;
	5terms and conditions of employment relationship;
	6contract fees;
	7actual gross pension;
	8the value and nature of employer-paid fringe benefits;
	9the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;
	10job title;
	11bargaining unit;
	12job description;
	13education and training background;
	14previous work experience;
	15date of first and last employment;
Policv #406	16the existence and status of any complaints or charges against the employee,

regardless of whether the complaint or charge resulted in a disciplinary action; 17.-\_\_\_\_the final disposition of any disciplinary action, as defined in Minnesota Statutes, sectionMinn. Stat. § 13.43, Subdsubdivision. 2(b), together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the school district;; the complete terms of any agreement settling any dispute arising out of the employment relationship, including Executive Director buyout agreements, except that the agreement must include specific reasons for the agreement if it personnel data; 19.-\_\_\_work location; 20.-\_\_\_work telephone number; 21.-\_\_\_badge number; 22.- work-related continuing education; 23.- honors and awards received; and medical leave or other not public data.

involves the payment of more than \$10,000 of public money, and such agreement may not have the purpose or effect of limiting access to or disclosure of personnel data or limiting the discussion of information or opinions related to 24.- payroll time sheets or other comparable data that are used only to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other The following information on current and former applicants for employment or to an advisory board/ commission by the charter school is public: 1.-\_\_\_veteran status; relevant test scores; 3.-\_\_\_rank on eligible list; 4.-\_\_\_job history; 5.-\_\_\_education and training; and 6.-\_\_\_work availability. Names of applicants are private data except when certified as eligible for appointment to a vacancy or when they become applicants are considered by the school board to be finalists for an public employment position. . Applicants for appointment to a public body. Data about applicants for appointment to a public body collected by the charter on individuals except that the following are public: a. name; city of residence, except when the appointment has a residency

school as a result of the applicant's application for employment are private data

requirement that requires the entire address to be public;

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c. education and training; d. employment history; e. volunteer work; f. awards and honors; g. prior government service; any data required to be provided or that are voluntarily provided in an application for appointment to a multimember agency pursuant to Minnesota Statutes, section 15.0597; and veteran status. Once an individual is appointed to a public body, the following additional items of data are public: a. residential address; either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee; first and last dates of service on the public body; d. the existence and status of any complaints or charges against an appointee; and upon completion of an investigation of a complaint or charge against an appointee, the final investigative report is public, unless access to the data would jeopardize an active investigation. Notwithstanding paragraph 2., any electronic mail address or telephone number provided by a public body for use by an appointee shall be public. An appointee may use an electronic mail address or telephone number provided by the public body as the designated electronic mail address or telephone number at which the appointee can be reached. Regardless of whether there has been a final disposition as defined in Minnesota Statutes, sectionMinn. Stat. § 13.43, Subd. subdivision 2(b), upon completion of an investigation of a complaint or charge against a public official, as defined in Minnesota Statutes, section Minn. Stat. § 13.43, Subd. subdivision 2(e), or if a public official resigns or is terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources. Data relating to a complaint or charge against a public official is public only if: the complaint or charge results in disciplinary action or the employee resigns or is terminated from employment while the complaint or charge is pending; or potential legal claims arising out of the conduct that is the subject of the complaint or charge are released as part of a settlement agreement Data that is classified as private under another law is not made public by this provision. PRIVATE PERSONNEL DATA

A.-\_\_\_All other personnel data <u>not listed in Article IV</u> are private <del>and will only be shared with</del>
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school district staff whose work requires such access. Private data will not be otherwise released unless authorized by law or by the employee's informed written consent...

- B.-\_\_\_\_Data pertaining to an employee's dependents are private data on individuals.
- C.-\_\_\_\_Data created, collected, or maintained by the school district to administer employee assistance programs are private.
- D.- Parking space leasing data with regard to data on individuals are private.
- E.-\_\_\_\_An individual's checking account number is private when submitted to a government entity.
- Personnel data maymust be disseminated to labor organizations to the extent the school district determines it is necessary for the labor organization to conduct its business or whento conduct elections, investigate and process grievances, and implement the provisions of Minnesota Statutes, chapters 179 and 179A. Personnel data shall be disseminated to labor organizations and the Minnesota Bureau of Mediation Services ("BMS") to the extent the dissemination is ordered or authorized by the Commissioner of the Bureau of Mediation Services. BMS. Employee Social Security numbers are not necessary to implement the provisions of Chapter 179 and 179A.

The home addresses, nonemployer issued phone numbers and email addresses, dates of birth, and emails or other communications between exclusive representatives and their members, prospective members, and nonmembers are private data on individuals.

<u>Dissemination of personnel data to a labor organization pursuant to Minnesota Statutes, section 13.43, subdivision 6, shall not subject the charter school to liability under Minnesota Statutes, section 13.08.</u>

<u>Personnel data described under Minnesota Statutes, section 179A.07, subdivision 8, must be disseminated to an exclusive representative under the terms of that subdivision.</u>

- G. The school may display a photograph of a current or former employee to prospective witnesses as part of the school district'sschool's investigation of any complaint or charge against the employee.
- H.— The school <u>district</u> may, if <u>theits</u> responsible authority or designee reasonably determines that the release of personnel data is necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, release data that are relevant to the concerns for safety to:
  - 1. The the person who may be harmed and to the attorney representing the person when the data are relevant to obtaining a restraining order;
  - 2. A pre-petition a prepetition screening team conducting an investigation of the employee under Minnesota Statutes, sectionMinn. Stat. § 253B.07, Subd-subdivision 1; or
  - <u>a</u> court, law enforcement agency, or prosecuting authority.
- I.— Private personnel data or confidential investigative data on employees may be disseminated to a law enforcement agency for the purpose of reporting a crime or alleged crime committed by an employee, or for the purpose of assisting law enforcement in the investigation of <a href="mailto:such-a">such-a</a> crime or alleged crime.—<a href="mailto:committed by an employee">committed by an employee</a>.
- A complainant has access to a statement provided by the complainant to the school district in connection with a complaint or charge against an employee.

- When allegations of sexual or other types of harassment are made against an employee, the employee shalldoes not have access to data that would identify the complainant or other witnesses if the school districtresponsible authority determines that the employee's access to that data would:
  - 1.-\_\_\_\_threaten the personal safety of the complainant or a witness; or
  - 2.-\_\_\_subject the complainant or witness to harassment.

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

L. The school district shall make anymust report to the board of teachingMinnesota Professional Educator Licensing and Standards Board ("PELSB") or the state board of education Board of School Administrators ("BOSA"), whichever has jurisdiction over the teacher's or administrator's license, as required by Minnesota Statutes, sectionMinn. Stat. § 122A.20, Subd.subdivision 2, and shall, upon written request from the licensing board having jurisdiction over a teacher's license, provide the licensing board with information about the teacher or administrator from the school district'sschool's files, any termination or disciplinary proceeding, and settlement or compromise, or any investigative file in accordance with Minnesota Statutes, sectionMinn. Stat. § 122A.20, Subd.subdivision 2.

[NOTE: The obligation to make a report set forth in this section applies to charter school boards and their executive directors and charter school authorizers.]

- M. Private personnel data shall be disclosed to the <u>departmentMinnesota Department</u> of <u>economic securityEmployment and Economic Development</u> for the purpose of administration of the unemployment insurance program under <u>Minnesota Statutes</u>, <u>chapterMinn. Stat. Ch.</u> 268.
- N. When a report of alleged maltreatment of a student in an elementary, middle school, high school or charter school is made to the Commissioner of the Minnesota Department of Education ("MDE") under Minnesota Statutes, chapter 260E, data that are relevant and collected by the school facility about the person alleged to have committed maltreatment must be provided to the MDE Commissioner on request for purposes of an assessment or investigation of the maltreatment report. Additionally, personnel data may be released for purposes of providing information to a parent, legal guardian, or custodian of a child in accordance with MDE Screening Guidelines.
- The school district shall release to a requesting school district or charter school private personnel data on a current or former employee related to acts of violence toward or sexual contact with a student, if
  - an investigation conducted by or on behalf of the school—district or law enforcement affirmed the allegations in writing prior to release and the investigation resulted in the resignation of the subject of the data; or
  - the employee resigned while a complaint or charge involving the allegations was pending, the allegations involved acts of sexual contact with a student, and the employer informed the employee in writing, before the employee resigned, that if the employee resigns while the complaint or charge is still pending, the employer must release private personnel data about the employee's alleged sexual contact with a student to a \_school district or charter school requesting the data after the employee applies for employment with that \_school district or charter school and the data remain classified as provided in Minnesota Statutes, chapter Minn. Stat. Ch. 13. Data that are released under this paragraph must not include data on the student.

<u>Data that are released under this paragraph must not include data on the student.</u>

- P. Data submitted by an employee making a suggestion to the school as part of an organized self-evaluation effort by the school district request suggestions from all employees on ways to cut costs, make the school district more efficient, or to-improve the school district operations is private. data. An employee who is identified in a suggestion, however, shall have access to all data in the suggestion except the identity of the employee making the suggestion.
- Q. Protected health information, as defined in 45 Code of Federal Regulations, Parts 160 and 164, on employees is private unless otherwise provided and will not be disclosed except as permitted or required by law. To the extent that the school district transmits protected health information, the school district will comply with all privacy requirements.
- Personal home contact information for employees may be used by the school district andto ensure that an employee can be reached in the event of an emergency or other disruption affecting continuity of school operations and may be shared with another government entity in the event of an emergency or other disruption to ensure continuity of operation for the school district or government entity.
- The personal telephone number, home address, and electronic mail address of a current or former employee of a contractor or subcontractor maintained as a result of a contractual relationship between the school district and a contractor or subcontractor entered on or after August 1, 2012, are private data. These data must be shared with another government entity to perform a function authorized by law. The data also must be disclosed to a government entity or any person for prevailing wage purposes.
- When a continuing contract teacher is discharged immediately because the teacher's license has been revoked due to a conviction for child abuse or sexual abuseoffenses involving a child as set forth in Minnesota Statutes, section 122A.40, subdivision 13(b), or when the Commissioner of the Minnesota Department of Education (MDE) makes a final determination of child maltreatment involving a teacher under Minnesota Statutes, section 260E.21, subdivision 4 or 35, the school principal or other person having administrative control of the school must include in the teacher's employment record the information contained in the record of the disciplinary action or the final maltreatment determination, consistent with the definition of public data under Minn. Stat. §Minnesota Statutes, section 13.41, Subd-subdivision 5, and must provide the Board of Teaching PELSB and the licensing division at MDE with the necessary and relevant information to enable the Board of TeachingPELSB and MDE's licensing division to fulfill their statutory and administrative duties related to issuing, renewing, suspending, or revoking a teacher's license. In addition to the background check required under Minnesota Statutes, sectionMinn. Stat. § 123B.03, a school board or other school hiring authority must contact the Board of TeachingPELSB and MDE to determine whether the teacher's license has been suspended or revoked, consistent with the discharge and final maltreatment determinations. Unless restricted by federal or state data practices law or by the terms of a collective bargaining agreement, the responsible authority for a school district must disseminate to another school district private personnel data on a current or former teacher (employee or contractor) of the district, including the results of background investigations, if the requesting school district seeks the information because the subject of the data has applied for employment with the requesting school district...

#### VI. MULTIPLE CLASSIFICATIONS

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

#### VII.-\_\_CHANGE IN CLASSIFICATIONS

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

#### VIII. RESPONSIBLE AUTHORITY

The <u>charter</u> school <u>district</u> has designated the Executive Director as the authority responsible for personnel data.

The <u>responsible authority</u>, or a <u>charter</u> school <u>hasemployee if so</u> designated, <u>shall serve as the school's data practices compliance official and</u>, <u>as such</u>, <u>shall be</u> the HR Director <u>as-and</u> the Data Compliance Officer. If you have any questions, contact either at 651-395-5900.

#### IX.-\_\_\_EMPLOYEE AUTHORIZATION/RELEASE FORM

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

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

Minn. Stat. § 13.02 (Definitions)

Minn. Stat. § 13.03 (Access to Government Data) Minn. Stat. § 13.05 (Duties of Responsible Authority)

Minn. Stat. § 13.37 (General Nonpublic Data)
Minn. Stat. § 13.39 (Civil Investigation Data)
Minn. Stat. § 13.41 (Licensing Data – Public Data)

Minn. Stat. § 13.43 (Personnel Data)

Minn. Stat. § 13.601, Subd. 3 (Applicants for Employment)
Minn. Stat. § 15.0597 (Appointment to Multimember Agencies)

Minn. Stat. § 122A.20, Subd. 2 (Mandatory Reporting)

Minn. Stat. § 122A.40, Subds. 13 and 16 (Employment; § 123B.03 (Background

Check)

Minn. Stat. § 626.556123B.143, Subd. 2 (Disclose Past Buyouts)

Minn. Stat. Ch. 179 (Minnesota Labor Relations Act)

Minn. Stat. Ch. 179A (Minnesota Public Labor Relations Act)

Minn. Stat. § 253B.07 (Judicial Commitment: Preliminary Procedures)

Minn. Stat. Ch.7\_260E (Reporting of Maltreatment of Minors)

Minn. Stat. Ch. 268 (Unemployment Insurance)

Minn. R. Pt. 1205 (Data Practices)

P.L. 104-191 (HIPAA)

45 C.F.R. Parts 160, 162 and 164 (HIPAA Regulations)

Cross References:- MSBA/MASA Model Policy 206 (Public Participation in Charter School Board

Meetings/Complaints about Persons at Charter School Board Meetings and Data

Privacy Considerations)

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

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ADOPTED BY THE BOARD: 11/15/2011 REVISED BY THE BOARD: 09/25/2018

**EFFECTIVE DATE: 09/25/2018** 

#### ST. CROIX PREPARATORY ACADEMY

Adopted:	MSBA/MASA Model Policy 410 Charte
	Orig. 1995 (as ISD Policy
Revised:	Orig. 2022 (as Charter Policy
	Pay 2023

#### 410 FAMILY AND MEDICAL LEAVE POLICY

[Note: Charter schools are required by statute to have a policy addressing these issues.]

#### I. PURPOSE

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

#### II. GENERAL STATEMENT OF POLICY

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

#### III. DEFINITIONS

- A. "Covered active duty" means:
  - in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
  - 2. in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in 10 United States Code section 101(a)(13)(B).
- B. "Covered servicemember" means:
  - 1. a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
  - a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, and was discharged or released under conditions other than dishonorable, at any time during the period of five (5) years preceding the first date the eligible employee takes FMLA leave to care for the covered veteran.
- C. "Eligible employee" means an employee who has been employed by the charter school for a total of at least twelve (12) months and who has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave. An employee returning from fulfilling his or her Uniformed Services Employment and Reemployment Rights Act (USERRA)-covered service obligation shall be credited with the hours of service that would have been performed but for the period of absence from work due to or necessitated by USERRA-covered service. In

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

- D. "Military caregiver leave" means leave taken to care for a covered servicemember with a serious injury or illness.
- E. "Next of kin of a covered servicemember" means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin, and the employee may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin.
- F. "Outpatient status" means, with respect to a covered servicemember who is a current member of the Armed Forces, the status of a member of the Armed Forces assigned to:
  - 1. a military medical treatment facility as an outpatient; or
  - 2. a unit established for the purpose of providing command and control of members of the Armed Forces receiving care as outpatients.
- G. "Qualifying exigency" means a situation where the eligible employee seeks leave for one or more of the following reasons:
  - 1. to address any issues that arise from a short-notice deployment (seven calendar days or less) of a covered military member;
  - 2. to attend military events and related activities of a covered military member;
  - to address issues related to childcare and school activities of a covered military member's child;
  - 4. to address financial and legal arrangements for a covered military member;
  - 5. to attend counseling provided by someone other than a health care provider for oneself, a covered military member, or his/her child;
  - to spend up to 15 calendar days with a covered military member who is on short-term, temporary rest and recuperation leave during a period of deployment;
  - 7. to attend post-deployment activities related to a covered military member;
  - 8. to address care needs of a covered military member's parent who is incapable of self-care; and
  - 9. to address other events related to a covered military member that both the  $\frac{Roard\ Pollet^2}{10-2}$

employee and charter school agree is a qualifying exigency.

- H. "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:
  - 1. inpatient care in a hospital, hospice, or residential medical care facility; or
  - 2. continuing treatment by a health care provider.
- I. "Spouse" means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This definition includes an individual in a same-sex or common law marriage that either: (1) was entered into in a state that recognizes such marriages; or (2) if entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state.
- J. "Veteran" has the meaning given in 38 United States Code, section 101.

#### IV. LEAVE ENTITLEMENT

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

[Note: An employer is permitted to choose any one of the following methods for determining the 12-month period in which the 12 weeks of FMLA leave entitlement occurs: (a) the calendar year; (b) any fixed 12-month leave year, such as a fiscal year, a year required by State law, or a year starting on an employee's anniversary date;(c) the 12-month period measured forward from the date any employee's first FMLA leave; or (d) a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave. It is recommended, however, that charter schools use the 12-month rolling measurement as it prevents employees from stacking 12-week leave entitlement that could occur if, for example, a calendar or fiscal year is utilized. Where a calendar, fiscal or similar period is used, an employee could use 12 weeks at the end of the period and then again at the beginning of the

period, providing an entitlement to a leave of 24 consecutive weeks. If a charter school changes its definition of a "year" in this policy, it must give employees notice of at least 60 days before implementing this change.]

- 3. An employee's entitlement to FMLA leave for the birth, adoption, or foster care of a child expires at the end of the 12-month period beginning on the date of the birth or placement.
- 4. A "serious health condition" typically requires either inpatient care or continuing treatment by or under the supervision of a health care provider, as defined by applicable law. Family and medical leave generally is not intended to cover short-term conditions for which treatment and recovery are very brief.
- 5. A "serious injury or illness," in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means:
  - a. injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and
  - b. in the case of a covered veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time, during the period of five (5) years preceding the date on which the veteran undergoes the medical treatment, recuperation, or therapy, means a qualifying injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty in the Armed Forces and that manifested itself before or after the member became a veteran, and is:
    - (1) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or
    - (2) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability (VASRD) rating of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
    - (3) a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
    - (4) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.
- 6. Eligible spouses employed by the charter school are limited to an aggregate of twelve (12) weeks of leave during any 12-month period for the birth and care of a newborn child or adoption of a child, the placement of a child for foster care, or to care for a parent. This limitation for spouses employed by the charter

school does not apply to leave taken: by one spouse to care for the other spouse who is seriously ill; to care for a child with a serious health condition; because of the employee's own serious health condition; or pursuant to Subparagraph IV.A.1.e. above.

- 7. Depending on the type of leave, intermittent or reduced schedule leave may be granted at the discretion of the charter school or when medically necessary. However, part-time employees are only eligible for a pro-rata portion of leave to be used on an intermittent or reduced schedule basis, based on their average hours worked per week. Where an intermittent or reduced schedule leave is foreseeable based on planned medical treatment, the charter school may transfer the employee temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position, and which has equivalent pay and benefits.
- 8. If an employee requests a leave for the serious health condition of the employee or the employee's spouse, child, or parent, the employee will be required to submit sufficient medical certification. In such a case, the employee must submit the medical certification within fifteen (15) days from the date of the request or as soon as practicable under the circumstances.
- 9. If the charter school has reason to doubt the validity of a health care provider's certification, it may require a second opinion at the charter school's expense. If the opinions of the first and second health care providers differ, the charter school may require certification from a third health care provider at the charter school's expense. An employee may also be required to present a certification from a health care provider indicating that the employee is able to return to work.
- 10. Requests for leave shall be made to the charter school. When leave relates to an employee's spouse, son, daughter, parent, or covered servicemember being on covered active duty, or notified of an impending call or order to cover active duty pursuant to Paragraph IV.A.1.e. above, and such leave is foreseeable, the employee shall provide reasonable and practical notice to the charter school of the need for leave. For all other leaves, employees must give thirty (30) days' written notice of a leave of absence where practicable. The failure to provide the required notice may result in a delay of the requested leave. Employees are expected to make a reasonable effort to schedule leaves resulting from planned medical treatment so as not to disrupt unduly the operations of the charter school, subject to and in coordination with the health care provider.
- 11. The charter school may require that a request for leave under Subparagraph IV.A.1.e. above be supported by a copy of the covered military member's active duty orders or other documentation issued by the military indicating active duty or a call to active duty status and the dates of active duty service. In addition, the charter school may require the employee to provide sufficient certification supporting the qualifying exigency for which leave is requested.
- 12. During the period of a leave permitted under this policy, the charter school will provide health insurance under its group health plan under the same conditions coverage would have been provided had the employee not taken the leave. The employee will be responsible for payment of the employee contribution to continue group health insurance coverage during the leave. An employee's failure to make necessary and timely contributions may result in termination of coverage. An employee who does not return to work after the leave may be required, in some situations, to reimburse the charter school for the cost of the health plan premiums paid by it.

paid leave for any part of the 12-week period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines established for the implementation of this policy, if any. Employees eligible for leave must comply with the family and medical leave directives and guidelines prior to starting leave. The superintendent shall be responsible to develop directives and guidelines as necessary to implement this policy. Such directives and guidelines shall be submitted to the school board for annual review.

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

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

### B. Twelve-week Leave under State Law

An employee who does not qualify for parenting leave under Subparagraphs IV.A.1.a. or IV.A.1.b. above may qualify for a 12-week unpaid leave which is available to a biological or adoptive parent in conjunction with the birth or adoption of a child, or to a female employee for prenatal care or incapacity due to pregnancy, childbirth, or related health conditions. The length of the leave shall be determined by the employee but must not exceed twelve (12) weeks unless agreed to by the charter school. This leave is separate and exclusive of the family and medical leave described in the preceding paragraphs but may be reduced by any period of paid parental, disability, personal, or medical, or sick leave, or accrued vacation provided by the charter school so that the total leave does not exceed twelve (12) weeks, unless agreed to by the charter school, or leave taken for the same purpose under the FMLA. The leave taken under this section shall begin at a time requested by the employee. An employee who plans to take leave under this section must give the charter school reasonable notice of the date the leave shall commence and the estimated duration of the leave. For leave taken by a biological or adoptive parent in conjunction with the birth or adoption of a child, the leave must begin within twelve (12) months of the birth or adoption; except that, in the case where the child must remain in the hospital longer than the mother, the leave must begin within twelve (12) months after the child leaves the hospital.

### C. Twenty-six-week Servicemember Family Military Leave

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

placement; to care for the employee's parent with a serious health condition; or to care for a covered servicemember with a serious injury or illness.

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

### V. SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES

- A. An instructional employee is one whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This includes, but is not limited to, teachers, coaches, driver's education instructors, and special education assistants.
- B. Instructional employees who request foreseeable medically necessary intermittent or reduced work schedule leave greater than twenty (20) percent of the workdays in the leave period may be required to:
  - 1. take leave for the entire period or periods of the planned medical treatment; or
  - move to an available alternative position for which the employee is qualified, and which provides equivalent pay and benefits, but not necessarily equivalent duties.
- C. Instructional employees who request continuous leave near the end of a semester may be required to extend the leave through the end of the semester. The number of weeks remaining before the end of a semester does not include scheduled school breaks, such as summer, winter, or spring break.
  - 1. If an instructional employee begins leave for any purpose more than five (5) weeks before the end of a semester and it is likely the leave will last at least three (3) weeks, the charter school may require that the leave be continued until the end of the semester.
  - 2. If the instructional employee begins leave for a purpose other than the employee's own serious health condition during the last five (5) weeks of a semester, the charter school may require that the leave be continued until the end of the semester if the leave will last more than two weeks or if the employee's return from leave would occur during the last two weeks of the semester.
  - 3. If the instructional employee begins leave for a purpose other than the employee's own serious health condition during the last three (3) weeks of the semester and the leave will last more than five (5) working days, the charter school may require the employee to continue taking leave until the end of the semester.
  - 4. If the charter school requires an instructional employee to extend leave through

the end of a semester as set forth in this paragraph, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement. Any additional leave required by the charter school to the end of the school term is not counted as FMLA leave but as an unpaid or paid leave, to the extent the instructional employee has accrued paid leave available and the charter school shall maintain the employee's group health insurance and restore the employee to the same or equivalent job, including other benefits, at the conclusion of the leave.

### VI. OTHER

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

### VII. DISSEMINATION OF POLICY

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

**Legal References:** Minn. Stat. § 124E.03 (Applicable Law)

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

10 U.S.C. § 101 *et seq.* (Armed Forces General Military Law) 29 U.S.C. § 2601 *et seq.* (Family and Medical Leave Act)

38 U.S.C. § 101 (Definitions)

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

Cross References: None

DOCUMENT # 410.Revision.a ADOPTED BY THE BOARD:

REVISED BY THE BOARD: 5/21/2019

EFFECTIVE DATE: 5/21/2019



### ST. CROIX PREPARATORY ACADEMY

Adopted: MSBA/MASA Model Policy 410 Charter
Orig. 1995 (as ISD Policy)
Revised: Orig. 2022 (as Charter Policy)
Rev. 2023

### 410 FAMILY & AND MEDICAL LEAVE POLICY

[Note: Charter schools are required by statute to have a policy addressing these issues.]

### I. PURPOSE

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

### II.- GENERAL STATEMENT OF POLICY

The following procedures and policies regarding family and medical leave are adopted by the <a href="mailto:charter">charter</a> school—district, pursuant to the requirements of the FMLA and consistent with the requirements of the Minnesota parenting leave laws.

### III.- DEFINITIONS

- A.-\_\_\_\_\*Covered active duty" means:
  - in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
  - 2.— in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in 10 U.S.C. §United States Code section 101(a)(13)(B).

### B.-\_\_\_\_\*Covered servicemember" means:

- 1.— a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, and was discharged or released under conditions other than dishonorable, at any time during the period of five (5) years preceding the first date the eligible employee takes FMLA leave to care for the covered veteran.
- C.-\_\_\_\_\_\*Eligible employee" means an employee who has been employed by the <a href="mailto:charter">charter</a> school district for a total of at least <a href="mailto:twelve">twelve</a> (12) months and who has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave. An employee returning from fulfilling his or her Uniformed

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

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

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- to attend post-deployment activities related to a covered military member; 8.- to address parental care needs of a covered military member's parent who is incapable of self-care; and to address other events related to a covered military member that both the employee and charter school district agree is a qualifying exigency. "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves: 1.-\_\_\_\_inpatient care in a hospital, hospice, or residential medical care facility; or 2.-\_\_\_\_continuing treatment by a health care provider. "Spouse" means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This definition includes an individual in a same-sex or common law marriage that either: (1) was entered into in a state that recognizes such marriages; or (2) if entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state. J.-\_\_\_\_\_ "Veteran" has the meaning given in 38 U.S.C. <u>§United States Code</u>, <u>section</u> 101. **LEAVE ENTITLEMENT** Twelve-week Leave under Federal Law Eligible employees are entitled to a total of twelve (12) work weeks of unpaid family or medical leave during the applicable 12-month period as defined below, plus any additional leave as required by law. \_Leave may be taken for one or more of the following reasons in accordance with applicable law: a.-\_\_\_\_birth of the employee's child and to care for such child; b.- placement of an adopted or foster child with the employee; to care for the employee's spouse, son, daughter, or parent with a serious health condition; d.- the employee's serious health condition makes the employee unable to
  - 2.-\_\_\_\_For the purposes of this policy, "year" is defined as a rolling <a href="mailto:12month12-month">12month12-month</a> period measured backward from the date an employee's leave is to commence.

perform the functions of the employee's job; and/or

[Note: An employer is permitted to choose any one of the following methods for determining the 12-month period in which the 12 weeks of FMLA leave entitlement occurs: (a) the calendar year; (b) any fixed 12-month leave year, such as a fiscal year, a year required by State law,

any qualifying exigency arising from the employee's spouse, son, daughter, or parent being on covered active duty, or notified of an impending call or order to covered active duty in the Armed Forces.

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

- 3.— An employee's entitlement to FMLA leave for the birth, adoption, or foster care of a child expires at the end of the 12-month period beginning on the date of the birth or placement.
- 4.— A "serious health condition" typically requires either inpatient care or continuing treatment by or under the supervision of a health care provider, as defined by applicable law. \_Family and medical leave generally is not intended to cover short-term conditions for which treatment and recovery are very brief.
- 5.—\_\_\_A "serious injury or illness," in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means:
  - a.—\_\_\_injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and
  - in the case of a covered veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time, during the period of five (5) years preceding the date on which the veteran undergoes the medical treatment, recuperation, or therapy, means a qualifying injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty in the Armed Forces and that manifested itself before or after the member became a veteran, and is:
    - a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or
    - a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability (VASRD) rating of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
    - a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related Board Policy 410-4



to military service, or would do so absent treatment; or

- an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.
- 6.— Eligible spouses employed by the <a href="charter">charter</a> school—district</a> are limited to an aggregate of <a href="twelve">twelve</a> (12) weeks of leave during any 12-month period for the birth and care of a newborn child or adoption of a child, the placement of a child for foster care, or to care for a parent. This limitation for spouses employed by the <a href="charter">charter</a> school—district does not apply to leave taken: by one spouse to care for the other spouse who is seriously ill; to care for a child with a serious health condition; because of the employee's own serious health condition; or pursuant to <a href="Subparagraph">Subparagraph</a> IV.A.1.e. above.
- 7.— Depending on the type of leave, intermittent or reduced schedule leave may be granted in the discretion of the <a href="charter">charter</a> school <a href="district">district</a> or when medically necessary. However, part-time employees are only eligible for a pro-rata portion of leave to be used on an intermittent or reduced schedule basis, based on their average hours worked per week. Where an intermittent or reduced schedule leave is foreseeable based on planned medical treatment, the <a href="charter">charter</a> school <a href="district">district</a> may transfer the employee temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position, and which has equivalent pay and benefits.
- 8.— If an employee requests a leave for the serious health condition of the employee or the employee's spouse, child, or parent, the employee will be required to submit sufficient medical certification. \_In such a case, the employee must submit the medical certification within <a href="fifteen">fifteen</a> (15) days from the date of the request or as soon as practicable under the circumstances.
- 9.— If the <a href="charter">charter</a> school <a href="district">district</a> has reason to doubt the validity of a health care provider's certification, it may require a second opinion at the <a href="schooldistrict">school</a> expense. If the opinions of the first and second health care providers differ, the <a href="charter">charter</a> school <a href="district">district</a> may require certification from a third health care provider at the <a href="schooldistrict'scharter school's">school's</a> expense. An employee may also be required to present a certification from a health care provider indicating that the employee is able to return to work.
- 10.— Requests for leave shall be made to the <a href="charter">charter</a> school-district... When leave relates to an employee's spouse, son, daughter, parent, or covered servicemember being on covered active duty, or notified of an impending call or order to covered active duty pursuant to Paragraph IV.A.1.e. above, and such leave is foreseeable, the employee shall provide reasonable and practical notice to the <a href="charter">charter</a> school <a href="district">district</a> of the need for leave. For all other leaves, employees must give <a href="thirty">thirty</a> (30) days' written notice of a leave of absence where practicable. The failure to provide the required notice may result in a delay of the requested leave. Employees are expected to make a reasonable effort to schedule leaves resulting from planned medical treatment so as not to disrupt unduly the operations of the <a href="charter">charter</a> school <a href="district">district</a>, subject to and in coordination with the health care provider.
- 11.— The <a href="mailto:charter">charter</a> school—district</a> may require that a request for leave under <a href="Subp">Subp</a> aragraph IV.A.1.e. above be supported by a copy of the covered military member's active duty orders or other documentation issued by the military indicating active duty or a call to active duty status and the dates of active duty

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service. \_In addition, the <u>charter\_school\_district</u> may require the employee to provide sufficient certification supporting the qualifying exigency for which leave is requested.

