



St. Croix Preparatory Academy
Board Meeting Agenda
December 16, 2025

1. Call to Order	
2. Open Forum	
3. Board Calendar	3
4. Consent Agenda (Board Minutes, Executive Director Report)	
A. Board Minutes	9
B. Executive Director Report	15
C. Governance – Policy Approval	17
Policies	
101 - Legal Status of the Charter School (no previous policy)	
101.1 - Name of the Charter School (no previous policy)	
201 - Legal Status of the Charter School Board (no previous policy)	
204 - Charter School Board Meeting Minutes (no previous policy)	
205 - Open Meetings and Closed Meetings (no previous policy)	
210.1 - Conflict of Interest - Charter School Board Members (no previous policy)	
405 - Veteran's Preference (no previous policy)	
407 - Employee Right to Know - Exposure to Hazardous Substances (technical edits)	
415 - Mandated Reporting of Maltreatment of Vulnerable Adults (technical edits)	
416 - Drug, Alcohol, and Cannabis Testing (no previous policy)	
420 - Students and Employees with Sexually Transmitted Infections and Diseases and Certain Other Communicable Diseases and Infectious Conditions (no previous policy)	
512 - School Sponsored Student Publications and Activities (replaces SCPA 710)	
514 - Bullying Prohibition Policy (2nd Read)	
515 - Protection and Privacy of Pupil Records (2nd Read)	
516 - Student Medication and Telehealth (2nd Read)	
521 - Student Disability Nondiscrimination (2nd Read)	
522 - Title IX Sex Nondiscrimination Policy, Grievance, Procedure and Process (2nd Read)	
524 - Internet, Technology and Cell Phone Acceptable Use and Safety Policy (2nd Read)	
524.5 - Personal Electronic Communication Devices (2nd Read)	
526 - Hazing Prohibition Policy (2nd Read)	
533 - Wellness (2nd Read)	
709 - Student Transportation Safety Policy (2nd Read)	
721 - Uniform Grant guidance Policy Regarding Federal Revenue	

Sources (replaces SCPA 709)-(2nd Read)	
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Middle School	
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Student Services	
B. Prep Fund Update	
C. FSCPA and Building Overview	
D. Policies (1st Reading)	217
202 - Charter School Board Officers (replaces SCPA 707)	
404 - Employment Background Checks	
414 - Mandated Reporting of Child Neglect or Physical or Sexual Abuse	
E. Audit Acceptance-Needs Approval	229
F. Finance Committee	329
G. Transportation Update	330
6. Adjourn Meeting	



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ANNUAL BOARD CALENDAR 2025-2026

July	Responsible	Notes/Status
Public Hearing on Student Fees	K. Gutierrez	
Family Handbook Approval	J. Fuchs	
Seat New Board Members	Board Chair	
Foundation Update	M. Davis	
Conflict of Interest Form Disclosure	K. Gutierrez	
Annual Finance Designations for Next Year <ul style="list-style-type: none">• Identified Official with Authority• Official Newspaper• Designation of Depository• Account Signatories• Collateralize Funds in Excess of FDIC Insurance• Delegation of Authority to Make Electronic Funds Transfers		

August	Responsible	Notes/Status
Forward Together Retreat (08/07 and 08/08)	Succession Committee	
ByLaws Training	Governance	

September	Responsible	Notes/Status
Status of School Opening/Quarterly Report	Lower School Middle School Upper School Student Services	
Review of MCA Test Scores	J. Fuchs	
MN State Statute Training	Governance	
Emergency Operations Plan Approval	Incident Command/Safety Team	Moving to October due to policy updates needed and work on a crisis plan.
MDE Assurance of Compliance	J. Fuchs	
Q-Comp Goals	TLC/Q-Comp Leaders	
Unaudited Financials FY 25 - Review	EDoF	

October	Responsible	Notes/Status
Financial Statement Review	K. Gutierrez/Finance	
Foundation Update	M. Davis	
Quarterly Report	Activities Department	
Bi-Annual Report	Human Resources	
Bi-Annual Report	Academic Coordinators	
Annual Report Approval (if ready)	J. Fuchs	
World's Best Workforce Approval (if ready)	J. Fuchs	

November	Responsible	Notes/Status
Snow Removal (Facilities) - approval for contract.	Bill Blotske	
Bi-Annual Report	Communications and Events Coordinator	Susan P. already sent.
Policy Approval (Consent Agenda and 1st and 2nd read approval)	Chair	Investment Policy, done.
Policy 1st Read (Governance)	Governance Committee	
Governance Notes	Governance Committee	
Strategic Planning Notes	T. Gulbrasnen	
Finance Committee Notes	D. Smith	
Quarterly Financial Report	B. Grubish/D. Smith	
MN State Statute Training (124E)	T. Gulbransen	

December	Responsible	Notes/Status
Affiliated Building Company Training	K. Gutierrez/Finance	
Audit Acceptance	K. Gutierrez/Finance	
FSCPA and Building Overview	B. Blotske	
Quarterly Report	Lower School Middle School Upper School Student Services	

January	Responsible	Notes/Status
Strategic Plan Discussion	Strategic Planning Team	
Board Election Timeframe Discussion	Governance	
Food Services Report	M. Thole	

Technology Report	C. Olson	
Quarterly Report	Activities Department	

February	Responsible	Notes/Status
Financial Statement Review	K. Gutierrez/Finance	
Board Election Timeframe Discussion	Governance	
Approve School Calendar	J. Fuchs	
AIPAC concurrence/noncurrence	D. Thompson	

March	Responsible	Notes/Status
Approve Open Enrollment Period for Next Year	J. Fuchs	
Approve Board Calendar for Next Year <ul style="list-style-type: none"> • Meetings • Election • Retreat 	Board	
Board Election Status & Time Frame	Governance	
Quarterly Check-In	Lower School Middle School Upper School Student Services	
Compensation Plan Introduction	T. Smith	
Benefits Package Introduction	T. Smith	

April	Responsible	Notes/Status
Annual Budget Introduction	Finance	
Compensation Plan Approval	T. Smith	
Benefits Plan Approval	T. Smith	
Bi-Annual Report	Human Resources	
Quarterly Report	Activities Department	
Board Election Status & Time Frame	Governance	

May	Responsible	Notes/Status
Q Comp Report Presentation/Approval Bi-Annual Report	Academic Coordinators	
Financial Statement Review	K. Gutierrez/Finance	
Board Election Update	Governance	
Approve Annual Budget	K. Gutierrez/Finance	
Curriculum Advisory Update (No approval)	J. Fuchs	

June	Responsible	Notes/Status
Public Hearing on Fees – 2026	K. Gutierrez	
End of the Year Wrap Up Report	Lower School Middle School Upper School Student Services Activities Department	
New Board Member Training	Governance	

Read Well by Third Grade Approval	J. Karetov	
Introduction of Family Handbook	J. Fuchs	
Introduction of Employee Handbook	T. Smith	
Annual Finance Designations for Next Year • Identified Official with Authority <ul style="list-style-type: none"> • Official Newspaper • Designation of Depository • Account Signatories • Collateralize Funds in Excess of FDIC Insurance • Delegation of Authority to Make Electronic Funds Transfers 		

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

Members Absent: A. Galati (Secretary)

Remote Board Members: Jeff J.

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

Board Clerk: Janel Coleman

- A. Call to order: T. Gulbransen called the meeting to order at **6:00 PM**.
- B. Open Forum - None
- C. [SCPA Board Meetings Calendar 2025-2026 - Updated November 2025](#)
- D. **Consent Agenda**

- a. Board Minutes
 - i. [October 21, 2025 Minutes](#)
- b. Executive Directors' Reports
 - 1. [Executive Director's Report November 2025](#) - J. Fuchs
- c. Governance Policies for Approval - 2nd Reading
 - i. [102 - Equal Education Opportunity](#)
 - ii. [214 - Out-of-State Travel by Charter School Board Members](#)
 - iii. [401 - Equal Employment Opportunity](#)
 - iv. [406 - Public and Private Personnel Data](#)
 - v. [410 - Family and Medical Leave Policy](#)
 - vi. [411 - Group Health Insurance Coverage](#)
 - vii. [413 - Harassment and Violence](#)
 - viii. [417 - Chemical Use and Abuse](#)

- ix. [418 - Drug-Free Workplace](#)
- x. [419 - Tobacco-Free Environment](#)
- xi. [426 - Nepotism - Charter Schools](#)
- xii. [427 - Workload Limits for Certain Special Education Teachers](#)
- xiii. [501 - School Weapons Policy](#)
- xiv. [502 - Search of Student Lockers, Desks, Personal Possessions and Student's Person](#)
- xv. [506 - Student Discipline](#)
- xvi. [705 - Investment Policy \(1st and 2nd Read\)](#): No prior policy

- Motion to Approve the Consent Agenda: K.O.
- Second: H.G.
- Approved: All

E. Agenda

- a. [Audit Presentation from ABDO](#)
- b. [Communications and Event Report](#)
- c. Snow Removal (needs approval): [Snow Removal Services RFP 2025-2026](#)
 - i. [At Your Service Proposal](#)
 - ii. [SCPA Contract 2025-2027](#)
- 1. Motion to Approve: Terri G.
- 2. Second: M. Adams
- 3. Approved: All
- d. [Mold Remediation Services Update](#)
- e. [September Financial Overview](#)
- f. Phase II Board Training (MSBA)
Terri G., Danielle S., and Madeline A.
- g. Governance Committee -
 - i. [November Minutes](#)

- ii. State Statute 124E Training - Annual Requirement
 - a. [MN Charter School Crosswalk](#)
 - b. [MN 124E](#)
 - c. [MN State Statute Training](#)
- iii. Policies (1st Read)
 - a. [512 - School Sponsored Student Publications and Activities](#)
 - b. [514 - Bullying Prohibition Policy](#)
 - c. [515 - Protection and Privacy of Pupil Records](#)
 - d. [516 - Student Medication and Telehealth](#)
 - e. [521 - Student Disability Nondiscrimination](#)
 - f. [522 - Title IX Sex Nondiscrimination Policy, Grievance, Procedure and Process](#)
 - g. [524 - Internet, Technology and Cell Phone Acceptable Use and Safety Policy](#)
 - h. [524.5 - Personal Electronic Communication Devices](#)
 - i. [526 - Hazing Prohibition Policy](#)
 - j. [533 - Wellness](#)
 - k. [709 - Student Transportation Safety Policy](#)
 - l. [721 - Uniform Grant Guidance Policy Regarding Federal Revenue Sources](#)
 - m. [722 - Public Data and Data Subject Requests](#)
 - n. [806 - Crisis Management Policy](#)
- h. [Strategic Planning Committee Notes](#)

In the process of establishing the group members and meeting times.
- i. [Finance Committee Notes](#)



Skyward training, investment policy

Adjournment: 6:59 PM

- Motion to adjourn: Bob Hajlo
- Second: Madeline Adams
- Approved: All

Respectfully Submitted by J. Coleman, St. Croix Preparatory Academy Board Clerk

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:

Remote Board Members:

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

Board Clerk: Janel Coleman

A. Call to order: T. Gulbransen called the meeting to order at **6:15 PM**.

B. Motion to Close the Meeting

- Motion to Approve: A. Galati
- Second: J. Johnson
- Approved: All

C. Agenda

a. Preliminary consideration of allegations against an employee.

D. Open Meeting

- Motion to open the meeting: M. Adams
- Second: J. Johnson
- Approved: All

b. Possible action related to closed session (if needed).

- Motion: Chair, Vice-Chair, and Finance committee chair working with Director of HR to inform about the actions discussed in the closed session. - B. Hajlo
- Second: J. Johnson
- Approved: All

Adjournment: 8:24 PM

- Motion to adjourn: A. Galati
- Second: J. Johnson



- Approved: All

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



Executive Director's Report to the Board

Date of Report: December 2025
Report Prepared By: Jenn Fuchs, Ph.D.

Goal 1: Analyze and Evaluate

- Strategic Planning
 - Retreat is December 17. We will be working on developing goals based on all the stakeholder feedback.
- Action Planning work continues for Administrative Team
 - Each team is working on the last goals of their plan.
- Finance Training
 - Completed all 3 of MASA Finance sessions
 - The focus of the last session is bonding and debt service.
- PELSB-Licensing
 - I am serving on the PELSB licensing board for science. It is the only content area where a license allows a teacher to teach only one area of science. The goal is to make it easier to have science teachers qualified to teach more than one area of science with a science license.

Goal 2: Operational Leadership

- Required Advisory Committees
 - Curriculum Advisory has had its first meeting.
 - American Indian Parent Advisory has had its first meeting.
- Transportation
 - RFPs are out. We are following the procurement process.
 - Stillwater has requested a meeting in January.
- Incident IQ (Facilities/IT ticketing and calendaring) is being set up
 - Training for staff will occur at a PD day in January
- Safety
 - CrisisGo is being set up with training scheduled in January.
 - Intellisee has been ordered.
- Finance Training
 - Administrators are continuing to become comfortable with using

- Skyward to view their budgets.
- All POs are now entered into Skyward by the division or department so the business office can focus on accounting tasks and not data entry.
- Federal Reporting
 - We have completed the required reports for all federal dollars per ESEA.

ST. CROIX PREPARATORY ACADEMY

Adopted: _____

MSBA/MASA Model Policy 101 Charter

Orig. 1995 (as IDS Policy)

Revised: _____

Rev. 2025

101 LEGAL STATUS OF THE CHARTER SCHOOL

I. PURPOSE

A primary purpose of charter schools is to improve all pupil learning and achievement. Additional purposes include to (1) increase learning opportunities for all pupils; (2) encourage the use of different and innovative teaching methods; (3) measure learning outcomes and create different and innovative forms of measuring outcomes; (4) establish new forms of accountability for schools; and (5) create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.

II. GENERAL STATEMENT OF POLICY

- A. The charter school is subject to the control of the legislature, limited only by constitutional restrictions. The charter school has been created for educational purposes.
- B. The legislature has authority to prescribe the charter school's powers and privileges, its boundaries, and territorial jurisdictions.
- C. The charter school has only the powers conferred on it by the legislature; however, the board of directors' authority to govern, manage, and control the charter school, to carry out its duties and responsibilities, and to conduct the business of the charter school includes implied powers in addition to any specific powers granted by the legislature.

III. NONPROFIT CORPORATION

The charter school must be organized and operated as a nonprofit corporation under Minnesota Statutes, chapter 317A and the provisions of that chapter shall apply to the charter school except as provided in Minnesota Statutes, chapter 124E.

IV. POWERS AND AUTHORITY OF THE CHARTER SCHOOL

A. Funds

1. The charter school, through its board of directors, has authority to raise funds for the operation and maintenance of its schools and authority to manage and expend such funds, subject to applicable law.
2. The charter school has wide discretion over the expenditure of funds under its control for public purposes, subject to the limitations provided by law.
3. Charter school officials occupy a fiduciary position in the management and expenditure of funds entrusted to them.

B. Raising Funds

The charter school has authority to accept gifts and donations for school purposes, subject to applicable law.

C. Property

1. The charter school may lease space from: an independent or special school board; other public organization, private, nonprofit, nonsectarian organization; private property owner; or a sectarian organization if the leased space is constructed as a school facility. The charter school must not enter into a lease of real property with a related party unless the lessor is a nonprofit corporation under Minnesota Statutes, chapter 317A or a cooperative under Minnesota Statutes, chapter 308A, and the lease cost is reasonable under Minnesota Statutes, chapter 124E.
2. The charter school shall manage its property in a manner consistent with the educational functions of the school.
3. The charter school may permit the use of its facilities for community purposes which are not inconsistent with, nor disruptive of, its educational mission.

D. Contracts

1. The charter school is empowered to enter into contracts in the manner provided by law.
2. The charter school has authority to enter into installment purchases and leases with an option to purchase, pursuant to Minnesota Statutes section 465.71 or other applicable law.
3. The charter school has authority to make contracts with other governmental agencies and units for the purchase, lease or other acquisition of equipment, supplies, materials, or other property, including real property.
4. The charter school has authority to enter into employment contracts. As a public employer, the charter school, through its designated representatives, shall meet and negotiate with public employees in an appropriate bargaining unit and enter into written collective bargaining agreements with such employees, subject to applicable law.

E. Textbooks, Educational Materials, and Studies

1. The charter school, through its board of directors and administrators, has the authority to determine what textbooks, educational materials, and studies should be pursued.
2. The charter school shall establish and apply the school curriculum.