- During the period of a leave permitted under this policy, the <a href="charter">charter</a> school <a href="district">district</a> will provide health insurance under its group health plan under the same conditions coverage would have been provided had the employee not taken the leave. \_The employee will be responsible for payment of the employee contribution to continue group health insurance coverage during the leave. \_An employee's failure to make necessary and timely contributions may result in termination of coverage. \_An employee who does not return to work after the leave may be required, in some situations, to reimburse the <a href="charter">charter</a> school <a href="district">district</a> for the cost of the health plan premiums paid by it.
- 13.— The <a href="charter">charter</a> school-<a href="district">district</a> may request or require the employee to substitute accrued paid leave for any part of the 12-week period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines established for the implementation of this policy, if any. Employees eligible for leave must comply with the family and medical leave directives and guidelines prior to starting leave. \_The <a href="executive-directorsuperintendent">executive-directorsuperintendent</a> shall be responsible to develop directives and guidelines as necessary to implement this policy. \_Such directives and guidelines shall be submitted to the school board for annual review.

The <u>charter</u> school<u>district</u> shall comply with written notice requirements as set forth in federal regulations.

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

An employee who does not qualify for parenting leave under Subparagraphs IV.A.1.a. or IV.A.1.b. above may qualify for a 12-week unpaid leave which is available to a biological or adoptive parent in conjunction with the birth or adoption of a child, or to a female employee for prenatal care or incapacity due to pregnancy, childbirth, or related health conditions. The length of the leave shall be determined by the employee but must not exceed twelve (12) weeks unless agreed by the employer. The employee may qualify if he or she has worked for the school district for at least 12 months and has worked an average number of hours per week equal to one-half of the full time equivalent during the 12month period immediately preceding the leave to by the charter school. This leave is separate and exclusive of the family and medical leave described in the preceding paragraphs but may be reduced by any period of paid parental, disability, personal, or medical, or sick leave, or accrued vacation provided by the employercharter school so that the total leave does not exceed twelve (12) weeks, unless agreed to by the employercharter school, or leave taken for the same purpose under the FMLA. The leave taken under this section shall begin at a time requested by the employee. An employee who plans to take leave under this section must give the employercharter school reasonable notice of the date the leave shall commence and the estimated duration of the leave. For leave taken by a biological or adoptive parent in conjunction with the birth or adoption of a child, the leave must begin within twelve (12) months of the birth or adoption; except that, in the case where the child must remain in the hospital longer than the mother, the leave must begin within twelve (12) months after the child leaves the hospital.



### Twenty-six-week Servicemember Family Military Leave

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

## V. SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES

- A.-\_\_\_\_An instructional employee is one whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This includes, but is not limited to, teachers, coaches, driver's education instructors, and special education assistants.
- B.- Instructional employees who request foreseeable medically necessary intermittent or reduced work schedule leave greater than <a href="twenty">twenty</a> (20) percent of the <a href="workdays">workdays</a> in the leave period may be required to:
  - 1.-\_\_\_\_take leave for the entire period or periods of the planned medical treatment; or
  - move to an available alternative position for which the employee is qualified, and which provides equivalent pay and benefits, but not necessarily equivalent duties.



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

- If an instructional employee begins leave for any purpose more than five (5) weeks before the end of a semester and it is likely the leave will last at least three (3) weeks, the <u>charter</u> school <u>district</u> may require that the leave be continued until the end of the semester.
- 2. If the <u>instructional</u> employee begins leave for a purpose other than the employee's own serious health condition during the last five (5) weeks of a semester, the <u>charter</u> school <u>district</u> may require that the leave be continued until the end of the semester if the leave will last more than two weeks or if the employee's return from leave would occur during the last two weeks of the semester.
- 3. If the <u>instructional</u> employee begins leave for a purpose other than the employee's own serious health condition during the last three (3) weeks of the semester and the leave will last more than five (5) working days, <u>the charter</u> school-<u>district</u> may require the employee to continue taking leave until the end of the semester.
- D. The entire period of leave taken under the special rules will be counted as leave. The school district will continue to fulfill the school district's leave responsibilities and obligations, including the obligation to continue the employee's health insurance and other benefits, if an instructional employee's leave entitlement ends before the involuntary leave period expires.
  - 4. If the charter school requires an instructional employee to extend leave through the end of a semester as set forth in this paragraph, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement. Any additional leave required by the charter school to the end of the school term is not counted as FMLA leave but as an unpaid or paid leave, to the extent the instructional employee has accrued paid leave available and the charter school shall maintain the employee's group health insurance and restore the employee to the same or equivalent job, including other benefits, at the conclusion of the leave.

### VI.\_\_OTHER

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

### VII. DISSEMINATION OF POLICY

- A. A poster prepared by the U.S. Department of Labor summarizing the major provisions of the Family and Medical Leave Act and informing employees how to file a complaint shall be conspicuously posted in each <a href="mailto:charter">charter</a> school district building in areas accessible to employees. and applicants for employment.
- B.-\_\_\_\_This policy will be reviewed at least annually for compliance with state and federal law.



Legal References:- Minn. Stat. § 124E.03 (Applicable Law)

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

10 U.S.C. § 101 et seq. (Armed Forces General Military Law) 29 U.S.C. § 2601 et seq. (Family and Medical Leave Act)

38 U.S.C. § 101 (Definitions)

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

### **Cross References:**

MSBA Service Manual, Chapter 13
School Law Bulletin "M" (Statutory Provisions Which Grant Leaves to Licensed as well as Non-Licensed School District Employees – Family and Medical Leave Act Summary)
MSBA/MASA Model Policy 410\_None

DOCUMENT # 410.Revision.a ADOPTED BY THE BOARD:

REVISED BY THE BOARD: 5/21/2019

EFFECTIVE DATE: 5/21/2019

## ST. CROIX PREPARATORY ACADEMY

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Adopted:	MSBA/MASA Model Policy 411 Charter
	Orig. 2023
Revised:	

#### **GROUP HEALTH INSURANCE COVERAGE** 411

[NOTE: Charter schools that provide group health insurance coverage must establish and publish on its website the policy for purchasing group health insurance coverage.]

#### **PURPOSE** I.

The purpose of this policy is to comply with the provisions of Minnesota law applicable to charter schools that procure group health insurance coverage for their employees.

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

- Α. This policy informs charter school employees of the charter school's policy for purchasing group health insurance coverage.
- В. A charter school with at least 25 employees shall request group health insurance coverage proposals and fulfill the proposal and notification processes set forth in this policy.
- В. A board of directors of a charter school with employees organized under Minnesota Statutes, section 124E.12, subdivision 3 must comply with Minnesota Statutes, section 471.6161 governing group insurance.

[NOTE: Minnesota Statutes, section 471.6161, applies to school districts and is silent regarding charter schools unless the charter school has one or more bargaining units as set forth in Minnesota Statutes, section 124E.12, subdivision 3.1

### **SEALED PROPOSAL PROCESS** III.

- Α. The charter school must implement a sealed proposal process.
- В. The charter school will request sealed proposals for group health insurance from a minimum of three sources at least every two years. The requests will be made at a reasonable time before the date set by the charter school to open the sealed proposals.
- C. All sealed proposals will be opened on the date set by the charter school. This date shall be at a reasonable time prior to the plan's renewal date.
- D. The charter school administration will recommend the bid that appears to be in the charter school's interest to the charter school board. The charter school may reject any or all of the proposals submitted.
- E. The charter school administration will notify employees covered under the group health insurance coverage before the effective date of changes in the group coverage policy contract.
- F. Upon opening the proposals according to this policy, the proposals become public data under Minnesota Statutes, chapter 13.

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

Minn. Stat. § 124E.12 (Employment)

Minn. Stat. § 471.6161 (Group Insurance; Governmental Units)

Cross References: None



### ST. CROIX PREPARATORY ACADEMY

Adopted:	MSBA/MASA Model Policy 411 Charter
•	Orig. 2023
Revised:	

### 411 GROUP HEALTH INSURANCE TRANSPARENCY ACTCOVERAGE

[NOTE: Charter schools that provide group health insurance coverage must establish and publish on its website the policy for purchasing group health insurance coverage.]

### I. PURPOSE

<u>The purpose of this policy is to comply with all applicable the provisions of the Minnesota Health Insurance Transparency Act (HITA) for covered non-union aw applicable to charter schools, that procure group health insurance coverage for their employees.</u>

### II. GENERAL STATEMENT OF POLICY

- A. This policy informs charter school employees of the charter school's policy for purchasing group health insurance coverage.
- B. A charter school with at least 25 employees shall request group health insurance coverage proposals and fulfill the proposal and notifications processes set forth in this policy.
- A board of directors of a charter school with employees organized under Minnesota Statutes, section 124E.12, subdivision 3 must comply with Minnesota Statutes, section 471.6161 governing group insurance.

[NOTE: Minnesota Statutes, section 471.6161, applies to school districts and is silent regarding charter schools unless the charter school has one or more bargaining units as set forth in Minnesota Statutes, section 124E.12, subdivision 3.]Stat. § 124D.10, subd. 10(d). The following outlines St. Croix Preparatory Academy's procedures, in accordance with the law.

At least once every two (2) years, St. Croix Preparatory Academy

### III. SEALED PROPOSAL PROCESS

- A. The charter school must implement a sealed proposal process.
- 1.—B. The charter school will issue a Requestrequest sealed proposals for Proposal (RFP) from at least three (3) different group health insurance sources or issuers. In consultation with its agent of record, the Schoolfrom a minimum of three sources at least every two years. The requests will determine (1) from which insurance carriers to request proposals, (2) whether to request proposals from more than three carriers, and (3) evaluate a self-funded coverage option, if appropriate.
- 2. The School will cooperate with the agent of record to supply the required information and documentation in connection with the proposals including obtaining required information from School employees.
- 3. The RFP will include a deadline by which proposals must be submitted. Such deadline will be selected by the School's agent of record and will provide the agent of record and the School sufficient made at a reasonable time following receipt of the proposals to review the proposals, negotiate with providers, select the winning proposal, and implement the new group health insurance contract prior to its effective before the date.

All responses to the RFP must be delivered to the School in a sealed envelope and the authorized school representatives are set by the charter school to open the sealed proposals.

- 4. <u>C.</u> All sealed <u>proposal responses proposals</u> will be opened <u>on the date set</u> by the <u>designated authorized</u> representatives at the same time, and will be closed to the public. The School's agent of record may be present at this meeting.
  - After the opening of the proposals, the authorized charter school representatives will, within . This date shall be at a reasonable period of time, transmit information regarding each proposal to the School's Board of Directorstime prior to the plan's renewal date.
- 5. <u>D.</u> The School, with the assistance of the agent of record, reserves the right to request additional information regarding any proposal and/or to negotiate changes to a proposal.
  - The School's authorized representatives, with the assistance of the agent of record, will evaluate all proposals, including any revisions thereto. The School reserves the right to accept the proposal which, in the judgment of the School, is determined to be in the bestcharter school administration will recommend the bid that appears to be in the charter school's interest of the School and taking into account multiple factors, including but not limited to rates, benefit plan designs, provider networks, prescription drugs, aggregate benefits, and any other factors the School determines to be relevant to its decision. The School reserves the right to to the charter school board. The charter school may reject any or all of the proposals submitted.
- 6. <u>E.</u> The authorized<u>charter</u> school representatives will select the group health insurance contract into which the School will enter. Such action will be presented for approval at the next scheduled meeting of the Board of Directors.
  - Following the selection of the group health insurance contract, the Schooladministration will notify all eligible employees of any changes incovered under the group health insurance coverage that occur as a result of entering into a new group health insurance contract. The School will provide such required notice prior to before the effective date of changes in the new group health insurancecoverage policy contract.
  - F. Upon opening the proposals willaccording to this policy, the proposals become public data upon opening in accordance with Chapter 13 of under Minnesota Statutes, chapter 13.

<u>Legal References:</u> Minn. Stat. -Ch. 13 (Government Data Practices)

Minn. Stat. § 124E.12 (Employment)

Minn. Stat. § 471.6161 (Group Insurance; Governmental Units)

**Cross References:** None

# ST. CROIX PREPARATORY ACADEMY Adopted: Revised:

MSBA/MASA Model Policy 413 Charter Orig. 2022 (as Charter Policy) Rev. 2025

### 413 HARASSMENT AND VIOLENCE

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

### I. PURPOSE

The purpose of this policy is to maintain a learning and working environment 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 (Protected Class).

### II. GENERAL STATEMENT OF POLICY

- A. The policy of the charter school is to maintain a learning and working environment free from harassment and violence on the basis of Protected Class. The school prohibits any form of harassment or violence on the basis of Protected Class.
- B. A violation of this policy occurs when any student, teacher, administrator, or other charter school personnel harasses a student, teacher, administrator, or other school personnel or group of students, teachers, administrators, or other school personnel through conduct or communication based on a person's Protected Class, as defined by this policy. (For purposes of this policy, school personnel include school board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the charter school.)
- C. A violation of this policy occurs when any student, teacher, administrator, or other charter school personnel inflicts, threatens to inflict, or attempts to inflict violence upon any student, teacher, administrator, or other school personnel or group of students, teachers, administrators, or other school personnel based on a person's Protected Class.
- D. The charter school will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence based on a person's Protected Class, and to discipline or take appropriate action against any student, teacher, administrator, or other school personnel found to have violated this policy.

### III. DEFINITIONS

- A. "Assault" is:
  - 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
- the threat to do bodily harm to another with present ability to carry out the threat.
- B. "Harassment" prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals' race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability, when the conduct:
  - 1. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
  - 2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
  - 3. otherwise adversely affects an individual's employment or academic opportunities.

[NOTE: In 2023, the Minnesota legislature amended the definition of "sexual orientation" in the Minnesota Human Rights Act as reflected in subpart 6 below. A charter school board may choose whether to retain the phrase "including gender identity or expression" in light of the legislative amendment.]

- C. "Immediately" means as soon as possible but in no event longer than twenty-four (24) hours.
- D. Protected Classifications; Definitions

[Note: SCPA's attorney may have advised SCPA to include age harassment in this policy. Please note that Minnesota Statutes 121A.03 does not include age in the types of harassment or violence to be addressed in the model policy.]

- 1. "Disability" means, with respect to an individual who
  - a. has a physical sensory or mental impairment that materially limits one or more major life activities of such individual;
  - b. has a record of such an impairment;
  - c. is regarded as having such an impairment; or
  - d. has an impairment that is episodic or in remission and would materially limit a major life activity when active.
- 2. "Familial status" means the condition of one or more minors having legal status or custody with:
  - the minor's parent or parents or the minor's legal guardian or guardians;
     or
  - the designee of the parent or parents or guardian or guardians with the written permission of the parent or parents or guardian or guardians.
     Familial status also means residing with and caring for one or more individuals who lack the ability to meet essential requirements for

physical health, safety, or self-care because the individual or individuals are unable to receive and evaluate information or make or communicate decisions. The protections afforded against harassment or discrimination on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.

- 3. "Marital status" means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment or discrimination on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.
- 4. "National origin" means the place of birth of an individual or of any of the individual's lineal ancestors.
- 5. "Sex" includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
- 6. "Sexual orientation" means to whom someone is, or is perceived of as being, emotionally, physically, or sexually attracted to based on sex or gender identity. A person may be attracted to men, women, both, neither, or to people who are genderqueer, androgynous, or have other gender identities.

## [NOTE: The 2023 Minnesota legislature redefined 'sexual orientation' in the Minnesota Human Rights Act.]

- 7. "Status with regard to public assistance" means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.
- E. "Remedial response" means a measure to stop and correct acts of harassment or violence, prevent acts of harassment or violence from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of acts of harassment or violence.
- F. Sexual Harassment; Definition
  - 1. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:
    - submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or an education; or
    - 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 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;
- unwelcome, sexually motivated, or inappropriate patting, pinching, or physical contact, other than necessary restraint of student(s) by teachers, administrators, or other charter 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 sexual orientation, including gender identity or expression.

### G. Sexual Violence; Definition

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

### H. Violence; Definition

Violence prohibited by this policy is a physical act of aggression or assault upon another or group of individuals because of, or in a manner reasonably related to an individual's Protected Class.

### IV. REPORTING PROCEDURES

A. Any person who believes he or she has been the target or victim of harassment or violence on the basis of Protected Class by a student, teacher, administrator, or other charter school personnel, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a student, teacher, administrator, or other school personnel or group of students, teachers, administrators, or other school personnel should report the alleged acts immediately to an appropriate school official designated by this policy. A person may report conduct that may

constitute harassment or violence anonymously. However, the school may not rely solely on an anonymous report to determine discipline or other remedial responses.

- B. The charter school encourages the reporting party or complainant to use the report form available from the executive director, principal, or building supervisor or available from the school office, but oral reports shall be considered complaints as well.
- C. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a charter school human rights officer or to the executive director. If the complaint involves the building report taker, the complaint shall be made or filed directly with the executive director or the school human rights officer by the reporting party or complainant.

### D. In Each School Building

The executive director, building principal, the principal's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving oral or written reports of harassment or violence prohibited by this policy at the building level. Any adult charter school 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 executive director or the charter school human rights officer by the reporting party or complainant. The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as a primary contact on policy and procedural matters.

- E. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include acts of harassment or violence. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute harassment or violence shall make reasonable efforts to address and resolve the harassment or violence and shall inform the building report taker immediately. Charter school personnel who fail to inform the building report taker of conduct that may constitute harassment or violence or who fail to make reasonable efforts to address and resolve the harassment or violence in a timely manner may be subject to disciplinary action.
- F. Upon receipt of a report, the building report taker must notify the charter school 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 twenty-four (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.

### [Note: Please check the title of the report taker throughout Paragraph F.]

### G. <u>In the Charter School</u>

The charter school board hereby designates the Human Resources Manager as the Academy official charter school human rights officer(s) to receive reports or complaints of harassment or violence prohibited by this policy. If the complaint involves the Human Resources Manager human rights officer, the complaint shall be filed directly with the Executive Director. The Human Resources Manager may be reached at:

Mailing address: St. Croix Preparatory Academy,

4260 Stagecoach Trail N, Stillwater, MN 55082 Telephone: 651-395-5903

## [Note: This paragraph had significant strikethrough language in the version MSBA received. Please check this paragraph's information for accuracy.]

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

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

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

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

### V. INVESTIGATION

- A. By authority of the charter school, the human rights officer, within three (3) days of the receipt of a report or complaint alleging harassment or violence prohibited by this policy, shall undertake or authorize an investigation. The investigation may be conducted by school officials or by a third party designated by the school.
- 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 charter school 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 charter school may take immediate steps, at its discretion, to protect the target or victim, the complainant, and students, teachers, administrators, or other school personnel pending completion of an investigation of alleged harassment or violence prohibited by this policy.
- E. The alleged perpetrator of the act(s) of harassment or violence shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- F. The investigation will be completed as soon as practicable. The charter school human rights officer shall make a written report to the executive director upon completion of the investigation. If the complaint involves the executive director, 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. CHARTER SCHOOL ACTION

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

### VII. RETALIATION OR REPRISAL

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

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

### VIII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

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

U.S. Department of Education Office for Civil Rights, Denver Office Cesar E. Chavez Memorial Building 1244 Speer Boulevard, Suite 310 Denver, CO 80204-3582

Tel: 303-844-5695

Email: OCR.Denver@ed.gov

MN Department of Human Rights Griggs Midway Building 540 Fairview Ave N, Suite 201 St. Paul, MN 55104

Tel: 651-539-1100/ Toll-free: 1-800-657-3704

Email: Info.MDHR@state.mn.us

Equal Employment Opportunity Commission Towle Buildign 330 S. 2nd Avenue, Suite 720 Minneapolis, MN 55401

Tel: 1-800-669-4000 Fax: 612-335-4044

[Note: This contact information may not be legally required and does not appear in the Model Policy.]

### 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 Minnesota Statutes, chapter 260E may be applicable.
- B. Nothing in this policy will prohibit the charter school 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 charter school building in areas accessible to students and staff members.
- B. This policy shall be given to each school employee and independent contractor who regularly interacts with students at the time of initial employment with the school.
- C. This policy shall appear in the student handbook.
- D. The charter school will develop a method of discussing this policy with students and employees.

- E. The charter school may implement violence prevention and character development education programs to prevent and reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, resourcefulness, and/or sexual abuse prevention.
- F. This policy shall be reviewed at least annually for compliance with state and federal law.

[NOTE: The MDE model policy included X.F. State law does not mandate an annual review. School boards may determine whether to retain X.F.]

### **Legal References:**

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

Minn. Stat. § 120B.234 (Child Sexual Abuse Prevention Education)

Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and

Violence Policy)

Minn. Stat. § 121A.031 (School Student Bullying Policy) Minn. Stat. Ch. 363A (Minnesota Human Rights Act)

Minn. Stat. § 609.341 (Definitions)

Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)

20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)

29 U.S.C. § 621 *et seq.* (Age Discrimination in Employment Act) 29 U.S.C. § 794 (Section 504 of the Rehabilitation Act of 1973)

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 Charter School Employees)

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

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

or Sexual Abuse)

MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of

Vulnerable Adults)

MSBA/MASA Model Policy 506 (Student Discipline)

MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)

MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records) MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)

MSBA/MASA Model Policy 522 (Title IX Sex Nondiscrimination, Grievance

Procedures and Process)

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

MSBA/MASA Model Policy 525 (Violence Prevention) MSBA/MASA Model Policy 526 (Hazing Prohibition)

MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status

Nondiscrimination)

MSBA/MASA Model Policy 413 Charter Orig. 2022 (as Charter Policy) Rev. 2025

### 413 HARASSMENT AND VIOLENCE

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

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

- A. The policy of the Academy 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 Academy 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.
  - A. The policy of the charter school is to maintain a learning and working environment free from harassment and violence on the basis of Protected Class. The school prohibits any form of harassment or violence on the basis of Protected Class.
  - It will be a violation of this policy for any student or Academy employee to harass a student or Academy employee (or group of students or Academy employees) through conduct or communication based on the student's or Academy employee's (or group of students' or Academy employees') 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. B. A violation of this policy occurs when any student, teacher, administrator, or other charter school personnel harasses a student, teacher, administrator, or other school personnel or group of students, teachers, administrators, or other school personnel through conduct or communication based on a person's Protected Class, as defined by this policy. (For purposes of this policy, school personnel include school board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the charter school.)

It will be a violation of this policy for any student or Academy employee to inflict, threaten to inflict, or attempt to inflict violence upon a student or Academy employee (or group of students or Academy employees) based on the student's or Academy employee's (or group of students' or Academy employees') race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

C. A violation of this policy occurs when any student, teacher, administrator, or other charter school personnel inflicts, threatens to inflict, or attempts to inflict violence upon

any student, teacher, administrator, or other school personnel or group of students, teachers, administrators, or other school personnel based on a person's Protected Class.

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

### III. DEFINITIONS

"Academy employee" includes school board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the Academy.

### A. "Assault" is:

- 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
- the threat to do bodily harm to another with present ability to carry out the threat.
- "Harassment" prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals' race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability, when the conduct:
  - has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
  - has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
  - otherwise adversely affects an individual's employment or academic opportunities.

[NOTE: In 2023, the Minnesota legislature amended the definition of "sexual orientation" in the Minnesota Human Rights Act as reflected in subpart 6 below. A charter school board may choose whether to retain the phrase "including gender identity or expression" in light of the legislative amendment.]

- <u>C.</u> "Immediately" means as soon as possible but in no event longer than <u>twenty-four (</u>24) hours.
- D. Protected Classifications; Definitions

"Age" harassment prohibited by this policy prohibits using a person's age as a basis for a decision if the person is over the age of majority except for Minnesota Statutes section 363A.13, which shall be deemed to protect any individual over the age of 25 years.

[Note: SCPA's attorney may have advised\_SCPA to include age harassment in this policy. Please note that Minnesota Statutes 121A.03 does not include age in the types of harassment or violence to be addressed in the model policy.]

- 1. "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who; with respect to an individual who
  - a. has a physical, sensory, or mental impairment that materially limits one or more major life activities of such individual;
  - b. has a record of such an impairment; or
  - c. \_\_\_\_is regarded as having such an impairment;\_or
  - d. has an impairment that is episodic or in remission and would materially limit a major life activity when active.
- 2. "Familial status" means the condition of one or more minors being domiciled with the condition of one or more minors having legal status or custody with: their parent or parents or the minor's legal guardian;
  - a. the minor's parent or parents or the minor's legal guardian or guardians;
     or
  - b. the designee of the parent or parents or guardian or guardians with the written permission of the parent or parents or guardian or guardians. Familial status also means residing with and caring for one or more individuals who lack the ability to meet essential requirements for physical health, safety, or self-care because the individual or individuals are unable to receive and evaluate information or make or communicate decisions. The protections afforded against harassment or discrimination on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.
  - "Marital status" means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment or discrimination on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.
  - 4. "National origin" means the place of birth of an individual or of any of the individual's lineal ancestors.
  - 5. "Sex" includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.

"Sexual orientation" means to whom someone is, or is having or being perceived of as having being 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.

6. "Sexual orientation" means to whom someone is, or is perceived of as being, emotionally, physically, or sexually attracted to based on sex or gender identity. A person may be attracted to men, women, both, neither, or to people who are genderqueer, androgynous, or have other gender identities.

[NOTE: The 2023 Minnesota legislature redefined 'sexual orientation' in the Minnesota Human Rights Act.]

7. "Status with regard to public assistance" means the condition of being a

recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.

- E. "Remedial response" means a measure to stop and correct acts of harassment or violence, prevent acts of harassment or violence from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of acts of harassment or violence.
- F. Sexual Harassment; Definition
  - Sexual harassment consists of includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:
    - submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or an education; or
    - 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
    - that conduct or communication has the purpose or effect of substantially 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;
    - unwelcome, sexually motivated, or inappropriate patting, pinching, or physical contact, other than necessary restraint of student(s) by Academy employees teachers, administrators, or other charter 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; or
    - e. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
    - f. unwelcome behavior or words directed at an individual because of sexual orientation, including gender identity or expression.
- G. Sexual Violence; Definition
  - Sexual violence is a physical act of aggression or force or the threat thereof which that involves the touching of another's intimate parts or forcing a person to touch any person's intimate parts. -Intimate parts, as defined in Minnesota Statutes, section 609.341, includes the primary genital area, groin, inner thigh,

buttocks, or breast, as well as the clothing covering these areas.

- Sexual violence may include, but is not limited to:
  - <u>a.</u> touching, patting, grabbing, or pinching another person's intimate parts;, whether that person is of the same sex or the opposite sex;
  - <u>b.</u> coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts;
  - c. \_\_\_\_coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another; or
  - d. threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

### H. Violence; Definition

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

### IV. REPORTING PROCEDURES

- A. Any person who believes he or she has been the target or victim of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability Protected Class by a student or Academy employee, Protected Class by a student, teacher, administrator, or other charter school personnel, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a student, Academy employee, or group of students or Academy employees—teacher, administrator, or other school personnel or group of students, teachers, administrators, or other school personnel should report the alleged acts immediately to an appropriate Academy school official designated by this policy. —A person may report conduct whichthat may constitute harassment or violence anonymously. —However, the Academy school may not rely solely on an anonymous report to determine discipline or other remedial responses.
- The Academy charter school encourages the reporting party or complainant to use the report form set forth in this policy, available from the executive director, principal, or building supervisor or available from the school office, but oral reports shall be considered complaints as well. The report form is also available from the principal of each school, the Academy office, and on the Academy website. Use of the report form is not mandatory.
- The Academy encourages the reporting party or complainant to report conduct which may constitute harassment or violence within thirty (30) days of the alleged conduct whenever possible. Upon filing a report (also referred to as a complaint) with the Academy, the reporting party or complainant will be asked to provide a brief description of the alleged conduct, the date of the alleged conduct, and the name of the person(s) responsible for the alleged conduct.
- Nothing in this policy shall prevent any person from reporting harassment or violence directly to a charter school human rights officer or to the executive director. If the complaint involves the building report taker, the complaint shall be made or filed directly with the executive director or the school human rights officer by the reporting party or complainant.

A. Prior to the submission of a complaint, the reporting party or complainant may request a precomplaint contact with the individual alleged to be directly responsible for the conduct and/or with the persons having immediate supervisory authority related to the complaint. These persons may make reasonable efforts to meet with the school principal or the Human Resources Manager to discuss the complaint that the reporting party or complainant wishes to bring to their attention. Such a pre-complaint contact shall be at the option of the reporting party or complainant; it shall not be a precondition for the submission of a complaint to the appropriate Academy official designated by this policy.