F. Actions and Suits

V. Notice and Website Posting

A. The charter school must post a link in a conspicuous place on the school's official website to the section of its authorizer's website where information listed in Minnesota

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Statutes, section 124E.17, paragraph (c) specific to that school is published.

B. The charter school must also, upon the request of the authorizer, distribute information from their authorizer about interventions, corrective actions, and probationary status by publication, mail, or electronic means to its authorizer, school employees, and parents and legal guardians of students enrolled in the charter school.

Legal References: Minn. Const. Art. 13, § 1

Minn. Stat. Ch. 124E (Charter Schools)

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

Minn. Stat. § 124E.13 (Facilities)

Minn. Stat. Ch. 179A (Public Employment Labor Relations)

Minn. Stat. Ch. 317A (Nonprofit Corporations)

Minn. Stat. § 465.035 (Public Corporation, Conveyance or Lease of Land)

Minnesota Association of Public Schools v. Hanson, 287 Minn. 415, 178 N.W.2d 846 (1970)

Independent School District No. 581 v. Mattheis, 275 Minn. 383, 147 N.W.2d 374 (1966)

Village of Blaine v. Independent School District No. 12, 272 Minn. 343, 138 N.W.2d 32 (1965)

Huffman v. School Board, 230 Minn. 289, 41 N.W.2d 455 (1950)

State v. Lakeside Land Co., 71 Minn. 283, 73 N.W.970 (1898)

Cross References: MSBA/MASA Model Policy 201 (Legal Status of the Charter School Board)

MSBA/MASA Model Policy 603 (Curriculum Development)

MSBA/MASA Model Policy 604 (Instructional Curriculum)

MSBA/MASA Model Policy 606 (Textbooks and Instructional Materials)

MSBA/MASA Model Policy 704 (Development and Maintenance of an Inventory of Fixed Assets and a Fixed Asset Accounting System)

MSBA/MASA Model Policy 705 (Investments)

MSBA/MASA Model Policy 706 (Acceptance of Gifts)

MSBA/MASA Model Policy 801 (Equal Access to Charter School Facilities)

ST. CROIX PREPARATORY ACADEMY

Adopted: _____

MSBA/MASA Model Policy 101.1

Orig. 1998

Revised: _____

Rev. 1999

101.1 NAME OF THE SCHOOL DISTRICT

I. PURPOSE

The purpose of this policy is to clarify the name of the school district.

II. GENERAL STATEMENT OF POLICY

Pursuant to statute, the official name of the school district is Independent School District No. _____ However, the school district is often referred to by other informal names. In order to avoid confusion and to encourage consistency in school district letterheads, signage, publications and other materials, the school board intends to establish a uniform name for the school district.

III. UNIFORM NAME

A. The name of the school district shall be _____ (insert name) _____.

(Examples include: Benson; Triton; Cass Lake-Bena; North Saint Paul-Maplewood-Oakdale; White Bear Lake Area Schools; Prior Lake/Savage Area Schools; West St. Paul-Mendota Heights-Eagan Area Schools; Northfield Public Schools; New Prague Community Schools; Stillwater Area Public Schools; Southwest Star Concept Schools; Jackson County Central School District.)

- B. The name specified above may be used to refer to the school district and may be shown on school district letterheads, signage, publications and other materials.
- C. In official communications and on school district ballots, the school district shall be referred to as Independent School District No. _____ (_____ name _____), but inadvertent failure to use the correct name shall not invalidate any legal proceeding or matter or affect the validity of any document.

Legal References: Minn. Stat. § 123A.55 (Classes, Number)

Cross References: None

ST. CROIX PREPARATORY ACADEMY

Adopted: _____

MSBA/MASA Model Policy 201 Charter

Orig. 1995 (as ISD Policy)

Revised: _____

Orig. 2022 (as Charter Policy)

Rev. 2024

201 LEGAL STATUS OF THE CHARTER SCHOOL BOARD OF DIRECTORS

I. PURPOSE

The care, management, and control of the charter school is vested by statutory and constitutional authority in the board of directors. The board of directors shall carry out the mission of the charter school with diligence, prudence, and dedication to the ideals of providing the finest public education. The purpose of this policy is to define the authority, duties, and powers of the board of directors in carrying out its mission.

II. GENERAL STATEMENT OF POLICY

- A. The board of directors is the governing body of the charter school. As such, the board of directors has responsibility for the care, management, and control over the charter school.
- B. Generally, members of the board of directors have binding authority only when acting as a board of directors legally in session, except where specific authority is provided to board of directors' members or officers individually. Generally, the board of directors is not bound by an action or statement on the part of an individual board of directors' member unless the action is specifically directed or authorized by the board of directors.

III. DEFINITION

"Board of directors" means the governing body of the charter school.

IV. ORGANIZATION AND MEMBERSHIP

- A. The initial board of directors must not be related parties. The initial board continues to serve until a timely election for members of the ongoing charter school board of directors is held according to the school's Articles and Bylaws under Minnesota Statutes, section 124E.07, subdivision 4. The initial board of directors and school developers must comply with the training requirements in subdivision 7 upon the incorporation of the school.
- B. The initial board must begin the transition to the ongoing board structure by the end of the first year of operation and complete the transition by the end of the second year of operation. The terms of board members shall begin on July 1. Terms shall be no less than two years. The bylaws shall set the number of terms an individual may serve on the board and as an officer of the board. Board elections must be held during the school year but may not be conducted on days when the school is closed.
- C. The number, tenure, and qualifications of the charter school board of directors shall be in accordance with the charter school Bylaws and the provisions in this policy.
- D. Resignation or removal of a member of the board of directors shall be governed by the charter school bylaws. Vacancies shall be filled in accordance with the charter school bylaws.
- E. The membership of the ongoing board of directors consists of at least five members. The ongoing board must include:

1. at least one licensed teacher; (No charter school employees shall serve on the board other than teachers under this clause);
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. A community member serving on the board must reside in Minnesota, must not have a child enrolled in the school, and must not be an employee of the charter school.

F. To serve as a licensed teacher on a charter school board, an individual must:

1. be employed by the school or provide at least 720 hours of service under a contract between the charter school and a teacher cooperative;
2. be a qualified teacher as defined under section 122A.16, either serving as a teacher of record in a field in which the individual has a field license, or providing services to students the individual is licensed to provide; and
3. not serve in an administrative or supervisory capacity for more than 240 hours in a school calendar year.

G. The board structure must be defined in the bylaws. The board structure may (1) be a majority of teachers under paragraph F. above, (2) be a majority of parents, (3) be a majority of community members, or (4) have no clear majority. The chief administrator may only serve as an ex-officio nonvoting board member.

H. A contractor providing facilities, goods, or services to a charter school must not serve on the board of directors. In addition, an individual is prohibited from serving as a member of the charter school board of directors if: (1) the individual, an immediate family member, or the individual's partner is a full or part owner or principal with a for-profit or nonprofit entity or independent contractor with whom the charter school contracts, directly or indirectly, for professional services, goods, or facilities; or (2) an immediate family member is an employee of the school. An individual may serve as a member of the board of directors if no conflict of interest exists under this paragraph, consistent with this section. A violation of this paragraph renders a contract voidable at the option of the Commissioner of the Minnesota Department of Education or the charter school board of directors. A member of a charter school board of directors who violates this paragraph is individually liable to the charter school for any damage caused by the violation.

"Immediate family member" means any relationship by blood, marriage, adoption, or partnership of spouses, parents, grandparents, siblings, children, first cousins, aunts, uncles, grandchildren, nieces, and nephews.

I. Any employee, agent, contractor, or board member of the authorizer who participates in initially reviewing, approving, overseeing, evaluating, renewing, or not renewing the charter school is ineligible to serve on the board of directors of a school chartered by that authorizer.

J. An individual is prohibited from serving on more than one charter school board at the same time in either an elected or ex-officio capacity, except that an individual serving as an administrator serving more than one school under Minnesota Statutes, section 124E.12, subdivision 2, paragraph (f), may serve on each board as an ex-officio member.

K. A majority of voting members constitutes a quorum. The act of the majority of a quorum is the act of the board of directors.

V. BOARD STRUCTURE

- A. The charter school Bylaws outline the process and procedures for changing the board's governance structure, consistent with Minnesota Statutes, chapter 317A. A board may change its governance structure only:
 - 1. by a majority vote of the board of directors;
 - 2. by a majority vote of the licensed teachers employed by the school as teachers who provide instruction to students, including licensed teachers providing instruction under a contract between the school and a cooperative; and
 - 3. with the authorizer's approval.
- B. Any change in board governance structure must conform with the board composition established under this policy and Minnesota Statutes, section 124E.07.

VI. BOARD ELECTIONS

- A. Staff members employed at the charter school, including teachers providing instruction under a contract with a cooperative, members of the board of directors, and all parents or legal guardians of children enrolled in the charter school are the voters eligible to elect the members of the charter school's board of directors.
- B. The board of directors must establish and publish election policies and procedures on the school's website.
- C. The board of directors must notify eligible voters of the school board election dates and voting procedures at least 30 calendar days before the election and post this information on the school's website.
- D. The board of directors must notify eligible voters of the candidates' names, biographies, and candidate statements at least ten calendar days before the election and post this information on the school's website.

VII. POWERS AND DUTIES

- A. The board of directors has the powers and duties set forth in Minnesota Statutes, chapter 317A, except as limited by the charter school's Articles of Incorporation, the charter school Bylaws, and Minnesota Statutes, chapter 124E and other applicable law. The board of directors' authority includes implied powers in addition to specific powers granted by the legislature.
- B. The board of directors exercises administrative functions. It also has certain powers of a legislative character and other powers of a quasi-judicial character.
- C. The board of directors shall superintend and manage the charter school; adopt rules for its organization, government, and instruction; prescribe textbooks and courses of study; and make and authorize contracts.
- D. The board of directors shall have the general charge of the business of the charter school, its facilities and property, and of the interest of the school.
- E. The board of directors shall call an annual meeting of the charter school corporation membership. Notification shall be provided in accordance with Minnesota's Open Meeting Law and the Minnesota Nonprofit Corporations Law. Election of members of the board of directors shall take place at the annual meeting.
- F. The board of directors, among other duties, shall perform the following in accordance with applicable law:

1. The board of directors shall decide and is responsible for policy matters related to operating the school, including budgeting, curriculum programming, personnel, and operating procedures;
2. The board shall adopt a nepotism policy;
3. The board shall adopt personnel evaluation policies and practices that, at a minimum:
 - a. carry out the school's mission and goals;
 - b. evaluate how the charter school's contract goals and commitments are executed;
 - c. evaluate student achievement, postsecondary and workforce readiness, and student engagement and connection goals;
 - d. establish a teacher evaluation process under Minnesota Statutes section 124E.03, subdivision 2, paragraph (h); and
 - e. provide professional development related to the individual's job responsibilities.
4. conduct the business of the schools and pay indebtedness and proper expenses;
5. employ and contract with necessary qualified teachers and discharge the same for cause;
6. provide services to promote the health of its pupils;
7. purchase, sell, and exchange charter school property and equipment as deemed necessary by the board of directors for school purposes;
8. provide for payment of claims against the charter school, and prosecute and defend actions by or against the charter school, in all proper cases;
9. employ and discharge necessary employees and contract for other services;
10. provide for transportation of pupils to and from school, as governed by statute;
11. procure insurance against liability of the charter school, its officers, and employees; and
12. cause to be kept at the corporation's registered office originals or copies of:
 - a. Approved minutes and records of all proceedings of the Board of Directors and all committees;
 - b. all financial statements of the corporation; and
 - c. Articles of Incorporation and Bylaws of the corporation, including all amendments and restatements thereof.

G. The board of directors, at its discretion, may perform the following:

1. provide library facilities, public evening schools, adult and continuing education programs, summer school programs, and intersession classes of flexible school year programs;

2. furnish school lunches for pupils and teachers on such terms as the board of directors determines;
3. enter into agreements with one or more other independent school districts to provide for agreed upon educational services;
4. purchase land or buildings with nonstate funds;
5. lease space from an independent or special school board; other public organization; private, nonprofit, nonsectarian organization; private property owner; or a sectarian organization if the leased space is constructed as a school facility, subject to review and approval by the Commissioner of the Minnesota Department of Education;
6. lease real property from a related party pursuant to Minnesota Statutes, section 124E.13.
7. organize an affiliated nonprofit building corporation to renovate or purchase an existing facility or to construct a new facility pursuant to Minnesota Statutes, section 124E.13;
8. authorize the use of school facilities for community purposes that will not interfere with their use for school purposes;
9. authorize cocurricular and extracurricular activities;
10. receive, for the benefit of the charter school, bequests, donations, or gifts for any proper purpose; and
11. perform other acts as the board of directors shall deem to be reasonably necessary or required for the governance of the schools; and
12. sue and be sued.

Legal References:

Minn. Stat. Chapter 124E (Charter Schools)
Minn. Stat. § 124E.02 (Definitions)
Minn. Stat. § 124E.07 (Board of Directors)
Minn. Stat. § 124E.13 (Facilities)
Minn. Stat. Ch. 317A (Nonprofit Corporations)

Cross References:

Charter School Bylaws
MSBA/MASA Model Policy 101 (Legal Status of the Charter School)
MSBA/MASA Model Policy 202 (Charter School Board Officers)
MSBA/MASA Model Policy 203 (Operation of the Charter School Board -Governing Rules)
MSBA/MASA Model Policy 205 (Open Meetings and Closed Meetings)

ST. CROIX PREPARATORY ACADEMY

Adopted: _____

MSBA/MASA Model Policy 204 Charter

Orig. 1995 (as ISD Policy)

Orig. 2022 (as Charter Policy)

Rev. 2024

Revised: _____

204 CHARTER SCHOOL BOARD MEETING MINUTES

I. PURPOSE

The purpose of this policy is to establish procedures relating to the maintenance of records of the charter school board of directors and the publication of its official proceedings.

II. GENERAL STATEMENT OF POLICY

It is the policy of the charter school to maintain its records so that they will be available for inspection by members of the public and to provide for the publication of its official proceedings in compliance with law.

III. MAINTENANCE OF MINUTES AND RECORDS

A. The clerk shall keep and maintain permanent records of the board of directors, including records of the minutes of board of directors' meetings and other required records of the board of directors. All votes taken at meetings required to be open to the public pursuant to the Minnesota Open Meeting Law must be recorded in a journal or minutes kept for that purpose. Public records maintained by the charter school must be available for inspection by members of the public during the regular business hours of the charter school. Minutes of meetings shall be available for inspection at the administrative offices of the charter school after they have been prepared. Minutes of a board of directors meeting shall be approved or modified by the board of directors at a subsequent meeting, which action shall be reflected in the official proceedings of that subsequent meeting.

B. Recordings of Closed Meetings

1. All closed meetings, except those closed as permitted by the attorney-client privilege, must be electronically recorded at the charter school's expense. Recordings of closed meetings shall be made separately from the recordings of an open meeting to the extent such meetings are recorded. If a meeting is closed to discuss more than one (1) matter, each matter shall be separately recorded.
2. Recordings of closed meetings shall be preserved by the charter school for the following time periods:
 - a. Meetings closed to discuss labor negotiations strategy shall be preserved for two (2) years after the contract is signed.
 - b. Meetings closed to discuss security matters shall be preserved for at least four (4) years.
 - c. Meetings closed to discuss the purchase or sale of property shall be preserved for at least eight (8) years after the date of the meeting.
 - d. All other closed meetings shall be preserved by the charter school for at least three (3) years after the date of the meeting.
 - e. Following the expiration of the above time periods, recordings of closed meetings shall be maintained as set forth in the charter school's

Records Retention Schedule.