D.- In Each School Building-

The principal of each school (i.e., the Lower School, Middle School, and Upper School) is the person responsible for receiving oral or written reports of harassment or violence prohibited by this policy at the school level.

The executive director, building principal, the principal's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving oral or written reports of harassment or violence prohibited by this policy at the building level. Any adult Academy employee charter school personnel who receives a report of harassment or violence prohibited by this policy shall inform the appropriate principal building report taker immediately. —If the complaint involves the principal, building report taker—, the complaint shall be made or filed directly with the Human Resources Manager—executive director or the charter school human rights officer by the reporting party or complainant. The principals building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as a primary contact on policy and procedural matters. Nothing in this policy shall prevent any person from reporting harassment or violence directly to the Human Resources Manager.—Academy employees

- E. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include acts of harassment or violence. –Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute harassment or violence shall make reasonable efforts to address and resolve the harassment or violence and shall inform the appropriate school principal building report taker immediately. —Academy employees—Charter school personnel who fail to inform the appropriate school principal building report taker of conduct that may constitute harassment or violence or who fail to make reasonable efforts to address and resolve the harassment or violence in a timely manner may be subject to disciplinary action.
- F. Upon receipt of a report, the principal building report taker must notify the Human Resources Manager charter school human rights officer immediately, without screening or investigating the report. –The principal 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 principal building report taker to the Human Resources Manager charter school human rights officer. -If the report was given verbally, the principal building report taker shall personally reduce it to written form within twenty-four (24) hours and forward it to the Human Resources Manager charter school human rights officer. Failure to forward any harassment or violence report or complaint as provided herein may result in disciplinary action against the principal building report taker.

[Note: Please check the title of the report taker throughout Paragraph F.]

G. In the Academy. Charter School

The school board charter school board hereby designates the Human Resources Manager as the Academy official charter school human rights officer(s) to receive reports or complaints of harassment or violence prohibited by this policy. If the complaint involves

the Human Resources Manager human rights officer(s), the complaint shall be filed directly with the Executive Director <sup>1</sup>. The Human Resources Manager may be reached at:

Mailing address: St. Croix Preparatory Academy,

4260 Stagecoach Trail N, Stillwater, MN 55082 Telephone: 651-395-5903

[Note: This paragraph had significant strikethrough language in the version MSBA received. Please check this paragraph's information for accuracy.]

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

Consequences for students who commit, or are a party to, prohibited acts of <u>violence or</u> harassment <u>or violence</u> or who engage in reprisal or intentional false reporting may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion. <u>Remedial responses to the harassment or violence shall be tailored to the particular incident and nature of the conduct.</u>

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

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

### V. INVESTIGATION

- A. By authority of the Academycharter school, the Human Rights Managerhuman rights officer-, within three (3) days of the receipt of a report or complaint alleging harassment or violence prohibited by this policy, shall undertake or authorize an investigation. -The investigation may be conducted by Academy school officials or by a third party designated by the Academyschool.
- B. The investigation may consist of personal interviews with the reporting party, 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 Academy charter school- 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.
- In addition, the <u>Academycharter school</u> may take immediate steps, at its discretion, to protect the target or victim, the complainant, <u>and</u> students, <u>and Academy employees</u>, teachers, administrators, or other school personnel pending completion of an investigation of alleged harassment or violence prohibited by this policy.
- The alleged perpetrator of the act(s) of harassment or violence shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.

The investigation will be completed within thirty (30) days of receipt of the complaint, unless good cause exists for a longer period of time. Upon completion of the investigation, the investigator shall make a written report of the result of the Academy's investigation to the Human Resources Manager, who shall forward the report to the Executive Director. If the Human Resources Manager (as opposed to some other individual designated by the Academy) conducted the investigation, the report shall be filed directly with the Executive Director. The report shall include a determination of whether the allegations have been substantiated and whether they appear to be violations of this policy. The result of the Academy's investigation will be reported in writing to the complainant by the Academy in accordance with state and federal law regarding data or records privacy. The complainant will also be informed of the right to appeal per Section VI below.

The investigation will be completed as soon as practicable. The charter school human rights officer shall make a written report to the executive director upon completion of the investigation. If the complaint involves the executive director, 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. APPEAL OF COMPLAINT AND REVIEW OF APPEAL

A. Appeal of Complaint
In the event the complainant does not believe that the complaint has been resolved to his or
her satisfaction, he or she may appeal to the Human Resources Manager. If the Human
Resources Manager (as opposed to some other individual designated by the Academy)
conducted the investigation, the appeal may be filed directly with the Executive Director. Any

appeal must be made in writing within ten (10) school days of receipt of the written result of the Academy's investigation.

Review of Appeal The Human Resources Manager shall conduct a review of a timely appeal and within ten (10) school days of receipt of the appeal, shall investigate further if necessary and respond in writing to the complainant to the extent allowed by law. If the Human Resources Manager conducted the investigation, this review shall be conducted by the Executive Director. The decision of the Human Resources Manager (or of the Executive Director if that individual conducted the review) is final but does not prohibit the complainant from pursuing alternative complaint procedures as discussed below in Section IX.

### **VII VI. ACADEMY** CHARTER SCHOOL ACTIONGrigg

A. Upon completion of an investigation that determines a violation of this policy has occurred, the Academy charter school will take appropriate action.— Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. —Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. Academy—School action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and Academy—applicable school policies and—procedures regulations.

### The Academy

- B. The school is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the Academycharter school. Academy School officials will notify the targets or victims and alleged perpetrators of harassment or violence, the parent(s) or guardian(s) of targets or victims of harassment or violence and the parent(s) or guardian(s) of alleged perpetrators of harassment or violence who have been involved in a reported and confirmed harassment or violence incident of the remedial or disciplinary action taken, to the extent permitted by law. targets or victims and alleged perpetrators of harassment or violence, the parent(s) or guardian(s) of targets or victims of harassment or violence and the parent(s) or guardian(s) of alleged perpetrators of harassment or violence who have been involved in a reported and confirmed harassment or violence incident of the remedial or disciplinary action taken, to the extent permitted by law.
- C. In order to prevent or respond to acts of harassment or violence committed by or directed against a child with a disability, the Academy school shall, where determined appropriate by the child's individualized education program (IEP) or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in acts of harassment or violence.

## **VII.** RETALIATION OR REPRISAL

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

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

These procedures do not deny the right of any individual to pursue other avenues of recourse

at any time which may include filing charges with the Minnesota Department of Human Rights, initiating civil action, or another state or federal agency, initiating civil action, or seeking redress under state criminal statutes and/or federal law, or contacting the Office for Civil Rights for the United States Department of Education or the Equal Employment Opportunity Commission.

MN Department of Human Rights

St. Paul, MN 5515555104

Toll-free: 1-800-657-3704

Email: Info.MDHR@state.mn.us

Tel: 651-539-1100

Fax: 651-296-9042

Freeman Building Griggs Midway Building

625 Robert Street North540 Fairview Ave. N, Suite 201

U.S. Department of Education
Office for Civil Rights, Chicago Denver Office
500 W. Madison Street - Suite 1475
Chicago, IL 60661

Tel: 312-730-1560 Fax: 312-730-1576

Email: OCR.Chicago@ed.gov

Cesar E. Chavez Memorial Building 1244 Speer Boulevard, Suite 310 Denver, CO 80204-3582 Tel: 303-844-5695

Email: OCR.Denver@ed.gov

**Equal Employment Opportunity Commission** 

**Towle Building** 

330 S. 2nd Avenue, Suite 720 Minneapolis, MN 55401 Tel: 1-800-669-4000

Tel: 1-800-669-4000 Fax: 612-335-4044

[Note: This contact information may not be legally required and does not appear in the Model Policy.]

### 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 CHAPTER Minnesota Statutes, chapter 260E may be applicable.
- B. Nothing in this policy will prohibit the Academy charter school 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 <u>charter</u> school building in areas accessible to students and staff members.
- B. This policy shall be given to each Academy school employee and independent contractor who regularly interacts with students at the time of initial employment with the Academy school.
- C. This policy shall appear in the student handbook.
- D. The Academy charter school will develop a method of discussing this policy with students and employees.
- E. The Academy charter school 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,

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gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness, and/or sexual abuse prevention.

F. This policy shall be reviewed at least annually for compliance with state and federal law.

[NOTE: The MDE model policy included X.F. State law does not mandate an annual review. School boards may determine whether to retain X.F.]

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

Minn. Stat. § 120B.234 (Child Sexual Abuse Prevention Education)

Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and

Violence Policy)

Minn. Stat. § 121A.031 (School Student Bullying Policy) Minn. Stat. Ch. 363A (Minnesota Human Rights Act)

Minn. Stat. § 609.341 (Definitions)

Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)

20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)

29 U.S.C. § 621 *et seq.* (Age Discrimination in Employment Act) 29 U.S.C. § 794 (Section 504 of the Rehabilitation Act of 1973)

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 Charter

School Employees)

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

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

or Sexual Abuse)

MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of

Vulnerable Adults)

MSBA/MASA Model Policy 506 (Student Discipline)

MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)

MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records) MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)

MSBA/MASA Model Policy 522 (Title IX Sex Nondiscrimination, Grievance

Procedures and Process)

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

MSBA/MASA Model Policy 525 (Violence Prevention) MSBA/MASA Model Policy 526 (Hazing Prohibition)

MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status

Nondiscrimination)

#### ST. CROIX PREPARATORY ACADEMY

Adopted:	MSBA/MASA Model Charter Policy 417
	Orig. 1995 (as ISD Policy)
Revised:	Orig. 2022 (as Charter Policy

#### 417 CHEMICAL USE AND ABUSE

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

#### I. PURPOSE

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

#### II. GENERAL STATEMENT OF POLICY

- A. Use or possession of controlled substances, toxic substances, medical cannabis, and alcohol before, during, or after school hours, at school or in any other school location, is prohibited in accordance with charter school policies with respect to a Drug-Free Workplace/Drug-Free School.
- B. SCPA shall develop, implement, and evaluate comprehensive programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievement.
- C. Every charter school that participates in a charter school chemical abuse program shall establish and maintain in every school a chemical abuse preassessment team. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
- D. The charter school shall establish a drug-free awareness program for its employees.

[NOTE: Charter schools are required to establish a drug-free awareness program for charter school employees pursuant to the Drug-Free Workplace Act. In addition, state law requires that the written charter school discipline policy must include procedures for detecting and addressing chemical abuse problems of a student while on the school premises. Further, charter schools are required to develop, implement, and evaluate comprehensive programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievement if receiving funding under the federal Student Support and Academic Enrichment Grants law.]

#### III. DEFINITIONS

- A. "Chemical abuse," as applied to students, means use of any psychoactive or moodaltering chemical substance, without compelling medical reason, in a manner that induces mental, emotional, or physical impairment and causes socially dysfunctional or socially disordering behavior, to the extent that the minor's normal function in academic, school, or social activities is chronically impaired.
- B. "Controlled substances," as applied to the chemical abuse assessment of students, means a drug, substance, or immediate precursor in Schedules I through V of Minnesota Statutes, section 152.02 and "marijuana" as defined in Minnesota Statutes, section 152.01, subdivision 9 but not distilled prints, wine, malt beverages, intoxicating liquors

or tobacco. As otherwise defined in this policy, "controlled substances" include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 United States Code, section 812, including analogues and look-alike drugs.

- C. "Drug prevention" means prevention, early intervention, rehabilitation referral, recovery support services, or education related to the illegal use of drugs, such as raising awareness about the consequences of drug use that are evidence based.
- D. "Teacher" means all persons employed in a public school or education district or by a service cooperative as members of the instructional, supervisory, and support staff including executive directors, principals, supervisors, secondary vocational and other classroom teachers, librarians, counselors, school psychologists, school nurses, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, and speech therapists.

#### IV. STUDENTS

A. Charter School Discipline Policy

Procedures for detecting and addressing chemical abuse problems of a student while on school premises are included in the charter school student discipline policy.

- B. <u>Programs and Activities</u>
  - 1. SCPA shall develop, implement, and evaluate comprehensive programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievements. The programs and activities may include, among other programs and activities, drug prevention activities and programs that may be evidence based, including programs to educate students against the use of alcohol, tobacco, marijuana, smokeless tobacco products, and electronic cigarettes.
  - 2. As part of its drug-free programs, the charter school may implement the drug abuse resistance education program (DARE) that enables peace officers to undergo the training to teach a curriculum on drug abuse resistance in schools.
- C. Reports of Use, Possession, or Transfer of Alcohol or a Controlled Substance
  - 1. A teacher in a nonpublic school participating in a charter school chemical use program, or a public school teacher, who knows or has reason to believe that a student is using, possessing, or transferring alcohol or a controlled substance while on the school premises or involved in school-related activities, shall immediately notify the school's chemical abuse preassessment team, or staff member assigned duties similar to those of such a team, of this information.
    - [NOTE: Charter schools are not required to participate in a chemical abuse program or establish a chemical abuse preassessment team pursuant to state law. Schools are required to have procedures for detecting student chemical abuse and can obtain federal funding if they establish drug prevention, detection, intervention, and recovery support services. Thus, it is recommended that schools establish these programs and activities. For those schools that do not establish a chemical abuse preassessment team, those obligations could be assigned to a specified staff member such a school counselor or administrator.]
  - 2. Students involved in the abuse, possession, transfer, distribution, or sale of chemicals may be suspended and proposed for expulsion in compliance with the student discipline policy and the Pupil Fair Dismissal Act, Minnesota Statutes,

section 121A.40-121A.56.

- 3. Searches by charter school officials in connection with the use, possession, or transfer of alcohol or a controlled substance will be conducted in accordance with school board policies related to search and seizure.
- 4. Nothing in Subparagraph IV.B.1. prevents a teacher or any other school employee from reporting to a law enforcement agency any violation of law occurring on school premises or at school sponsored events.

#### D. Preassessment Team

- 1. Every school that participates in a charter school chemical abuse program shall establish a chemical abuse preassessment team designated by the executive director or designee. The team must be composed of classroom teachers, administrators, and to the extent they exist in the school, school nurse, school counselor or psychologist, social worker, chemical abuse specialist, and other appropriate professional staff. For schools that do not have a chemical abuse program and team, the executive director or designee will assign these duties to a designated charter school employee.
- The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
- 3. Within forty-five (45) days after receiving an individual reported case, the team shall make a determination whether to provide the student and, in the case of a minor, the student's parents with information about school and community services in connection with chemical abuse.

#### E. <u>Data Practices</u>

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

#### 2. Destruction of Records

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

#### F. Consent

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

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

#### V. EMPLOYEES

- A. The charter school shall establish a drug-free awareness program to inform employees about:
  - 1. The dangers of drug abuse in the workplace.
  - 2. The charter school's policy of maintaining a drug-free workplace.
  - 3. Available drug counseling, rehabilitation, and employee assistance programs.
  - 4. The penalties that may be imposed on employees for drug abuse violations.
- B. The charter school shall notify a federal granting agency required to be notified under the Drug-Free Workplace Act within ten (10) days after receiving notice from the employee or otherwise receiving actual notice of any criminal drug statute conviction occurring in the workplace.

#### **Legal References:**

Minn. Stat. § 13.32 (Educational Data)

Minn. Stat. § 121A.25-121A.29 (Chemical Abuse)

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

Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)

Minn. Stat. § 124D.695 (Approved Recovery Program Funding)

Minn. Stat. § 126C.44 (Safe Schools Levy)

Minn. Stat. § 138.163 (Preservation and Disposal of Public Records)

Minn. Stat. § 144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse, Abortion)

Minn. Stat. § 152.01 (Definitions)

Minn. Stat. § 152.02 (Schedules of Controlled Substances; Administration of Chapter)

Minn. Stat. § 152.22 (Definitions; Medical Cannabis)

Minn. Stat. § 152.23 (Limitations; Medical Cannabis)Minn. Stat. § 299A.33 (DARE Program)

Minn. Stat. § 466.07, subd. 1 (Indemnification Required)

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

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

20 U.S.C. §§ 7101-7122 (Student Support and Academic Enrichment Grants

20 U.S.C. § 5812 (National Education Goals)

20 U.S.C. § 7175 (Local Activities)

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

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

#### **Cross References:**

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

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

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

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

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

MSBA/MASA Model Policy 506 (Student Discipline)

MSBA/MASA Model Policy 5185(Protection and Privacy of Pupil Records)

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

Chemical Use and Abuse Policy 417 ADOPTED BY THE BOARD: REVISED BY THE BOARD: EFFECTIVE DATE:



#### ST. CROIX PREPARATORY ACADEMY

Adopted: MSBA/MASA Model Charter Policy 417

Orig. 1995 (as ISD Policy)

Revised: Orig. 2022 (as Charter Policy

#### 417 CHEMICAL USE AND ABUSE

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

#### I. PURPOSE

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

#### II. GENERAL STATEMENT OF POLICY

- <u>A.</u> Use or possession of controlled substances, toxic substance, medical cannabis, and alcohol before, during, or after school hours, at school or in any other school location, is prohibited in accordance with <u>charter</u> school<u>district</u> policies with respect to a Drug-Free Workplace/Drug-Free School.
- B. SCPA shall develop, implement, and evaluate comprehensive programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievement.
- Every charter school that participates in a charter school chemical abuse program shall establish and maintain in every school a chemical abuse preassessment team. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
- D. The charter school shall establish a drug-free awareness program for its employees.

[NOTE: Charter schools are required to establish a drug-free awareness program for charter school employees pursuant to the Drug-Free Workplace Act. In addition, state law requires that the written charter school discipline policy must include procedures for detecting and addressing chemical abuse problems of a student while on the school premises. Further, charter schools are required to develop, implement, and evaluate comprehensive programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievement if receiving funding under the federal Student Support and Academic Enrichment Grants law.]

#### III. DEFINITIONS

A. "Chemical abuse," as applied to students, means use of any psychoactive or moodaltering chemical substance, without compelling medical reason, in a manner that induces mental, emotional, or physical impairment and causes socially dysfunctional or socially disordering behavior, to the extent that the minor's normal function in academic,

school, or social activities is chronically impaired.

- B. "Controlled substances," as applied to the chemical abuse assessment of\_students, means a drug, substance, or immediate precursor in Schedules I through V of Minnesota Statutes, section 152.02 and "marijuana" as defined in Minnesota Statutes, section 152.01, subdivision 9 but not distilled spirits, wine, malt beverages, intoxicating liquors or tobacco. As otherwise defined in this policy, "controlled substances" include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 United States Code, section 812, including analogues and look-alike drugs.
- C. "Drug prevention" means prevention, early intervention, rehabilitation referral, recovery support services, or education related to the illegal use of drugs, such as raising awareness about the consequences of drug use that are evidence based.
- <u>D.</u> "Teacher" means all persons employed in a public school or education district or by a service cooperative as members of the instructional, supervisory, and support staff including <u>superintendentsexecutive directors</u>, principals, supervisors, secondary vocational and other classroom teachers, librarians, counselors, school psychologists, school nurses, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, and speech therapists.

#### IV. STUDENTS

#### A. Charter School Discipline Policy

Procedures for detecting and addressing chemical abuse problems of a student while on school premises are included in the <u>district widecharter</u> school student discipline policy.

#### B. Programs and Activities

- SCPA shall develop, implement, and evaluate comprehensive programs and activities that foster safe, healthy, supportive, and drug--free environments that support student academic achievements. The programs and activities may include, among other programs and activities, drug prevention activities and programs that may be evidence based, including programs to educate\_students against the use of alcohol, tobacco, marijuana, smokeless tobacco products, and electronic cigarettes.
- 2. As part of its drug-free programs, the charter school may implement the drug abuse resistance education program (DARE) that enables peace officers to undergo the training to teach a curriculum on drug abuse resistance in schools.

#### C. Reports of Use, Possession, or Transfer of Alcohol or a Controlled Substance

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

INOTE: Charter schools are not required to participate in a chemical abuse program or establish a chemical abuse preassessment team pursuant to state law. Schools are required to have procedures for detecting student chemical abuse and can obtain federal funding if they establish drug prevention, detection, intervention, and recovery support services. Thus, it is recommended that schools establish these programs and activities 88 for those schools that do not establish a

## chemical abuse preassessment team, those obligations could be assigned to a specified staff member such a school counselor or administrator.]

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

#### D. Preassessment Team

- 1. Every school that participates in a charter school chemical abuse program shall establish a chemical abuse preassessment team designated by the executive director or designee. The team must be composed of classroom teachers, administrators, and to the extent they exist in the school, school nurse, school counselor or psychologist, social worker, chemical abuse specialist, and other appropriate professional staff. For schools that do not have a chemical abuse program and team, the executive director or designee will assign these duties to a designated charter school employee.
- The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
- 3. Within forty-five (45) days after receiving an individual reported case, the team shall make a determination whether to provide the student and, in the case of a minor, the student's parents with information about school and community services in connection with chemical abuse.

#### E. Data Practices

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

#### 2. Destruction of Records

- a. If SCPA decides not to provide a student and, in the case of a minor, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the determination is made.
- If SCPA decides to provide the student and, in the case of a minor or a dependent student, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the student is no longer enrolled in the district charter school.
- Destruction of records identifying individual students shall be governed by <u>Subp</u>aragraph IV.E.2. notwithstanding Minnesota Statutes, section 138.163 (Preservation and Disposal of Public Records).

#### F. Consent

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

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

#### V. EMPLOYEES

- A. The school district maycharter school shall establish a drug-free awareness program to inform employees about:
  - 1. The dangers of drug abuse in the workplace.
  - 2. The school district'scharter school's policy of maintaining a drug-free workplace.
  - 3. Available drug counseling, rehabilitation, and employee assistance programs.
  - 4. The penalties that may be imposed on employees for drug abuse violations.
- The <u>charter</u> school <u>district</u> shall notify a federal granting agency required to be notified under the Drug-Free Workplace Act within ten (10) days after receiving notice from the employee or otherwise receiving actual notice of any criminal drug statute conviction occurring in the workplace.

#### **Legal References:** Minn. Stat. § 13.32 (Educational Data)

Minn. Stat. § 121A.25-121A.29 (Chemical Abuse)

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

Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)

Minn. Stat. § 124D.695 (Approved Recovery Program Funding)

Minn. Stat. § 126C.44 (Safe Schools Levy)

Minn. Stat. § 138.163 (Preservation and Disposal of Public Records)

Minn. Stat. § 144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse, Abortion)

Minn. Stat. § 152.01 (Definitions)

Minn. Stat. § 152.02 (Schedules of Controlled Substances; Administration of Chapter)

Minn. Stat. § 152.22 (Definitions; Medical Cannabis)

Minn. Stat. § 152.23 (Limitations; Medical Cannabis)—Minn. Stat. § 299A.33 (DARE Program)

Minn. Stat. § 466.07, subd. 1 (Indemnification Required)

Minn. Stat. § 609.101, subd. 3(e) (Controlled Substance Offenses; Minimum

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

20 U.S.C. §§ 7101-7122 (Student Support and Academic Enrichment Grants

20 U.S.C. § 5812 (National Education Goals)

20 U.S.C. § 7175 (Local Activities)

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

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

#### **Cross References:** MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of <u>Charter</u>

School District Employees)

MSBA/MASA Model Policy 4160(Drug, and Cannabis Testing)

MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug Free School)
MSBA/MASA Model Policy 419 (Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices; Vaping Awareness and Prevention Instruction)

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

MSBA/MASA Model Policy 506 (Student Discipline)

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

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

Chemical Use and Abuse Policy 417 ADOPTED BY THE BOARD: REVISED BY THE BOARD: EFFECTIVE DATE:

# ST. CROIX PREPARATORY ACADEMY Adopted: \_\_\_\_\_ MSBA/MASA Model Policy 418 Charter Orig. 2022 (as Charter Policy) Revised: \_\_\_\_ Rev. 2025

#### 418 DRUG-FREE WORKPLACE/DRUG-FREE SCHOOL

[NOTE: Charter schools are required by statute to have a policy addressing these issues.]

#### I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment for employees and students by prohibiting the use of alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products, and controlled substances without a physician's prescription.

#### II. GENERAL STATEMENT OF POLICY

- A. Use or possession of alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products, and controlled substances before, during, or after school hours, at school or in any other school location, is prohibited as general policy. Paraphernalia associated with controlled substances is prohibited.
- B. A violation of this policy occurs when any student, teacher, administrator, other charter school personnel, or member of the public uses or possesses alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products, or controlled substances in any school location.
- C. An individual may not use or possess cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public school, as defined in Minnesota Statutes, section 120A.05, subdivisions 9, 11, and 13, including all facilities, whether owned, rented, or leased, and all vehicles that the charter school owns, leases, rents, contracts for, or controls.
- D. The charter school will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or member of the public who violates this policy.

#### III. DEFINITIONS

- A. "Alcohol" includes any alcoholic beverage containing more than one-half of one percent alcohol by volume.
- B. "Controlled substances" include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 United States Code, section 812, including analogues and look-alike drugs.
- C. "Edible cannabinoid product" means any product that is intended to be eaten or consumed as a beverage by humans, contains a cannabinoid in combination with food ingredients, and is not a drug.
- D. "Nonintoxicating cannabinoid" means substances extracted from certified hemp plants that do not produce intoxicating effects when consumed by injection, inhalation, ingestion, or by any other immediate means.
- E. "Medical cannabis" means any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins, and is delivered in the

form of: (1) liquid, including, but not limited to, oil; (2) pill; (3) vaporized delivery method with use of liquid or oil but which does not require the use of dried leaves or plant form; (4) combustion with use of dried raw cannabis; or (5) any other method approved by the Commissioner of the Minnesota Department of Health ("Commissioner").

- F. "Possess" means to have on one's person, in one's effects, or in an area subject to one's control.
- G. "School location" includes any school building or on any school premises; in any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the charter school; or during any period of time such employee is supervising students on behalf of the charter school or otherwise engaged in charter school business.
- H. "Sell" means to sell, give away, barter, deliver, exchange, distribute or dispose of to another, or to manufacture; or to offer or agree to perform such an act, or to possess with intent to perform such an act.
- I. "Toxic substances" includes: (1) glue, cement, aerosol paint, containing toluene, benzene, xylene, amyl nitrate, butyl nitrate, nitrous oxide, or containing other aromatic hydrocarbon solvents, but does not include glue, cement, or paint contained in a packaged kit for the construction of a model automobile, airplane, or similar item; (2) butane or a butane lighter; or (3) any similar substance declared to be toxic to the central nervous system and to have a potential for abuse, by a rule adopted by the Commissioner.
- J. "Use" means to sell, buy, manufacture, distribute, dispense, be under the influence of, or consume in any manner, including, but not limited to, consumption by injection, inhalation, ingestion, or by any other immediate means.

#### IV. EXCEPTIONS

- A. A violation of this policy does not occur when a person brings onto a school location, for such person's own use, a controlled substance, except medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products, which has a currently accepted medical use in treatment in the United States and the person has a physician's prescription for the substance. The person shall comply with the relevant procedures of this policy.
- B. A violation of this policy does not occur when a person possesses an alcoholic beverage in a school location when the possession is within the exceptions of Minnesota Statutes, section 624.701, subdivision 1a (experiments in laboratories; pursuant to a temporary license to sell liquor issued under Minnesota laws or possession after the purchase from such a temporary license holder).
- C. A violation of this policy does not occur when a person uses or possesses a toxic substance unless they do so with the intent of inducing or intentionally aiding another in inducing intoxication, excitement, or stupefaction of the central nervous system, except under the direction and supervision of a medical doctor.
- D. The charter school may not refuse to enroll or otherwise penalize a patient or person enrolled in the Minnesota Patient Registry Program or a Tribal medical cannabis program as a pupil solely because the patient or person is enrolled in the registry program or a Tribal medical cannabis program, unless failing to do so would violate federal law or regulations or cause the school to lose a monetary or licensing-related benefit under federal law or regulations.

An employer or a school must provide written notice to a patient at least 14 days before

the employer or school takes an action against the patient that is prohibited under Minnesota Statutes, section 342.57, subdivision 3 or 5. The written notice must cite the specific federal law or regulation that the employer or school believes would be violated if the employer or school fails to take action. The notice must specify what monetary or licensing-related benefit under federal law or regulations that the employer or school would lose if the employer or school fails to take action.

A school or an employer must not retaliate against a patient for asserting the patient's rights or seeking remedies under Minnesota Statutes, section 342.57 or section 152.32.

#### V. PROCEDURES

A. Students who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products, must comply with the charter school's student medication policy.

[NOTE: Charter schools are required by Minnesota Statutes, section 121A.22 to develop procedures for the administration of drugs and medicine. If the charter school does not have a student medication policy such as MSBA/MASA Model Policy 516, this Paragraph A. can be modified to provide: "Students who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products, must provide a copy of the prescription and the medication to the school nurse, principal, or other designated staff member. The charter school's licensed school nurse, trained health clerk, principal, or teacher will administer the prescribed medication except medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products, in accordance with charter school procedures."]

- B. Employees who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products, are permitted to possess such controlled substances and associated necessary paraphernalia, such as an inhaler or syringe. The employee must inform his or her supervisor. The employee may be required to provide a copy of the prescription.
- C. Each employee shall be provided with written notice of this Drug-Free Workplace/Drug-Free School policy and shall be required to acknowledge that he or she has received the policy.

[NOTE: The Drug-Free Workplace Act requires that charter school employees be notified by a published statement of the prohibition of the use of controlled substances and actions that will be taken against employees for violations of such prohibition (41 United States Code, section 8103; 34 Code of Federal Regulations, Part 84). An acknowledgment will document satisfaction by the charter school of this federal requirement.]

- D. Employees are subject to the charter school's drug and alcohol testing policies and procedures.
- E. Members of the public are not permitted to possess controlled substances, intoxicating cannabinoids, or edible cannabinoid products in a school location except with the express permission of the executive director.
- F. No person is permitted to possess or use medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products on a school bus or van; or on the grounds of any preschool or primary or secondary school; or on the grounds of any child care facility. This prohibition includes (1) vaporizing or combusting medical cannabis on any form of public transportation where the vapor or smoke could be inhaled by a minor child or in any public place, including indoor or outdoor areas used by or open to the

general public or place of employment; and (2) operating, navigating, or being in actual physical control of any motor vehicle or working on transportation property, equipment or facilities while under the influence of medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products.