3. Recordings of closed meetings shall be classified by the charter school as protected non-public data that is not accessible by the public or any subject of the data, with the following exceptions:
 - a. Recordings of labor negotiations strategy meetings shall be classified as public data and made available to the public after all labor contracts are signed by the charter school for the current budget period.
 - b. Recordings of meetings related to the purchase or sale of property shall be classified as public data and made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the charter school has abandoned the purchase or sale.
 - c. Recordings of any other closed meetings shall be classified and/or released as required by court order.
4. Recordings of closed meetings shall be maintained separately from recordings of open meetings, to the extent recordings of open meetings are maintained by the charter school, with the exception of recordings that have been classified as public data as set forth in Section III.B.3. above. Recordings of closed meetings classified as non-public data also shall be maintained in a secure location, separate from recordings classified as public data.
5. Recordings of closed meetings shall be maintained in a manner to easily identify the data classification of the recording. The recordings shall be identified with at least the following information:
 - a. The date of the closed meeting;
 - b. The basis upon which the meeting was closed (i.e.: labor negotiations strategy, purchase or sale of real property, educational data, etc.); and
 - c. The classification of the data.
6. Recordings of closed meetings related to labor negotiations strategy and the purchase or sale of property shall be maintained and monitored in a manner that reclassifies the recording as public upon the occurrence of an event reclassifying that data as set forth in Section III.B.3. above.

IV. PUBLICATION OF MEETING MINUTES

A charter school shall publish and maintain on the school's official website: (1) the meeting minutes of the board of directors and of members and committees having board-delegated authority, within 30 days following the earlier of the date of board approval or the next regularly scheduled meeting, and, for at least 365 days from the date of publication; (2) directory information for the board of directors and for the members of committees having board-delegated authority; and (3) identifying and contact information for the school's authorizer.

Legal References: Minn. Stat. § 13D.01, Subds. 4-6 (Open Meeting Law)
Minn. Stat. § 124E.07, Subd. 8 (Board of Directors)
Op. Atty. Gen. 161-a-20, December 17, 1970
Ketterer v. Independent School District No. 1, 248 Minn. 212, 79 N.W.2d 428 (1956)

Cross References: MSBA/MASA Model Policy 205 (Open Meetings and Closed Meetings)

ST. CROIX PREPARATORY ACADEMY

Adopted: _____

MSBA/MASA Model Policy 205 Charter

Orig. 1995 (as ISD Policy)

Revised: _____

Orig. 2022 (as Charter Policy)

205 OPEN MEETINGS AND CLOSED MEETINGS

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. Except as otherwise expressly provided by statute, all meetings of the charter school board, including executive sessions, shall be open to the public and comply with Minnesota's Open Meeting Law
- B. Meetings shall be closed only when expressly authorized by law.

III. DEFINITION

"Meeting" means a gathering of at least a quorum of charter school board members or quorum of a committee or subcommittee of charter school board members, at which members discuss, decide, or receive information as a group on issues relating to the official business of the charter school board. The term does not include a chance or social gathering or the use of social media by members of a public body so long as the social media use is limited to exchanges with all members of the public. For purposes of the Open Meeting Law, social media does not include e-mail.

IV. PROCEDURES

A. Meetings

1. Regular Meetings

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

2. Special Meetings

a. For a special meeting, the charter school board shall post written

notice of the date, time, place, and purpose of the meeting on the principal bulletin board of the charter school or on the door of the charter school board's usual meeting room if there is no principal bulletin board. The charter school board's actions at the special meeting are limited to those topics included in the notice.

- b. The notice shall also be mailed or otherwise delivered to each person who has filed a written request for notice of special meetings. This notice shall be posted and mailed or delivered at least three days before the date of the meeting.
- c. As an alternative to mailing or otherwise delivering notice to persons who have filed a written request, the charter school board may publish the notice once, at least three days before the meeting, in the official newspaper of the charter school or, if none, in a qualified newspaper of general circulation within the area of the charter school.
- d. A person filing a request for notice of special meetings may limit the request to particular subjects, in which case the charter school board is required to send notice to that person only concerning those particular subjects.
- e. The charter school board will establish an expiration date on requests for notice of special meetings and require refiling once each year. Not more than sixty (60) days before the expiration date of request for notice, the charter school board shall send notice of the refiling requirement to each person who filed during the preceding year.

3. Emergency Meetings

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

4. Recessed or Continued Meetings

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

5. Closed Meetings

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

6. Actual Notice

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

7. Meetings during Pandemic or Chapter 12 Emergency

In the event of a health pandemic or an emergency declared under Minnesota Statutes chapter 12, a meeting may be conducted by telephone or interactive technology in compliance with Minnesota Statutes section 13D.021.

8. Meetings by Interactive Technology

A meeting may be conducted by interactive technology, Zoom, Skype, or other similar electronic means in compliance with Minnesota Statutes section 13D.02.

B. Votes

The votes of charter school board members shall be recorded in a journal or minutes kept for that purpose. The journal or any minutes used to record votes of a meeting must be open to the public during all normal business hours at the charter school's administrative offices.

C. Written Materials

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

D. Open Meetings and Data

1. Meetings may not be closed to discuss data that are not public data, except as provided under Minnesota law.
2. Data that are not public data may be discussed at an open meeting if the disclosure relates to a matter within the scope of the charter school board's authority and is reasonably necessary to conduct the business or agenda item before the charter school board.
3. Data discussed at an open meeting retain the data's original classification;

however, a record of the meeting, regardless of form, shall be public.

E. Closed Meetings

1. Labor Negotiations Strategy

- a. The charter school board may, by a majority vote in a public meeting, decide to hold a closed meeting to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals, conducted pursuant to Minnesota's Public Employment Labor Relations Act (PELRA)
- b. The time and place of the closed meeting shall be announced at the public meeting. A written roll of charter school board members and all other persons present at the closed meeting shall be made available to the public after the closed meeting. The proceedings of a closed meeting to discuss negotiation strategies shall be tape recorded, and the tape recording shall be preserved for two years after the contract discussed at the meeting is signed. The recording shall be made available to the public after all labor contracts are signed by the charter school board for the current budget period.

2. Sessions Closed by Bureau of Mediation Services

All negotiations, mediation meetings, and hearings between the charter school board and its employees or their respective representatives are public meetings. Mediation meetings may be closed only by the Commissioner of the Bureau of Mediation Services (BMS). The use of recording devices, stenographic records, or other recording methods is prohibited in mediation meetings closed by the BMS.

3. Preliminary Consideration of Allegations or Charges

The charter school board shall close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority. If the charter school board members conclude that discipline of any nature may be warranted as a result of those specific charges or allegations, further meetings or hearings relating to those specific charges or allegations held after that conclusion is reached must be open. A meeting must also be open at the request of the individual who is the subject of the meeting. A closed meeting for this purpose must be electronically recorded at the expense of the charter school, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

4. Performance Evaluations

The charter school board may close a meeting to evaluate the performance of an individual who is subject to its authority. The charter school board shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the charter school board shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting. A closed meeting for this purpose must be electronically recorded at the expense of the charter school, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

5. Attorney-Client Privilege Meeting

A meeting may be closed if permitted by the attorney-client privilege. Attorney-client privilege applies when litigation is imminent or threatened, or when the charter school board needs advice above the level of general legal advice, for example, regarding specific acts and their legal consequences. A meeting may be closed to seek legal advice concerning litigation strategy, but the mere threat that litigation might be a consequence of deciding a matter one way or another does not, by itself, justify closing the meeting. The motion to close the meeting must specifically describe the matter to be discussed at the closed meeting, subject to relevant privacy and confidentiality considerations under state and federal law. The law does not require that such a meeting be recorded.

6. Dismissal Hearing

- a. A hearing on dismissal of a licensed teacher shall be public or private at the teacher's discretion. A hearing regarding placement of teachers on unrequested leave of absence shall be public.
- b. A hearing on dismissal of a student pursuant to the Pupil Fair Dismissal Act shall be closed unless the pupil, parent, or guardian requests an open hearing.
- c. To the extent a teacher or student dismissal hearing is held before the charter school board and is closed, the closed meeting must be electronically recorded at the expense of the charter school, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

7. Coaches; Opportunity to Respond

- a. If the charter school board has declined to renew the coaching contract of a licensed or nonlicensed head varsity coach, it must notify the coach within fourteen (14) days of that decision.
- b. If the coach requests the reasons for the nonrenewal, the charter school board must give the coach its reasons in writing within ten (10) days of receiving the request. The existence of parent complaints must not be the sole reason for the charter school board not to renew a coaching contract.
- c. On the request of the coach, the charter school board must provide the coach with a reasonable opportunity to respond to the reasons at a charter school board meeting.
- d. The meeting may be open or closed at the election of the coach unless the meeting is closed as required by Minnesota Statutes section 13D.05, subdivision 2, to discuss educational or certain other nonpublic data.
- e. A meeting closed for this purpose must be electronically recorded at the expense of the charter school, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

8. Meetings to Discuss Certain Not Public Data

- a. Any portion of a meeting must be closed if the following types of data are discussed:
 - (1) data that would identify alleged victims or reporters of criminal

sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults;

(2) active investigative data collected or created by a law enforcement agency;

(3) educational data, health data, medical data, welfare data, or mental health data that are not public data; or

(4) an individual's personal medical records.

b. A closed meeting must be electronically recorded at the expense of the charter school, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

9. Purchase and Sale of Property

a. The charter school board may close a meeting:

(1) to determine the asking price for real or personal property to be sold by the charter school;

(2) to review confidential or nonpublic appraisal data; and

(3) to develop or consider offers or counteroffers for the purchase or sale of real or personal property.

b. Before closing the meeting, the charter school board must identify on the record the particular real or personal property that is the subject of the closed meeting.

c. The closed meeting must be tape recorded at the expense of the charter school. The tape must be preserved for eight years after the date of the meeting and be made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the charter school board has abandoned the purchase or sale. The real or personal property that is the subject of the closed meeting must be specifically identified on the tape. A list of charter school board members and all other persons present at the closed meeting must be made available to the public after the closed meeting.

d. An agreement reached that is based on an offer considered at a closed meeting is contingent on its approval by the charter school board at an open meeting. The actual purchase or sale must be approved at an open meeting and the purchase price or sale price is public data.

10. Security Matters

a. The charter school board may close a meeting to receive security briefings and reports, to discuss issues related to security systems, to discuss emergency response procedures, and to discuss security deficiencies in or recommendations regarding public services, infrastructure, and facilities, if disclosure of the information discussed would pose a danger to public safety or compromise security procedures or responses.

b. Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting.

- c. Before closing a meeting, the charter school board must refer to the facilities, systems, procedures, services, or infrastructures to be considered during the closed meeting.
- d. The closed meeting must be tape recorded at the expense of the charter school and the recording must be preserved for at least four years.

11. Other Meetings

Other meetings shall be closed as provided by law, except as provided above. A closed meeting must be electronically recorded at the expense of the charter school, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

F. Procedures for Closing a Meeting

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

Legal References:

- Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
- Minn. Stat. Ch. 13D (Open Meeting Law)
- Minn. Stat. § 121A.47, Subd. 5 (Exclusion and Expulsion Procedures)
- Minn. Stat. § 122A.33, Subd. 3 (Coaches; Opportunity to Respond)
- Minn. Stat. § 179A.14, Subd. 3 (Labor Negotiations)
- Minn. Rules Part 5510.2810 (Bureau of Mediation Services)
- Brown v. Cannon Falls Township*, 723 N.W.2d 31 (Minn. App. 2006)
- Brainerd Daily Dispatch v. Dehen*, 693 N.W.2d 435 (Minn. App. 2005)
- The Free Press v. County of Blue Earth*, 677 N.W.2d 471 (Minn. App. 2004)
- Prior Lake American v. Mader*, 642 N.W.2d 729 (Minn. 2002)
- Star Tribune v. Board of Education, Special School District No. 1*, 507 N.W.2d 869 (Minn. App. 1993)
- Minnesota Daily v. University of Minnesota*, 432 N.W.2d 189 (Minn. App. 1988)
- Moberg v. Independent School District No. 281*, 336 N.W.2d 510 (Minn. 1983)
- Sovereign v. Dunn*, 498 N.W.2d 62 (Minn. App. 1993), *rev. denied.* (Minn. 1993)
- Dept. of Admin. Advisory Op. No. 21-003 (April 19, 2021)
- Dept. of Admin. Advisory Op. No. 21-002 (January 13, 2021)
- Dept. of Admin. Advisory Op. No. 19-012 (October 24, 2019)
- Dept. of Admin. Advisory Op. No. 19-008 (May 22, 2019)
- Dept. of Admin. Advisory Op. No. 19-006 (April 9, 2019)
- Dept. of Admin. Advisory Op. No. 18-019 (December 28, 2018)
- Dept. of Admin. Advisory Op. No. 17-005 (June 22, 2017)
- Dept. of Admin. Advisory Op. No. 13-009 (March 19, 2013)
- Dept. of Admin. Advisory Op. No. 12-004 (March 8, 2012)
- Dept. of Admin. Advisory Op. No. 11-004 (April 18, 2011)
- Dept. of Admin. Advisory Op. No. 10-020 (September 23, 2010)
- Dept. of Admin. Advisory Op. No. 09-020 (September 8, 2009)
- Dept. of Admin. Advisory Op. No. 08-015 (July 9, 2008)
- Dept. of Admin. Advisory Op. No. 06-027 (September 28, 2006)
- Dept. of Admin. Advisory Op. No. 04-004 (February 3, 2004)

Cross References:

- MSBA/MASA Model Policy 204 (Charter School Board Meeting Minutes)
- 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 406 (Public and Private Personnel Data)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA Law Bulletin "C" (Minnesota's Open Meeting Law)

ST. CROIX PREPARATORY ACADEMY

Adopted: _____

MSBA/MASA Model Policy 210.1 Charter

Orig. 2001 (as ISD Policy)

Revised: _____

Orig. 2022 (as Charter Policy)

Rev. 2024

210.1 CONFLICT OF INTEREST – CHARTER SCHOOL BOARD MEMBERS

I. PURPOSE

The purpose of this policy is to observe state statutes regarding conflicts of interest for charter school board members and to engage in charter school business activities in a fashion designed to avoid any conflict of interest or the appearance of impropriety.

II. GENERAL STATEMENT OF POLICY

The policy of the charter school board is to conform with statutory conflict of interest laws and act in a manner that will avoid any conflict of interest or the appearance thereof.

III. CONFLICTING BUSINESS RELATIONSHIPS

- A. An individual is prohibited from serving as a member of the board of directors of a charter school if the individual, an immediate family member, or the individual's partner is a full or part owner or principal with a for-profit or nonprofit entity or independent contractor with whom the charter school contracts, directly or indirectly, for professional services, goods, or facilities. An individual is prohibited from serving as a board member if an immediate family member is an employee of the school. A violation of this prohibition renders a contract voidable at the option of the Commissioner of Education (Commissioner) or the charter school board of directors. A member of a charter school board of directors who violates this prohibition is individually liable to the charter school for any damage caused by the violation. An individual may serve as a member of the board of directors if no conflict of interest under this paragraph exists.
- B. No member of the board of directors, employee, officer, or agent of a charter school shall participate in selecting, awarding, or administering a contract if a conflict of interest exists. A conflict exists when: (1) the board member, employee, officer, or agent; (2) the immediate family of the board member, employee, officer, or agent; (3) the partner of the board member, employee, officer, or agent; or (4) an organization that employees, or is about to employ, any individual in clauses (1) to (3), has a financial or other interest in the entity with which the charter school is contracting. A violation of this provision renders the contract void.
- C. Any employee, agent, or board member of the authorizer of a charter school who participates in the initial review, approval, ongoing oversight, evaluation, or the charter school renewal or nonrenewal process or decision is ineligible to serve on the board of directors of a school chartered by that authorizer.
- D. The charter school board member conflict of interest provisions do not apply to compensation paid to a teacher employed as a teacher by the charter school or a teacher who provides instructional services to the charter school through a cooperative formed under Minnesota Statutes chapter 308A when the teacher also serves on the charter school board of directors.
- E. A charter school board member, employee, or officer is a local official with regard to the receipt of gifts as defined under Minnesota Statutes, section 10A.071, subdivision 1, paragraph (b). A board member, employee, or officer must not receive compensation from a group health insurance provider.

F. No charter school employee or board member may serve on the board or decision-making committee of the school's authorizer. An employee or school board member must disclose to the school's board of directors any paid compensation they receive from the school's authorizer.

IV. LIMITS ON CHARTER SCHOOL AGREEMENTS

A. A school must disclose to the Commissioner of the Minnesota Department of Education any potential contract, lease, or purchase of service from the school's authorizer or a current board member, employee, contractor, volunteer, or agent of the school's authorizer. The contract, lease, or purchase must be accepted through an open bidding process and be separate from the charter contract. The school must document the open bidding process. An authorizer must not enter into a contract to provide management and financial services to a school it authorizes, unless the school documents receiving at least two competitive bids. This paragraph does not apply to a charter school or an authorizer when contracting for legal services from a lawyer that provides professional services to the charter school or authorizer and who is subject to the Minnesota Rules of Professional Conduct.