G. Possession of alcohol on school grounds pursuant to the exceptions of Minnesota Statutes, section 624.701, subdivision 1a, shall be by permission of the school board only. The applicant shall apply for permission in writing and shall follow the school board procedures for placing an item on the agenda.

#### VI. SCHOOL PROGRAMS

- A. Starting in the 2026-2027 school year, the charter school must implement a comprehensive education program on cannabis use and substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl, for students in middle school and high school. The program must include instruction on the topics listed in Minnesota Statutes, section 120B.215, subdivision 1 and must:
  - 1. respect community values and encourage students to communicate with parents, guardians, and other trusted adults about cannabis use and substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl; and
  - refer students to local resources where students may obtain medically accurate information about cannabis use and substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl, and treatment for a substance use disorder.

## [NOTE: MDE information on this requirement is provided in the Resources section of this model policy.]

- B. Charter school efforts to develop, implement, or improve instruction or curriculum as a result of the provisions of this section must be consistent with Minnesota Statutes, sections 120B.10 and 120B.11.
- C. Notwithstanding any law to the contrary, the charter school shall have a procedure for a parent, a guardian, or an adult student eighteen (18) years of age or older to review the content of the instructional materials to be provided to a minor child or to an adult student pursuant to this article. The charter school must allow a parent or adult student to opt out of instruction under this article with no academic or other penalty for the student and must inform parents and adult students of this right to opt out.

#### VII. ENFORCEMENT

#### A. Students

- 1. Students may be required to participate in programs and activities that provide education against the use of alcohol, tobacco, marijuana, smokeless tobacco products, electronic cigarettes, and nonintoxicating cannabinoids, and edible cannabinoid products.
- 2. Students may be referred to drug or alcohol assistance or rehabilitation programs; school based mental health services, mentoring and counseling, including early identification of mental health symptoms, drug use and violence and appropriate referral to direct individual or group counselling service. which may be provided by school based mental health services providers; and/or referral to law enforcement officials when appropriate.
- 3. A student who violates the terms of this policy shall be subject to discipline in accordance with the charter school's discipline policy. Such discipline may

include suspension or expulsion from school.

#### B. <u>Employees</u>

- 1. As a condition of employment in any federal grant, each employee who is engaged either directly or indirectly in performance of a federal grant shall abide by the terms of this policy and shall notify his or her supervisor in writing of his or her conviction of any criminal drug statute for a violation occurring in any of the places listed above on which work on a charter school federal grant is performed, no later than five (5) calendar days after such conviction. Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
- 2. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, termination, or discharge as deemed appropriate by the school board.
- In addition, any employee who violates the terms of this policy may be required to satisfactorily participate in a drug and/or alcohol abuse assistance or rehabilitation program approved by the charter school. Any employee who fails to satisfactorily participate in and complete such a program is subject to nonrenewal, suspension, or termination as deemed appropriate by the school board.
- 4. Sanctions against employees, including nonrenewal, suspension, termination, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and charter school policies.

#### C. The Public

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

#### **Legal References:**

Minn. Stat. § 120B.215 (Education on Cannabis Use and Substance Use)

Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)

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

Minn. Stat. § 151.72 (Sale of Certain Cannabinoid Products)

Minn. Stat. § 152.01, Subd. 15a (Definitions)

Minn. Stat. § 152.0264 (Cannabis Sale Crimes)

Minn. Stat. § 152.22, Subd. 6 (Definitions; Medical Cannabis)

Minn. Stat. § 152.23 (Limitations; Medical Cannabis)

Minn. Stat. § 169A.31 (Alcohol-Related School Bus or Head Start Bus Driving)

Minn. Stat. § 340A.101 (Definitions; Alcoholic Beverage)

Minn. Stat. § 340A.403 (3.2 Percent Malt Liquor Licenses)

Minn. Stat. § 340A.404 (Intoxicating Liquor; On-Sale Licenses)

Minn. Stat. § 342.09 (Personal Adult Use of Cannabis)

Minn. Stat. § 342.56 (Limitations)

Minn. Stat. § 609.684 (Abuse of Toxic Substances)

Minn. Stat. § 624.701 (Alcohol in Certain Buildings or Grounds)

20 U.S.C. § 7101-7122 (Student Support and Academic Enrichment Grants)

21 U.S.C. § 812 (Schedules of Controlled Substances)

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

21 C.F.R. §§ 1308.11-1308.15 (Controlled Substances)

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

#### **Cross References:**

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of

Charter School Employees)

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

MSBA/MASA Model Policy 417 (Chemical Use and Abuse)

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

MSBA/MASA Model Policy 506 (Student Discipline) MSBA/MASA Model Policy 516 (Student Medication)

Resources:

To support the requirements for school districts and charter schools outlined in Minnesota Statute 2024, section 120B.215, subdivision 2, and in accordance with subdivision 1, MDE, in collaboration with MDH, the Minnesota Department of Human Services (DHS), and education experts, has created a

<u>List of Model Cannabis Education Programs for School District and Charter School Consideration.</u>

Schools may choose to implement one of the listed programs or they may implement their own program(s) identified through a local curriculum adoption process by the 2026-27 school year. While it is not required for a school district or charter school to use one of the programs in the list, the list and rubric provided may be useful to school districts and charter schools in their own decision-making process.

Please visit MDE's Health Education webpage for more information.

#### ST. CROIX PREPARATORY ACADEMY

Adopted: MSBA/MASA Model Policy 418 Charter
Orig. 2022 (as Charter Policy)

Revised: Rev. 2025

#### 418 DRUG--FREE WORKPLACE/DRUG-FREE SCHOOL

[NOTE: Charter schools are required by statute to have a policy addressing these issues.]

#### I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment for employees and students by prohibiting the use of alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products, and controlled substances without a physician's prescription.

#### II. GENERAL STATEMENT OF POLICY

- A. Use or possession of alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products, and controlled substances before, during, or after school hours, at school or in any other school location, is prohibited as general policy. -Paraphernalia associated with controlled substances is prohibited.
- B. A violation of this policy occurs when any student, teacher, administrator, other <a href="mailto:charter">charter</a> school—district personnel, or member of the public uses or possesses alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products, or controlled substances in any school location.
- C. An individual may not use or possess cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public school, as defined in Minnesota Statutes, section 120A.05, subdivisions 9, 11, and 13, including all facilities, whether owned, rented, or leased, and all vehicles that the <u>charter</u> school <u>district</u> owns, leases, rents, contracts for, or controls.
- D. The <u>charter</u> school will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or member of the public who violates this policy.

#### III. DEFINITIONS

- A. "Alcohol" includes any alcoholic beverage containing more than one-half of one percent alcohol by volume.
- B. "Controlled substances" include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 United States Code, section 812, including analogues and look-alike drugs.
- C. "Edible cannabinoid product" means any product that is intended to be eaten or consumed as a beverage by humans, contains a cannabinoid in combination with food ingredients, and is not a drug.
- D. "Nonintoxicating cannabinoid" means substances extracted from certified hemp plants that do not produce intoxicating effects when consumed by injection, inhalation, ingestion, or by any other immediate means.



- "Medical cannabis" means any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins, and is delivered in the form of: (1) liquid, including, but not limited to, oil; (2) pill; (3) vaporized delivery method with use of liquid or oil but which does not require the use of dried leaves or plant form; (4) combustion with use of dried raw cannabis; or (5) any other method approved by the Commissioner of the Minnesota Department of Health ("Commissioner").
- F. "Possess" means to have on one's person, in one's effects, or in an area subject to one's control.
- G. "School location" includes any school building or on any school premises; in any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the <a href="charter">charter</a> school; or during any period of time such employee is supervising students on behalf of the <a href="charter">charter</a> school or otherwise engaged in <a href="charter">charter</a> school business.
- H. "Sell" means to sell, give away, barter, deliver, exchange, distribute or dispose of to another, or to manufacture; or to offer or agree to perform such an act, or to possess with intent to perform such an act.
- I. "Toxic substances" includes: (1) glue, cement, aerosol paint, containing toluene, benzene, xylene, amyl nitrate, butyl nitrate, nitrous oxide, or containing other aromatic hydrocarbon solvents, but does not include glue, cement, or paint contained in a packaged kit for the construction of a model automobile, airplane, or similar item; (2) butane or a butane lighter; or (3) any similar substance declared to be toxic to the central nervous system and to have a potential for abuse, by a rule adopted by the Commissioner.
- Use" means to sell, buy, manufacture, distribute, dispense, be under the influence of, or consume in any manner, including, but not limited to, consumption by injection, inhalation, ingestion, or by any other immediate means.

#### IV. EXCEPTIONS

- A. A violation of this policy does not occur when a person brings onto a school location, for such person's own use, a controlled substance, except medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products, which has a currently accepted medical use in treatment in the United States and the person has a physician's prescription for the substance. -The person shall comply with the relevant procedures of this policy.
- B. A violation of this policy does not occur when a person possesses an alcoholic beverage in a school location when the possession is within the exceptions of Minnesota Statutes, section 624.701, subdivision 1a (experiments in laboratories; pursuant to a temporary license to sell liquor issued under Minnesota laws or possession after the purchase from such a temporary license holder).
- C. A violation of this policy does not occur when a person uses or possesses a toxic substance unless they do so with the intent of inducing or intentionally aiding another in inducing intoxication, excitement, or stupefaction of the central nervous system, except under the direction and supervision of a medical doctor.
- D. The charter school may not refuse to enroll or otherwise penalize a patient or person enrolled in the Minnesota Patient Registry Program or a Tribal medical cannabis program as a pupil solely because the patient or person is enrolled in the registry program or a Tribal medical cannabis program, unless failing to do so would violate

  \*Board Policy\*418-2\*

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federal law or regulations or cause the school to lose a monetary or licensing-related benefit under federal law or regulations.

An employer or a school must provide written notice to a patient at least 14 days before the employer or school takes an action against the patient that is prohibited under Minnesota Statutes, section 342.57, subdivision 3 or 5. The written notice must cite the specific federal law or regulation that the employer or school believes would be violated if the employer or school fails to take action. The notice must specify what monetary or licensing-related benefit under federal law or regulations that the employer or school would lose if the employer or school fails to take action.

A school or an employer must not retaliate against a patient for asserting the patient's rights or seeking remedies under Minnesota Statutes, section 342.57 or section 152.32.

#### V. PROCEDURES

A. Students who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products, must comply with the <a href="school-charter school's">school-charter school's</a> student medication policy.

[NOTE: Charter schools are required by Minnesota Statutes, section 121A.22 to develop procedures for the administration of drugs and medicine. If the charter school does not have a student medication policy such as MSBA/MASA Model Policy 516, this Paragraph A. can be modified to provide: "Students who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products, must provide a copy of the prescription and the medication to the school nurse, principal, or other designated staff member. The charter school's licensed school nurse, trained health clerk, principal, or teacher will administer the prescribed medication except medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products, in accordance with charter school procedures."]

- B. Employees who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products, are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or syringe. The employee must inform his or her supervisor. The employee may be required to provide a copy of the prescription.
- C. Each employee shall be provided with written notice of this Drug-Free Workplace/Drug-Free School policy and shall be required to acknowledge that he or she has received the policy.

[NOTE: The Drug-Free Workplace Act requires that charter school employees be notified by a published statement of the prohibition of the use of controlled substances and actions that will be taken against employees for violations of such prohibition (41 United States Code, section 8103; 34 Code of Federal Regulations, Part 84). An acknowledgment will document satisfaction by the charter school of this federal requirement.]

- D. Employees are subject to the school-charter school's drug and alcohol testing policies and procedures.
- E. Members of the public are not permitted to possess controlled substances, intoxicating cannabinoids, or edible cannabinoid products in a school location except with the express permission of the <a href="Executive Director-executive director">Executive Director-executive director</a>.

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- F. No person is permitted to possess or use medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products on a school bus or van; or on the grounds of any preschool or primary or secondary school; or on the grounds of any child care facility. -This prohibition includes (1) vaporizing or combusting medical cannabis on any form of public transportation where the vapor or smoke could be inhaled by a minor child or in any public place, including indoor or outdoor areas used by or open to the general public or place of employment; and (2) operating, navigating, or being in actual physical control of any motor vehicle or working on transportation property, equipment or facilities while under the influence of medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products.
- G. Possession of alcohol on school grounds pursuant to the exceptions of Minnesota Statutes, section 624.701, subdivision 1a, shall be by permission of the school board only. The applicant shall apply for permission in writing and shall follow the school board procedures for placing an item on the agenda.

#### VI. SCHOOL PROGRAMS

- A. Starting in the 2026-2027 school year, the <u>charter</u> school must implement a comprehensive education program on cannabis use and substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl, for students in middle school and high school. The program must include instruction on the topics listed in Minnesota Statutes, section 120B.215, subdivision 1 and must:
  - 1. respect community values and encourage students to communicate with parents, guardians, and other trusted adults about cannabis use and substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl; and
  - refer students to local resources where students may obtain medically accurate information about cannabis use and substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl, and treatment for a substance use disorder.

[NOTE: MDE information on this requirement is provided in the Resources section of this model policy.]

- B. SchoolCharter school efforts to develop, implement, or improve instruction or curriculum as a result of the provisions of this section must be consistent with Minnesota Statutes, sections 120B.10 and 120B.11.
- C. Notwithstanding any law to the contrary, the <a href="charter">charter</a> school shall have a procedure for a parent, a guardian, or an adult student <a href="eighteen">eighteen</a> (18) years of age or older to review the content of the instructional materials to be provided to a minor child or to an adult student pursuant to this article. The <a href="district\_charter school">district\_charter school</a> must allow a parent or adult student to opt out of instruction under this article with no academic or other penalty for the student and must inform parents and adult students of this right to opt out.

#### VII. ENFORCEMENT

#### A. Students

 Students may be required to participate in programs and activities that provide education against the use of alcohol, tobacco, marijuana, smokeless tobacco products, electronic cigarettes, and nonintoxicating cannabinoids, and edible cannabinoid products.



- Students may be referred to drug or alcohol assistance or rehabilitation programs; school based mental health services, mentoring and counseling, including early identification of mental health symptoms, drug use and violence and appropriate referral to direct individual or group counselling service. which may be provided by school based mental health services providers; and/or referral to law enforcement officials when appropriate.
- 3. A student who violates the terms of this policy shall be subject to discipline in accordance with the schoolcharter school's discipline policy.- Such discipline may include suspension or expulsion from school.

#### B. <u>Employees</u>

- 1. As a condition of employment in any federal grant, each employee who is engaged either directly or indirectly in performance of a federal grant shall abide by the terms of this policy and shall notify his or her supervisor in writing of his or her conviction of any criminal drug statute for a violation occurring in any of the places listed above on which work on a <a href="charter">charter</a> school federal grant is performed, no later than five (5) calendar days after such conviction. Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
- 2. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, termination, or discharge as deemed appropriate by the school board.
- 3. In addition, any employee who violates the terms of this policy may be required to satisfactorily participate in a drug and/or alcohol abuse assistance or rehabilitation program approved by the <u>charter</u> school.- Any employee who fails to satisfactorily participate in and complete such a program is subject to nonrenewal, suspension, or termination as deemed appropriate by the school board.
- 4. Sanctions against employees, including nonrenewal, suspension, termination, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and charter school district policies.

#### C. The Public

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

Legal References: Minn. Stat. § 120B.215 (Education on Cannabis Use and Substance Use)

Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)

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

Minn. Stat. § 151.72 (Sale of Certain Cannabinoid Products)

Minn. Stat. § 152.01, Subd. 15a (Definitions)

Minn. Stat. § 152.0264 (Cannabis Sale Crimes)

Minn. Stat. § 152.22, Subd. 6 (Definitions; Medical Cannabis)

Minn. Stat. § 152.23 (Limitations; Medical Cannabis)

Minn. Stat. § 169A.31 (Alcohol-Related School Bus or Head Start Bus Driving)

Minn. Stat. § 340A.101 (Definitions; Alcoholic Beverage)

Minn. Stat. § 340A.403 (3.2 Percent Malt Liquor Licenses)

Minn. Stat. § 340A.404 (Intoxicating Liquor; On-Sale Licenses)

Minn. Stat. § 342.09 (Personal Adult Use of Cannabis)

Minn. Stat. § 342.56 (Limitations)

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Minn. Stat. § 609.684 (Abuse of Toxic Substances)

Minn. Stat. § 624.701 (Alcohol in Certain Buildings or Grounds)

20 U.S.C. § 7101-7122 (Student Support and Academic Enrichment Grants)

21 U.S.C. § 812 (Schedules of Controlled Substances) 41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act) 21 C.F.R. §§ 1308.11-1308.15 (Controlled Substances)

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

#### **Cross References:**

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

DistrictCharter School Employees)

MSBA/MASA Model Policy 416 (Drug, and Cannabis Testing)

MSBA/MASA Model Policy 417 (Chemical Use and Abuse)

MSBA/MASA Model Policy 419 (Tobacco-Free Environment; Possession and use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices; Vaping

Awareness and Prevention Instruction)

MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 516 (Student Medication)

#### Resources:

To support the requirements for school districts and charter schools outlined in Minnesota Statute 2024, section 120B.215, subdivision 2, and in accordance with subdivision 1, MDE, in collaboration with MDH, the Minnesota Department of Human Services (DHS), and education experts, has created a

<u>List of Model Cannabis Education Programs for School District and Charter School Consideration.</u>

Schools may choose to implement one of the listed programs or they may implement their own program(s) identified through a local curriculum adoption process by the 2026-27 school year. While it is not required for a school district or charter school to use one of the programs in the list, the list and rubric provided may be useful to school districts and charter schools in their own decision-making process.

Please visit MDE's Health Education webpage for more information.

#### ST. CROIX PREPARATORY ACADEMY

Adopted:	MSBA/MASA Model Policy 419 Charter
	Orig. 2022 (as Charter Policy)
Revised:	_ Rev.

419 TOBACCO-FREE ENVIRONMENT; POSSESSION AND USE OF TOBACCO, TOBACCO-RELATED DEVICES, AND ELECTRONIC DELIVERY DEVICES; VAPING AWARENESS AND PREVENTION INSTRUCTION

[NOTE: Charter schools are not required by statute to have a policy addressing these issues. However, Minnesota Statutes, section 144.416 requires that entities that control public places must make reasonable efforts to prevent smoking in public places, including the posting of signs or any other means which may be appropriate. Additionally, Minnesota Statutes, section 120B.238 requires that vaping prevention instruction be provided as set forth in this policy.]

#### I. PURPOSE

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

#### II. GENERAL STATEMENT OF POLICY

- A. A violation of this policy occurs when any student, teacher, administrator, other school personnel of the charter school, or person smokes or uses tobacco, tobacco-related devices, or carries or uses an activated electronic delivery device in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a charter school owns, leases, rents, contracts for, or controls. In addition, this prohibition includes vehicles used, in whole or in part, for work purposes, during hours of school operation, if more than one person is present. This prohibition includes all charter school property and all off-campus events sponsored by the charter school.
- B. A violation of this policy occurs when any elementary school, middle school, or secondary school student possesses any type of tobacco, tobacco-related devices, or electronic delivery devices in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a charter school owns, leases, rents, contracts for, or controls and includes vehicles used, in whole or in part, for school purposes, during hours of school operation, if more than one person is present. This prohibition includes all charter school property and all off-campus events sponsored by the charter school.
- C. The charter school will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or person who is found to have violated this policy.

[NOTE: The following language is not required by law, but is recommended by MSBA for inclusion in this policy.]

D. The charter school will not solicit or accept any contributions or gifts of money, curricula, materials, or equipment from companies that directly manufacture and are identified with tobacco products, tobacco-related devices, or electronic delivery devices. The charter school will not promote or allow promotion of tobacco products or electronic delivery devices on school property or at school-sponsored events.

#### III. DEFINITIONS

A. "Electronic delivery device" means any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption

that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of aerosol or vapor from the product. Electronic delivery devices includes but is not limited to devices manufactured, marketed, or sold as electronic cigarettes, electronic cigars, electronic pipe, vape pens, modes, tank systems, or under any other product name or descriptor. Electronic delivery devices include any component part of a product, whether or not marketed or sold separately. Electronic delivery devices exclude drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.

- B. "Heated tobacco product" means a tobacco product that produces aerosols containing nicotine and other chemicals which are inhaled by users through the mouth.
- C. "Tobacco" means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including, but not limited to, cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes any drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.
- D. "Tobacco-related devices" means cigarette papers or pipes for smoking or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapor aerosol or vapor of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.
- E. "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. Smoking includes carrying or using an activated electronic delivery device.
- F. "Vaping" means using an activated electronic delivery device or heated tobacco product.

#### IV. EXCEPTIONS

- A. A violation of this policy does not occur when an Indian adult lights tobacco on charter school property as a part of a traditional Indian spiritual or cultural ceremony. An American Indian student may carry a medicine pouch containing loose tobacco intended as observance of traditional spiritual or cultural practices. An Indian is a person who is a member of an Indian tribe as defined under Minnesota law.
- B. A violation of this policy does not occur when an adult nonstudent possesses a tobacco or nicotine product that has been approved by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose. Nothing in this exception authorizes smoking or use of tobacco, tobacco-related devices, or electronic delivery devices on school property or at off-campus events sponsored by the charter school.
- C. An American Indian student or staff member may use tobacco, sage, sweetgrass, and cedar to conduct individual or group smudging in a public school. The process for conducting smudging is determined by the building or site administrator. Smudging must be conducted under the direct supervision of an appropriate staff member, as determined by the building or site administrator.

#### V. VAPING PREVENTION INSTRUCTION

- A. The charter school must provide vaping prevention instruction at least once to students in grades 6 through 8.
- B. The charter school may use instructional materials based upon the Minnesota Department of Health's school e-cigarette toolkit or may use other smoking prevention instructional materials with a focus on vaping and the use of electronic delivery devices and heated tobacco products. The instruction may be provided as part of the charter school's locally developed health standards.

[NOTE: In addition, charter schools may choose to require (a) evidence-based vaping prevention instruction to students in grades 9 through 12; and/or (b) a peer-to-peer education program to provide vaping prevention instruction.]

#### VI. ENFORCEMENT

- A. All individuals on school premises shall adhere to this policy.
- B. Students who violate this tobacco-free policy shall be subject to charter school discipline procedures.
- C. Charter school administrators and other school personnel who violate this tobacco-free policy shall be subject to charter school discipline procedures.
- D. Charter school action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota or federal law, and charter school policies.
- E. Persons who violate this tobacco-free policy may be referred to the building administration or other charter school supervisory personnel responsible for the area or program at which the violation occurred.
- F. School administrators may call the local law enforcement agency to assist with enforcement of this policy. Smoking or use of any tobacco product in a public school is a violation of the Minnesota Clean Indoor Air Act and/or the Freedom to Breathe Act of 2007 and is a petty misdemeanor. A court injunction may be instituted against a repeated violator.
- G. No persons shall be discharged, refused to be hired, penalized, discriminated against, or in any manner retaliated against for exercising any right to a smoke-free environment provided by the Freedom to Breathe Act of 2007 or other law.

#### VII. DISSEMINATION OF POLICY

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

**Legal References:** Minn. Stat. § 120B.238 (Vaping Awareness and Prevention)

Minn. Stat. § 121A.08 (Smudging Permitted)

Minn. Stat. §§ 144.411-144.417 (Minnesota Clean Indoor Air Act) Minn. Stat. § 609.685 (Sale of Tobacco to Persons Under Age 21)

2007 Minn. Laws Ch. 82 (Freedom to Breathe Act of 2007)

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of Charter

School Employees)

MSBA/MASA Model Policy 506 (Student Discipline)

DOCUMENT # 419.Revision.B ADOPTED BY THE BOARD:

REVISED BY THE BOARD: 8/20/2024

EFFECTIVE DATE: 8/20/2024



Adopted: MSBA/MASA Model Policy 419 Charter
Orig. 2022 (as Charter Policy)
Revised: Rev.

419 TOBACCO-FREE ENVIRONMENT; POSSESSION AND USE OF TOBACCO, TOBACCO-RELATED DEVICES, AND ELECTRONIC DELIVERY DEVICES; VAPING AWARENESS AND PREVENTION INSTRUCTION

[NOTE: Charter schools are not required by statute to have a policy addressing these issues. However, Minnesota Statutes, section 144.416 requires that entities that control public places must make reasonable efforts to prevent smoking in public places, including the posting of signs or any other means which may be appropriate. Additionally, Minnesota Statutes, section 120B.238 requires that vaping prevention instruction be provided as set forth in this policy.]

#### I. PURPOSE

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

#### II. GENERAL STATEMENT OF POLICY

- A. A violation of this policy foroccurs when any student, teacher, administrator, other school personnel of the charter school—district, or person tosmokes or uses tobacco, tobacco-related devices, or carries or uses an activated electronic cigarettesdelivery device in a public school.— This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a charter school district—owns, —leases, —rents, contracts—for,—or—controls.— In addition, this prohibition includes vehicles used, in whole or in part, for work purposes, during hours of school operation, if more than one person is present. —This prohibition includes all charter school district—property and all off-campus events sponsored by the charter school—district.—.
- B.— A violation of this policy occurs when any elementary school, middle school, or secondary school student possesses any type of tobacco, tobacco-related devicedevices, or electronic cigarettedelivery devices in a public school.— This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a charter school district owns, leases, rents, contracts for, or controls and includes vehicles used, in whole or in part, for workschool purposes, during hours of school operation, if more than one person is present. —This prohibition includes all charter school district—property and all off-campus events sponsored by the charter school district.
- The <u>charter</u> school <u>district</u> will -act -to -enforce -this -policy -and -to -discipline -or- take appropriate action against any student, teacher, administrator, school personnel, or person who is found to have violated this policy.

[NOTE: The following language is not required by law, but is recommended by MSBA for inclusion in this policy.]

<u>D.</u> The charter school will not solicit or accept any contributions or gifts of money, curricula, materials, or equipment from companies that directly manufacture and are identified with tobacco products, tobacco-related devices, or electronic cigarettes. delivery devices. The charter school district will not promote or allow promotion of tobacco products or e-cigaretteselectronic delivery devices on school property or at school-sponsored events.



- A.— "Electronic -cigarette" delivery device" means -any oral device that provides a vapor of liquidproduct containing or delivering nicotine, lobelia, and/or any other similar substance, and-whether natural or synthetic, intended for human consumption that can be used by a person to simulate smoking in the use or delivery of nicotine or any other substance through inhalation of which simulates smoking. The term shall include any suchaerosol or vapor from the product. Electronic delivery devices, whether they are includes but is not limited to devices manufactured, distributed, marketed, or sold as e-electronic cigarettes, e-electronic cigars, e-pipeselectronic pipe, vape pens, modes, tank systems, or under anotherany other product name or descriptor. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device excludes drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.
- B. "Heated tobacco product" means a tobacco product that produces aerosols containing nicotine and other chemicals which are inhaled by users through the mouth.
- C. "Tobacco" means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product; including, but not limited to, cigars; cheroots; stogies; perique; -granulated, -plug -cut, -crimp -cut, -ready -rubbed, -and -other- smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes any drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.
- D. "Tobacco-related devices" means cigarette papers or pipes for smoking-
- D. "Smoking" means inhaling or exhaling smoke from any lighted cigar, cigarette, pipe, or any other lighted devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors aerosol or vapor of tobacco or plant product. tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.
- E. "Smoking also includes" means inhaling, exhaling, burning, or carrying aany lighted or heated cigar, cigarette, pipe, or any other lighted tobacco or plant productor heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation and the use of electronic cigarettes, including the inhaling and exhaling of vapor from any. Smoking includes carrying or using an activated electronic delivery device.
- F. "Vaping" means using an activated electronic delivery device or heated tobacco product.

#### IV.- EXCEPTIONS

A violation of this policy does not occur when an <u>Indian adult lights tobacco on charter school</u> property as a part of a traditional Indian spiritual or cultural ceremony. An American Indian student or staffmay carry a medicine pouch containing loose tobacco intended as observance of traditional spiritual or cultural practices. An Indian is a person who is a member uses tobacco, sage, sweetgrass, or cedar as a part of smudgingof an <u>Indian tribe as defined</u> under direct supervision of a staff member who has been authorized by a school administrator to supervise such activity. The process for smudging will be determined by a school administrator Minnesota law.

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- B.— A violation of this policy does not occur when an adult nonstudent possesses a tobacco or nicotine product that has been approved by the United States Food and Drug Administration for sale as a tobacco—cessation product, as a tobacco—dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose. Nothing in this exception authorizes smoking or use of tobacco, tobacco-related devices, or electronic delivery devices on school property or at off-campus events sponsored by the charter school.
- C. An American Indian student or staff member may use tobacco, sage, sweetgrass, and cedar to conduct individual or group smudging in a public school. The process for conducting smudging is determined by the building or site administrator. Smudging must be conducted under the direct supervision of an appropriate staff member, as determined by the building or site administrator.

#### V. VAPING PREVENTION INSTRUCTION

- A. The charter school must provide vaping prevention instruction at least once to students in grades 6 through 8.
- B. The charter school may use instructional materials based upon the Minnesota Department of Health's school e-cigarette toolkit or may use other smoking prevention instructional materials with a focus on vaping and the use of electronic delivery devices and heated tobacco products. The instruction may be provided as part of the charter school's locally developed health standards.
  - [NOTE: In addition, charter schools may choose to require (a) evidence-based vaping prevention instruction to students in grades 9 through 12; and/or (b) a peer-to-peer education program to provide vaping prevention instruction.]

#### VI.-\_\_\_ENFORCEMENT

- A.- All individuals on school premises shall adhere to this policy.
- B.\_\_\_\_Students who violate this tobacco-free policy shall be subject to <a href="mailto:charter">charter</a> school-district discipline procedures.
- C. <u>School district</u> <u>Charter school</u> administrators and other school personnel who violate this tobacco-free policy shall be subject to <u>charter</u> school <u>district</u> discipline procedures.
- D. <u>School district</u> <u>Charter school</u> action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota or federal law, and <u>charter school district policies</u>.
- E.— Persons who violate this tobacco-free policy may be referred to the building administration or other <u>charter</u> school<u>district</u> supervisory personnel responsible for the area or program at which the violation occurred.
- F.-\_\_\_School administrators may call the local law enforcement agency to assist with enforcement of this policy. -Smoking or use of any tobacco product in a public school is a violation of the Minnesota Clean Indoor Air Act and/or the Freedom to Breathe Act of 2007 and is a petty misdemeanor. -A court injunction may be instituted against a repeated violator.
- G.—\_\_\_\_No persons shall be discharged, refused to be hired, penalized, discriminated against, or in any manner retaliated against for exercising any right to a smoke—free environment provided by the Freedom to Breathe Act of 2007 or other law.



VII. \_\_-DISSEMINATION OF POLICY

A.-\_\_\_\_This policy shall appear in the student handbook.

B.-\_\_\_The <u>charter</u> school <u>district</u> will develop a method of discussing this policy with students and employees.

Legal References: \_\_\_Minn. Stat. § 120B.238 (Vaping Awareness and Prevention)

Minn. Stat. § 121A.08 (Smudging Permitted)

Minn. Stat. §§ 144.411-144.417 (Minnesota Clean Indoor Air Act)

Minn. Stat. § 609.685 (Sale of Tobacco to Children) Persons Under Age 21)

2007 Minn. Laws Ch. 82 (Freedom to Breathe Act of 2007)

Cross References:-\_\_MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of Charter

School District Employees)

MSBA/MASA Model Policy 506 (Student Discipline) MSBA Service Manual,

Chapter 2, Students; Rights, Responsibilities and Behavior

DOCUMENT # 419.Revision.B ADOPTED BY THE BOARD:

REVISED BY THE BOARD: 8/20/2024

EFFECTIVE DATE: 8/20/2024

#### ST. CROIX PREPARATORY ACADEMY

Adopted:	MSBA/MASA Model Policy 426 Charter
Revised:	Orig. 2014 (as Charter Policy)
	Rev. 2024

#### 426 NEPOTISM- CHARTER SCHOOLS

[NOTE: Charter schools are required by Minnesota's charter school law to have a policy addressing this issue.]

#### I. PURPOSE

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

#### II. GENERAL STATEMENT OF POLICY

The charter school may employ family members of current employees. However, to be hired, transferred, or promoted, close family members may *not* be assigned to the following:

- A. Positions where one can influence the employment conditions or career of the other. This includes decisions involving hiring, termination, compensation, performance evaluation, discipline, promotional opportunities, and work assignments; or
- B. Positions where one reports to, directs the work of, or otherwise has direct or indirect supervision of another close family member.

#### III. DEFINITIONS

#### A. <u>Close Family Member</u>

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

#### B. Direct or Indirect Supervision

Direct or indirect supervision means the authority to make, participate in, or recommend employment- and/or compensation-related decisions involving a close family member, including, but not limited to, decisions concerning hiring, promotion, transfer, discipline, termination, salary, evaluation, grievance resolution, or other similar personnel actions.

#### IV. APPLICATION TO BOARD MEMBERS

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

#### V. NEPOTISM

The board must adopt a nepotism policy that prohibits the employment of immediate family members of a board member, a school employee, or a teacher who provides instruction under a contract between the charter school and a cooperative. The board may waive this policy if: (1) the position is publicly posted for twenty<sub>1</sub>(20) business days; and (2) a two-thirds majority

of the remaining board of directors who are not immediate family members of an applicant vote to approve the hiring. A board member, school employee, or teacher under contract with a cooperative must not be involved in an interview, selection process, hiring, supervision, or evaluation of an employee who is an immediate family member.

#### VI. EXCEPTIONS; SPECIAL CIRCUMSTANCES

In exceptional circumstances, a direct or indirect supervision relationship may exist between employees who are close family members. Such circumstances may be necessitated by factors such as the unique qualifications or responsibilities of the individuals involved, the lack of other available appropriate supervisory personnel, or whether the position for which the close family member is being considered is temporary in nature. Any exception must be reviewed and approved in writing by the charter school's chief administrator. Any direct or indirect supervision relationship approved by the chief administrator shall be reported to the board of directors. All employment decisions affecting the subordinate employee, including, but not limited to, selection, hiring, discipline, performance review, compensation, or leave, must be assigned to other supervisory personnel or, if no other supervisory personnel exist, to the charter school's board of directors. Exceptions involving the charter school's chief administrator and a close family member of the chief administrator shall be approved in writing by the charter school's board of directors.

### VII. ADDRESSING EXISTING CONFLICTS AND CHANGES IN RELATIONSHIP BETWEEN EMPLOYEES

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

#### VIII. COMPLIANCE WITH EQUAL OPPORTUNITY AND DISCRIMINATION LAWS

Nothing in this policy shall be construed as discouraging the employment of close family members for positions that do not involve direct or indirect supervision. Nothing in this policy shall be construed to otherwise limit the employment opportunities of any person employed by the charter school.

**Legal References:** Minn. Stat. § 124E.07, Subd. 6 (Board of Directors)

Minn. Stat. Ch. 363A (Minnesota Human Rights Act) 42 U.S.C. § 2000e *et seq.* (Title VII of the Civil Rights Act)

Cross References: MSBA/MASA Model Policy 210.1 (Conflict of Interest - Charter School Board

Members)

MSBA/MASA Model Policy 401 (Equal Employment Opportunity)



Anti-Nepotism

MSBA/MASA Model Policy 426 Charter

Orig. 2014 (as Charter Policy)

Rev. 2024

#### **426 NEPOTISM- CHARTER SCHOOLS**

[NOTE: Charter schools are required by Minnesota's charter school law to have a policy addressing this issue.]

#### I. PURPOSE

<u>Adopted:</u> Revised:

The purpose of this policy is to prevent nepotism for full-time and part-time employees at St. Croix Preparatory Academy.

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

#### II. GENERAL STATEMENT OF POLICY

No employee of St. Croix Preparatory Academy shall be assigned to a position in which that employee is directly supervised by a relative.

This policy does not apply to those employees who are hired to be casual; substitute or temporary employees and whose total days worked do not exceed sixty (60) days in a fiscal year.

The Board of Directors recognizes that specific child, school, or legal demands may call for exceptions to this policy. If situations arise the Executive Director or his/her designee will be responsible for administering these situations.

#### **DEFINITION**

"Relative" under this policy include the following relationships: the employee's spouse or ex-spouse, domestic partner, child, domestic partner's children, mother, father, brother, sister, step-family, aunt, uncle, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandparents and grandchildren of the employee spouse, or member of the employee's household, other than roommates.

#### **VIOLATIONS**

Employees who violate the provisions of this policy may be subject to discipline, which may include reprimand, suspension, and/or termination or discharge.

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The charter school may employ family members of current employees. However, to be hired, transferred, or promoted, close family members may *not* be assigned to the following:

- A. Positions where one can influence the employment conditions or career of the other.

  This includes decisions involving hiring, termination, compensation, performance evaluation, discipline, promotional opportunities, and work assignments; or
- B. Positions where one reports to, directs the work of, or otherwise has direct or indirect supervision of another close family member.

#### III. DEFINITIONS

#### Close Family Member

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

#### B. Direct or Indirect Supervision

Direct or indirect supervision means the authority to make, participate in, or recommend employment- and/or compensation-related decisions involving a close family member, including, but not limited to, decisions concerning hiring, promotion, transfer, discipline, termination, salary, evaluation, grievance resolution, or other similar personnel actions.

#### IV. APPLICATION TO BOARD MEMBERS

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

#### V. NEPOTISM

The board must adopt a nepotism policy that prohibits the employment of immediate family members of a board member, a school employee, or a teacher who provides instruction under a contract between the charter school and a cooperative. The board may waive this policy if: (1) the position is publicly posted for twenty (20) business days; and (2) a two-thirds majority of the remaining board of directors who are not immediate family members of an applicant vote to approve the hiring. A board member, school employee, or teacher under contract with a cooperative must not be involved in an interview, selection process, hiring, supervision, or evaluation of an employee who is an immediate family member.

#### VI. EXCEPTIONS; SPECIAL CIRCUMSTANCES

In exceptional circumstances, a direct or indirect supervision relationship may exist between employees who are close family members. Such circumstances may be necessitated by factors

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such as the unique qualifications or responsibilities of the individuals involved, the lack of other available appropriate supervisory personnel, or whether the position for which the close family member is being considered is temporary in nature. Any exception must be reviewed and approved in writing by the charter school's chief administrator. Any direct or indirect supervision relationship approved by the chief administrator shall be reported to the board of directors. All employment decisions affecting the subordinate employee, including, but not limited to, selection, hiring, discipline, performance review, compensation, or leave, must be assigned to other supervisory personnel or, if no other supervisory personnel exist, to the charter school's board of directors. Exceptions involving the charter school's chief administrator and a close family member of the chief administrator shall be approved in writing by the charter school's board of directors.

## VII. ADDRESSING EXISTING CONFLICTS AND CHANGES IN RELATIONSHIP BETWEEN EMPLOYEES

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

#### VIII. COMPLIANCE WITH EQUAL OPPORTUNITY AND DISCRIMINATION LAWS

Nothing in this policy shall be construed as discouraging the employment of close family members for positions that do not involve direct or indirect supervision. Nothing in this policy shall be construed to otherwise limit the employment opportunities of any person employed by the charter school.

**Legal References:** Minn. Stat. § 124E.07, Subd. 6 (Board of Directors)

Minn. Stat. Ch. 363A (Minnesota Human Rights Act) 42 U.S.C. § 2000e et seq. (Title VII of the Civil Rights Act)

Cross References: MSBA/MASA Model Policy 210.1 (Conflict of Interest - Charter School Board

Members)

MSBA/MASA Model Policy 401 (Equal Employment Opportunity)

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#### **NST. CROIX PREPARATORY ACADEMY**

Adopted:	MSBA/MASA Model Policy 427 Charter
	Orig. 2015 (as ISD Policy) Orig. 2022
	(as Charter Policy)
Revised:	Rev. 2023

## 427 WORKLOAD LIMITS FOR CERTAIN SPECIAL EDUCATION TEACHERS

[NOTE: Charter schools are required by Minnesota Rules, 3525.2340, subpart 4.B., to have a policy for determining the workload limits of special education staff who provide services to students who receive direct special education services sixty (60) percent or less of the instructional day.]

[NOTE: Minnesota Statutes, section 179A.07, subdivision 1, of the Public Employment Labor Relations Act (PELRA) provides that a public employer is not required to meet and negotiate on matters of inherent managerial policy. Matters of inherent managerial policy include, but are not limited to, such areas of discretion or policy as the functions and programs of the employer, its overall budget, utilization of technology, the organizational structure, selection of personnel, and direction of personnel. MSBA's position is that this policy is not a mandatory subject of bargaining. Charter schools, therefore, are cautioned to not relinquish their inherent managerial right to determine workload limits for special education teachers.]

#### I. PURPOSE

The purpose of this policy is to establish general parameters for determining the workload limits of special education staff who provide services to children with disabilities receiving direct special education services sixty (60) percent or less of the instructional day.

## II. DEFINITIONS

## A. <u>Direct services</u>

"Direct services" means special education services provided by a special education teacher or a related service professional when the services are related to instruction, including cooperative teaching.

#### B. Indirect services

"Indirect services" means special education services provided by a special education teacher or a related service professional which include ongoing progress reviews; cooperative planning; consultation; demonstration teaching; modification and adaptation of the environment, curriculum, materials, or equipment; and direct contact with the pupil to monitor and observe.

#### C. Special Education Staff; Special Education Teacher

"Special education staff" and "special education teacher" both mean a teacher employed by the charter school who is licensed under the rules of the Minnesota Professional Educator Licensing and Standards Board to instruct children with specific disabling conditions.

#### D. Workload

"Workload" means a special education teacher's total number of minutes required for all due process responsibilities, including direct and indirect services, evaluation and reevaluation time, management of individualized education programs (IEPs), travel time, parental contact, and other services required in the IEPs.

## III. GENERAL STATEMENT OF POLICY

- A. Workload limits for special education teachers shall be determined by the appropriate special education administrator, in consultation with the building principal and the Executive Director.
- B. In determining workload limits for special education staff, the charter school shall take into consideration the following factors: student contact minutes, evaluation and reevaluation time, indirect services, management of IEPs, travel time, and other services required in the IEPs of eligible students.

## IV. COLLECTIVE BARGAINING AGREEMENT UNAFFECTED

This policy shall not be construed as a reopening of negotiations between the charter school and the special education teachers' exclusive representative, nor shall it be construed to alter or limit in any way the managerial rights or other authority of the charter school set forth in the Public Employment Labor Relations Act or in the collective bargaining agreement between the school and the special education teachers' exclusive representative.

**Legal References:** Minn. Stat. § 179A.07, Subd. 1 (Inherent Managerial Policy)

Minn. Rule 3525.0210, Subps. 14, 27, 44, and 49 (Definitions)

Minn. Rule 3525.2340, Subp. 4.B. (Case Loads for School-Age Educational

Service Alternatives)

Cross References: MSBA/MASA Model Policy 508 (Extended School Year for Certain Students with

Individualized Education Programs)

MSBA/MASA Model Policy 608 (Instructional Services – Special Education)

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#### ST. CROIX PREPARATORY ACADEMY

Adopted: MSBA/MASA Model Policy 427 Charter

Orig. 2015 (as ISD Policy) Orig. 2022 (as Charter Policy)

Revised: Rev. 2023

#### 427 WORKLOAD LIMITS FOR CERTAIN SPECIAL EDUCATION TEACHERS

[NOTE: Charter schools are required by Minnesota Rules, 3525.2340, subpart 4.B., to have a policy for determining the workload limits of special education staff who provide services to students who receive direct special education services sixty (60) percent or less of the instructional day.]

[NOTE: Minnesota Statutes, section 179A.07, subdivision 1, of the Public Employers Employment Labor Relations Act (PELRA) provides that a public employer is not required to meet and negotiate on matters of inherent managerial policy. Matters of inherent managerial policy include, but are not limited to, such areas of discretion or policy as the functions and programs of the employer, its overall budget, utilization of technology, the organizational structure, selection of personnel, and direction and number of personnel. MSBA's position is that this policy is not a mandatory subject of bargaining. School districts Charter schools, therefore, are cautioned to not relinquish their inherent managerial right to determine workload limits for special education teachers.]

#### I.- PURPOSE

The purpose of this policy is to establish general parameters for determining the workload limits of special education staff who provide services to children with disabilities receiving direct special education services <u>sixty</u> (60) percent or less of the instructional day.

# II.-\_\_\_DEFINITIONS

## A. Direct services

<u>Special Education Staff; Special Education Teacher</u>"Direct services" means special education services provided by a special education teacher <u>or a related service professional</u> when the services are related to instruction, including cooperative teaching.

## B. <u>Indirect Services</u>. <u>services</u>

"Indirect services" means special education services provided by a special education teacher or a related service professional which include ongoing progress reviews; cooperative planning; consultation; demonstration teaching; modification and adaptation of the environment, curriculum, materials, or equipment; and direct contact with children with disabilitiesthe pupil to monitor and observe.

#### C. Special Education Staff; Special Education Teacher

"Special education staff" and "special education teacher" both mean a teacher employed by the charter school who is licensed under the rules of the Minnesota Professional Educator Licensing and Standards Board to instruct children with specific disabling



## conditions.

#### D.- Workload.

"Workload" means a special education teacher's total number of minutes required for all due process responsibilities, including direct and indirect services, evaluation and reevaluation time, management of individualized education programs (IEPs), travel time, parental contact, and other services required in the IEPs.

## III.-\_\_GENERAL STATEMENT OF POLICY

- A.—\_\_\_\_Workload limits for special education teachers shall be determined by the appropriate special education administrator, in consultation with the building principal and the Executive Director.
- B.-\_\_\_\_In determining workload limits for special education staff, the <a href="charter">charter</a> school district shall take into consideration the following factors: student contact minutes, evaluation and reevaluation time, indirect services, management of IEPs, travel time, and other services required in the IEPs of eligible students.

# IV. COLLECTIVE BARGAINING AGREEMENT UNAFFECTED

This policy shall not be construed as a reopening of negotiations between the charter school and the special education teachers' exclusive representative, nor shall it be construed to alter or limit in any way the managerial rights or other authority of the charter school set forth in the Public Employment Labor Relations Act or in the collective bargaining agreement between the school and the special education teachers' exclusive representative.

Legal References:- Minn. Stat. § 179A.07, Subd. 1 (Inherent Managerial Policy)

Minn. Rule 3525.0210, Subps. 14, 27, 44, and 49 (Definitions of "Direct

Services," "Indirect Services," "Teacher," and "Workload") )

Minn. -Rule 3525.2340, Subp. -4.-B. -(Case Loads for SchoolAgeSchool-Age

Educational Service Alternatives)

Cross References:- MSBA/MASA Model Policy 508 (Extended School Year for Certain Students with

Individualized Education Programs)

MSBA/MASA Model Policy 608 (Instructional Services – Special Education)

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#### ST. CROIX PREPARATORY ACADEMY

Adopted:	MSBA/MASA Model Policy 501 Charter
Revised:	Orig. 1995 (as ISD Policy)
	Orig. 2022 (as Charter Policy)
	Rev. 2025

#### 501 SCHOOL WEAPONS POLICY

[NOTE: Charter schools are required by statute to have a policy addressing these issues. ATTENTION: This policy incorporates certain provisions of the Minnesota Citizens' Personal Protection Act (often referred to as the "conceal and carry" law).]

#### I. PURPOSE

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

#### II. GENERAL STATEMENT OF POLICY

No student or nonstudent, including adults and visitors, shall possess, use, or distribute a weapon when in a school location except as provided in this policy. The charter school will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school employee, volunteer, or member of the public who violates this policy.

#### III. DEFINITIONS

- A. Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, any combustible or flammable liquid or other device or instrumentality that, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm, or any fire that is used to produce death or great bodily harm. As used in this definition, "flammable liquid" means any liquid having a flash point below 100 degrees Fahrenheit and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100 degrees Fahrenheit but does not include intoxicating liquor. As used in this subdivision, "combustible liquid" is a liquid having a flash point at or above 100 degrees Fahrenheit.
- B. "Possession" means having a weapon on one's person or in an area subject to one's control in a school location.
- C. "School location" includes any school building or grounds, whether leased, rented, owned, or controlled by the school, locations of school activities or trips, bus stops, school buses or school vehicles, school-contracted vehicles, the area of entrance or departure from school premises or events, all locations where school-related functions are conducted, and anywhere students are under the jurisdiction of the charter school.

# D. "Weapon"

1. A "weapon" means any object, device or instrument designed as a weapon or through its use is capable of threatening or producing bodily harm or which may be used to inflict self-injury including, but not limited to, any firearm, whether loaded or unloaded; airguns; pellet guns; BB guns; all knives; blades; clubs; metal knuckles; numchucks; throwing stars; explosives; fireworks; mace and other propellants; stun guns; amNomunition; poisons; chains; arrows; and objects that have been modified to serve as a weapon.

- 2. No person shall possess, use, or distribute any object, device or instrument having the appearance of a weapon and such objects, devices or instruments shall be treated as weapons including, but not limited to, weapons listed above which are broken or non-functional, look-alike guns; toy guns; and any object that is a facsimile of a real weapon.
- 3. No person shall use articles designed for other purposes (i.e., lasers or laser pointers, belts, combs, pencils, files, scissors, etc.), to inflict bodily harm and/or intimidate and such use will be treated as the possession and use of a weapon.

#### IV. EXCEPTIONS

- A. A student who finds a weapon on the way to school or in a school location, or a student who discovers that he or she accidentally has a weapon in his or her possession, and takes the weapon immediately to the executive director's office shall not be considered to possess a weapon. If it would be impractical or dangerous to take the weapon to the executive director's or principal's office, a student shall not be considered to possess a weapon if he or she immediately turns the weapon over to an administrator, teacher or head coach or immediately notifies an administrator, teacher, or head coach of the weapon's location.
- B. It shall not be a violation of this policy if a nonstudent (or student where specified) falls within one of the following categories:
  - 1. active licensed peace officers;
  - 2. military personnel, or students or nonstudents participating in military training, who are on duty performing official duties;
  - 3. persons authorized to carry a pistol under Minnesota Statutes, section 624.714 while in a motor vehicle or outside of a motor vehicle for the purpose of directly placing a firearm in, or retrieving it from, the trunk or rear area of the vehicle;
  - 4. persons who keep or store in a motor vehicle pistols in accordance with Minnesota Statutes, sections 624.714 or 624.715 or other firearms in accordance with Minnesota Statutes, section 97B.045;
    - a. Section 624.714 specifies procedures and standards for obtaining pistol permits and penalties for the failure to do so. Section 624.715 defines an exception to the pistol permit requirements for "antique firearms which are carried or possessed as curiosities or for their historical significance or value."
    - b. Section 97B.045 generally provides that a firearm may not be transported in a motor vehicle unless it is (1) unloaded and in a gun case without any portion of the firearm exposed; (2) unloaded and in the closed trunk; or (3) a handgun carried in compliance with Sections 624.714 and 624.715.
  - 5. firearm safety or marksmanship courses or activities for students or nonstudents conducted on school property;
  - 6. possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard;
  - 7. a gun or knife show held on school property;
  - 8. possession of dangerous weapons, BB guns, or replica firearms with written permission of the principal or other person having general control and supervision of the school or the director of a child care center; or

9. persons who are on unimproved property owned or leased by a child care center, school or charter school unless the person knows that a student is currently present on the land for a school-related activity.

[NOTE: Nothing prevents a charter school from being more stringent in its weapons policy with respect to students and charter school employees than the criminal law, except that the charter school may not prohibit the lawful carry or possession of firearms in a parking facility or parking area. Although some charter schools may choose to incorporate all the exceptions to the criminal law, other charter schools may choose either not to incorporate some or all of the exceptions or to further limit them. For example, a charter school may choose to require written permission from the Executive Director, not just a principal, for someone to possess a dangerous weapon in a school location. This would impose a more stringent requirement than the exceptions to the general prohibition of having a weapon on school grounds set forth in Minnesota Statutes, section 609.66, subdivision 1d (f) listed in Section IV.B. above. However, a charter school may not regulate firearms, ammunition, or their respective components, when possessed or carried by nonstudents or nonemployees, in a manner that is inconsistent with Minnesota Statutes, section 609.66, subdivision 1d.]

# C. <u>Policy Application to Instructional Equipment/Tools</u>

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

## D. Firearms in School Parking Lots and Parking Facilities

A charter school may not prohibit the lawful carry or possession of firearms in a school parking lot or parking facility. For purposes of this policy, the "lawful" carry or possession of a firearm in a school parking lot or parking facility is specifically limited to nonstudent permit-holders authorized under Minnesota Statutes, section 624.714 to carry a pistol in the interior of a vehicle or outside the motor vehicle for the purpose of directly placing a firearm in, or retrieving it from, the trunk or rear area of the vehicle. Any possession or carry of a firearm beyond the immediate vicinity of a permit-holder's vehicle shall constitute a violation of this policy.

## V. CONSEQUENCES FOR STUDENT WEAPON POSSESSION/USE/ DISTRIBUTION

- A. The charter school does not allow the possession, use, or distribution of weapons by students. Consequently, the minimum consequence for students willfully possessing, using, or distributing weapons shall include:
  - immediate out-of-school suspension;
  - 2. confiscation of the weapon;
  - 3. immediate notification of police;
  - 4. parent or guardian notification; and
  - 5. recommendation to the Executive Director of dismissal for a period of time not

to exceed one year.

- B. Pursuant to Minnesota law, a student who brings a firearm, as defined by federal law, to school will be expelled for at least one year. The charter school board may modify this requirement on a case-by-case basis.
- C. The appropriate school official shall, as soon as practicable, refer to the criminal justice or juvenile delinquency system, as appropriate, a student who brings a firearm to school unlawfully.

## D. Administrative Discretion

While the charter school does not allow the possession, use, or distribution of weapons by students, the Executive Director may use discretion in determining whether, under the circumstances, a course of action other than the minimum consequences specified above is warranted. If so, other appropriate action may be taken, including consideration of a recommendation for lesser discipline.

## VI. CONSEQUENCES FOR WEAPON POSSESSION/USE/DISTRIBUTION BY NONSTUDENTS

## A. <u>Employees</u>

- 1. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, or discharge as deemed appropriate by the school board.
- 2. Sanctions against employees, including nonrenewal, suspension, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and charter school policies.
- 3. When an employee violates the weapons policy, law enforcement may be notified, as appropriate.

[NOTE: An employer may establish policies that restrict the carry or possession of firearms by its employees while acting in the course and scope of employment. Employment-related sanctions may be invoked for a violation. Thus, for example, reasonable limitations may be imposed on the method of storing firearms by permit-holding employees while at work or performing employment-related duties. Reasonable limitations may include requiring firearms to have trigger locks and to be stored in a locked container or locked compartment of the vehicle.]

# B. Other Nonstudents

- 1. Any member of the public who violates this policy shall be informed of the policy and asked to leave the school location. Depending on the circumstances, the person may be barred from future entry to school locations. In addition, if the person is a student in another charter school, that charter school may be contacted concerning the policy violation.
- 2. If appropriate, law enforcement will be notified of the policy violation by the member of the public and may be asked to provide an escort to remove the member of the public from the school location.

# VII. REPORTS OF DANGEROUS WEAPON AND ACTIVE SHOOTER INCIDENTS IN SCHOOL ZONES

A. The charter school must electronically report to the Commissioner of the Minnesota Department of Education incidents involving the use or possession of a dangerous weapon in school zones, as required under Minnesota Statutes, section 121A.06.

- B. The charter school must electronically file an after-action review report for active shooter incidents and active shooter threats to the Minnesota Fusion Center as required under Minnesota Statutes, section 121A.06.
  - "Active shooter incident" means an event involving an armed individual or individuals on campus or an armed assailant in the immediate vicinity of the school.
  - "Active shooter threat" means a real or perceived threat that an active shooter incident will occur.

#### Legal References:

Minn. Stat. § 97B.045 (Transportation of Firearms)

Minn. Stat. § 121A.05 (Referral to Police)

Minn. Stat. § 121A.06 (Reports of Dangerous Weapon Incidents in School

Zones)

Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act) Minn. Stat. § 121A.44 (Expulsion for Possession of Firearm) Minn. Stat. § 152.01, Subd. 14(a) (Definition of a School Zone) Minn. Stat. § 609.02, Subd. 6 (Definition of Dangerous Weapon)

Minn. Stat. § 609.605 (Trespass)

Minn. Stat. § 609.66 (Dangerous Weapons)

Minn. Stat. § 624.714 (Carrying of Weapons without Permit; Penalties)

Minn. Stat. § 624.715 (Exemptions; Antiques and Ornaments)

18 U.S.C. § 921 (Definition of Firearm)

In re C.R.M., 611 N.W.2d 802 (Minn. 2000)

In re A.D., 883 N.W.2d 251 (Minn. 2016)

**Cross References:** 

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of Charter

School Employees)

MSBA/MASA Model Policy 506 (Student Discipline) MSBA/MASA Model Policy 525 (Violence Prevention)

MSBA/MASA Model Policy 903 (Visitors to Charter School Buildings and Sites)

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#### ST. CROIX PREPARATORY ACADEMY

Adopted: MSBA/MASA Model Policy 501 Charter
Orig. 1995 (as ISD Policy)
Revised: Orig. 2022 (as Charter Policy)
Rev. 2025

# **501** SCHOOL WEAPONS POLICY

[NOTE: Charter schools are required by statute to have a policy addressing these issues. ATTENTION: This policy incorporates certain provisions of the Minnesota Citizens' Personal Protection Act (often referred to as the "conceal and carry" law).]

# I.-\_\_\_PURPOSE

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

## II.- GENERAL STATEMENT OF POLICY

No student or nonstudent, including adults and visitors, shall possess, use, or distribute a weapon when in a school location except as provided in this policy. The <u>charter</u> school <u>district</u> will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school employee, volunteer, or member of the public who violates this policy.

#### III. DEFINITIONS

- A. Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, any combustible or flammable liquid or other device or instrumentality that, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm, or any fire that is used to produce death or great bodily harm. As used in this definition, "flammable liquid" means any liquid having a flash point below 100 degrees Fahrenheit and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100 degrees Fahrenheit but does not include intoxicating liquor. As used in this subdivision, "combustible liquid" is a liquid having a flash point at or above 100 degrees Fahrenheit.
- B. "Possession" means having a weapon on one's person or in an area subject to one's control in a school location.
- "School location" includes any school building or grounds, whether leased, rented, owned, or controlled by the school, locations of school activities or trips, bus stops, school buses or school vehicles, school-contracted vehicles, the area of entrance or departure from school premises or events, all locations where school-related functions are conducted, and anywhere students are under the jurisdiction of the charter school.
- D. "Weapon"

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

## IV.- EXCEPTIONS

- A.— A student who finds a weapon on the way to school or in a school location, or a student who discovers that he or she accidentally has a weapon in his or her possession, and takes the weapon immediately to the executive director's office shall not be considered to possess a weapon. If it would be impractical or dangerous to take the weapon to the executive director's or principal's office, a student shall not be considered to possess a weapon if he or she immediately turns the weapon over to an administrator, teacher or head coach or immediately notifies an administrator, teacher, or head coach of the weapon's location.
- B.-\_\_\_\_It shall not be a violation of this policy if a nonstudent (or student where specified) falls within one of the following categories:
  - 1.-\_\_\_active licensed peace officers;
  - 2.-\_\_\_military personnel, or students or nonstudents participating in military training, who are on duty performing official duties;
  - 3.— persons authorized to carry a pistol under Minnesota Statutes, sectionMinn.