B. An authorizer must not condition granting or renewing a charter on:

1. the charter school being required to contract, lease, or purchase services from the authorizer; or
2. the bargaining unit status of school employees.

Legal References: Minn. Stat. § 10A.071, Subd. 1 (Certain Gifts by Lobbyists and Principals Prohibited)
Minn. Stat. § 124E.07 (Board of Directors)
Minn. Stat. § 124E.14 (Conflicts of Interest)
Minn. Stat. § 471.895 (Certain Gifts by Interested Persons Prohibited)

Cross References: None

ST. CROIX PREPARATORY ACADEMY

Adopted: _____

MSBA/MASA Model Policy 405 Charter

Orig. 1995 (as ISD Policy)

Revised: _____

Orig. 2022 (as Charter Policy)

405 VETERAN'S PREFERENCE

I. PURPOSE

The purpose of this policy is to comply with the Minnesota Veterans Preference Act (VPA) which provides preference points for veterans applying for employment with political subdivisions, including charter schools, as well as additional rights for veterans in the discharge process.

II. GENERAL STATEMENT OF POLICY

- A. The charter school's policy is to comply with the VPA regarding veteran's preference rights and mandated preference points to veterans and spouses of deceased veterans or disabled veterans.
- B. The school's policy is also to comply with the VPA requirement that no covered veteran may be removed from public employment except for incompetency or misconduct shown after a hearing upon due notice, upon stated charges, and in writing. This paragraph does not apply to the position of teacher.
- C. Veteran's preference points will be applied pursuant to applicable law as follows:
 1. A credit of ten points shall be added to the competitive open examination rating of a non-disabled veteran, who so elects, provided that the veteran obtained a passing rating on the examination without the addition of the credit points.
 2. A credit of fifteen points shall be added to the competitive open examination rating of a disabled veteran, who so elects, provided that the veteran obtained a passing rating on the examination without the addition of the credit points.
 3. A credit of five points shall be added to the competitive promotional examination rating of a disabled veteran, who so elects, provided that (a) the veteran obtained a passing rating on the examination without the addition of the credit points and (b) the veteran is applying for a first promotion after securing public employment.
 4. A preference may be used by the surviving spouse of a deceased veteran and by the spouse of a disabled veteran who, because of the disability, is unable to qualify.
- D. Eligibility for and application of veteran's preference, the definition of a veteran, and the definition of a disabled veteran for purposes of this policy will be pursuant to the VPA.
- E. When notifying applicants that they have been accepted into the selection process, the charter school shall notify applicants that they may elect to use veteran's preference.
- F. The charter school's policy is to use a 100-point hiring system to enable allocation of veteran's preference points. The school may or may not use a 100-point hiring system for filling teaching positions. If a 100-point hiring system is not used for filling a teaching position, preference points will not be added, but all veteran applicants who have proper licensure for the teaching position will be granted an interview for the

position.

- G. If the charter school rejects a member of the finalist pool who has claimed veteran's preference, the school shall notify the finalist in writing of the reasons for the rejection and file the notice with the school's personnel officer.
- H. In accordance with the VPA, no honorably discharged veteran shall be removed from a position of employment except for incompetency, misconduct, or good faith abolishment of position.
 - 1. Incompetency or misconduct must be shown after a hearing, upon due notice, upon stated charges, in writing.
 - 2. A veteran must irrevocably elect to be governed either by the VPA or by arbitration provisions set forth in a collective bargaining agreement in the event of a discharge.
- I. The VPA and the provisions of this policy do not apply to the position of private secretary, executive director, head of a department, or any person holding a strictly confidential relation to the charter school board or charter school. The VPA and the provisions of this policy apply to teachers only with respect to the hiring process, as set forth in Paragraph F, above.

Legal References: Minn. Stat. § 43A.11 (Veteran's Preference)
Minn. Stat. § 197.455 (Veteran's Preference Applied)
Minn. Stat. § 197.46 (Veterans Preference Act)
Hall v. City of Champlin, 463 N.W.2d 502 (Minn. 1990)
Young v. City of Duluth, 410 N.W.2d 27 (Minn. Ct. App. 1987)

Cross References: MSBA/MASA Model Policy 401 (Equal Employment Opportunity)

Adopted: _____

MSBA/MASA Model Policy 416

Orig. 1995

Revised: _____

Rev. 2025

416 DRUG, ALCOHOL, AND CANNABIS TESTING

I. PURPOSE

- A. The school board recognizes the significant problems created by drug, alcohol, and cannabis use in society in general, and the public schools in particular. The school board further recognizes the important contribution that the public schools have in shaping the youth of today into the adults of tomorrow.
- B. The school board believes that a work environment free of drug, alcohol, and cannabis use will be not only safer, healthier, and more productive but also more conducive to effective learning. To provide such an environment, the purpose of this policy is to provide authority so that the school board may require all employees and/or job applicants to submit to drug, alcohol, and cannabis testing in accordance with the provisions of this policy and as provided in federal law and Minnesota Statutes, sections 181.950-181.957.

II. GENERAL STATEMENT OF POLICY

- A. All school district employees and job applicants whose positions require a commercial driver's license will be required to undergo drug and alcohol testing and cannabis testing in accordance with federal law and the applicable provisions of this policy. The school district also may request or require that drivers submit to drug and alcohol testing and cannabis testing in accordance with the provisions of this policy and as provided in Minnesota Statutes, sections 181.950-181.957.
- B. The school district may request or require that any school district employee or job applicant, other than an employee or applicant whose position requires a commercial driver's license, submit to drug and alcohol testing and cannabis testing in accordance with the provisions of this policy and as provided in Minnesota Statutes, sections 181.950-181.957.
- C. The use, possession, sale, purchase, transfer, or dispensing of any drugs not medically prescribed, including medical cannabis, whether or not it has been prescribed for the employee, is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of drugs that are not medically prescribed, including medical cannabis, whether or not it has been prescribed for the employee, is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of drugs that are not medically prescribed are prohibited from entering or remaining on school district property.
- D. The use, possession, sale, purchase, transfer, or dispensing of alcohol or cannabis is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of alcohol or cannabis is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of alcohol or cannabis are prohibited from entering or remaining on school district property.
- E. Any employee who violates this section shall be subject to discipline that includes, but is not limited to, immediate suspension without pay and immediate discharge.
- F. The school district may discipline, discharge, or take other adverse personnel action

against an employee for cannabis flower, cannabis product, lower-potency hemp edible, or hemp-derived consumer product use, possession, impairment, sale, or transfer while an employee is working, on school district premises, or operating a school district vehicle, machinery, or equipment as follows:

1. if, as the result of consuming cannabis flower, a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer product, the employee does not possess that clearness of intellect and control of self that the employee otherwise would have;
2. if cannabis testing verifies the presence of cannabis flower, a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer product following a confirmatory test;
3. as provided in the school district's written work rules for cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products and cannabis testing, provided that the rules are in writing and in a written policy that contains the minimum information required by Minnesota Statutes, section 181.952; or
4. as otherwise authorized or required under state or federal law or regulations, or if a failure to do so would cause the school district to lose a monetary or licensing-related benefit under federal law or regulations.

III. FEDERALLY MANDATED DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

A. General Statement of Policy

All persons subject to commercial driver's license requirements shall be tested for alcohol, cannabis (including medical cannabis), cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP), pursuant to federal law. Drivers who test positive for alcohol or drugs shall be subject to disciplinary action, which may include termination of employment.

B. Definitions

1. "Actual Knowledge" means actual knowledge by the school district that a driver has used alcohol or controlled substances based on: (a) direct observation of the employee's use (not observation of behavior sufficient to warrant reasonable suspicion testing); (b) information provided by a previous employer; (c) a traffic citation; or (d) an employee's admission, except when made in connection with a qualified employee self-admission program.
2. "Alcohol Screening Device" (ASD) means a breath or saliva device, other than an Evidential Breath Testing Device (EBT), that is approved by the National Highway Traffic Safety Administration and placed on its Conforming Products List for such devices.
3. "Breath Alcohol Technician" (BAT) means an individual who instructs and assists individuals in the alcohol testing process and who operates the EBT.
4. "Commercial Motor Vehicle" (CMV) includes a vehicle that is designed to transport 16 or more passengers, including the driver.
5. "Designated Employer Representative" (DER) means an employee authorized by the school district to take immediate action to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation process. The DER receives test results and other communications for the school district.

6. "Department of Transportation" (DOT) means United States Department of Transportation.
7. "Direct Observation" means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing.
8. "Driver" is any person who operates a CMV, including full-time, regularly employed drivers, casual, intermittent, or occasional drivers, leased drivers, and independent owner-operator contractors.
9. "Evidential Breath Testing Device" (EBT) means a device approved by the National Highway Traffic Safety Administration for the evidentiary testing of breath for alcohol concentration and placed on its Conforming Products List for such devices.
10. "Licensed Medical Practitioner" means a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.
11. "Medical Review Officer" (MRO) means a licensed physician responsible for receiving and reviewing laboratory results generated by the school district's drug testing program and for evaluating medical explanations for certain drug tests.
12. "Refusal to Submit" (to an alcohol or controlled substances test) means that a driver: (a) fails to appear for any test within a reasonable time, as determined by the school district, consistent with applicable DOT regulations, after being directed to do so; (b) fails to remain at the testing site until the testing process is complete; (c) fails to provide a urine specimen or an adequate amount of saliva or breath for any DOT drug or alcohol test; (d) fails to permit the observation or monitoring of the driver's provision of a specimen in the case of a directly observed or monitored collection in a drug test; (e) fails to provide a sufficient breath specimen or sufficient amount of urine when directed and a determination has been made that no adequate medical explanation for the failure exists; (f) fails or declines to take an additional test as directed by the school district or the collector; (g) fails to undergo a medical examination or evaluation, as directed by the MRO or the DER; (h) fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process, fails to wash hands after being directed to do so by the collector, fails to sign the certification on the forms); (i) fails to follow the observer's instructions, in an observed collection, to raise the driver's clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if the driver has any type of prosthetic or other device that could be used to interfere with the collection process; (j) possesses or wears a prosthetic or other device that could be used to interfere with the collection process; (k) admits to the collector or MRO that the driver adulterated or substituted the specimen; or (l) is reported by the MRO as having a verified adulterated or substituted test result. An applicant who fails to appear for a pre-employment test, who leaves the testing site before the pre-employment testing process commences, or who does not provide a urine specimen because he or she has left before it commences is not deemed to have refused to submit to testing.
13. "Safety-Sensitive Functions" are on-duty functions from the time the driver begins work or is required to be in readiness to work until relieved from work and all responsibility for performing work, and include such functions as driving, loading and unloading vehicles, or supervising or assisting in the

loading or unloading of vehicles, servicing, repairing, obtaining assistance to repair, or remaining in attendance during the repair of a disabled vehicle.

14. "Screening Test Technician" (STT) means anyone who instructs and assists individuals in the alcohol testing process and operates an ASD.
15. "Stand Down" means the practice of temporarily removing an employee from performing safety-sensitive functions based only upon a laboratory report to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test before the MRO completes the verification process.
16. "Substance Abuse Professional" (SAP) means a qualified person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

C. Policy and Educational Materials

1. The school district shall provide a copy of this policy and procedures to each driver prior to the start of its alcohol and drug testing program and to each driver subsequently hired or transferred into a position requiring driving of a CMV.
2. The school district shall provide to each driver information required under Title 49 of the Code of Federal Regulations, including information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or controlled substance problem (the driver's or a coworker's); and available methods of intervening when an alcohol or controlled substance problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management.
3. The school district shall provide written notice to representatives of employee organizations that the information described above is available.
4. The school district shall require each driver to sign a statement certifying that the driver received a copy of the policy and materials. This statement should be in the form of Attachment A to this policy. The school district will maintain the original signed certificate and will provide a copy to the driver if the driver so requests.

D. Alcohol and Controlled Substances Testing Program Manager

1. The program manager will coordinate the implementation, direction, and administration of the alcohol and controlled substances testing policy for bus drivers. The program manager is the principal contact for the collection site, the testing laboratory, the MRO, the BAT, the SAP, and the person submitting to the test. Employee questions concerning this policy shall be directed to the program manager.
2. The school district shall designate a program manager and provide written notice of the designation to each driver along with this policy.

E. Specific Prohibitions for Drivers

1. Alcohol Concentration

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or

greater. Drivers who test greater than 0.04 will be taken out of service and will be subject to evaluation by a professional and retesting at the driver's expense.

2. Alcohol Possession

No driver shall be on duty or operate a CMV while the driver possesses alcohol.

3. On-Duty Use

No driver shall use alcohol while performing safety-sensitive functions.

4. Pre-Duty Use

No driver shall perform safety-sensitive functions within four (4) hours after using alcohol.

5. Use Following an Accident

No driver required to take a post-accident test shall use alcohol for eight (8) hours following the accident, or until the driver undergoes a post-accident alcohol test, whichever occurs first.

6. Refusal to Submit to a Required Test

No driver shall refuse to submit to an alcohol or controlled substances test required by post-accident, random, reasonable suspicion, return-to-duty, or follow-up testing requirements. A verified adulterated or substituted drug test shall be considered a refusal to test.

7. Use of Controlled Substances

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to instructions (which have been presented to the school district) from a licensed medical practitioner who is familiar with the driver's medical history and has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV. Controlled substances include medical cannabis, regardless of whether the driver is enrolled in the state registry program.

8. Positive, Adulterated, or Substituted Test for Controlled Substance

No driver shall report for duty, remain on duty, or perform a safety-sensitive function if the driver tests positive for controlled substances, including medical cannabis, or has adulterated or substituted a test specimen for controlled substances.

9. General Prohibition

Drivers are also subject to the general policies and procedures of the school district that prohibit possession, transfer, sale, exchange, reporting to work under the influence of drugs or alcohol, and consumption of drugs or alcohol while at work or while on school district premises or operating any school district vehicle, machinery, or equipment.

F. Other Alcohol-Related Conduct

No driver found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform safety-sensitive functions for at least twenty-four (24) hours following

administration of the test. The school district will not take any action under this policy other than removal from safety-sensitive functions based solely on test results showing an alcohol concentration of less than 0.04 but may take action otherwise consistent with law and the policies of the school district.

G. Prescription Drugs/Cannabinoid Products

A driver shall inform the driver's supervisor if at any time the driver is using a controlled substance pursuant to a physician's prescription. The physician's instructions shall be presented to the school district upon request. Use of a prescription drug shall be allowed if the physician has advised the driver that the prescribed drug will not adversely affect the driver's ability to safely operate a CMV. Use of medical cannabis is prohibited notwithstanding the driver's enrollment in the patient registry. Use of nonintoxicating cannabinoids or edible cannabinoid products is not a legitimate medical explanation for a confirmed positive test result for cannabis. MROs will verify a drug test confirmed as positive, even if a driver claims to have only used nonintoxicating cannabinoids or edible cannabinoid products.

H. Testing Requirements

I. Pre-Employment Testing

- a. A driver applicant shall undergo testing for [alcohol and] controlled substances, including medical cannabis, before the first time the driver performs safety-sensitive functions for the school district.
- b. Tests shall be conducted only after the applicant has received a conditional offer of employment.
- c. To be hired, the applicant must test negative and must sign an agreement in the form of Attachment B to this policy, authorizing former employers to release to the school district all information on the applicant's alcohol tests with results of blood alcohol concentration of 0.04 or higher, or verified positive results for controlled substances, including medical cannabis, or refusals to be tested (including verified adulterated or substituted drug test results), or any other violations of DOT agency drug and alcohol testing regulations, or, if the applicant violated the testing regulations, documentation of the applicant's successful completion of DOT return-to-duty requirements (including follow-up tests), within the preceding two (2) years.
- d. The applicant also must be asked whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee, during the last two (2) years, applied for, but did not obtain, safety-sensitive transportation work covered by DOT testing rules.
- e. Before employing a driver subject to controlled substances and alcohol testing, the school district must conduct a full pre-employment query of the federal Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse ("Clearinghouse") to obtain information about whether the driver (1) has a verified positive, adulterated, or substituted controlled substances test result; (2) has an alcohol confirmation test with a concentration of 0.04 or higher; (3) has refused to submit to a test in violation of federal law; or (4) that an employer has reported actual knowledge that the driver used alcohol on duty, before duty, or following an accident in violation of federal law or used a controlled substance in violation of federal law. The applicant must give specific written or electronic consent for the school district to conduct the Clearinghouse full query (see Attachment C to this policy). The school

district shall retain the consent for three (3) years from the date of the query.