    Stat. § 624.714 while in a motor vehicle or outside of a motor vehicle for the purpose of directly placing a firearm in, or retrieving it from, the trunk or rear area of the vehicle;
  - 4.-\_\_\_\_persons who keep or store in a motor vehicle pistols in accordance with Minnesota Statutes, sectionsMinn. Stat. §§ 624.714 or 624.715 or other firearms in accordance with §Minnesota Statutes, section 97B.045;
    - Section 624.714 specifies procedures and standards for obtaining pistol permits and penalties for the failure to do so. Section 624.715 defines an exception to the pistol permit requirements for "antique firearms which are carried or possessed as curiosities or for their historical significance or value."
    - Section 97B.045 generally provides that a firearm may not be transported in a motor vehicle unless it is (1) unloaded and in a gun case without any portion of the firearm exposed; (2) unloaded and in the closed trunk; or (3) a handgun carried in compliance with §§Sections 624.714 and 624.715.
  - 5.-\_\_\_\_\_firearm safety or marksmanship courses or activities for students or nonstudents

conducted on school property;

- 6.-\_\_\_\_possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard;
- 7.-\_\_\_a gun or knife show held on school property;
- 8.- possession of dangerous weapons, BB guns, or replica firearms with written permission of the principal or other person having general control and supervision of the school or the director of a child care center; or
- 9.— persons who are on unimproved property owned or leased by a child care center, school or <a href="mailto:charter">charter</a> school or <a href="mailto:charter">charter</a> school—district unless the person knows that a student is currently present on the land for a school-related activity.

[NOTE: Nothing prevents a charter school district from being more stringent in its weapons policy with respect to students and charter school district employees than the criminal law, except that the charter school-district may not prohibit the lawful carry or possession of firearms in a parking facility or parking area. Although some school districts charter schools may choose to incorporate all of the exceptions to the criminal law, other school districtscharter schools may choose either not to incorporate some or all of the exceptions or to further limit them. For example, a charter school district may choose to require written permission from the Executive Director, not just a principal, for someone to possess a dangerous weapon in a school location. This would impose a more stringent requirement than exception (7) to Section 609.66, Subdivision 1d. However, a school district the exceptions to the general prohibition of having a weapon on school grounds set forth in Minnesota Statutes, section 609.66, subdivision 1d (f) listed in Section IV.B. above. However, a charter school may not regulate firearms, ammunition, or their respective components, when possessed or carried by nonstudents or nonemployees, in a manner that is inconsistent with Minnesota Statutes, section 609.66, subdivision 1d.]

## C.- Policy Application to Instructional Equipment/Tools

While the <a href="charter">charter</a> school <a href="district">district</a> does not allow the possession, use, or distribution of weapons by students or nonstudents, such a position is not meant to interfere with instruction or the use of appropriate equipment and tools by students or nonstudents. Such equipment and tools, when properly possessed, used, and stored, shall not be considered in violation of the rule against the possession, use, or distribution of weapons. However, when authorized instructional and work equipment and tools are used in a <a href="potentially dangerous or">potentially dangerous or</a> threatening manner, such possession and use will be treated as the possession and use of a weapon.

## D.- <u>Firearms in School Parking Lots and Parking Facilities</u>

A <u>charter</u> school<u>district</u> may not prohibit the lawful carry or possession of firearms in a school parking lot or parking facility. For purposes of this policy, the "lawful" carry or possession of a firearm in a school parking lot or parking facility is specifically limited to nonstudent permit-holders authorized under <u>Minnesota Statutes</u>, <u>sectionMinn</u>. <u>Stat.</u> § 624.714 to carry a pistol in the interior of a vehicle or outside the motor vehicle for the purpose of directly placing a firearm in, or retrieving it from, the trunk or rear area of the vehicle. Any possession or carry of a firearm beyond the immediate vicinity of a permit-holder's vehicle shall constitute a violation of this policy.

## V.\_\_\_\_CONSEQUENCES FOR <u>STUDENT</u> WEAPON POSSESSION/USE/\_DISTRIBUTION\_BY NON-STUDENT

- A.- The <u>charter</u> school <u>district</u> does not allow the possession, use, or distribution of weapons by students. Consequently, the minimum consequence for students <u>willfully</u> possessing, using, or distributing weapons <u>mayshall</u> include:
  - 1.-\_\_\_\_immediate out-of-school suspension;
  - 2.-\_\_\_confiscation of the weapon;
  - 3.-\_\_\_immediate notification of police;
  - 4.- parent or guardian notification; and
  - 5.-\_\_\_\_recommendation to the Executive Director of dismissal for a period of time not to exceed one year.
- B.-\_\_\_\_Pursuant to Minnesota law, a student who brings a firearm, as defined by federal law, to school will be expelled for at least one year. The <u>charter</u> school board may modify this requirement on a case-by-case basis.
- C. The appropriate school official shall, as soon as practicable, refer to the criminal justice or juvenile delinquency system, as appropriate, a student who brings a firearm to school unlawfully.

# D. Administrative Discretion

While the <u>charter</u> school<u>district</u> does not allow the possession, use, or distribution of weapons by students, the Executive Director may use discretion in determining whether, under the circumstances, a course of action other than the minimum consequences specified above is warranted. If so, other appropriate action may be taken, including consideration of a recommendation for lesser discipline.

# VI.-\_\_CONSEQUENCES FOR WEAPON POSSESSION/USE/DISTRIBUTION BY NONSTUDENTS

## A.- Employees

- 1.— An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, or <a href="mailto:employment-termination\_discharge">employment termination\_discharge</a> as deemed appropriate by the <a href="mailto:executive-director-and/or-school">executive-director-and/or-school</a> board.
- 2.-\_\_\_\_Sanctions against employees, including nonrenewal, suspension, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and charter school district policies.
- When an employee violates the weapons policy, law enforcement may be notified, as appropriate.

[NOTE: An employer may establish policies that restrict the carry or possession of firearms by its employees while acting in the course and scope of employment. Employment-related sanctions may be invoked for a violation. Thus, for example, reasonable limitations may be imposed on the method of storing firearms by permit-holding employees while at work or performing employment-related duties. Reasonable limitations may include requiring firearms to have trigger locks and to be stored in a locked container or locked compartment of the vehicle.]

#### B.- Other Nonstudents

1.—\_\_\_\_Any member of the public who violates this policy shall be informed of the policy and asked to leave the school location. Depending on the circumstances, the person may be barred from future entry to school locations. In addition, if the person is a student in another <u>charter</u> school <u>district</u>, that <u>charter</u> school <u>district</u> may be contacted concerning the policy violation.

2.—\_\_\_\_If appropriate, law enforcement will be notified of the policy violation by the member of the public and may be asked to provide an escort to remove the member of the public from the school location.

# VII. REPORTS OF DANGEROUS WEAPON AND ACTIVE SHOOTER INCIDENTS IN SCHOOL ZONES

- A. The charter school must electronically report to the Commissioner of the Minnesota Department of Education incidents involving the use or possession of a dangerous weapon in school zones, as required under Minnesota Statutes, section 121A.06.
- B. The charter school must electronically file an after-action review report for active shooter incidents and active shooter threats to the Minnesota Fusion Center as required under Minnesota Statutes, section 121A.06.
  - 1. "Active shooter incident" means an event involving an armed individual or individuals on campus or an armed assailant in the immediate vicinity of the school.
  - 2. "Active shooter threat" means a real or perceived threat that an active shooter incident will occur.

**Legal References:**- Minn. Stat. § 97B.045 (Transportation of Firearms)

Minn. Stat. § 121A.05 (Referral to Police)

Minn. Stat. § 121A.06 (Reports of Dangerous Weapon Incidents in School

Zones)

Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.44 (Expulsion for Possession of Firearm)
Minn. Stat. § 152.01, Subd. 14(a) (Definition of a School Zone)
Minn. Stat. § 609.02, Subd. 6 (Definition of Dangerous Weapon)

Minn. Stat. Minn. Stat. § 609.605 (Trespass)

Minn. Stat. Minn. Stat. § 609.66 (Dangerous Weapons)

Minn. Stat. Minn. Stat. § 624.714 (Carrying of Weapons without Permit;

Penalties)

Minn. Stat. Minn. Stat. § 624.715 (Exemptions; Antiques and Ornaments)

18 U.S.C. § 921 (Definition of Firearm)

In re C.R.M<sub>T.L</sub> 611 N.W.2d 802 (Minn. 2000)

In re A.D., 883 N.W.2d 251 (Minn. 2016)

**Cross References:**- MSBA/MASA Model Policy 403 (Discipline, Suspension, and –Dismissal of <u>Charter</u>

School District Employees)

MSBA/MASA Model Policy 506 (Student Discipline) MSBA/MASA Model Policy 525 (Violence Prevention)

MSBA/MASA Model Policy 903 (Visitors to Charter School Buildings and Sites)

DOCUMENT # 501.Revision.a ADOPTED BY THE BOARD:

REVISED BY THE BOARD: 08/21/2018

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#### ST. CROIX PREPARATORY ACADEMY

Adopted:	MSBA/MASA Model Policy 502 Charte
,	Orig. 1995 (as ISD Policy)
Revised:	Orig. 2022 (as Charter Policy)

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

[NOTE: Charter schools are required by statute to have a policy addressing these issues.]

## I. PURPOSE

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

#### II. GENERAL STATEMENT OF POLICY

## A. Lockers and Personal Possessions Within a Locker

Pursuant to Minnesota statutes, school lockers are the property of the charter school. At no time does the charter school relinquish its exclusive control of lockers provided for the convenience of students. Inspection of the interior of lockers may be conducted by school officials for any reason at any time, without notice, without student consent, and without a search warrant. The personal possessions of students within a school locker may be searched only when school officials have a reasonable suspicion that the search will uncover evidence of a violation of law or school rules. As soon as practicable after the search of a student's personal possessions, the school officials must provide notice of the search to students whose lockers were searched unless disclosure would impede an ongoing investigation by police or school officials.

# B. Desks

School desks are the property of the charter school. At no time does the charter school relinquish its exclusive control of desks provided for the convenience of students. Inspection of the interior of desks may be conducted by school officials for any reason at any time, without notice, without student consent, and without a search warrant.

## C. Personal Possessions and Student's Person

The personal possessions of students and/or a student's person may be searched when school officials have a reasonable suspicion that the search will uncover a violation of law or school rules. The search will be reasonable in its scope and intrusiveness.

D. A violation of this policy occurs when students use lockers and desks for unauthorized purposes or to store contraband. A violation occurs when students carry contraband on their person or in their personal possessions.

## III. DEFINITIONS

- A. "Contraband" means any unauthorized item possession of which is prohibited by charter school policy and/or law. It includes, but is not limited to, weapons and "look-alikes," alcoholic beverages, controlled substances and "look-alikes," overdue books and other materials belonging to the charter school, and stolen property.
- B. "Personal possessions" includes, but is not limited to, purses, backpacks, bookbags,  $50^{23}$

packages, and clothing.

- C. "Reasonable scope" means that the scope and/or intrusiveness of the search is reasonably related to the objectives of the search. Factors to consider in determining what is reasonable include the seriousness of the suspected infraction, the reliability of the information, the necessity of acting without delay, the existence of exigent circumstances necessitating an immediate search and further investigation (e.g., to prevent violence, serious and immediate risk of harm or destruction of evidence), and the age of the student.
- D. "Reasonable suspicion" means that a school official has grounds to believe that the search will result in evidence of a violation of charter school policy, rules, and/or law. Reasonable suspicion may be based on a school official's personal observation, a report from a student, parent or staff member, a student's suspicious behavior, a student's age and past history or record of conduct both in and out of the school context, or other reliable sources of information.

## IV. PROCEDURES

- A. School officials may inspect the interiors of lockers and desks for any reason at any time, without notice, without student consent, and without a search warrant.
- B. School officials may inspect the personal possessions of a student and/or a student's person based on a reasonable suspicion that the search will uncover a violation of law or school rules. A search of personal possessions of a student and/or a student's person will be reasonable in its scope and intrusiveness.
- C. As soon as practicable after a search of personal possessions within a locker pursuant to this policy, the school officials must provide notice of the search to students whose possessions were searched unless disclosure would impede an ongoing investigation by police or school officials.
- D. Whenever feasible, a search of a person shall be conducted in private by a school official of the same sex. A second school official of the same sex shall be present as an observer during the search of a person whenever feasible.
- E. A strip search is a search involving the removal of coverings or clothing from private areas. Mass strip searches, or body cavity searches, are prohibited. Strip searches will be conducted only in circumstances involving imminent danger.
- F. A school official conducting any other search may determine when it is appropriate to have a second official present as an observer.
- G. This policy must be disseminated to parents and students in the way that other policies of general application to students are disseminated. The charter school shall provide a copy of this policy to a student the first time that the student is given the use of a locker.

#### V. DIRECTIVES AND GUIDELINES

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

#### VI. SEIZURE OF CONTRABAND

If a search yields contraband, school officials will seize the item and, where appropriate, turn it over to legal officials for ultimate disposition.

#### VII. VIOLATIONS

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

**Legal References:** U. S. Const., amend. IV

Minn. Const., art. I, § 10

Minn. Stat. § 121A.72 (School Locker Policy) New Jersey v. T.L.O., 469 U.S. 325 (1985)

G.C. v. Owensboro Public Schools, 711 F.3d 623 (6th Cir. 2013)

**Cross References:** MSBA/MASA Model Policy 417 (Chemical Use and Abuse)

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

MSBA/MASA Model Policy 501 (School Weapons) MSBA/MASA Model Policy 506 (Student Discipline)

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#### ST. CROIX PREPARATORY ACADEMY

Adopted: MSBA/MASA Model Policy 502 Charter
Orig. 1995 (as ISD Policy)
Revised: Orig. 2022 (as Charter Policy)

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

[NOTE: Charter schools are required by statute to have a policy addressing these issues.]

# I.-\_\_\_PURPOSE

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

# II. GENERAL STATEMENT OF POLICY

# A.- Lockers and Personal Possessions Within a Locker

Pursuant to Minnesota statutes, school lockers are the property of the <a href="charter">charter</a> school <a href="district">district</a>. At no time does the <a href="charter">charter</a> school <a href="district">district</a> relinquish its exclusive control of lockers provided for the convenience of students. Inspection of the interior of lockers may be conducted by school officials for any reason at any time, without notice, without student consent, and without a search warrant. The personal possessions of students within a school locker may be searched only when school officials have a reasonable suspicion that the search will uncover evidence of a violation of law or school rules. As soon as practicable after the search of a student's personal possessions, the school officials must provide notice of the search to students whose lockers were searched unless disclosure would impede an ongoing investigation by police or school officials.

# B.-<u>Desks</u>

School desks are the property of the <a href="charter">charter</a> school-district</a>. At no time does the <a href="charter">charter</a> school-district</a> relinquish its exclusive control of desks provided for the convenience of students.- Inspection of the interior of desks may be conducted by school officials for any reason at any time, without notice, without student consent, and without a search warrant.

## C.- Personal Possessions and Student's Person

The personal possessions of students and/or a student's person may be searched when school officials have a reasonable suspicion that the search will uncover a violation of law or school rules. -The search will be reasonable in its scope and intrusiveness.

D.-\_\_\_\_A violation of this policy occurs when students use lockers and desks for unauthorized

purposes or to store contraband. -A violation occurs when students carry contraband on their person or in their personal possessions.

## III.-\_\_DEFINITIONS

- A.-\_\_\_\_\_\*Contraband" means any unauthorized item possession of which is prohibited by <a href="mailto:charter">charter</a> school-distriet policy and/or law. It includes, but is not limited to, weapons and "lookalikes," alcoholic beverages, controlled substances and "look-alikes," overdue books and other materials belonging to the <a href="mailto:charter">charter</a> school-distriet, and stolen property.
- B.-\_\_\_\_\_ "Personal possessions" includes, but is not limited to, purses, backpacks, book bags bookbags, packages, and clothing.
- C. "Reasonable scope" means that the scope and/or intrusiveness of the search is reasonably related to the objectives of the search. -Factors to consider in determining what is reasonable include the seriousness of the suspected infraction, the reliability of the information, the necessity of acting without delay, the existence of exigent circumstances necessitating an immediate search and further investigation (e.g., to prevent violence, serious and immediate risk of harm or destruction of evidence), and the age of the student.
- D. "Reasonable suspicion" means that a school official has grounds to believe that the search will result in evidence of a violation of charter school policy, rules, and/or law. Reasonable suspicion may be based on a school official's personal observation, a report from a student, parent or staff member, a student's suspicious behavior, a student's age and past history or record of conduct both in and out of the school context, or other reliable sources of information.

# IV.-\_\_\_PROCEDURES

- A.-\_\_\_\_School officials may inspect the interiors of lockers and desks for any reason at any time, without notice, without student consent, and without a search warrant.
- B.- School officials may inspect the personal possessions of a student and/or a student's person based on a reasonable suspicion that the search will uncover a violation of law or school rules. -A search of personal possessions of a student and/or a student's person will be reasonable in its scope and intrusiveness.
- C.-\_\_\_\_As soon as practicable after a search of personal possessions within a locker pursuant to this policy, the school officials must provide notice of the search to students whose possessions were searched unless disclosure would impede an ongoing investigation by police or school officials.
- D.-\_\_\_\_Whenever feasible, a search of a person shall be conducted in private by a school official of the same sex. A second school official of the same sex shall be present as an observer during the search of a person whenever feasible.
- E.\_\_\_\_A strip search is a search involving the removal of coverings or clothing from private areas. -Mass strip searches, or body cavity searches, are prohibited. -Strip searches will be conducted only in circumstances involving imminent danger.
- F.\_\_\_\_\_A school official conducting any other search may determine when it is appropriate to have a second official present as an observer.
- G. This policy willmust be printed in the student handbook or disseminated in anyto parents and students in the way that other way which policies of general application to students are disseminated. The charter school officials deem appropriate. The school district shall provide a copy of this policy to a student when the first time that the student is given the use of a locker.

## V. DIRECTIVES AND GUIDELINES

School administration may establish reasonable directives and guidelines which address specific needs of the <a href="mailto:charter">charter</a> school-district, such as use of tape in lockers, standards of cleanliness and care, posting of pin-ups and posters which may constitute sexual harassment, etc.

# VI.-\_\_\_SEIZURE OF CONTRABAND

If a search yields contraband, school officials will seize the item and, where appropriate, turn it over to legal officials for ultimate disposition.

#### VII. VIOLATIONS

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

Legal References:- U. S. Const., amend. IV

Minn. Const., art. I, § 10

Minn. Stat. § 121A.72 (School Locker Policy)

New Jersey v. T.L.O., 469 U.S. 325, 105 S.Ct. 733, 83 L.Ed.2d 720 (1985) G.C. v. Owensboro Public Schools, 711 F.3d 623 (6th Cir. 2013)

Cross References:- MSBA/MASA Model Policy 417 (Chemical Use and Abuse)

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

MSBA/MASA Model Policy 501 (School Weapons) MSBA/MASA Model Policy 506 (Student Discipline)

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#### ST. CROIX PREPARATORY ACADEMY

Adopted:	MSBA/MASA Model Policy 506 Charter
,	Orig. 2022 (as Charter Policy)
Revised:	Rev. 2024 (June)

## **506 STUDENT DISCIPLINE**

[NOTE: Charter schools are required by statute to have a policy addressing these issues.]

# I. PURPOSE

The purpose of this policy is to ensure that students are aware of and comply with the charter school's expectations for student conduct. Such compliance will enhance the charter school's ability to maintain discipline and ensure that there is no interference with the educational process. The charter school 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 charter school is that a fair and equitable charter school-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, Minnesota Statutes, sections 121A.40-121A.56.

In view of the foregoing and in accordance with Minnesota Statutes, section 121A.55, the school board, with the participation of charter school 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 charter school.

#### III. DEFINITIONS

A. "Nonexclusionary disciplinary policies and practices" means policies and practices that are alternatives to dismissing a pupil from school, including but not limited to evidence-based positive behavior interventions and supports, social and emotional services, school-linked mental health services, counseling services, social work services, academic screening for Title 1 services or reading interventions, and alternative

education services. Nonexclusionary disciplinary policies and practices include but are not limited to the policies and practices under Minnesota Statutes, sections 120B.12; 121A.575, clauses (1) and (2); 121A.031, subdivision 4, paragraph (a), clause (1); 121A.61, subdivision 3, paragraph (r); and 122A.627, clause (3).

B. "Pupil withdrawal agreement" means a verbal or written agreement between a school administrator or charter school administrator and a pupil's parent to withdraw a student from the charter school to avoid expulsion or exclusion dismissal proceedings. The duration of the withdrawal agreement cannot be for more than a 12-month period.

#### IV. POLICY

- A. The charter school board must establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of the Minnesota Pupil Fair Dismissal Act. The policies must include nonexclusionary disciplinary policies and practices consistent with Minnesota Statutes, section 121A.41, subdivision 12, and must emphasize preventing dismissals through early detection of problems. The policies must be designed to address students' inappropriate behavior from recurring.
- B. The policies must recognize the continuing responsibility of the school for the education of the pupil during the dismissal period.
- C. The school is responsible for ensuring that alternative educational services, if the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress toward meeting the graduation standards adopted under Minnesota Statutes, section 120B.02 and help prepare the pupil for readmission in accordance with section Minnesota Statutes, section 121A.46, subdivision 5.
- D. For expulsion and exclusion dismissals and pupil withdrawal agreements as defined in Minnesota Statutes, section 121A.41, subdivision 13:
  - for a pupil who remains enrolled in the charter school or is awaiting enrollment in a new charter school, the charter school's continuing responsibility includes reviewing the pupil's schoolwork and grades on a quarterly basis to ensure the pupil is on track for readmission with the pupil's peers. The charter school must communicate on a regular basis with the pupil's parent or guardian to ensure that the pupil is completing the work assigned through the alternative educational services as defined in Minnesota Statutes, section 121A.41, subdivision 11. These services are required until the pupil enrolls in another school or returns to the same school;
  - 2. a pupil receiving school-based or school-linked mental health services in the charter school under Minnesota Statutes, section 245.4889 continues to be eligible for those services until the pupil is enrolled in a new charter school; and
  - the charter school must provide to the pupil's parent or guardian information on accessing mental health services, including any free or sliding fee providers in the community. The information must also be posted on the charter school website.

## V. AREAS OF RESPONSIBILITY

A. The Charter School Board

The charter school board holds all school personnel responsible for the maintenance of order within the charter school and supports all personnel acting within the framework of this discipline policy.

B. Executive Director

The executive director 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 executive director 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 the person's lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student to prevent bodily harm or death to the student or another. A principal shall not use prone restraint and shall not inflict any form of physical holding that restricts or impairs a student's ability to breathe; restricts or impairs a student's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a student's torso.

#### 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. A teacher, in exercising the person's lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student to prevent bodily harm or death to the student or another. A teacher shall not use prone restraint and shall not inflict any form of physical holding that restricts or impairs a student's ability to breathe; restricts or impairs a student's ability to communicate distress; places pressure or weight on a student's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a student's torso.

#### E. Other Charter School Personnel

All charter school 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 executive director. A school employee, school bus driver, or other agent of a charter school, in exercising the person's lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student to prevent bodily harm or death to the student or another. A charter school employee, which does not include a school resource officer, shall not use prone restraint and shall not inflict any form of physical holding that restricts or impairs a student's ability to breathe; restricts or impairs a student's ability to communicate distress; places pressure or weight on a student's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a student's torso.

For the purpose of Minnesota Statutes, section 121A.582 (Student Discipline; Reasonable Force), a school resource officer, as defined in Minnesota Statutes, section 626.8482, subdivision 1, paragraph (c) is not a school employee or agent of the charter school.

# F. <u>Parents or Legal Guardians</u>

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.

# I. Reasonable Force Reports

- 1. The charter school must report data on its use of any reasonable force used on a student with a disability to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under Minnesota Statutes, section 125A.0941, paragraph (c), as outlined in section 125A.0942, subdivision 3, paragraph (b).
- 2. The charter school must report annually by July 15, in a form and manner determined by the Commissioner of the Minnesota Department of Education ("Commissioner"), data from the prior school year about any reasonable force used on a general education student to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under Minnesota Statutes, section 125A.0941, paragraph (c).
- 3. Any reasonable force used under Minnesota Statutes, sections 121A.582; 609.06, subdivision 1; and 609.379 which intends to hold a child immobile or limit a child's movement where body contact is the only source of physical restraint or confines a child alone in a room from which egress is barred shall be reported to the Minnesota Department of Education (MDE) as a restrictive procedure, including physical holding or seclusion used by an unauthorized or untrained staff person.

# VI. STUDENT RIGHTS

All students have the right to an education and the right to learn.

#### VII. 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;
- 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 charter school 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.

#### VIII. CODE OF STUDENT CONDUCT

- The following are examples of unacceptable behavior subject to disciplinary action by Α. the charter school. 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 or property immediately adjacent to school grounds; school-sponsored activities or trips; school bus stops; school buses, school vehicles, school contracted vehicles, or any other vehicles approved for charter school purposes; the area of entrance or departure from school premises or events; and all school-related functions, school-sponsored activities, events, or trips. Charter school property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting unacceptable behavior subject to disciplinary action at these locations and events, the charter school does not represent that it will provide supervision or assume liability at these locations and events. 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 charter school or the safety or welfare of the student, other students, or employees.
  - 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;
  - Gambling, including, but not limited to, playing a game of chance for stakes;
  - 4. Violation of the charter school'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 charter school's Student Attendance Policy;

[Note: Does SCPA have an attendance policy?]

- 7. Opposition to authority using physical force or violence;
- 8. Using, possessing, or distributing tobacco, tobacco-related devices, electronic cigarettes, or tobacco paraphernalia in violation of the charter school's Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices Policy;
- 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 (except as prescribed by a physician), or look-alike substances (these prohibitions include medical marijuana or medical cannabis, even when prescribed by a physician, and 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 charter school's Weapons Policy;
- 14. Violation of the charter school'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;
- 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 charter school's Internet Acceptable Use and Safety Policy;
- 22. Use of a cell phone in violation of the charter school's Internet Acceptable Use and Safety Policy;
- 23. Violation of school bus or transportation rules or the charter school's Student Transportation Safety Policy;
- 24. Violation of parking or school traffic rules and regulations, including, but not *Board Policy* 506-6

- limited to, driving on school property in such a manner as to endanger persons or property;
- Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker;
- 26. Violation of the charter school's Search of Student Lockers, Desks, Personal Possessions, and Student's Person Policy;
- 27. Violation of the charter school'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 charter school's 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 charter school 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 words, symbols, acronyms, or language, whether oral or written, related to teachers or other charter school personnel;
- 36. Violation of the charter school'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 charter school 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 words, symbols, acronyms, or language, whether oral or written, that are discriminatory, abusive, obscene, threatening, intimidating, degrading to other people, or threatening to school property;
- 41. Physical or verbal threats including, but not limited to, the staging or reporting

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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 charter school's Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees Policy;
- 44. Violation of the charter school's one-to-one device rules and regulations;
- 45. Violation of school rules, regulations, policies, or procedures, including, but not limited to, those policies specifically enumerated in this policy;
- 46. Other acts, as determined by the charter school, which are disruptive of the educational process or dangerous or detrimental to the student or other students, charter school 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 charter school or the safety or welfare of students or employees.

## IX. RECESS AND OTHER BREAKS

- A. "Recess detention" means excluding or excessively delaying a student from participating in a scheduled recess period as a consequence for student behavior. Recess detention does not include, among other things, providing alternative recess at the student's choice.
- B. The charter school is encouraged to ensure student access to structured breaks from the demands of school and to support teachers, principals, and other school staff in their efforts to use evidence-based approaches to reduce exclusionary forms of discipline.
- C. The charter school must not use recess detention unless:
  - a student causes or is likely to cause serious physical harm to other students or staff;
  - 2. the student's parent or guardian specifically consents to the use of recess detention; or
  - 3. for students receiving special education services, the student's individualized education program team has determined that withholding recess is appropriate based on the individualized needs of the student.
- D. The charter school must not withhold recess from a student based on incomplete schoolwork.
- E. The charter school must require school staff to make a reasonable attempt to notify a parent or guardian within twenty-four (24) hours of using recess detention.
- F. The charter school must compile information on each recess detention at the end of each school year, including the student's age, grade, gender, race or ethnicity, and special education status. This information must be available to the public upon request. The charter school is encouraged to use the data in professional development promoting the use of nonexclusionary discipline.
- G. The charter school must not withhold or excessively delay a student's participation in scheduled mealtimes. This section does not alter a charter school or school's existing responsibilities under Minnesota Statutes, section 124D.111 or other state or federal law.

# X. DISCIPLINARY ACTION OPTIONS

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

- A. Student conference with teacher, principal, executive director, counselor, or other charter school personnel, and verbal warning;
- B. Confiscation by charter school personnel and/or by law enforcement of any item, article, object, or thing, prohibited by, or used in the violation of, any charter school policy, rule, regulation, procedure, or state or federal law. If confiscated by the charter school, 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;
- A request for a petition to be filed in charter school 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 charter school.

## XI. REMOVAL OF STUDENTS FROM CLASS

A. The teacher of record shall have the general control and government of the classroom. 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 charter school employee to prohibit a student from attending a class or activity 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:

- 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 charter school 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 is at 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 excXeed five (5) such periods.

A student must be removed from class immediately if the student engages in assault or violent behavior. "Assault" is an act done with intent to cause fear in another of immediate bodily harm or death; or the intentional infliction of, or attempt to inflict, bodily harm upon another.

B. If a student is removed from class more than ten (10) times in a school year, the charter school 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.

[NOTE: The following Sections C. - J. must be developed and inserted by each charter school based upon individual charter school practices, procedures, and preferences. Charter schools may consider developing and inserting procedures identified in Sections K-N.]

- C. Procedures for Removal of a Student from a Class.
  - 1. Specify procedures to remove a student from a class to be followed by a teacher, school administrator, or other charter school employee;
  - 2. Specify required approvals necessary;
  - 3. Specify paperwork and reporting procedures.
- D. Period of Time for which a Student may be Removed from a Class (may not exceed five (5) class periods for a violation of a rule of conduct)

1. The removal from class shall be for a period of time deemed appropriate by the principal, in consultation with the teacher.

# E. 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;
- Designation of who has control over and responsibility for student after removal from class.

# F. Procedures for Return of a Student to a Specific Class from which the Student was Removed.

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

# G. Procedures for Notifying a Student and the Student's Parents or Guardian of Violation of the Rules of Conduct and of Resulting Disciplinary Actions;

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

## H. Students with a Disability; 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 student with a disability 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.