2. Post-Accident Testing

- a. As soon as practicable following an accident involving a CMV, the school district shall test the driver for alcohol and controlled substances, including medical cannabis, if the accident involved the loss of human life or if the driver receives a citation for a moving traffic violation arising from an accident which results in bodily injury or disabling damage to a motor vehicle.
- b. Drivers should be tested for alcohol use within two (2) hours and no later than eight (8) hours after the accident.
- c. Drivers should be tested for controlled substances, including medical cannabis, no later than thirty-two (32) hours after the accident.
- d. A driver subject to post-accident testing must remain available for testing, or shall be considered to have refused to submit to the test.
- e. If a post-accident alcohol test is not administered within two (2) hours following the accident, the school district shall prepare and maintain on file a record stating the reasons the test was not promptly administered and continue to attempt to administer the alcohol test within eight (8) hours.
- f. If a post-accident alcohol test is not administered within eight (8) hours following the accident or a post-accident controlled substances test is not administered within thirty-two (32) hours following the accident, the school district shall cease attempts to administer the test, and prepare and maintain on file a record stating the reasons for not administering the test.
- g. The school district shall report drug and alcohol program violations to the Clearinghouse as required under federal law.

3. Random Testing

- a. The school district shall conduct tests on a random basis at unannounced times throughout the year, as required by the federal regulations.
- b. The school district shall test for alcohol at a minimum annual percentage rate of 10% of the average number of driver positions, and for controlled substances, including medical cannabis, at a minimum annual percentage of 50%.
- c. The school district shall adopt a scientifically valid method for selecting drivers for testing, such as a random number table or a computer-based random number generator that is matched with identifying numbers of the drivers. Each driver shall have an equal chance of being tested each time selections are made. Each driver selected for testing shall be tested during the selection period.
- d. Random tests shall be unannounced. Dates for administering random tests shall be spread reasonably throughout the calendar year.
- e. Drivers shall proceed immediately to the collection site upon notification of selection; provided, however, that if the driver is

performing a safety-sensitive function, other than driving, at the time of notification, the driver shall cease to perform the function and proceed to the collection site as soon as possible.

4. Reasonable Suspicion Testing

- a. The school district shall require a driver to submit to an alcohol test and/or controlled substances, including medical cannabis, test when a supervisor or school district official, who has been trained in accordance with the regulations, has reasonable suspicion to believe that the driver has used alcohol and/or controlled substances, including medical cannabis, on duty, within four (4) hours before coming on duty, or just after the period of the work day. The test shall be done as soon as practicable following the observation of the behavior indicative of the use of controlled substances or alcohol.
- b. The reasonable suspicion determination must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech, or body odors. The required observations for reasonable suspicion of a controlled substances violation may include indications of the chronic and withdrawal effects of controlled substances.
- c. Alcohol testing shall be administered within two (2) hours following a determination of reasonable suspicion. If it is not done within two (2) hours, the school district shall prepare and maintain a record explaining why it was not promptly administered and continue to attempt to administer the alcohol test within eight (8) hours. If an alcohol test is not administered within eight (8) hours following the determination of reasonable suspicion, the school district shall cease attempts to administer the test and state in the record the reasons for not administering the test.
- d. The supervisor or school district official who makes observations leading to a controlled substances reasonable suspicion test shall make and sign a written record of the observations within twenty-four (24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

5. Return-To-Duty Testing

A driver found to have violated this policy shall not return to work until an SAP has determined the employee has successfully complied with prescribed education and/or treatment and until undergoing return-to-duty tests indicating an alcohol concentration of less than 0.02 and a confirmed negative result for the use of controlled substances. The school district is not required to return a driver to safety-sensitive duties because the driver has met these conditions; this is a personnel decision subject to collective bargaining agreements or other legal requirements.

6. Follow-Up Testing

When an SAP has determined that a driver is in need of assistance in resolving problems with alcohol and/or controlled substances, the driver shall be subject to unannounced follow-up testing as directed by the SAP for up to sixty (60) months after completing a treatment program.

7. Refusal to Submit and Attendant Consequences

- a. A driver or driver applicant may refuse to submit to drug and alcohol

testing.

- b. Refusal to submit to a required drug or alcohol test subjects the driver or driver applicant to the consequences specified in federal regulations as well as the civil and/or criminal penalty provisions of 49 United States Code, section 521(b). In addition, a refusal to submit to testing establishes a presumption that the driver or driver applicant would test positive if a test were conducted and makes the driver or driver applicant subject to discipline or disqualification under this policy.
- c. A driver applicant who refuses to submit to testing shall be disqualified from further consideration for the conditionally offered position.
- d. An employee who refuses to submit to testing shall not be permitted to perform safety-sensitive functions and will be considered insubordinate and subject to disciplinary action, up to and including dismissal. If an employee is offered an opportunity to return to a DOT safety-sensitive duty, the employee will be evaluated by an SAP and must submit to a return-to-duty test prior to being considered for reassignment to safety-sensitive functions.
- e. Drivers or driver applicants who refuse to submit to required testing will be required to sign Attachment D to this policy.

I. Testing Procedures

1. Drug Testing

- a. Drug testing is conducted by analyzing a donor's urine specimen. Split urine samples will be collected in accordance with federal regulations. The donor will provide a urine sample at a designated collection site. The collection site personnel will then pour the sample into two sample bottles, labeled "primary" and "split," seal the specimen bottles, complete the chain of custody form, and prepare the specimen bottles for shipment to the testing laboratory for analysis. The specimen preparation shall be conducted in sight of the donor.
- b. If the donor is unable to provide the appropriate quantity of urine, the collection site person shall instruct the individual to drink up to forty (40) ounces of fluid distributed reasonably through a period of up to three (3) hours to attempt to provide a sample. If the individual is still unable to provide a complete sample, the test shall be discontinued and the school district notified. The DER shall refer the donor for a medical evaluation to determine if the donor's inability to provide a specimen is genuine or constitutes a refusal to test. For pre-employment testing, the school district may elect to not have a referral made, and revoke the employment offer.
- c. Drug test results are reported directly to the MRO by the testing laboratory. The MRO reports the results to the DER. If the results are negative, the school district is informed and no further action is necessary. If the test result is confirmed positive, adulterated, substituted, or invalid, the MRO shall give the donor an opportunity to discuss the test result. The MRO will contact the donor directly, on a confidential basis, to determine whether the donor wishes to discuss the test result. The MRO shall notify each donor that the donor has seventy-two (72) hours from the time of notification in which to request a test of the split specimen at the donor's expense. No split specimen testing is done for an invalid result.

- d. If the donor requests an analysis of the split specimen within seventy-two (72) hours of having been informed of a confirmed positive test, the MRO shall direct, in writing, the laboratory to provide the split specimen to another Department of Health and Human Services – SAMHSA certified laboratory for analysis. If the donor has not contacted the MRO within seventy-two (72) hours, the donor may present the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the confirmed positive test, or other circumstances unavoidably prevented the donor from timely making contact. If the MRO concludes that a legitimate explanation for the donor's failure to contact him/her within seventy-two (72) hours exists, the MRO shall direct the analysis of the split specimen. The MRO will review the confirmed positive test result to determine whether an acceptable medical reason for the positive result exists. The MRO shall confirm and report a positive test result to the DER and the employee when no legitimate medical reason for a positive test result as received from the testing laboratory exists.
- e. If, after making reasonable efforts and documenting those efforts, the MRO is unable to reach the donor directly, the MRO must contact the DER who will direct the donor to contact the MRO. If the DER is unable to contact the donor, the donor will be suspended from performing safety-sensitive functions.
- f. The MRO may confirm the test as a positive without having communicated directly with the donor about the test results under the following circumstances:
 - (1) The donor expressly declines the opportunity to discuss the test results;
 - (2) The donor has not contacted the MRO within seventy-two (72) hours of being instructed to do so by the DER; or
 - (3) The MRO and the DER, after making and documenting all reasonable efforts, have not been able to contact the donor within ten (10) days of the date the confirmed test result was received from the laboratory.

2. Alcohol Testing

- a. The federal alcohol testing regulations require testing to be administered by a BAT using an EBT or an STT using an ASD. EBTs and ASDs can be used for screening tests but only EBTs can be used for confirmation tests.
- b. Any test result less than 0.02 alcohol concentration is considered a "negative" test.
- c. If the donor is unable to provide sufficient saliva for an ASD, the DER will immediately arrange to use an EBT. If the donor attempts and fails to provide an adequate amount of breath, the school district will direct the donor to obtain a written evaluation from a licensed physician to determine if the donor's inability to provide a breath sample is genuine or constitutes a refusal to test.
- d. If the screening test results show alcohol concentration of 0.02 or higher, a confirmatory test conducted on an EBT will be required to be performed between fifteen (15) and thirty (30) minutes after the completion of the screening test.

e. Alcohol tests are reported directly to the DER.

J. Driver/Driver Applicant Rights

1. All drivers and driver applicants subject to the controlled substances testing provisions of this policy who receive a confirmed positive test result for the use of controlled substances have the right to request, at the driver's or driver applicant's expense, a confirming retest of the split urine sample. If the confirming retest is negative, no adverse action will be taken against the driver, and a driver applicant will be considered for employment.
2. The school district will not discharge a driver who, for the first time, receives a confirmed positive drug or alcohol test UNLESS:
 - a. The school district has first given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the school district after consultation with the SAP; and
 - b. The employee refuses to participate in the recommended program, or fails to successfully complete the program as evidenced by withdrawal before its completion or by a positive test result on a confirmatory test after completion of the program.
 - c. This limitation on employee discharge does not bar discharge of an employee for reasons independent of the first confirmed positive test result.

K. Testing Laboratory

The school will not conduct testing.

L. Confidentiality of Test Results

All alcohol and controlled substances test results and required records of the drug and alcohol testing program are considered confidential information under federal law and private data on individuals as that phrase is defined in Minnesota Statutes, chapter 13. Any information concerning the individual's test results and records shall not be released without written permission of the individual, except as provided for by regulation or law.

M. Recordkeeping Requirements and Retention of Records

1. The school district shall keep and maintain records in accordance with the federal regulations in a secure location with controlled access.
2. The required records shall be retained for the following minimum periods:

Basic records	5 years
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"Basic records" includes records of: (a) alcohol test results with concentration of 0.02 or greater; (b) verified positive drug test results; (c) refusals to submit to required tests (including substituted or adulterated drug test results); (d) SAP reports; (e) all follow-up tests and schedules for follow-up tests; (f) calibration documentation; (g) administration of the testing programs; and (h) each annual calendar year summary.

Information obtained from previous employers	3 years
Alcohol and controlled substance collection procedures years	2
Negative and cancelled controlled substance tests	1 year
Alcohol tests with less than 0.02 concentration	1 year
Education and training records	indefinite

"Education and training records" must be maintained while the individuals perform the functions which require training and for the two (2) years after ceasing to perform those functions.

3. Personal Information

Personal information about all individuals who undergo any required testing under this policy will be shared with the U.S. DOT Drug & Alcohol Clearinghouse ("Clearinghouse) as required under federal law, including:

- a. The name of the person tested;
- b. Any verified positive, adulterated, or substituted drug test result;
- c. Any alcohol confirmation test with a BAC concentration of 0.04 or higher;
- d. Any refusal to submit to any test required hereunder;
- e. Any report by a supervisor of actual knowledge of use as follows
 - (1) Any on-duty alcohol use;
 - (2) Any pre-duty alcohol use;
 - (3) Any alcohol use following an accident; and
 - (4) Any controlled substance use.
- f. Any report from a substance abuse professional certifying successful completion of the return-to-work process;
- g. Any negative return-to-duty test; and
- h. Any employer's report of completion of follow-up testing.

N. Training

The school district shall ensure all persons designated to supervise drivers receive training. The designated employees shall receive at least sixty (60) minutes of training on alcohol misuse and at least sixty (60) minutes of training on controlled substances use. The training shall include physical, behavioral, speech, and performance indicators of probable misuse of alcohol and use of controlled substances. The training will be used by the supervisors to make determinations of reasonable suspicion.

O. Consequences of Prohibited Conduct and Enforcement

1. Removal

The school district shall remove a driver who has engaged in prohibited conduct from safety-sensitive functions. A driver shall not be permitted to return to safety-sensitive functions until and unless the return-to-duty requirements of federal DOT regulations have been completed.

2. Referral, Evaluation, and Treatment

- a. A driver or driver applicant who has engaged in prohibited conduct shall be provided a listing of SAPs readily available to the driver or applicant and acceptable to the school district.
- b. The school district will offer a driver an opportunity to return to a DOT safety-sensitive duty following an employee's first positive test result on a confirmatory test if no reasons independent of the first test result for discharge exist. Otherwise, the school district may choose, but is not required, to provide an SAP evaluation or any subsequent recommended education or treatment.
- c. Drivers are responsible for payment for SAP evaluations and services unless a collective bargaining agreement or employee benefit plan provides otherwise.
- d. Drivers who engage in prohibited conduct also are required to comply with follow-up testing requirements.

3. Disciplinary Action

- a. Any driver who refuses to submit to post-accident, random, reasonable suspicion, or follow-up testing not only shall not perform or continue to perform safety-sensitive functions, but also may be subject to disciplinary action, which may include immediate suspension without pay and/or immediate discharge.
- b. Drivers who test positive with verification of a confirmatory test or are otherwise found to be in violation of this policy or the federal regulations shall be subject to disciplinary action, which may include immediate suspension without pay and/or immediate discharge.
- c. Nothing in this policy limits or restricts the right of the school district to discipline or discharge a driver for conduct which not only constitutes prohibited conduct under this policy but also violates the school district's other rules or policies.

P. Other Testing

The school district may request or require that drivers submit to cannabis testing or drug and alcohol testing other than that required by federal law. For example, drivers may be requested or required to undergo cannabis testing or drug and alcohol testing on an annual basis as part of a routine physical examination. Such additional testing of drivers will be conducted only in accordance with the provisions of this policy and as provided in Minnesota Statutes, sections 181.950-181.957. For purposes of such additional, non-mandatory testing, drivers fall within the definition of "other employees" covered by Section IV. of this policy.

Q. Report to Clearinghouse

The school district shall promptly submit to the Clearinghouse any record generated of an individual who refuses to take an alcohol or controlled substance test required under Title 49, Code of Federal Regulations, tests positive for alcohol or a controlled substance in violation of federal regulations, or violates subpart B of Part 382 of Title 49, Code of Federal Regulations (or any subsequent corresponding regulations).

R. Annual Clearinghouse Query

1. The school district must conduct a query of the Clearinghouse record at least once per year for information for all employees subject to controlled substance and alcohol testing related to CMV operation to determine whether information exists in the Clearinghouse about those employees. In lieu of a full query, the school district may obtain the individual driver's consent to conduct a limited query to satisfy the annual query requirement. The limited query will tell the employer whether there is information about the driver in the Clearinghouse but will not release that information to the employer. If the limited query shows that information exists in the Clearinghouse about the driver, the school district must conduct a full query within twenty-four (24) hours or must not allow the driver to continue to perform any safety-sensitive function until the employee conducts the full query and the results confirm the driver's Clearinghouse record contains no prohibitions showing the driver has a verified positive, adulterated or substitute controlled substance test, no alcohol confirmation test with a concentration of 0.04 or higher, refuses to submit to a test, or was reported to have used alcohol on duty, before duty, following an accident or otherwise used a controlled substance in violation of the regulations except where the driver completed the SAP evaluation, referral and education/treatment process as required by the regulations. The school district shall comply with the query requirements set forth in 49 Code of Federal Regulations, section 382.701.
2. The school district may not access an individual's Clearinghouse record unless the school district (1) obtains the individual's prior written or electronic consent for access to the record; and (2) submits proof of the individual's consent to the Clearinghouse. The school district must retain the consent for three (3) years from the date of the last query. The school district shall retain for three (3) years a record of each request for records from the Clearinghouse and the information received pursuant to the request.
3. The school district shall protect the individual's privacy and confidentiality of each Clearinghouse record it receives. The school district shall ensure that information contained in a Clearinghouse record is not divulged to a person or entity not directly involved in assessing and evaluating whether a prohibition applies with respect to the individual to operate a CMV for the school district.
4. The school district may use an individual's Clearinghouse record only to assess and evaluate whether a prohibition applies with respect to the individual to operate a CMV for the school district.

IV. CANNABIS TESTING OR DRUG AND ALCOHOL TESTING FOR OTHER EMPLOYEES

The school district may request or require drug and alcohol testing or cannabis testing for other school district personnel, i.e., employees who are not school bus drivers, or job applicants for such positions. The school district does not have a legal duty to request or require any employee or job applicant to undergo drug and alcohol testing or cannabis testing as authorized in this policy, except for school bus drivers and other drivers of CMVs who are subject to federally mandated testing (See Section III. of this policy.) If a school bus driver is requested or required to submit to drug or alcohol testing beyond that mandated by federal law, the provisions of Section IV. of this policy will be applicable to such testing.

A. Definitions

1. "Cannabis testing" means the analysis of a body component sample according to the standards established under one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1, for the purpose of measuring the presence or absence of cannabis flower, as defined in Minnesota Statutes, section 342.01, subdivision 16, cannabis products, as defined in section 342.01, subdivision 20, lower-potency hemp edibles as defined in section 342.01, subdivision 50, hemp-derived consumer products as defined in section

342.01, subdivision 37, or cannabis metabolites in the sample tested. The definitions in this section apply to cannabis testing unless stated otherwise.

2. "Confirmatory test" and "confirmatory retest" mean a drug or alcohol test that uses a method of analysis allowed under one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1.
3. "Drug" means a controlled substance as defined in Minnesota Statutes, section 152.01, subdivision 4, but does not include marijuana, tetrahydrocannabinols, cannabis flower as defined in section 342.01, subdivision 16, cannabis products as defined in section 342.01, subdivision 20, lower-potency hemp edibles as defined in section 342.01, subdivision 50, and hemp-derived consumer products as defined in section 342.01, subdivision 37.
4. "Drug and Alcohol Testing," "Drug or Alcohol Testing," and "Drug or Alcohol Test" mean analysis of a body component sample by a testing laboratory that meets one of the criteria listed in Minnesota Statutes, section 181.953, subdivision 1, for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested. "Drug and alcohol testing," "drug or alcohol testing," and "drug or alcohol test" do not include cannabis or cannabis testing, unless stated otherwise.
5. "Employee" means a person, independent contractor, or person working for an independent contractor who performs services for compensation, in whatever form, for an employer.
6. "Initial screening test" means a drug or alcohol test or cannabis test which uses a method of analysis under one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1.
7. "Job Applicant" means a person, independent contractor, or person working for an independent contractor who applies to become an employee of the school district in a position that does not require a commercial driver's license, and includes a person who has received a job offer made contingent on the person's passing drug or alcohol testing. Job applicants for positions requiring a commercial driver's license are governed by the provisions of the school district's drug and alcohol testing policy relating to school bus drivers (Section III).
8. "Oral fluid test" means analysis of a saliva sample for the purpose of measuring the presence of the same substances as drug and alcohol testing and cannabis testing that:
 - a. can detect drugs, alcohol, cannabis, or their metabolites in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1; and
 - b. does not require the services of a testing laboratory under section 181.953, subdivision 1.
9. "Other Employees" means any persons, independent contractors, or persons working for an independent contractor who perform services for the school district for compensation, either full time or part time, in whatever form, except for persons whose positions require a commercial driver's license, and includes both professional and nonprofessional personnel. Persons whose positions require a commercial driver's license are primarily governed by the provisions of the district's drug and alcohol testing policy relating to school bus drivers (Section III.). To the extent that the drug and alcohol testing of persons whose positions require a commercial driver's license is not mandated

by federal law and regulations, such testing shall be governed by Section IV. of this policy and the drivers shall fall within this definition of "other employees."

10. "Positive Test Result" means a finding of the presence of drugs, alcohol, or their metabolites in the sample tested in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1.
11. "Random Selection Basis" means a mechanism for selection of employees that:
 - a. results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected; and
 - b. does not give the school district discretion to waive the selection of any employee selected under the mechanism.
12. "Reasonable Suspicion" means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.
13. "Safety-Sensitive Position" means a job, including any supervisory or management position, in which an impairment caused by drug, alcohol, or cannabis usage would threaten the health or safety of any person.

B. Circumstances Under Which Cannabis Testing or Drug or Alcohol Testing May Be Requested or Required; Exceptions

1. General Limitations
 - a. The school district may not request or require an employee or job applicant whose position does not require a commercial driver's license to undergo drug or alcohol testing or cannabis testing, unless the testing is done pursuant to this policy; and either (1) is conducted by a testing laboratory that meets one of the criteria listed in Minnesota Statutes, section 181.953, subdivision 1; or (2) complies with the oral fluid test procedures under section 181.953, subdivision 5a.
 - b. The school district will not request or require an employee or job applicant whose position does not require a commercial driver's license to undergo drug and alcohol testing or cannabis testing on an arbitrary and capricious basis.
2. Cannabis Testing Exceptions

For the following positions, cannabis and its metabolites are considered a drug and subject to the drug and alcohol testing provisions in Minnesota Statutes, sections 181.950 to 181.957:

- a. a safety-sensitive position, as defined in Minnesota Statutes, section 181.950, subdivision 13;
- b. a position requiring face-to-face care, training, education, supervision, counseling, consultation, or medical assistance to children;
- c. a position requiring a commercial driver's license or requiring an employee to operate a motor vehicle for which state or federal law requires drug or alcohol testing of a job applicant or an employee;
- d. a position of employment funded by a federal grant; or
- e. any other position for which state or federal law requires testing of a

job applicant or an employee for cannabis.

3. Job Applicant Testing

The school district may request or require any job applicant whose position does not require a commercial driver's license to undergo drug and alcohol testing, provided a job offer has been made to the applicant and the same test is requested or required of all job applicants conditionally offered employment for that position. If a job applicant has received a job offer that is contingent on the applicant's passing drug and alcohol testing, the school district may not withdraw the offer based on a positive test result from an initial screening test that has not been verified by a confirmatory test. In the event the job offer is subsequently withdrawn, the school district shall notify the job applicant of the reason for its action.

- a. The school district must not request or require a job applicant to undergo cannabis testing solely for the purpose of determining the presence or absence of cannabis as a condition of employment unless otherwise required by state or federal law.
- b. Unless otherwise required by state or federal law, the school district must not refuse to hire a job applicant solely because the job applicant submits to a cannabis test or a drug and alcohol test authorized by Minnesota law and the results of the test indicate the presence of cannabis.
- c. The school district must not request or require an employee or job applicant to undergo cannabis testing on an arbitrary or capricious basis.
- d. Cannabis testing authorized under paragraph (d) must comply with the safeguards for testing employees provided in Minnesota Statutes, sections 181.953 and 181.954.

4. Oral fluid testing

- a. When drug and alcohol testing or cannabis testing is otherwise authorized under Minnesota Statutes, section 181.951, the school district may request an employee or job applicant to undergo oral fluid testing according to the procedures under Minnesota Statutes, section 181.953, subdivision 5a as an alternative to using the services of a testing laboratory under Minnesota Statutes, section 181.953, subdivision 1.
- b. The employee must be informed of the test result at the time of the oral fluid test. Within 48 hours of an oral fluid test that indicates a positive test result or that is inconclusive or invalid, the employee or job applicant may request drug or alcohol testing or cannabis testing at no cost to the employee or job applicant using the services of a testing laboratory under Minnesota Statutes, section 181.953, subdivision 1, and according to the existing laboratory testing standards in subdivisions 1 to 5. The rights, notice, and limitations in Minnesota Statutes, section 181.953, subdivision 6, paragraph (b), and subdivisions 7 to 8 and 10 to 11 apply to an employee or job applicant and a laboratory test conducted pursuant to this paragraph.
- c. If the laboratory test under paragraph (b) above indicates a positive result, any subsequent confirmatory retest, if requested by the employee or job applicant, must be conducted following the retest procedures provided in Minnesota Statutes, section 181.953,

subdivision 6, paragraph (c), and subdivision 9 at the employee's or job applicant's own expense.

- d. Nothing in this subdivision is intended to modify the existing requirements for drug and alcohol testing or cannabis testing in the workplace under Minnesota Statutes, sections 181.950 to 181.957, unless stated otherwise.

5. Random Testing

The school district may request or require "other employees" to undergo cannabis testing or drug and alcohol testing on a random selection basis only if they are employed in safety-sensitive positions.

6. Reasonable Suspicion Testing

The school district may request or require any employee to undergo cannabis testing or drug and alcohol testing if the school district has a reasonable suspicion that the employee:

- a. is under the influence of cannabis, drugs, or alcohol;
- b. has violated the school district's written work rules prohibiting the use, possession, sale, or transfer of drugs or alcohol, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products while the employee is working or while the employee is on the school district's premises or operating the school district's vehicles, machinery, or equipment;
- c. has sustained a personal injury, as that term is defined in Minnesota Statutes, section 176.011, subdivision 16, or has caused another employee to sustain a personal injury; or
- d. has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.

7. Treatment Program Testing

The school district may request or require any employee to undergo cannabis testing and drug and alcohol testing if the employee has been referred by the school district for chemical dependency treatment or evaluation or is participating in a chemical dependency treatment program under an employee benefit plan, in which case the employee may be requested or required to undergo cannabis testing and drug and alcohol testing without prior notice during the evaluation or treatment period and for a period of up to two (2) years following completion of any prescribed chemical dependency treatment program.

8. Routine Physical Examination Testing

The school district may request or require any employee to undergo drug and alcohol testing as part of a routine physical examination provided the drug or alcohol test is requested or required no more than once annually and the employee has been given at least two weeks' written notice that a drug or alcohol test may be requested or required as part of the physical examination.

C. No Legal Duty to Test

The school district does not have a legal duty to request or require any employee or

job applicant whose position does not require a commercial driver's license to undergo drug and alcohol testing.

D. Right of Other Employee or Job Applicant to Refuse Drug and Alcohol Testing and Consequences of Such Refusal

1. Right of Other Employee or Job Applicant to Refuse Drug and Alcohol Testing

Any employee or job applicant whose position does not require a commercial driver's license has the right to refuse drug and alcohol testing subject to the provisions contained in Paragraphs 2. and 3. of Section IV.D.

2. Consequences of an Employee's Refusal to Undergo Drug and Alcohol Testing

Any employee in a position that does not require a commercial driver's license who refuses to undergo drug and alcohol testing in the circumstances set out in the Random Testing, Reasonable Suspicion Testing, and Treatment Program Testing provisions of this policy may be subject to disciplinary action, up to and including immediate discharge.

3. Consequences of a Job Applicant's Refusal to Undergo Drug and Alcohol Testing

Any job applicant for a position which does not require a commercial driver's license who refuses to undergo drug and alcohol testing pursuant to the Job Applicant Testing provision of this policy shall not be employed.

E. Reliability and Fairness Safeguards

1. Pretest Notice

Before requesting an employee or job applicant whose position does not require a commercial driver's license to undergo drug or alcohol testing or requesting cannabis testing, the school district shall provide the employee or job applicant with a Pretest Notice in the form of Attachment D to this policy on which to acknowledge that the employee or job applicant has received the school district's drug and alcohol testing or cannabis testing policy.

2. Notice of Test Results

Within three (3) working days after receipt of a test result report from the testing laboratory, the school district shall inform in writing an employee or job applicant who has undergone drug or alcohol testing or cannabis testing of a negative test result on an initial screening test or of a negative or positive test result on a confirmatory test.

3. Notice of and Right to Test Result Report

Within three (3) working days after receipt of a test result report from the testing laboratory, the school district shall inform in writing, an employee or job applicant who has undergone drug or alcohol testing of the employee or job applicant's right to request and receive from the school district a copy of the test result report on any drug or alcohol test or cannabis test.

4. Notice of and Right to Explain Positive Test Result

a. If an employee or job applicant has a positive test result on a confirmatory test, the school district shall provide the individual with notice of the test results and, at the same time, written notice of the right to explain the results and to submit additional information (see

Attachment G to this policy).

- b. The school district may request that the employee or job applicant indicate any over-the-counter or prescription medication that the individual is currently taking or has recently taken and any other information relevant to the reliability of, or explanation for, a positive test result.
- c. The employee may present verification of enrollment in the medical cannabis patient registry or of enrollment in a Tribal medical cannabis program as part of the employee's explanation.
- d. Use of nonintoxicating cannabinoids or edible cannabinoid products is not a legitimate medical explanation for a confirmed positive test result for cannabis. MROs will verify a drug test confirmed as positive, even if an employee claims to have only used nonintoxicating cannabinoids or edible cannabinoid products.
- e. Within three (3) working days after notice of a positive test result on a confirmatory test, an employee or job applicant may submit information (in addition to any information already submitted) to the school district to explain that result.

5. Notice of and Right to Request Confirmatory Retests

- a. If an employee or job applicant has a positive test result on a confirmatory test, the school district shall provide the individual with notice of the test results and, at the same time, written notice of the right to request a confirmatory retest of the original sample at his or her expense.
- b. An employee or job applicant may request a confirmatory retest of the original sample at his or her own expense after notice of a positive test result on a confirmatory test. Within five (5) working days after notice of the confirmatory test result, the employee or job applicant shall notify the school district in writing of his or her intention to obtain a confirmatory retest. Within three (3) working days after receipt of the notice, the school district shall notify the original testing laboratory that the employee or job applicant has requested the laboratory to conduct the confirmatory retest or to transfer the sample to another laboratory licensed under Minnesota Statutes, section 181.953, subdivision 1 to conduct the confirmatory retest. The original testing laboratory shall ensure that appropriate chain-of-custody procedures are followed during transfer of the sample to the other laboratory. The confirmatory retest must use the same drug, alcohol, or cannabis threshold detection levels as used in the original confirmatory test. If the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test may be taken against the employee or job applicant.

6. If an employee or job applicant has a positive test result on a confirmatory test, the school district, at the time of providing notice of the test results, shall also provide written notice to inform the individual of other rights provided under Sections F. or G., below, whichever is applicable.

Attachments F and G to this policy provide the Notices described in Paragraphs 2. through 6. of this Section E.

F. Discharge and Discipline of Employees Whose Positions Do Not Require a Commercial Driver's License

1. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee on the basis of a positive test result from an initial screening test that has not been verified by a confirmatory test.
2. In the case of a positive test result on a confirmatory test, the employee shall be subject to discipline which includes, but is not limited to, immediate suspension without pay and immediate discharge, pursuant to the provisions of this policy.
3. The school district may not discharge an employee for whom a positive test result on a confirmatory test was the first such result for the employee on a drug or alcohol test or cannabis test requested by the school district, unless the following conditions have been met:
 - a. The school district has first given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug, alcohol, or cannabis counseling or rehabilitation program, whichever is more appropriate, as determined by the school district after consultation with a certified chemical abuse counselor or a physician trained in the diagnosis and treatment of chemical dependency; and
 - b. The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a positive test result on a confirmatory test after completion of the program.
4. Notwithstanding Paragraph 1., the school district may temporarily suspend the tested employee or transfer that employee to another position at the same rate of pay pending the outcome of the confirmatory test and, if requested, the confirmatory retest, provided the school district believes that it is reasonably necessary to protect the health or safety of the employee, co-employees or the public. An employee who has been suspended without pay must be reinstated with back pay if the outcome of the confirmatory test or requested confirmatory retest is negative.
5. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee on the basis of medical history information or the employee's status as a patient enrolled in the medical cannabis registry program revealed to the school district, unless the employee was under an affirmative duty to provide the information before, upon, or after hire, or failing to do so would violate federal law or regulations or cause the school district to lose money or licensing-related benefit under federal law or regulations.
6. The school district may not discriminate against any employee in termination, discharge, or any term or condition of employment or otherwise penalize an employee based upon an employee registered patient's positive drug test for cannabis components or metabolites, unless the employee used, possessed, or was impaired by medical cannabis on school district property during the hours of employment.
7. An employee must be given access to information in the individual's personnel file relating to positive test result reports and other information acquired in the drug and alcohol testing process or cannabis testing process and conclusions drawn from and actions taken based on the reports or other acquired information.