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

- 1. Establishment of a chemical abuse preassessment team pursuant to Minnesota Statutes, section 121A.26;
- 2. Establishment of teacher reporting procedures to the chemical abuse preassessment team pursuant to Minnesota Statutes, section 121A.29.
- J. Procedures for Immediate and Appropriate Interventions Tied to Violations of the Code of Student Conduct.
- K. Any Procedures Determined Appropriate for Encouraging Early Involvement of Parents or Guardians in Attempts to Improve a Student's Behavior.
- L. Any Procedures Determined Appropriate for Encouraging Early Detection of Behavioral Problems.
- M. Any Procedures Determined Appropriate for Referring a Student in Need of  $\frac{247}{8000}$  Board  $\frac{247}{8000}$  Board  $\frac{247}{8000}$

# **Special Education Services to Those Services;**

- N. Any Procedures Determined Appropriate for Ensuring Victims of Bullying who Respond with Behavior not Allowed under the School's Behavior Policies have Access to a Remedial Response, Consistent with Minnesota Statutes, section 121A.031;
- **O.** Unscheduled Student Removal from Class

A public school is encouraged to adopt a school policy on parental notification for unscheduled student removal from class. The public school must consult with child abuse prevention experts to incorporate best practices into the school policy. A public school with a policy on parental notification must include the policy in the employee handbook and disseminate information to school staff regarding child abuse prevention in a school setting.

[NOTE: The 2024 Minnesota legislature enacted this provision, which does not require a school board to adopt policy language. Charter schools may determine whether to adopt policy language.]

#### XII. 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 charter school 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 charter school shall not dismiss any student without attempting to use nonexclusionary disciplinary policies and procedures before dismissal proceedings or pupil withdrawal agreements, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

The use of exclusionary practices for early learners as defined in Minnesota Statutes, section 121A.425, is prohibited. The use of exclusionary practices to address attendance and truancy issues is prohibited.

- 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:
  - 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 charter school employees, or property of the school.

#### C. Disciplinary Dismissals Prohibited

- A pupil enrolled in the following is not subject to dismissals under the Pupil Fair Dismissal Act:
  - a. a preschool or prekindergarten program, including an early childhood family education, school readiness, voluntary prekindergarten, Head

- b. kindergarten through Grade 3.
- 2. This section does not apply to a dismissal from school for less than one school day, except as provided under Minnesota Statutes, chapter 125A and federal law for a student receiving special education services.
- 3. Notwithstanding this section, expulsions and exclusions may be used only after resources outlined under nonexclusionary discipline have been exhausted, and only in circumstances where there is an ongoing serious safety threat to the child or others.

# D. <u>Suspension Procedures</u>

- 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 executive director 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. School administration must allow a suspended pupil the opportunity to complete all school work assigned during the period of the pupil's suspension and to receive full credit for satisfactorily completing the assignments. The school principal or other person having administrative control of the school building or program is encouraged to designate a charter school or school employee as a liaison to work with the pupil's teachers to allow the suspended pupil to (1) receive timely course materials and other information, and (2) complete daily and weekly assignments and receive teachers' feedback.
- 3. If a student's total days of removal from school exceed ten (10) cumulative days in a school year, the charter school 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 student'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.
- 4. The definition of suspension under Minnesota Statutes, section 121A.41, subdivision 10, does not apply to a student's dismissal from school for less than one school day, except as provided under federal law for a student with a disability. 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 charter school 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.

- 5. 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.
- 6. Alternative education services must be provided to a pupil who is suspended for more than five (5) consecutive school 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 charter school or in an alternative learning center under Minnesota Statutes, section 123A.05 selected to allow the student to progress toward meeting graduation standards under Minnesota Statutes, section 120B.02, although in a different setting.
- 7. 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.
- 8. After school administration notifies a student of the grounds for suspension, school administration may, instead of imposing the suspension, do one or more of the following:
  - a. strongly encourage a parent or guardian of the student to attend school with the student for one day;
  - b. assign the student to attend school on Saturday as supervised by the principal or the principal's designee; and
  - c. petition the juvenile court that the student is in need of services under Minnesota Statutes, chapter 260C.
- 9. 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, Minnesota Statutes, sections 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.)
- 10. The school administration shall make reasonable efforts to notify the student's Board Police 5006-14

parent or guardian of the suspension by telephone as soon as possible following suspension.

- 11. 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.
- 12. 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) consecutive school days.

# E. 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, Minnesota Statutes, sections 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 quardian shall be provided written notice of the charter school's intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and his or her parent or quardian 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, Minnesota Statutes, sections 121A.40-121A.56; describe the nonexclusionary disciplinary practices accorded the student in an attempt to avoid the expulsion proceedings; and inform the student and parent or quardian 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 charter school must advise the student's parent or quardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from MDE and is posted on its website.
- 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 charter school, 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 charter school shall record the hearing proceedings at charter school 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 charter school 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 charter school in any proceeding.

- 10. If the student designates a representative other than the parent or guardian, the representative must have a written authorization from the student and the parent or guardian providing them with access to 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 charter school. 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 charter school 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 charter school 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 charter school.
- 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 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 Minnesota Statutes, section 121A.49. The decision of the school board shall be implemented during the appeal to the Commissioner.
- 19. The charter school 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 charter school 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 charter school.

# XIII. ADMISSION OR READMISSION PLAN

A school administrator must prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. The plan must include measures to improve the student's behavior, which may include completing a character education program consistent with Minnesota Statutes, section 120B.232, subdivision 1, social and emotional learning, counseling, social work services, mental health services, referrals for special education or 504 evaluation, and evidence-based academic interventions. The plan must include reasonable attempts to obtain 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.

## XIV. 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, executive director, or other charter school official may provide additional notification as deemed appropriate.

In addition, the charter school must report, through the MDE electronic reporting system, each exclusion or expulsion, each physical assault of a charter school employee by a pupil, and each pupil withdrawal agreement within thirty (30) days of the effective date of the dismissal action, pupil withdrawal, or assault, to the Commissioner. This report must include a statement of the nonexclusionary disciplinary practices, or other sanction, intervention, or resolution in response to the assault given to the pupil and the reason for, the effective date, and the duration of the exclusion or expulsion or other sanction, intervention, or resolution. The report must also include the pupil's age, grade, gender, race, and special education status.

## XV. STUDENT DISCIPLINE RECORDS

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

#### XVI. STUDENTS WITH DISABILITIES

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 charter school 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 charter school 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 charter school shall continue to provide special education and related services during the period of expulsion or exclusion.

# XVII. DISCIPLINE COMPLAINT PROCEDURE

Students, parents and other guardians, and school staff may file a complaint and seek corrective action when the requirements of the Minnesota Pupil Fair Dismissal Act, including the implementation of the local behavior and discipline policies, are not being implemented appropriately or are being discriminately applied.

The Discipline Complaint Procedure must, at a minimum:

- 1. provide procedures for communicating this policy including the ability for a parent to appeal a decision under Minnesota Statutes, section 121A.49 that contains explicit instructions for filing the complaint;
- 2. provide an opportunity for involved parties to submit additional information related to the complaint;
- 3. provide a procedure to begin to investigate complaints within three (3) school days of receipt, and identify personnel who will manage the investigation and any resulting record and are responsible for keeping and regulating access to any record;
- 4. provide procedures for issuing a written determination to the complainant that addresses each allegation and contains findings and conclusions;
- 5. if the investigation finds the requirements of Minnesota Statutes, sections 121A.40 to 121A.61, including any local policies that were not implemented appropriately, contain procedures that require a corrective action plan to correct a student's record and provide relevant staff with training, coaching, or other accountability practices to ensure appropriate compliance with policies in the future; and
- 6. prohibit reprisals or retaliation against any person who asserts, alleges, or reports a complaint, and provide procedures for applying appropriate consequences for a person who engages in reprisal or retaliation.

# XIII. DISTRIBUTION OF POLICY

The charter school 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.

# XIX. 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 executive director 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 and Graduation Requirements

for Minnesota Students)

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

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

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

Minn. Stat. §§ 121A.40-121A.56 and 121A.575 (Pupil Fair Dismissal Act)

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

Minn. Stat. § 121A.58 (Corporal Punishment; Prone Restraint; And Certain

Physical Holds)

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

Minn. Stat. §§ 121A.60 (Definitions)

Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)

Minn. Stat. § 121A.611 (Recess and Other Breaks) Minn. Stat. § 122A.42 (General Control of Schools)

Minn. Stat. § 123A.05 (State-Approved Alternative Program Organization)

Minn. Stat. § 124E.03 (Applicable Law)

Minn. Stat. Ch. 125A (Special Education and Special Programs)

Minn. Stat. § 152.22, Subd. 6 (Definitions)

Minn. Stat. § 152.23 (Limitations) Minn. Stat. Ch. 260A (Truancy)

Minn. Stat. Ch. 260C (Juvenile Safety and Placement)

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

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 419 (Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices; Vaping

Awareness and Prevention Instruction)

MSBA/MASA Model Policy 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 507.5 (School Resource Officers) 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)



## ST. CROIX PREPARATORY ACADEMY

Adopted: MSBA/MASA Model Policy 506 Charter

Orig. 2022 (as Charter Policy)

Revised: Rev. 2024 (June)

## **506** STUDENT DISCIPLINE

[NOTE: Charter schools are required by statute to have a policy addressing these issues.]

# I. PURPOSE

The purpose of this policy is to ensure that students are aware of and comply with the school'scharter school's expectations for student conduct. –Such compliance will enhance the charter school's ability to maintain discipline and ensure that there is no interference with the educational process. –The charter school 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. <u>Overall decorum affects student attitudes and influences student behavior.</u> 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. It is the The position of the charter school is that a fair and equitable charter school-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. Minnesota Statutes, sections Stat. §§ 121A.40-121A.56.

In view of the foregoing and in accordance with Minnesota Statutes, sectionMinn. Stat. § 121A.55, the school board, with the participation of charter school 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 charter school.

## III. DEFINITIONS

A. "Nonexclusionary disciplinary policies and practices" means policies and practices that are alternatives to dismissing a pupil from school, including but not limited to evidence-based positive behavior interventions and supports, social and emotional services,

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school-linked mental health services, counseling services, social work services, academic screening for Title 1 services or reading interventions, and alternative education services. Nonexclusionary disciplinary policies and practices include but are not limited to the policies and practices under Minnesota Statutes, sections 120B.12; 121A.575, clauses (1) and (2); 121A.031, subdivision 4, paragraph (a), clause (1); 121A.61, subdivision 3, paragraph (r); and 122A.627, clause (3).

B. "Pupil withdrawal agreement" means a verbal or written agreement between a school administrator or charter school administrator and a pupil's parent to withdraw a student from the charter school to avoid expulsion or exclusion dismissal proceedings. The duration of the withdrawal agreement cannot be for more than a 12-month period.

# IV. POLICY

- A. The <u>charter</u> school board-must-establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of <u>the</u> Minnesota <u>Statutes sections 121A.40</u> to <u>121A.56Pupil Fair Dismissal Act</u>. The policies must include nonexclusionary disciplinary policies and practices consistent with Minnesota Statutes, section 121A.41, subdivision 12, and must-emphasize preventing dismissals through early detection of problems. The policies must-be designed to address students' inappropriate behavior from recurring.
- B. The policies must-recognize the continuing responsibility of the school for the education of the pupil during the dismissal period.
- C. The\_school is responsible for ensuring that\_alternative educational services, if the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress toward—meeting the graduation standards adopted under Minnesota Statutes, section\_120B.02\_and help prepare the pupil for readmission\_in accordance with section Minnesota Statutes, section 121A.46, subdivision 5.
- D. For expulsion and exclusion dismissals and pupil withdrawal agreements as defined in Minnesota Statutes, section 121A.41, subdivision 13:
  - 1. for a pupil who remains enrolled in the <a href="charter">charter</a> school or is awaiting enrollment in a new <a href="charter">charter</a> school-<a href="district">district</a>, the <a href="charter">charter</a> school's continuing responsibility includes reviewing the pupil's schoolwork and grades on a quarterly basis to ensure the pupil is on track for readmission with the pupil's peers. The <a href="charter">charter</a> school must communicate on a regular basis with the pupil's parent or guardian to ensure that the pupil is completing the work assigned through the alternative educational services as defined in Minnesota Statutes, section 121A.41, subdivision 11. These services are required until the pupil enrolls in another school or returns to the same school;
  - a pupil receiving school-based or school-linked mental health services in the <u>charter</u> school under Minnesota Statutes, section 245.4889 continues to be eligible for those services until the pupil is enrolled in a new <u>districtcharter</u> school; and
  - the <u>charter</u> school must provide to the pupil's parent or guardian information on accessing mental health services, including any free or sliding fee providers in the community. The information must also be posted on the <u>charter</u> school website.

# V. AREAS OF RESPONSIBILITY

A. The Charter School Board-



The <u>charter</u> school board holds all school personnel responsible for the maintenance of order within the <u>charter</u> school and supports all personnel acting within the framework of this discipline policy.

# B. <u>Executive Director</u>

The executive director 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 executive director 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 behaviorBehavior referrals and shall make use of those agencies appropriate for assisting students and parents. A principal, in exercising his or herthe person's lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student to prevent imminent bodily harm or death to the student or another. A principal shall not use prone restraint and shall not inflict any form of physical holding that restricts or impairs a student's ability to breathe; restricts or impairs a student's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a student's torso.

## 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. —InA teacher, in exercising the teacher'spersons lawful authority, a teacher may use reasonable force when it is necessary under the circumstances to correct or restrain a student to prevent imminent bodily harm or death to the student or another. A teacher shall not use prone restraint and shall not inflict any form of physical holding that restricts or impairs a student's ability to breathe; restricts or impairs a student's ability to communicate distress; places pressure or weight on a student's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a student's torso.

# E. Other Charter School Personnel

All <u>charter</u> school 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 executive director or their immediate supervisor. A school employee, school bus driver, or other agent of a <u>charter</u> school, in exercising <u>his or herthe person's</u> lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student to prevent bodily harm or death to the student or another. A charter school employee, which does not include a school resource officer, shall not use prone restraint and shall not inflict any form of physical holding that restricts or impairs a student's ability to breathe; restricts or impairs a student's ability to communicate distress; places

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neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a student's torso.

For the purpose of Minnesota Statutes, section 121A.582 (Student Discipline; Reasonable Force), a school resource officer, as defined in Minnesota Statutes, section 626.8482, subdivision 1, paragraph (c) is not a school employee or agent of the charter school.

# 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—<u>and this policy.</u>

# 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.

# I.- Reasonable Force Reports-

- The <u>charter</u> school must report data on its use of any reasonable force used on a student with a disability to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under Minnesota Statutes, section 125A.0941, paragraph (c), as outlined in section 125A.0942, subdivision 3, paragraph (b).
- The charter school must report annually by July 15, in a form and manner determined by the MDE—Commissioner, of the Minnesota Department of Education ("Commissioner"), data from the prior school year about any reasonable force used on a general education student to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under Minnesota Statutes, section 125A.0941, paragraph (c).
- Any reasonable force used under Minnesota Statutes, sections 121A.582; 609.06, subdivision 1; and 609.379 which intends to hold a child immobile or limit a child's movement where body contact is the only source of physical restraint or confines a child alone in a room from which egress is barred shall be reported to the Minnesota Department of Education (MDE) as a restrictive procedure, including physical holding or seclusion used by an unauthorized or untrained staff person.

# VI. STUDENT RIGHTS

All students have the right to an education and the right to learn.

# VII. STUDENT RESPONSIBILITIES

All students have the responsibility:

A. For their behavior and for knowing and obeying all school rules, regulations, <u>policies</u>, and procedures;

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- 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, <u>policies</u>, 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;
- 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 <u>charter</u> school 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.
- O. To accept the consequences if they break any school rules, regulations, policies, and procedures.

# VIII. CODE OF STUDENT CONDUCT

- Α. The following are examples of unacceptable behavior subject to disciplinary action by the <u>charter</u> school. 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 or property immediately adjacent to school grounds; school-sponsored activities, events, or trips; school bus stops; school buses, school vehicles, school contracted vehicles, or any other vehicles approved for charter school purposes; the area of entrance or departure from school premises or events; and all school-related functions, schoolsponsored activities, or events. This policy may, or trips. Charter school property also apply tomay mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting unacceptable behavior subject to disciplinary action at these locations and events, the charter school does not represent that it will provide supervision or assume liability at these locations and events. -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 charter school or the safety or welfare of the student, other students, or employees.
  - Violations against property including, but not limited to, damage to or destruction of school property or the property of others, failure to compensate Board Potto 506-5



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. <u>Violation of the charter school's Hazing: Prohibition Policy;</u>
- 5. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission;
- 6. Violation of the charter school's Student Attendance Policy;

# [Note: Does SCPA have an attendance policy?]

- Opposition to authority using physical force or violence;
- <u>8</u>. Using, possessing, or distributing tobacco, tobacco-related devices, electronic cigarettes, or tobacco paraphernalia <u>in violation of the charter school's Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices Policy;</u>
- 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;
- 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 (except as prescribed by a physician), or look-alike substances (these prohibitions include medical marijuana or medical cannabis, even when prescribed by a physician, and 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;
- Using, possessing, or distributing weapons, or look-alike weapons or other dangerous objects;
- 13. Violation of the schoolcharter school's Weapons Policy;
- 14. Violation of the charter school's Violence Prevention Policy;
- <u>15</u>. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;
- <u>16</u>. 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:
- <u>17</u>. 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,  $\frac{26.0}{1506-6}$



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 charter school's Internet Acceptable Use and Safety Policy;
- <u>22</u>. Use of a cell phone in violation of the Family Handbook and Electronic Technologycharter school's Internet Acceptable Use and Safety Policy;
- 23. Violation of school bus or transportation rules or the school bus safety policycharter school's Student Transportation Safety Policy;
- 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;
- Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker;
- 26. Violation of the charter school's Search of Student Lockers, Desks, Personal Possessions, and Student's Person Policy;
- 27. Violation of the charter school'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 charter school's 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 <a href="charter">charter</a> school 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 cellpicture phones or other technology to accomplish this end;
- 35. Impertinent or disrespectful words, symbols, acronyms, or language, whether oral or written, related to teachers or other charter school personnel;
- 30. Sexual and/or racial abuse and/or harassment;



- 36. Violation of the charter school's Harassment and Violence Policy;
- <u>37</u>. 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 <u>charter</u> school personnel, or other persons;
- 38. Committing an act that 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;
- <u>40</u>. Verbal assaults, or verbally abusive behavior, including, but not limited to, use of words, symbols, acronyms, or language, whether oral or written, that <u>is</u> are discriminatory, abusive, obscene, threatening, intimidating, degrading to other people, or threatening to school property;
- 41. Physical or verbal threats including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;
- <u>42</u>. 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 charter school's Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees Policy;
- 44. Violation of the charter school's one-to-one device rules and regulations;
- <u>45</u>. Violation of school rules, regulations, policies, or procedures, including, but not limited to, those policies specifically enumerated in this policy;
- 46. Other acts, as determined by the <u>charter</u> school, which are disruptive of the educational process or dangerous or detrimental to the student or other students, <u>charter</u> school 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 <u>charter</u> school or the safety or welfare of students or employees.

# IX. RECESS AND OTHER BREAKS

- A. "Recess detention" means excluding or excessively delaying a student from participating in a scheduled recess period as a consequence for student behavior. Recess detention does not include, among other things, providing alternative recess at the student's choice.
- B. The charter school is encouraged to ensure student access to structured breaks from the demands of school and to support teachers, principals, and other school staff in their efforts to use evidence-based approaches to reduce exclusionary forms of discipline.
- C. The charter school must not use recess detention unless:
  - a student causes or is likely to cause serious physical harm to other students or staff;



- the student's parent or guardian specifically consents to the use of recess detention; or
- for students receiving special education services, the student's individualized education program team has determined that withholding recess is appropriate based on the individualized needs of the student.
- D. The <u>charter</u> school must not withhold recess from a student based on incomplete schoolwork.
- The <u>charter</u> school must require school staff to make a reasonable attempt to notify a parent or guardian within <u>twenty-four (24)</u> hours of using recess detention.
- F. The <u>charter</u> school must compile information on each recess detention at the end of each school year, including the student's age, grade, gender, race or ethnicity, and special education status. <u>This information must be available to the public upon request.</u>

  <u>The charter</u> school is encouraged to use the data in professional development promoting the use of nonexclusionary discipline.
- G. The <u>charter</u> school must not withhold or excessively delay a student's participation in scheduled mealtimes. This section does not alter a <u>charter school or</u> school's existing responsibilities under Minnesota Statutes, section 124D.111 or other state or federal law.

# X.- DISCIPLINARY ACTION OPTIONS

TheIt is the general policy of the <a href="charter">charter</a> school <a href="school">is</a> 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 <a href="charter">charter</a> school. At a minimum, violation of <a href="charter">charter</a> school code of conduct, rules, regulations, policies, or procedures will result in discussion of the violation and a verbal warning. The <a href="charter">charter</a> school <a href="shall">shall</a>, however, <a href="shall">shall</a>, impose more severe disciplinary sanctions for any violation, including exclusion or expulsion, if warranted by the student's misconduct, as determined by the <a href="charter">charter</a> school. Disciplinary action may include, but is not limited to, one or more of the following:

- A. Student conference with teacher, principal, executive director, counselor, or other <u>charter</u> school personnel, and verbal warning;
- B. Confiscation by <a href="charter">charter</a> school personnel and/or by law enforcement of any item, article, object, or thing, prohibited by, or used in the violation of, any <a href="charter">charter</a> school policy, rule, regulation, procedure, or state or federal law. -If confiscated by the <a href="charter">charter</a> school, 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;

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- I. Loss of school privileges;
- J. In-school monitoring or revised class schedule;
- K. Referral to in-school support services;
- 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 <u>districtcharter school</u> 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 <u>charter</u> school. Students who participate in activities governed by the Minnesota State High School League may be subject to additional penalties for discipline violations as defined by the policies and procedures governing Minnesota State High School League activities.

#### XI. REMOVAL OF STUDENTS FROM CLASS

A. The teacher of record shall have the general control and government of the classroom. 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, executive director, or other charter school employee to prohibit a student from attending a class or activity period for a period of time not to exceed five (5) periodsdays, 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;
- Willful conduct that endangers surrounding persons, including <u>charter</u> school 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



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.

A student who—must be removed from class immediately if the student engages in assault or other-violent behavior-shall be immediately removed from class. "Assault" is an act done with intent to cause fear in another of immediate bodily harm or death; or the intentional infliction of, or attempt to inflict, bodily harm upon another.

B. If a student is removed from class more than three (3) times in a quarter, the school will typically notify the parent or guardian of the student's fourth 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. If a student is removed from class more than ten (10) times in a school year, the charter school 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.

[NOTE: The following Sections C. - J. must be developed and inserted by each charter school based upon individual charter school practices, procedures, and preferences. Charter schools may consider developing and inserting procedures identified in Sections K-N.]

- C. Procedures for Removal of a Student from a Class. <u>In order</u>
  - Specify procedures to remove a student from a class, the to be followed by a teacher, school administrator, or other designated staff member shall follow the established communication procedures depending on the circumstances. The designated staff member will proceed immediately to the classroom or other school location to facilitate the removal of the student. Once removed, and by the end of that particular school day, the teacher, administrator or designated staff member shall complete and file as necessary the charter school employee;
  - 2. Specify required documentation and communicateapprovals necessary;
  - 3. Specify paperwork and reporting procedures.
- D. Period of Time for which a Student may be Removed from a Class (may not exceed five (5) class periods for a violation of a rule of conduct)
  - 1. The removal from class shall be for a period of time deemed appropriate by the principal, in consultation with the parent/guardian accordingly. teacher.
- E. Responsibility for the and Custody of a Student Removed From from Class. Once removed from class, the
  - Designation of where student shall to go when removed;
  - 2. Designation of how student is to get to designated destination;
  - Whether student must be accompanied by the designated staff member;
  - 4. Statement of what student is to do when and while removed;
  - 5. Designation of who was summoned to assist to an agreed upon location.

    Depending on the situation, the teacher may provide the student with work to be completed during the time that s/he is removed from class. During that time,

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the student shall be monitored by the administrator or designated staff memberhas control over and responsibility for student after removal from class.

- F. Procedures for Return of a Student to a <u>Specific Class From Whichfrom which</u> the Student Waswas Removed. Depending on the circumstances and,
  - 1. Specification of procedures;
  - 2. Actions or approvals required such as appropriate, notes shall be sent home to parents/guardians, and/or \_\_conferences will be held with parents/guardians outlining concerns, decisions and disciplinary actions, if any, along with behavior agreements/contracts, if necessary, to be implemented on a go forward basis which appropriately address remediation for the conduct for which the student was removed from the classroom, readmission plans.
- G. Procedures for Notification. Whenever disciplinary action is required, other than redirection in the ordinary course of classroom management, contact will be made with the parent/guardian consisting of an explanation of the situation, the action that was taken and other information deemed relevant under the circumstances. Copies of all such correspondence/ notes home shall be kept in appropriate files. Procedures for Notifying a Student and the Student's Parents or Guardian of Violation of the Rules of Conduct and of Resulting Disciplinary Actions;
  - 1. Specification of Procedures;
  - 2. Actions or approvals required, such as notes, conferences, readmission plans.
- H. Students with Disabilities Disability; Special Provisions.
  - 1. Procedures for consideration of whether there is a need for further assessment can be found in the school's Total Special Education System manual;
  - 2. Procedures for consideration of whether there is a need for a review of the adequacy of the current Individual Individual Education Program (IEP) of a student with a disability can be found in the school's Total Special Education System manual. 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 can be found in the school's Total Special Education System manual.
- I. Procedures for Detecting and Addressing Chemical Abuse Problems of Students
  While on School Premises.
  - 1. Establishment of a chemical abuse preassessment team pursuant to Minnesota Statutes, section 121A.26;
  - 2. Establishment of teacher reporting procedures to the chemical abuse preassessment team pursuant to Minnesota Statutes, section 121A.29.
- J. Procedures for Immediate and Appropriate Interventions Tied to Violations of the Code of Student Conduct.
- K. Any Procedures Determined Appropriate for Encouraging Early Involvement of Parents or Guardians in Attempts to Improve a Student's Behavior.
- L. Any Procedures Determined Appropriate for Encouraging Early Detection of Behavioral Problems.



- M. Any Procedures Determined Appropriate for Referring a Student in Need of Special Education Services to Those Services;
- N. Any Procedures Determined Appropriate for Ensuring Victims of Bullying who Respond with Behavior not Allowed under the School's Behavior Policies have Access to a Remedial Response, Consistent with Minnesota Statutes, section 121A.031;
- O. Unscheduled Student Removal from Class

A public school is encouraged to adopt a school policy on parental notification for unscheduled student removal from class. The public school must consult with child abuse prevention experts to incorporate best practices into the school policy. A public school with a policy on parental notification must include the policy in the employee handbook and disseminate information to school staff regarding child abuse prevention in a school setting.

[NOTE: The 2024 Minnesota legislature enacted this provision, which does not require a school board to adopt policy language. Charter schools may determine whether to adopt policy language.]

## XII. 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 <u>charter</u> school 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 <u>charter</u> school shall not dismiss any student without attempting to use nonexclusionary disciplinary policies and <u>practicesprocedures</u> before dismissal proceedings or pupil withdrawal agreements, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

The use of exclusionary practices for early learners as defined in Minnesota Statutes, section 121A.425, is prohibited. The use of exclusionary practices to address attendance and truancy issues is prohibited.

- 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;
  - 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 <u>charter</u> school employees, or property of the school.
- C. <u>Disciplinary Dismissals Prohibited</u>



- A pupil enrolled in the following is not subject to dismissals under the Pupil Fair Dismissal Act:
  - a preschool or prekindergarten program, including an early childhood family education, school readiness, voluntary prekindergarten, Head Start, or other school-based preschool or prekindergarten program; or
  - b. kindergarten through Grade 3.
- This section does not apply to a dismissal from school for less than one school day, except as provided under Minnesota Statutes, chapter 125A and federal law for a student receiving special education services.
- Notwithstanding this section, expulsions and exclusions may be used only after theresources outlined under nonexclusionary discipline resources outlined in Minnesota Statutes, section 121A.425, subdivision 2, have been exhausted, and only in circumstances where there is an ongoing serious safety threat to the child or others.

# D. <u>Suspension Procedures</u>

- 1. "Suspension" means an action by the school administration, under rules promulgated by the School Boardschool 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 executive director with a reason for the longer term of suspension. -This definition does not apply to dismissal for one (1) school day or less, except as may be provided in federal law for where a student with a disability.—does not receive regular or special education instruction during that dismissal period.
- 2. School administration must allow a suspended pupil the opportunity to complete all school work assigned during the period of the pupil's suspension and to receive full credit for satisfactorily completing the assignments. The school principal or other person having administrative control of the school building or program is encouraged to designate a charter school or school employee as a liaison to work with the pupil's teachers to allow the suspended pupil to (1) receive timely course materials and other information, and (2) complete daily and weekly assignments and receive teachers' feedback.
- 3.- If a student's total days of removal from school exceed ten (10) cumulative days in a school year, the <a href="charter">charter</a> school 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 <a href="pupil'sstudent's">pupil'sstudent's</a> 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.
- 4. The definition of suspension under Minnesota Statutes, section 121A.41, subdivision 10,121A.41, subdivision 10, does not apply to a student's dismissal from school for less than one school day or less, except as provided under federal law for a student with a disability. 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

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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 <u>charter</u> school 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.

- 5. A child with a disability may be suspended. –When a child with a disability has been suspended for more than five (5) consecutive—school 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.
- 6. Alternative education services must be provided to a pupil who is suspended for more than five (5) consecutive school 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 districtcharter school or in an alternative learning center under Minnesota Statutes, sectionMinn. Stat. § 123A.05 selected to allow the pupilstudent to progress toward meeting graduation standards under Minnesota Statutes, sectionMinn. Stat. § 120B.02, although in a different setting.
- 7. 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.
- 8. After school administration notifies a student of the grounds for suspension, school administration may, instead of imposing the suspension, do one or more of the following:
  - a. strongly encourage a parent or guardian of the student to attend school with the parent on additional support services for the student for one day;
  - assign the student to engage in a restorative justice practice attend school on Saturday as supervised by the principal or the principal's designee; and

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- c.-\_\_\_\_petition the juvenile court that the student is in need of services under Minnesota Statutes, chapterMinn. Stat. Ch. 260C.
- 9. 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, Minnesota Statutes, sectionsMinn. 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.)
- 10. 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.
- 11. 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.
- 12. 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) consecutive school days.