G. Withdrawal of Job Offer for an Applicant for a Position That Does Not Require a Commercial Driver's License

If a job applicant has received a job offer made contingent on the applicant's passing drug and alcohol testing, the school district may not withdraw the offer based on a positive test result from an initial screening test that has not been verified by a confirmatory test. In the case of a positive test result on a confirmatory test, the school district may withdraw the job offer.

H. Chain-of-Custody Procedures

The school district has established its own reliable chain-of-custody procedures to ensure proper record keeping, handling, labeling, and identification of the samples to be tested. The procedures require the following:

1. Possession of a sample must be traceable to the employee from whom the sample is collected, from the time the sample is collected through the time the sample is delivered to the laboratory;
2. The sample must always be in the possession of, must always be in view of, or must be placed in a secure area by a person authorized to handle the sample;
3. A sample must be accompanied by a written chain-of-custody record; and
4. Individuals relinquishing or accepting possession of the sample must record the time the possession of the sample was transferred and must sign and date the chain-of-custody record at the time of transfer.

I. Privacy, Confidentiality and Privilege Safeguards

1. Privacy Limitations

A laboratory may only disclose to the school district test result data regarding the presence or absence of drugs, alcohol or their metabolites in a sample tested.

2. Confidentiality Limitations

With respect to employees and job applicants, test result reports and other information acquired in the drug or alcohol testing process are private data on individuals as that phrase is defined in Minnesota Statutes, chapter 13, and may not be disclosed by the school district or laboratory to another employer or to a third-party individual, governmental agency, or private organization without the written consent of the employee or job applicant tested.

3. Exceptions to Privacy and Confidentiality Disclosure Limitations

Notwithstanding Paragraphs 1. and 2., evidence of a positive test result on a confirmatory test may be: (1) used in an arbitration proceeding pursuant to a collective bargaining agreement, an administrative hearing under Minnesota Statutes, chapter 43A or other applicable state or local law, or a judicial proceeding, provided that information is relevant to the hearing or proceeding; (2) disclosed to any federal agency or other unit of the United States government as required under federal law, regulation or order, or in accordance with compliance requirements of a federal government contract; and (3) disclosed to a substance abuse treatment facility for the purpose of evaluation or treatment of the employee.

4. Privilege

Positive test results from the school district drug or alcohol testing program may not be used as evidence in a criminal action against the employee or job applicant tested.

J. Notice of Testing Policy to Affected Employees

The school district shall provide written notice of this drug, alcohol, and cannabis testing policy to all affected employees upon adoption of the policy, to a previously non-affected employee upon transfer to an affected position under the policy, and to a job applicant upon hire and before any testing of the applicant if the job offer is made contingent on the applicant's passing drug and alcohol testing. Affected employees and applicants will acknowledge receipt of this written notice in the form of Attachment H to this policy.

V. **POSTING**

The school district shall post notice in an appropriate and conspicuous location on its premises that it has adopted a drug and alcohol testing policy and that copies of the policy are available for inspection during regular business hours by its employees or job applicants in its personnel office or other suitable locations.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. Ch. 43A (State Personnel Management)
Minn. Stat. § 151.72 (Sale of Certain Cannabinoid Products)
Minn. Stat. § 152.01 (Definitions)
Minn. Stat. § 152.22 (Definitions; Medical Cannabis)
Minn. Stat. § 152.23 (Limitations; Medical Cannabis)
Minn. Stat. § 152.32 (Protections for Registry Program Participation)
Minn. Stat. § 176.011, Subd. 16 (Definitions; Personal Injury)
Minn. Stat. §§ 181.950-181.957 (Drug and Alcohol Testing in the Workplace)
Minn. Stat. § 221.031 (Motor Carrier Rules)
49 U.S.C. § 31306 (Omnibus Transportation Employee Testing Act of 1991)
49 U.S.C. 31306a (National Clearinghouse for Controlled Substance and Alcohol Test Results of Commercial Motor Vehicle Operators)
49 U.S.C. § 521(b) (Civil and Criminal Penalties for Violations)
49 C.F.R. Parts 40 (Department of Transportation Rules Implementing Omnibus Transportation Employee Testing Act of 1991)
49 C.F.R. Part 382 (Controlled Substances and Alcohol Use and Testing)

Cross-References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
MSBA/MASA Model Policy 417 (Chemical Use and Abuse)
MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug-Free School)

ST. CROIX PREPARATORY ACADEMY

Adopted: _____

MSBA/MASA Model Policy 420 Charter

Orig. 1995 (as ISD Policy)

Revised: _____

Orig. 2022 (as Charter Policy)

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

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

A. Students

The policy of the charter school board is that students with communicable diseases not be excluded from attending school in their usual daily attendance setting so long as their health permits and their attendance does not create a significant risk of the transmission of illness to students or employees of the charter school. A procedure for minimizing interruptions to learning resulting from communicable diseases will be established by the charter school in its IEP and Section 504 team process, if applicable, and in consultation with community health and private health care providers. Procedures for the inclusion of students with communicable diseases will include any applicable educational team planning processes, including the review of the educational implications for the student and others with whom the student comes into contact.

B. Employees

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

C. Circumstances and Conditions

1. Determinations of whether a contagious individual's school attendance or job performance creates a significant risk of the transmission of the illness to students or employees of the charter school will be made on a case-by-case basis. Such decisions will be based upon the nature of the risk (how it is transmitted), the duration of the risk (how long the carrier is infectious), the severity of the risk (what is the potential harm to third parties), and the probabilities the disease will be transmitted and will cause varying degrees of harm. When a student is disabled, such a determination will be made in consultation with the educational planning team.
2. The school board recognizes that some students and some employees,

because of special circumstances and conditions, may pose greater risks for the transmission of infectious conditions than other persons infected with the same illness. Examples include students who display biting behavior, students or employees who are unable to control their bodily fluids, who have oozing skin lesions, or who have severe disorders which result in spontaneous external bleeding. These conditions need to be taken into account and considered in assessing the risk of transmission of the disease and the resulting effect upon the educational program of the student or employment of the employee by consulting with the Commissioner of Health, the physician of the student or employee, and the parent(s)/guardian(s) of the student.

D. Students with Special Circumstances and Conditions

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

E. Extracurricular Student Participation

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

F. Precautions

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

G. Information Sharing

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

H. Reporting

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

I. Prevention

The charter school shall, with the assistance of the Minnesota Commissioners of Health and Education, implement a program to prevent and reduce the risk of sexually transmitted diseases in accordance with Minnesota Statutes section 121A.23 that

includes:

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

J. Vaccination and Screening

The charter school will develop procedures regarding the administration of Hepatitis B vaccinations and Tuberculosis screenings in keeping with current state and federal law. The procedures shall provide that the Hepatitis B vaccination series be offered to all who have occupational exposure at no cost to the employee.

Legal References: Minn. Stat. § 121A.23 (Programs to Prevent and Reduce the Risks of Sexually Transmitted Infections and Diseases)
Minn. Stat. § 124E.03 (Applicable Law)
Minn. Stat. § 144.441 (Tuberculosis Screening in Schools)
Minn. Stat. § 142 (Testing in School Clinics)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education Act)
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)
42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)
29 C.F.R. 1910.1030 (Bloodborne Pathogens)
Kohl by Kohl v. Woodhaven Learning Center, 865 F.2d 930 (8th Cir.), *cert. denied*, 493 U.S. 892 (1989)
School Board of Nassau County, Fla. v. Arline, 480 U.S. 273 (1987)
16 EHRL 712, OCR Staff Memo, April 5, 1990

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

ST. CROIX PREPARATORY ACADEMY

Adopted: _____

MSBA/MASA Model Policy 512 Charter

Revised: _____

Orig. 1995 (as ISD Policy)

Orig. 2022 (as Charter Policy)

Rev. 2025

512 SCHOOL-SPONSORED STUDENT PUBLICATIONS AND ACTIVITIES

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. Expressions and representations made by students in school-sponsored media and activities are not expressions of official charter school policy. Faculty advisors shall supervise student writers to ensure compliance with the law and charter school policies.
- B. Students who believe their right to free expression has been unreasonably restricted in school-sponsored media or activity may seek review of the decision by the building principal. The principal shall issue a decision no later than three (3) school days after review is requested.
 1. Students producing school-sponsored media and activities shall be under the supervision of a faculty advisor and the school principal. School-sponsored media and activities shall be subject to the guidelines set forth below.
 2. School-sponsored media may be distributed at reasonable times and locations.

III. DEFINITIONS

- A. "Distribution" means circulation or dissemination of material by means of handing out free copies, selling or offering copies for sale, accepting donations for copies, posting or displaying material, or placing materials in internal staff or student mailboxes.
- B. "Material and substantial disruption" of a normal school activity means:
 1. Where the normal school activity is an educational program of the charter school for which student attendance is compulsory, "material and substantial disruption" is defined as any disruption which interferes with or impedes the implementation of that program.
 2. Where the normal school activity is voluntary in nature (including, without limitation, school athletic events, school plays and concerts, and lunch periods) "material and substantial disruption" is defined as student rioting, unlawful seizures of property, conduct inappropriate to the event, participation in a school boycott, demonstration, sit-in, stand-in, walk-out, or other related forms of activity.

For expression to be considered disruptive, there must exist specific facts upon which the likelihood of disruption can be forecast, including past experience in the school, current events influencing student activities and behavior, and instances of actual or threatened disruption relating to the written material in question.

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

D. "Obscene to minors" means:

1. The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest of minors of the age to whom distribution is requested;
2. The material depicts or describes, in a manner that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors of the age to whom distribution is requested, sexual conduct such as intimate sexual acts (normal or perverted), masturbation, excretory functions, or lewd exhibition of the genitals; and
3. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

E. "School activities" means any activity of students sponsored by the school including, but not limited to, classroom work, library activities, physical education classes, official assemblies and other similar gatherings, school athletic contests, band concerts, school plays and other theatrical productions, and in-school lunch periods.

F. "School-sponsored media" means material that is:

1. prepared, wholly or substantially written, published, broadcast, or otherwise disseminated by a student journalist enrolled in the charter school;
2. distributed or generally made available to students in the school; and
3. prepared by a student journalist under the supervision of a student media adviser.

SCPA-sponsored media does not include material prepared solely for distribution or transmission in the classroom in which the material is produced, or a yearbook.

G. "Student journalist" means a charter school student in grades 6 through 12 who gathers, compiles, writes, edits, photographs, records, or otherwise prepares information for dissemination in school-sponsored media.

H. "Student media adviser" means a qualified teacher, as defined in Minnesota Statutes, section 122A.16, that the SCPA employs, appoints, or designates to supervise student journalists or provide instruction relating to school-sponsored media.

IV. GUIDELINES

A. Except as provided in paragraph B below, a student journalist has the right to exercise freedom of speech and freedom of the press in school-sponsored media regardless of whether the school-sponsored media receives financial support from the SCPA, uses school equipment or facilities in its production, or is produced as part of a class or course in which the student journalist is enrolled. Freedom of speech includes freedom to express political viewpoints. Consistent with paragraph B below, a student journalist has the right to determine the news, opinion, feature, and advertising content of school-sponsored media. The SCPA must not discipline a student journalist for exercising rights or freedoms under this paragraph or the First Amendment of the United States Constitution.

B. Student expression in school-sponsored media, a yearbook, or school-sponsored activity is prohibited when the material:

1. is obscene to minors;

2. is defamatory;
3. is profane, harassing, threatening, or intimidating;
4. constitutes an unwarranted invasion of privacy;
5. violates federal or state law or SCPA policies or rules, including but not limited to policies on harassment, discrimination, violence, and bullying;
6. causes a material and substantial disruption of school activities;
7. is directed to inciting or producing imminent lawless action on school premises or the violation of lawful school policies or rules, including a policy adopted in accordance with Minnesota Statutes, section 121A.03 or 121A.031.
8. advertises or promotes any product or service not permitted for minors by law;
9. advocates sexual, racial, or religious harassment or violence or prejudice; or
10. is distributed or displayed in violation of time, place, and manner regulations.

C. Student media advisors shall oversee student journalism in accordance with the terms of this Policy. The SCPA must not retaliate or take adverse employment action against a student media adviser for supporting a student journalist exercising rights or freedoms under paragraph A above or the First Amendment of the United States Constitution.

D. Notwithstanding the rights or freedoms of this Article or the First Amendment of the United States Constitution, nothing in this Article inhibits a student media adviser from teaching professional standards of English and journalism to student journalists. These professional standards may include, but are not limited to, the following:

1. assuring that participants learn whatever lessons the activity is designed to teach;
2. assuring that readers or listeners are not exposed to material that may be inappropriate for their level of maturity;
3. assuring that the views of the individual speaker are not erroneously attributed to the school;
4. assuring that the school is not associated with any position other than neutrality on matters of political controversy;
5. assuring that the sponsored student speech cannot reasonably be perceived to advocate conduct otherwise inconsistent with the shared values of a civilized social order;
6. assuring that the school is not associated with expression that is, for example, ungrammatical, poorly written, inadequately researched, biased or prejudiced, vulgar or profane, or unsuitable for immature audiences.

E. Time, Place, and Manner of Distribution

Students shall be permitted to distribute written materials at school as follows:

1. Time

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

2. Place

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

3. Manner

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

V. POSTING

The charter school must adopt and post on the school website a student journalist policy consistent with this section.

Legal References: Minn. Stat. § 121A.03 (Model Policy)
Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. § 121A.80 (Student Journalism; Student Expression)
U. S. Const Amend. I
Minn. Const. Art. 1, § 3
Morse v. Frederick, 551 U.S. 393 (2007)
Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)
Bystrom v. Fridley High School, I.S.D. No. 14, 822 F. 2d 747 (8th Cir. 1987)

Cross References: MSBA/MASA Model Policy 505 (Distribution of Nonschool-Sponsored Materials on Charter School Premises by Students and Employees)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 904 (Distribution of Materials on Charter School Property by Nonschool Persons)

ST. CROIX PREPARATORY ACADEMY

Adopted: 08/15/2023 _____

MSBA/MASA Model Policy 514 Charter

Orig. 2022 (as Charter Policy)

Revised: 05/16/2024 _____

Rev. 2024

514 BULLYING PROHIBITION POLICY

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. An act of bullying, by either an individual student or a group of students, is expressly prohibited:
 1. on the school premises, at the school functions or activities, on the school transportation;
 2. by the use of electronic technology and communications on the school premises, during the school functions or activities, on the school transportation, or on the school computers, networks, forums, and mailing lists; or
 3. by use of electronic technology and communications off the school premises to the extent such use substantially and materially disrupts student learning or the school environment.
- B. A school-aged child who voluntarily participates in a public school activity, such as a cocurricular or extracurricular activity, is subject to the policy provisions applicable to the public school students participating in the activity. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of SCPA or the safety or welfare of the student or other students, or materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. This policy also applies to an act of cyberbullying regardless of whether such act is committed on or off SCPA property and/or with or without the use of SCPA resources. This policy also applies to sexual exploitation.
- D. Malicious and sadistic conduct involving race, color, creed, national origin, sex, age, marital status, status with regard to public assistance, disability, religion, sexual harassment, and sexual orientation and gender identity as defined in Minnesota

Statutes, chapter 363A is prohibited. This prohibition applies to students, independent contractors, teachers, administrators, and other school personnel.

Malicious and sadistic conduct and sexual exploitation by a charter school or school staff member, independent contractor, or enrolled student against a staff member, independent contractor, or student that occurs as described in Article II.A above is prohibited.

- E. No teacher, administrator, volunteer, contractor, or other employee of SCPA shall permit, condone, or tolerate bullying.
- F. Apparent permission or consent by a student being bullied does not lessen or negate the prohibitions contained in this policy.
- G. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
- H. False accusations or reports of bullying against another student are prohibited.
- I. A person who engages in an act of bullying, reprisal, retaliation, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline or other remedial responses for that act in accordance with SCPA's policies and procedures, including SCPA's discipline policy. SCPA may take into account the following factors:
 - 1. The developmental ages and maturity levels of the parties involved;
 - 2. The levels of harm, surrounding circumstances, and nature of the behavior;
 - 3. Past incidences or past or continuing patterns of behavior;
 - 4. The relationship between the parties involved; and
 - 5. The context in which the alleged incidents occurred.

Consequences for students who commit prohibited acts of bullying may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion. SCPA shall employ research-based developmentally appropriate best practices that include preventative and remedial measures and effective discipline for deterring violations of this policy, apply throughout the charter school, and foster student, parent, and community participation.