# E.- 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, Minnesota Statutes, sections 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 quardian.
- 5. The student and parent or guardian shall be provided written notice of the <a href="charter">charter</a> school'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, <a href="Minnesota Statutes">Minnesota Statutes</a>, <a href="sectionsMinn">sectionsMinn</a>. <a href="Stat">Stat</a>. <a href="sectionsMinn">§§</a> 121A.40-121A.56; describe <a href="the">the</a> nonexclusionary disciplinary practices 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 <a href="mailto:charter">charter</a> school must advise the student's parent or guardian that

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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) and is posted on the MDE'sits website.

- 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 <u>charter</u> school, 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 <u>charter</u> school shall record the hearing proceedings at <u>charter</u> school 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 <a href="https://charter.schoolmustshall">charter</a> school mustshall 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 and is posted on the MDE's website... The school board may appoint an attorney to represent the <a href="mailto:charter.school">charter</a> school in any proceeding.
- 10. If the student designates a representative other than the parent or guardian, the representative must have a written authorization from the student and the parent or guardian providing them with access to and/or copies of the student's records.
- 11. All expulsion or exclusion hearings shall take place before and be conducted by (1)—an independent hearing officer, (2) a member of the school board, (3) a committee of the school board, or (4) the full school board, as designated by the <a href="charter">charter</a> school.— The hearing shall be conducted in a fair and impartial manner.—Testimony shall be given under oath and the hearing officer, school board member, board committee, or school board 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 <a href="mailto:charter">charter</a> school 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 <a href="charter">charter</a> school 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 <a href="charter">charter</a> school.
- 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, school board member, or board committee 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  $\frac{272}{806-17}$



of the hearing officer, school board member, or board committee 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 by the hearing officer, school board member, or board committee 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 <a href="Minnesota Statutes">Minnesota Statutes</a>, section <a href="Minnesota Statut
- 19. The <u>charter</u> school 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 charter school 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 <a href="mailto:charter">charter</a> school.

#### XIII. ADMISSION OR READMISSION PLAN

A school administrator must prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. –The plan must include measures to improve the student's behavior, which may include completing a character education program consistent with <a href="Minnesota Statutes">Minnesota Statutes</a>, sectionMinn. Stat. § 120B.232, Subd.subdivision 1, social and emotional learning, counseling, social work services, mental health services, referrals for special education or 504 evaluation, and evidence-based academic interventions. –The plan must include reasonable attempts to obtain 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.

# XIV. 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, executive director, or other charter school official may provide additional notification as deemed appropriate.

In addition, the <u>charter</u> school must report, through the MDE electronic reporting system, each exclusion or expulsion, each physical assault of a <u>charter</u> school employee by a pupil, and each pupil withdrawal agreement within thirty (30) days of the effective date of the dismissal action, pupil withdrawal, or assault, to the <u>MDE</u>-Commissioner.- This report must include a statement

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of the nonexclusionary disciplinary practices, or other sanction, intervention, or resolution in response to the assault given to the pupil and the reason for, the effective date, and the duration of the exclusion or expulsion or other sanction, intervention, or resolution. -The report must also include the pupil's age, grade, gender, race, and special education status.

#### XV. STUDENT DISCIPLINE RECORDS

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

#### XVI. STUDENTS WITH DISABILITIES

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 orand (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 charter school 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 charter school 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 charter school shall continue to provide special education and related services during the period of expulsion or exclusion.

#### XVII. DISCIPLINE COMPLAINT PROCEDURE

Students, parents, legal and other guardians, and school staff members may file a complaint and seek corrective action if they believe the District haswhen the requirements of the Minnesota Pupil Fair Dismissal Act, including the implementation of the local behavior and discipline policies, are not being implemented appropriately implemented or are being discriminately applied.

The Discipline Complaint Procedure must, at a minimum:

- provide procedures for communicating this policy including the ability for a parent to appeal a decision under Minnesota Statutes sections, section 121A.40 to 121A.61, including the District's code of conduct for students or the District's discipline policies, or has implemented them in a discriminatory manner. 49 that contains explicit instructions for filing the complaint;
- The complaint must be filed in writing with the school principal. If the school principal is the subject of the complaint, the complaint must be filed directly with the executive director. The report must include a detailed account of how the District violated Minnesota Statutes sections 121A.40 to 121A.61, including the District's code of conduct for students or the District's discipline policies, or how the law, code of conduct, or policies were Board Policy 306-19



implemented in a discriminatory manner.

provide an opportunity for involved parties to submit additional information related to the complaint;

## provide

The person receiving the report (principal or executive director), or a designee, will procedure to begin to investigate the complaints within three (3) school days of receipt. During, and identify personnel who will manage the investigation, the parties may submit additional information related to the complaint. and any resulting record and are responsible for keeping and regulating access to any record;

B. The investigator will apply a preponderance of the evidence standard in determining whether the allegations have been substantiated.

After completing the investigation, the investigator will issue

provide procedures for issuing a written determination to the complainant that addresses each allegation and contains findings and conclusions and addresses each allegation.;

Ιf

- if the investigator determines that investigation finds the requirements of Minnesota Statutes, sections 121A.40 to 121A.61, including the District's code of conduct for students or the District's discipline policies, any local policies that were not implemented or were implemented in a discriminatory manner, the report of findings will includeappropriately, contain procedures that require a corrective action plan to correct the student's a student's record, if appropriate, and to provide relevant staff with training, coaching, or other accountability practices to ensure appropriate compliance with policies in the future-; and
- C. The complaint and any records resulting from the investigation will be maintained by the building principal or, if the principal is the subject of the complaint, by the executive director or a designee. Access to the records will be governed by the Minnesota Government Data Practices Act and will not be disclosed except as permitted by law. The school district prohibits
  - prohibit reprisals or retaliation against any person who asserts, alleges, or reports a complaint, and will imposeprovide procedures for applying appropriate consequences for anya person who engages in reprisal or retaliation. Submission of a discipline complaint will not affect the complainant's or reporter's future employment, grades, work assignments, or educational or work environment.

#### **DISTRIBUTION OF POLICY** XIII.

The charter school 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 or executive director's principal's office.

#### XIX. **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 executive director 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 and Graduation Requirements

for Minnesota Students)

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

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

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

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Minn. Stat. §§ 121A.40-121A.56 and 121A.575 (Pupil Fair Dismissal Act)

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

Minn. Stat. § 121A.58 (Corporal Punishment; Prone Restraint; And Certain Physical Holds)

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

Minn. Stat. §§ 121A.60 (Definitions)

Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)

Minn. Stat. § 121A.611 (Recess and Other Breaks)

Minn. Stat. § 122A.42 (General Control of Schools)

Minn. Stat. § 123A.05 (State-Approved Alternative Program Organization)

Minn. Stat. § 124E.03 (Applicable Law)

Minn. Stat. Ch. 125A (Special Education and Special Programs)

Minn. Stat. § 152.22, Subd. 6 (Definitions)

Minn. Stat. § 152.23 (Limitations)

Minn. Stat. Ch. 260A (Truancy)

Minn. Stat. Ch. 260C (Juvenile Safety and Placement)

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

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 419 (Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices; Vaping

<u>Awareness and Prevention Instruction</u>)

MSBA/MASA Model Policy 501 (School Weapons)

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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;

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MSBA/MASA Model Policy 610 (Field Trips)

MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)

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St. Croix Preparatory Academy Board Governance Manual

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#### School Information

#### School History

St. Croix Preparatory Academy (SCPA<del>, School</del>) is a K-12 charter school that opened in the Stillwater area in the fall of 2004.—The school serves nearly 1,200 students in grades K-12, and employs over 170 staff members.—Located on 59 acres of land, St. Croix Preparatory Academy's educational philosophy is based on the classical methodology of grammar, logic, and rhetoric, an educational philosophy proven to achieve outstanding academic results.

St. Croix Preparatory AcademySCPA, a Minnesota nonprofit corporation, has as its purpose education within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, including but not limited to, the establishment and operation of a charter school under the laws of the State of Minnesota.

#### School Mission

St. Croix Preparatory Academy will develop each student's academic potential, personal character, and leadership qualities through an academically rigorous and content rich educational program grounded in a classical tradition.

#### School Philosophy

The educational philosophy is founded in three characteristics noted in the mission statement:

<u>Academics</u>.—<u>The SchoolSCPA</u> is based on a classical model of education. A classical model focuses on providing students with the lifelong educational tools to learn and think for themselves. The classical tradition is grounded in the time-tested methodology of learning called the "Trivium", which recognizes that critical learning skills must precede critical thinking skills. The Trivium methodology is organized into the three stages of learning — grammar, logic, and rhetoric — which correspond to the general stages of a student's cognitive development.—

<u>Character.</u>—At <u>St. Croix Preparatory AcademySCPA</u>, the values of citizenship, courage, honesty, integrity, perseverance, respect, responsibility, compassion, self-control, and service will be identified, modeled and clearly conveyed. Administrators and faculty will encourage and promote these traits so that all students might practice and develop them.—Upper <u>Sc</u>hool students are required to document at least 10 hours annually of community service in an effort to emphasize the importance of giving to their community.

<u>Leadership.</u>—<u>St. Croix Preparatory AcademySCPA</u> views leadership as the ability to first think and reason, then act with integrity and responsibility.—<u>The founders of St. Croix Preparatory AcademySCPA</u> view leadership as the product of education and character development. Real leadership entails knowledge, understanding and the ability to communicate—in conjunction with citizenship, courage, honesty, integrity, perseverance, respect, responsibility, compassion, self-control, and service.—<u>Students will examine various models and styles of leadership from American and world history.—In addition, students will analyze their own unique leadership style, character attributes, and personal strengths.</u>

#### **Board Information**

# **Board Guiding Documents**

Aside from original incorporation documents, on a regular basis the SCPA\_board will refer to its bylaws, Minnesota statutes on charter schools (Chapter 124E), Minnesota Open Meeting Law (Chapter 13D), Minnesota Government Data Practices Act (Chapter 13D), Minnesota statutes on nonprofit corporations (317A) and the agreement with its authorizer, Friends of Education.

#### **Board Structure**

The St. Croix Preparatory AcademySCPA "Board of dDirectors shall consist of at least five (5) and no more than eleven (11) members" (SCPA Bylaws Article IV, Section 2(a); Minn Stat. 124E.07. Subd.3). The board shall include "at least one licensed teacher who is employed as a teacher at the school or provides instruction under contract between the charter school and a teacher cooperative; (2) at least one parent or legal guardian of a student enrolled in the charter school who is not an employee of the charter school; and (3) at least one interested community member who resides in Minnesota, is not employed

by the charter school, and does not have a child enrolled in the school. " (Minn.Stat. 124E.07. Subd. 3). "The chief financial officer and the chief administrator may only serve as ex-officio nonvoting board members." (Minn. Stat. 124E.07 Subd. 3). <u>The Board of Director membership shall not contain any related parties</u>, as defined by Minn. Stat. 124E, or any other persons prohibited by Minn. Stat. 124E.

SCPA Note:- As of July 1, 20254, the SCPA board consists of four parents, four faculty members, and one community

The board structure may include a majority of teachers... or parents or community members, or it may have no clear majority. (Minn. Stat. 124E.07 Subd. 3).—Any changes in governance structure must follow the process defined in the School's bylaws (Article 4, Section 3) and Minnesota statute (Chapter 124E.07 Subd. 4).

SCPA Note:-\_The SCPA bBoard is constituted as a "no clear majority" board.

#### **Board Flections**

"Board elections must be held during the school year but may not be conducted on days when the school is closed." (Minn. Stat. 124E.07 Subd. \$\frac{1}{2}\

SCPA Note:—Currently, SCPA board elections are conducted near the end of the school year, with official seating occurring after training requirements have been completed — "A person elected or appointed to hold office as a director does not automatically assume the duties of that office.—A person cannot assume the duties of the office of a director until he or she has qualified for the office.—Qualification for an incoming director requires that the person complete the training requirements described in the training policy..." (SCPA Bylaws – Article IV, Section 2c(ii)).

# **Board Training and Requirements**

The board training requirements are based on requirements of Minnesota statute and a policy implemented by St. Croix Prep's board.

State Mandated Training.—Board members must meet the state mandated training requirements that they successfully complete state-approved training on board governance, the board's role and responsibilities, employment, policies and practices, and financial management as found in Minn. Stat. 124E.07. subd.7.—Per this statute, this training must begin within six months of taking office, and be completed within 12 months of taking office, or the individual is automatically ineligible to continue to serve as a board member.—A board member who does not complete training within the 12 month period is ineligible to be elected or appointed to a charter school board for a period of 18 months.

SCPA Training Prior to Seating.—In accordance with school beard policy, SCPA will conduct training prior to a board member being seated.—This training will include reading material; meeting with the beard chair, vice chair, and executive delirector about the role and responsibilities of a St. Croix Prep board member; meeting with the executive delirector to discuss an overview of the School, its history, organizational structure, and the reading material and its impact on strategic decision making; meeting with the executive delirector of finance & Operations (EDFO) to discuss school financing, budgeting, lease aid, funding challenges, and bondholder communication; and meeting with the executive delirector and perincipals to discuss communication protocol and homework philosophy.

Ongoing Training. Additionally, ongoing training will be provided by the executive delirector, school staff, external board trainings, and other personnel throughout the delirectors' tenure.

#### Carver Governance Model

St. Croix Preparatory AcademySCPA has followed the Carver Ggovernance model.—This model is designed to empower boards of directors to fulfill their obligations of accountability for the organizations they govern.—The model enables the board to focus on the larger issues (e.g. fiscal accountability, student achievement, and strategic initiatives), delegate operational responsibility with clarity (e.g. hiring, curriculum, student discipline, programming, etc.), to oversee management's job, and to

Commented [JS1]: Per the recent legislative changes, this requirement was moved to different subdivision. https://www.revisor.mn.gov/laws/2025/1/10/laws.5.10.0#la

rigorously evaluate the accomplishment of the organization.—Some defining principles of the Carver Governance model include:

- <u>Board Decisions are predominantly Policy Decisions.</u>—These policies relate to mission, executive and operational limitation by which mission may be accomplished, and the board's own job, responsibility, and accountability.
- The <u>Board Defines and Delegates</u>.—The <u>bBoard</u> does not want to get bogged down in detail by approving all staff plans; board policies need to be in place to allow staff to formulate plans to fulfill the mission of the <u>sSchool</u>.
- The Board Speaks with One Voice or Not at All.—If the bBoard is to lead, then it must speak with one voice.—This one-voice principle does not require or imply unanimity.—On the contrary, the Board must embrace all the diversity it can, differences must be respected and encouraged.—Once the board has voted and spoken, its decisions can be implemented. The board should not present conflicting messages to its community.
- <u>The Board Explicitly Designs its Own Products and Process</u>. The <u>b</u>Board defines its job, its products, its processes, and how it will accomplish its work.

#### The Board & Board Member Roles and Responsibilities

The governing board of <u>St. Croix Preparatory AcademySCPA</u> is primarily responsible for governance, fiscal accountability, student achievement, strategic direction, and fulfilling the mission of the <u>s</u>School in accordance with its bylaws and founding documents

Each board member reports to the <u>b</u>Board of <u>d</u>Directors and is responsible for actively participating and contributing to the purpose of the <u>b</u>Board.—The average time commitment to fulfill this work will average between 8-10 hours per month with additional work required for additional project or committee work.

The essential duties and responsibilities primarily include but are not limited to:

- <u>Governance</u>.—This includes familiarity and adherence with public charter school statute (124E.07), the <u>sSchool's <u>BB</u>ylaws, Open Meeting Law (Chapter 13D), Minnesota Government Data Practices Act (Chapter 13D), MDE and Authorizer compliance requirements, authorizer contract, and other related legal requirements. Board members are expected to be familiar with the Carver Governance model which the <u>sSchool</u> has adhered to since its inception. The <u>bB</u>oard establish<u>es</u> policies for governing the school and students consistent with the Minnesota Board of Education rules, state and federal laws.</u>
- <u>Financial Accountability</u>. This includes annual budget review, annual report preparation, audit review, awareness of financial metrics to ensure continued favorable review from outside business partners (e.g. banking, investors, etc.) and to guarantee future sustainability and program growth.
- <u>Student Achievement</u>. This includes an annual review of student performance in comparison with state and national standardized tests and an annual evaluation of post-secondary and workforce readiness in accordance with state requirements.
- Meeting Attendance. The <u>bBoard</u> generally meets on the third Tuesday of every month. Board members are
  expected to review their board information prior to the meeting and to meet the attendance requirements specified
  in Minnesota statute.
- <u>Strategic Direction</u>. The <u>bB</u>oard is responsible for the continued strategic direction of the institution in alignment with the <u>sS</u>chool's mission, definition of classical education, and implementation of the diffusions of innovation theory. Examples of strategic discussions may include the following: facility development, compensation models to ensure fiscal responsibility, board policy development, school replication, succession planning, revenue generation opportunities, community relations, etc.

#### **Board Officers**

Per Minn. Stat. 317A, a nonprofit corporation must, at a minimum, have a president and a treasurer (Minn. Stat. 317A.301). Per the SCPA Bylaws, the officers of the beard will "consist of president (chief executive officer), wice president, treasurer (chief frinancial officer) and secretary. (SCPA Bylaws – Article V, Section 1(a)) "The officers of the corporation shall be elected by the Board for the lesser of a one (1) year term or the remaining unexpired term of the Director." (SCPA Bylaws – Article V, Section 1(b)). A delirector may serve 29 terms in any officer position.

SCPA Note:—Currently, SCPA board officers are called board cchair, threasurer, and board cclerk. This differs from the naming convention in Minn. Stat 317A and the bylaws.—General board officer responsibilities are listed in the bylaws.

#### **Board Committees**

A summary of board committees and their authority is noted below:

Committees of the Board. The Board of Directors may, by resolution passed by a majority of the bBoard of dPirectors, designate, define the authority of, set the number and determine the identity of, members of one or more committees.—Committee members must be natural persons, but need not be members of the bBoard of dPirectors.

<u>Authority of Committees.</u>—Committees shall make recommendations to the <u>b</u>Board of <u>d</u>Directors.—No committee shall have the authority to act on behalf of the <u>b</u>Board of <u>d</u>Directors unless such authority is specifically delegated to the committee by the <u>b</u>Board of <u>D</u>directors; provided, however, that no committee shall be granted any powers or authority exceeding that granted to the <u>b</u>Board of <u>D</u>Directors.—Each committee shall be under the direction and control of the <u>b</u>Board and shall keep regular minutes of their proceedings

SCPA Note:-\_Currently, the SCPA school bBoard currently has a

- Finance Committee.—The Finance Committee, which must include at least one member of the
  board, must review and provide recommendations to the board on matters related to financial
  health and best practices, which may include, but are not limited to, financial strategy, enrollment
  tracking, budgeting and planning, internal controls and compliance, revenue generation, financial
  conflicts of interest, audits and financial reporting, regular finance statements and transactions,
  and authorizer finance related requirements in the charter contract.—is designated to support the
  bBoard in understanding its financial accountability and strategic initiatives; and to support the
  EDFO executive director of finance in assessing internal controls, clarifying operational roles, and
  providing training for new personnel.
- Executive Committee.—The Executive Committee consists of the <u>b</u>Board <u>c</u>Chair, <u>v</u>Vice <u>c</u>Chair, a parent board member, and a teacher board member selected by the <u>e</u>Executive <u>d</u>Director.—The purpose of this committee is to serve in an advisory role to the <u>e</u>Executive <u>d</u>Director for operational items that require additional guidance.
- Governance Committee.—The Governance Committee oversees policy development/review, board training, the annual election process, and issues related to its own governance.
- Succession Planning Committee.—The Succession Planning Committee oversees the succession plans, timelines, and processes for the two current positions which report to the <u>b</u>Board – the Executive Director and the Executive Director of Finance & Operations.
- Ad hoc Committees. In addition to the committees above, the bBoard may invoke a committee for a limited time and limited purpose, at the bBoard's discretion (e.g. the Strategic Planning Committee).

## **Board Meetings**

The types of meetings, their purposes and requirements are noted below:

Regular Meetings. Regular meetings of the bBoard of dDirectors are usually held the third Tuesday of each month (SCPA Bylaws – Article III, Section 1).—The annual meeting schedule is established at the beginning of the fiscal year.

<u>Special Meetings</u>. Special meetings may be called by the <u>c</u>Chair or at least three <u>d</u>Directors.—Notice of the special meeting shall be provided in accordance with Minnesota Statues, section 13D.04, as amended.—Notice will contain the date, time, place and purpose of the meetings.—Only subject listed on the agenda may be acted upon at the meeting. (SCPA Bylaws – Article III, Section 2).

<u>Closed Meetings</u>. The <u>bBoard may call a closed meeting if the subject matter of discussion requires a closed meeting. Such subject matters include security, labor negotiations, negotiations related to real estate, items protected under attorney/client privilege or employee/student discipline.—In the case of employee/student discipline, the subject of the discussion may ask that the meeting be open (Minn. Stat. 13D).</u>

Quorum and Adjourned Meeting. A meeting at which at least a majority of the members of the bBoard of dDirectors are present shall constitute a quorum for the transaction of business at any meeting of the bBoard of dDirectors. If, however, such quorum shall not be present at any scheduled meeting, the director or directors present thereat shall have the power to adjourn without notice other than announcement at the meeting, until a quorum shall be present. The meeting shall be rescheduled in accordance with the Open Meeting Law. The existence of a quorum is determined when a duly called meeting is convened.

Open Meeting Law.—All bord of depirector meetings, and notice of all such meetings, shall comply with the Open Meeting Law, Minnesota Statutes chapter 13D, as amended.—General comments about Open Meeting Law are:

- Email discussion amongst a quorum of board members may be a violation of open meeting law.
- Consecutive meetings with board members constituting less than a quorum may be a violation of open
  meeting law if the meeting covers the same content.—This is commonly called a serial board meeting.
- Board meetings require 72-hour publication notice in order toto comply with the open meeting law.
- Board attendance via electronic means (e.g. phone, Skype, Facetime, etc.) are subject to the previously
  mentioned 72-hour/72-hour publication notice requirement.—This means attendance via electronic
  means requires public notice of the location where the participant will be located; and this also
  becomes a public site for those wishing to attend the meeting.

Meeting Procedure. Meetings normally proceed along the following agenda:

- Open Forum.—Prior to the meeting, community members may sign up to address the board for a two
  minutetwo-minute period.—The bBoard will not address the comments of the speaker or interact with
  the topic discussed.
- Consent Agenda.—For sake of expediency, these items (e.g. administrative reports, previous board
  minutes, etc.) are items that will be approved in a single motion.—Question and discussion of the items
  can occur prior to approval.
- Business items.—The agenda for the meeting will be followed as noted in the board packet.
- ◆ \_\_\_ Agenda.—The board meeting agenda is normally determined by the bBoard officers, eExecutive dPirector and EDFexecutive director of financeO.—While not always possible every attempt is made to introduce items a month before requiring a vote.—This gives the board members the opportunity to be briefed on the information, ask preliminary questions, then use the time between meetings to investigate, ask questions, etc.—A more thorough discussion and vote will occur in the following month.—Note:—At times, due to deadlines, items may be added to the agenda without following the above noted procedures.—Items may be submitted to the bBoard officers, eExecutive Ddirector or executive director offED fFinanceO for addition to the agenda.—Factors determining whether these items are added include current agenda, strategic vs. operational consideration, data privacy issues, etc.
- Roberts Rules of Order.—Currently a strict adherence to Roberts Rules of Order is not utilized.—The
  principles of Roberts Rules of Order are utilized in order to maintain order, guarantee discussion, and
  encourage independent voting.

#### **Board Communication Plan**

The <u>bBoard</u> of <u>dPirectors</u> shall utilize <u>the School'sSCPA</u> web site as the primary means of distribution of information.—The website shall contain announcements of upcoming regular meetings, board contact information, previous board minutes as well as all public documents from the <u>bBoard</u> in accordance with the existing policies and bylaws.

As a beoard member you may be contacted by parents in an effort to resolve a situation related to the school's operations.—In an effort to adhere to the Carver Governance Model and in alignment with the St. Croix Prep board training, it is important for board members to listen thoughtfully, then direct parents to follow the Communication Protocol which has been in place since the second's inception.—The protocol is noted below:

• Direct communication with the teacher. This shows respect for the teacher and also and for the parent communicating the information.

- Direct communication with the <u>Principal principal</u> if the matter remains unresolved. The <u>Principal principal</u> will coordinate a meeting between the parents, teacher, and <u>p</u>Principal
- Direct communication with the <u>e</u>Executive <u>d</u>Director if the matter remains unresolved. The <u>e</u>Executive <u>d</u>Director will coordinate a meeting with the appropriate parties.
- Direct communication with the <u>b</u>Board of <u>d</u>Directors. The <u>e</u>Executive <u>d</u>Director will coordinate a meeting with the appropriate parties.

The general rule is to communicate with the person closest to the situation and best able to address the issue quickly and effectively. This communication protocol has been in effect since the beginning of the school. Attempts to circumvent the communication process will be directed back to the process outlined in the protocol.

#### **Board Member Appointments**

Vacancies on the board may be filled at the bBoard's discretion.—Items considered are:

- Resignation. Any bBoard member may resign at any time. Such resignation shall be made in writing to the
   President board chair or board clerkSecretary
- Vacancies on the Board. A Board member so elected/appointed as a replacement will serve the remaining year(s) of the term of office of the bBoard member being replaced.—In the event of multiple vacancies the position of the bBoard member who resigned first will be filled first.—In addition, per the bylaws (Article IV, Section 7), the most recent board election results shall be considered in making appointments to fill vacancies.

#### **Board Member Compensation**

Non teacher Non-teacher board members shall not receive compensation for their services as a member on the board.—Board members may be reimbursed for reasonable out-of-pocket expenses incurred by them in serving as a board member.

#### **Board Member Conflicts of Interest**

No beoard member will use their official position or office to obtain personal financial benefit or detriment or financial gain or detriment for relatives or for any business with which the beoard member or a relative is associated. Business means any corporation, partnership, proprietorship, enterprise, association, franchise, firm, organization, self-employed individual, or any legal entity operated for economic gain.

# **Miscellaneous Board Information/Practices**

#### Board Insurance

The <u>sSchool</u> maintains <u>d</u>Director's & <u>o</u>Officer's (D & O) insurance, therefore <u>d</u>Directors are not personally liable for decisions made by the School.

#### Board Communication with the Media

Unless otherwise designated, the only personnel who may speak on behalf of the <u>s</u>School are the <u>b</u>Board <u>c</u>Chair, <u>e</u>Executive dDirector, and <u>c</u>Communications dDirector.

# Board Engagement with Legal Counsel

The only personnel who have authorization to engage with legal counsel on behalf of the <u>s</u>School are the <u>b</u>Board <u>c</u>Chair, <u>e</u>Executive <u>d</u>Director, <u>executive director of ED fFinanceO</u>, and <u>s</u>Special <u>e</u>Education <u>d</u>Director.

#### Board Communication with Friends of Education, the School's Authorizer

Unless otherwise designated, the only personnel who may speak on behalf of the  $\underline{\underline{s}}$ School are the  $\underline{\underline{b}}$ Board  $\underline{\underline{c}}$ Chair,  $\underline{\underline{e}}$ Executive  $\underline{\underline{d}}$ Director, and  $\underline{\underline{e}}$ xecutive director of  $\underline{\underline{e}}$ Director, and  $\underline{\underline{e}}$ xecutive director of  $\underline{\underline{e}}$ Director.

# Board Communication with the School Staff

Communication to all of the employees at the <u>S</u>chool is reserved for the administrative team in accordance with their duties. Any <u>b</u>Board communication to all employees will be mutually determined and approved by the <u>b</u>Board <u>c</u>Chair and <u>e</u>Executive dDirector.

#### Board Members, Key Employees, and Data Privacy

Data privacy related to employees, students (and their families) is important.—Due to the responsibilities of certain positions, members of the executive committee, executive director, and executive director Edof ffinanceO may have access to

private employee and student data.—Board members may have access to private data if they have a "legitimate educational interest" in the data.

Updated <u>October July</u> <u>7</u>16, 202<u>5</u>4 via Board Action



SCPA Finance Committee Meeting October 14, 2025 @ 2:30 PM - 4:15 PM, West Wing Room

Members Present: T. Gulbransen (ex-officio), D. Smith, M. Reichow, J. Kish, J. Standke, C. Rutten

Guests Present: J. Fuchs, B. Grubisch, T. Smith

- A. Terri Smith presentation on MNPFL and Benefit Update
  - a. Benefit Update
  - b. Supporting Documents
- B. Contract audit with relation to the new procurement policy. (Jon K./Cindi)
  - a. Sec. 19. Minnesota Statutes 2024, section 124E.26, subdivision 4
  - b. Competitive bidding over \$25,000
  - c. List of/Access to contracts
- C. Increased role of Finance Committees MN State Statute 2024 changes
  - a. MN 124E.07 Subdivision 6 Language
- D. Analyze each schedule/budget to understand line items and formulate any questions.
  - a. UFARS simplified
  - b. UFARS Manual 2026 (August 2025)
- E. Institutionalize investment policy and fully understand how much is at each institution. Jeff Standke/Danielle
  - a. Investment Policy statement proposal
    - i. Hybrid model with subcommittee and retaining final authority to EDoF or ED, monthly reports to finance committee, quarterly reports to the board, annual robust report
  - b. Investment Report
- F. Analyze financial processes and make recommendations.
  - a. Review the current process
- G. Budget process timeline and recommendations. (Maria/Terri)
  - a. Example Annual Budget Process
  - b. Budgeting by division level instead of grade level/course?
- H. Overload audit and/vs. Stipends. November meeting