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

Consequences for other individuals engaging in prohibited acts of bullying may include, but not be limited to, exclusion from SCPA property and events.

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

III.DEFINITIONS

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

- A. "Bullying" means intimidating, threatening, abusive, or harming conduct that is objectively offensive and:

1. an actual or perceived imbalance of power exists between the student engaging in the prohibited conduct and the target of the prohibited conduct, and the conduct is repeated or forms a pattern; or
2. materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.

The term "bullying" specifically includes cyberbullying, malicious and sadistic conduct, and sexual exploitation.

B. "Cyberbullying" means bullying using technology or other electronic communication, including, but not limited to, a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet website or forum, transmitted through a computer, cell phone, or other electronic device. The term applies to prohibited conduct which occurs on school premises, on SCPA property, at school functions or activities, on school transportation, or on school computers, networks, forums, and mailing lists, or off school premises to the extent that it substantially and materially disrupts student learning or the school environment.

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

D. "Intimidating, threatening, abusive, or harming conduct" means, but is not limited to, conduct that does the following:

1. Causes physical harm to a student or a student's property or causes a student to be in reasonable fear of harm to person or property;
2. Under Minnesota common law, violates a student's reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student; or
3. Is directed at any student or students, including those based on a person's actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic defined in the Minnesota Human Rights Act (MHRA). However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or the MHRA.

E. "Malicious and sadistic conduct" means creating a hostile learning environment by acting with the intent to cause harm by intentionally injuring another without just cause or reason or engaging in extreme or excessive cruelty or delighting in cruelty.

F. "On school premises, on SCPA property, at school functions or activities, or on school transportation" means all SCPA buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for SCPA purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. SCPA property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting bullying at these locations and events, SCPA does not represent that it will provide supervision or assume liability at these locations and events.

G. "Prohibited conduct" means bullying, cyberbullying, malicious and sadistic conduct, sexual exploitation, or retaliation or reprisal for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about

prohibited conduct.

- H. "Remedial response" means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of prohibited conduct.
- I. "Student" means a student enrolled in SCPA.

IV. REPORTING PROCEDURE

- A. Any person who believes he or she has been the target or victim of bullying or any person with knowledge or belief of conduct that may constitute bullying or prohibited conduct under this policy shall report the alleged acts immediately to an appropriate SCPA official designated by this policy. A person may report bullying anonymously. However, SCPA 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 principal or building supervisor of each building or available in the charter school office, but oral reports shall be considered complaints as well.
- C. The building principal, the principal's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving reports of bullying or other prohibited conduct at the building level. Any person may report bullying or other prohibited conduct directly to a SCPA human rights officer or 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 SCPA 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 the primary contact on policy and procedural matters. The building report taker or a third party designated by SCPA shall be responsible for the investigation. The building report taker shall provide information about available community resources to the target or victim of the bullying or other prohibited conduct, the perpetrator, and other affected individuals as appropriate.

- D. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include bullying. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute bullying or other prohibited conduct shall make reasonable efforts to address and resolve the bullying or prohibited conduct and shall inform the building report taker immediately. SCPA personnel who fail to inform the building report taker of conduct that may constitute bullying or other prohibited conduct or who fail to make reasonable efforts to address and resolve the bullying or prohibited conduct in a timely manner may be subject to disciplinary action.
- E. Reports of bullying or other prohibited conduct are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The building report taker, in conjunction with the responsible authority, shall be responsible for keeping and regulating access to any report of bullying and the record of any resulting investigation.
- F. Submission of a good faith complaint or report of bullying or other prohibited conduct will not affect the complainant's or reporter's future employment, grades, work assignments, or educational or work environment.
- G. 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 charter school's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

V. SCPA ACTION

- A. Within three school days of the receipt of a complaint or report of bullying or other prohibited conduct, SCPA shall undertake or authorize an investigation by the building report taker or a third party designated by SCPA.
- B. The building report taker or other appropriate SCPA officials may take immediate steps, at their discretion, to protect the target or victim of the bullying or other prohibited conduct, the complainant, the reporter, and students or others, pending completion of an investigation of the bullying or other prohibited conduct, consistent with applicable law.
- C. The alleged perpetrator of the bullying or other prohibited conduct shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- D. Upon completion of an investigation that determines that bullying or other prohibited conduct has occurred, SCPA 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 conduct. Remedial responses to the bullying or other prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in Section II.F. of this policy. Action taken by SCPA for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; the student discipline policy and other applicable SCPA policies; and applicable regulations.
- E. SCPA is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of SCPA. School officials will notify the parent(s) or guardian(s) of students who are targets of bullying or other prohibited conduct and the parent(s) or guardian(s) of alleged perpetrators of bullying or other prohibited conduct who have been involved in a reported and confirmed bullying incident of the remedial or disciplinary action taken, to the extent permitted by law.
- F. In order to prevent or respond to bullying or other prohibited conduct committed by or directed against a child with a disability, SCPA shall, when determined appropriate by the child's individualized education program (IEP) team 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 bullying or other prohibited conduct.

VI. RETALIATION OR REPRISAL

SCPA will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of SCPA who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged bullying or prohibited conduct, who provides information about bullying or prohibited conduct, who testifies, assists, or participates in an investigation of alleged bullying or prohibited conduct, or who testifies, assists, or participates in a proceeding or hearing relating to such bullying or prohibited conduct. 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 prohibited conduct. Remedial responses to the prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in Article II.F. of this policy.

VII. TRAINING AND EDUCATION

- A. Consistent with its applicable policies and practice, SCPA must discuss this policy with students, school personnel and volunteers and provide appropriate training to SCPA personnel regarding this policy to prevent, identify, and respond to prohibited conduct. The charter school shall establish a training cycle for school personnel to occur during a period not to exceed every three (3) school years. Newly employed school personnel must receive the training within the first year of their employment with the SCPA. SCPA or a school administrator may accelerate the training cycle or provide additional training based on a particular need or circumstance. This policy shall be included in employee handbooks, training materials, and publications on school rules, procedures, and standards of conduct, which materials shall also be used to publicize this policy.
- B. SCPA shall require ongoing professional development, consistent with Minnesota Statutes, section 122A.60, to build the skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. Such professional development includes, but is not limited to, the following:
 - 1. Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;
 - 2. The complex dynamics affecting a perpetrator, target, and witnesses to prohibited conduct;
 - 3. Research on prohibited conduct, including specific categories of students at risk for perpetrating or being the target or victim of bullying or other prohibited conduct in school;
 - 4. The incidence and nature of cyberbullying; and
 - 5. Internet safety and cyberbullying.
- C. SCPA annually will provide education and information to students regarding bullying, including information regarding this charter school policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.
- D. The administration of SCPA is directed to implement programs and other initiatives to prevent bullying, to respond to bullying in a manner that does not stigmatize the target or victim, and to make resources or referrals to resources available to targets or victims of bullying.
- E. The administration is encouraged to provide developmentally appropriate instruction and is directed to review programmatic instruction to determine if adjustments are necessary to help students identify and prevent or reduce bullying and other prohibited conduct, to value diversity in school and society, to develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying or other prohibited conduct, and to make effective prevention and intervention programs available to students.

The administration must establish strategies for creating a positive school climate and use evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct.

SCPA administration is encouraged, to the extent practicable, to take such actions as it may deem appropriate to accomplish the following:

1. Engage all students in creating a safe and supportive school environment;
2. Partner with parents and other community members to develop and implement prevention and intervention programs;
3. Engage all students and adults in integrating education, intervention, and other remedial responses into the school environment;
4. Train student bystanders to intervene in and report incidents of bullying and other prohibited conduct to the school's primary contact person;
5. Teach students to advocate for themselves and others;
6. Prevent inappropriate referrals to special education of students who may engage in bullying or other prohibited conduct; and
7. Foster student collaborations that, in turn, foster a safe and supportive school climate.

F. The charter school may implement violence prevention and character development education programs to prevent or reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.

G. The charter school shall inform affected students and their parents of rights they may have under state and federal data practices laws to obtain access to data related to an incident and their right to contest the accuracy or completeness of the data. The charter school may accomplish this requirement by inclusion of all or applicable parts of its protection and privacy of pupil records policy in the student handbook.

VIII. NOTICE

- A. SCPA will give annual notice of this policy to students, parents or guardians, and staff, and this policy shall appear in the student handbook.
- B. Article II, paragraph D, regarding malicious and sadistic conduct must be conspicuously posted throughout each school building, in the administrative offices of the charter school, and in the office of each school.
- C. This policy shall be conspicuously posted in the administrative offices of the charter school in summary form.
- D. This policy must be distributed to each charter school employee and independent contractor, if the contractor regularly interacts with students, at the time of employment with the charter school.
- E. Notice of the rights and responsibilities of students and their parents under this policy must be included in the student discipline policy distributed to parents at the beginning of each school year.
- F. This policy shall be available to all parents and other school community members in an electronic format in the languages appearing on the charter school's website, consistent with charter school policies and practices.
- G. S CPA shall provide an electronic copy of its most recently amended policy to the Commissioner of the Minnesota Department of Education.

IX. POLICY REVIEW

To the extent practicable, the SCPA Board shall, on a cycle consistent with other SCPA policies, review and revise this policy. The policy shall be made consistent with Minnesota Statutes, sections 121A.031 and 121A.0312 and other applicable law. Revisions shall be made in consultation with students, parents, and community organizations.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 120A.05, Subds. 9, 11, 13, and 17 (Definitions)
Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 121A.03 (Model Policy)
Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. § 121A.0311 (Notice of the Rights and Responsibilities of Students and Parents under the Safe and Supportive Minnesota Schools Act)
Minn. Stat. § 121A.0312 (Malicious and Sadistic Conduct)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.69 (Hazing Policy)
Minn. Stat. Ch. 124E (Charter Schools)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)
34 C.F.R. §§ 99.1 - 99.67 (Family Educational Rights and Privacy)

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of Charter School Employees)
MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
MSBA/MASA Model Policy 423 (Employee-Student Relationships)
MSBA/MASA Model Policy 501 (School Weapons Policy)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 507 (Corporal Punishment and Prior Restraint)
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 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 529 (Staff Notification of Violent Behavior by Students)
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: **8/15/2023**

Revised: _____

MSBA/MASA Model Policy 515 Charter

Orig. 1995 (ISD)

Orig. 2022 (Charter)

Rev. 2025

515 PROTECTION AND PRIVACY OF PUPIL RECORDS

I. PURPOSE

The charter school recognizes its responsibility in regard to the collection, maintenance, and dissemination of pupil records and the protection of the privacy rights of students as provided in federal law and state statutes.

II. GENERAL STATEMENT OF POLICY

The following procedures and policies regarding the protection and privacy of parents and students are adopted by the charter school, pursuant to the requirements of 20 United States Code, section 1232g, *et seq.*, (Family Educational Rights and Privacy Act (FERPA)) 34 Code of Federal Regulations, part 99 and consistent with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13, and Minnesota Rules, parts 1205.0100-1205.2000.

III. DEFINITIONS

A. Authorized Representative

"Authorized representative" means any entity or individual designated by the charter school, state, or an agency headed by an official of the Comptroller of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or state and local educational authorities to conduct, with respect to federal or state supported education programs, any audit or evaluation or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

B. Biometric Record

"Biometric record," as referred to in "Personally Identifiable," means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting).

C. Dates of Attendance

"Dates of attendance," as referred to in "Directory Information," means the period of time during which a student attends or attended a school or schools in the charter school, including attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not in the classroom, and including the period during which a student is working under a work-study program. The term does not include specific daily records of a student's attendance at a school or schools in the charter school.

D. Directory Information

1. "Directory information" means information contained in an education record of a student that would not generally be considered harmful or an invasion of

privacy if disclosed. It includes the student's name; photograph; date and place of birth; major field of study; dates of attendance; grade level; enrollment status (i.e., full-time or part-time); participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors and awards received; and the most recent educational agency or institution attended.

E. Education Records

1. What constitutes "education records." Education records means those records that are: (1) directly related to a student; and (2) maintained by the charter school or by a party acting for the charter school.
2. What does not constitute education records. The term "education records" does not include:
 - a. Records of instructional personnel that are:
 - (1) kept in the sole possession of the maker of the record;
 - (2) used only as a personal memory aid;
 - (3) not accessible or revealed to any other individual except a temporary substitute teacher; and
 - (4) destroyed at the end of the school year.
 - b. Records of a law enforcement unit of the charter school, provided education records maintained by the charter school are not disclosed to the unit, and the law enforcement records are:
 - (1) maintained separately from education records;
 - (2) maintained solely for law enforcement purposes; and
 - (3) disclosed only to law enforcement officials of the same jurisdiction.
 - c. Records relating to an individual, including a student, who is employed by the charter school which:
 - (1) are made and maintained in the normal course of business;
 - (2) relate exclusively to the individual in that individual's capacity as an employee; and
 - (3) are not available for use for any other purpose.However, records relating to an individual in attendance at the charter school who is employed as a result of his or her status as a student are education records.
 - d. Records relating to an eligible student, or a student attending an institution of post-secondary education, that are:
 - (1) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity or assisting in that capacity;

- (2) made, maintained, or used only in connection with the provision of treatment to the student; and
- (3) disclosed only to individuals providing the treatment; provided that the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are a part of the program of instruction within the charter school.

- e. Records created or received by the charter school after an individual is no longer a student at the charter school and that are not directly related to the individual's attendance as a student.
- f. Grades on peer-related papers before the papers are collected and recorded by a teacher.

F. Education Support Services Data

"Education support services data" means data on individuals collected, created, maintained, used, or disseminated relating to programs administered by a government entity or entity under contract with a government entity designed to eliminate disparities and advance equities in educational achievement for youth by coordinating services available to participants, regardless of the youth's involvement with other government services. Education support services data does not include welfare data under Minnesota Statutes, section 13.46.

Unless otherwise provided by law, all education support services data are private data on individuals and must not be disclosed except according to Minnesota Statutes, section 13.05 or a court order.

G. Eligible Student

"Eligible student" means a student who has attained eighteen (18) years of age or is attending an institution of postsecondary education.

H. Juvenile Justice System

"Juvenile justice system" includes criminal justice agencies and the judiciary when involved in juvenile justice activities.

I. Legitimate Educational Interest

"Legitimate educational interest" includes an interest directly related to classroom instruction, teaching, student achievement and progress, discipline of a student, student health and welfare, and the ability to respond to a request for education data. It includes a person's need to know in order to:

1. Perform an administrative task required in the school or employee's contract or position description approved by the school board;
2. Perform a supervisory or instructional task directly related to the student's education;
3. Perform a service or benefit for the student or the student's family such as health care, counseling, student job placement, or student financial aid; or
4. Perform a task directly related to responding to a request for data.

J. Parent

"Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent of the student in the absence of a parent or guardian. The charter school may presume the parent has the authority to exercise the rights provided herein, unless it has been provided with evidence that there is a state law or court order governing such matters as marriage dissolution, separation or child custody, or a legally binding instrument which provides to the contrary.

K. Personally Identifiable

"Personally identifiable" means that the data or information includes, but is not limited to: (a) a student's name; (b) the name of the student's parent or other family member; (c) the address of the student or student's family; (d) a personal identifier such as the student's social security number or student number or biometric record; (e) other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; (f) other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or (g) information requested by a person who the charter school reasonably believes knows the identity of the student to whom the education record relates.

L. Record

"Record" means any information or data recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

M. Responsible Authority

"Responsible authority" means the executive director.

N. Student

"Student" includes any individual who is or has been in attendance, enrolled, or registered at the charter school and regarding whom the charter school maintains education records. "Student" also includes applicants for enrollment or registration at the charter school and individuals who receive shared time educational services from the charter school.

O. School Official

"School official" includes: (a) a person duly elected to the school board; (b) a person employed by the school board in an administrative, supervisory, instructional, or other professional position; (c) a person employed by the school board as a temporary substitute in a professional position for the period of his or her performance as a substitute; and (d) a person employed by, or under contract to, the school board to perform a special task such as a secretary, a clerk, a public information officer or data practices compliance official, an attorney, or an auditor for the period of his or her performance as an employee or contractor.

P. Summary Data

"Summary data" means statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify the individual is ascertainable.

Q. Other Terms and Phrases

All other terms and phrases shall be defined in accordance with applicable state and federal law or ordinary customary usage.

IV. GENERAL CLASSIFICATION

State law provides that all data collected, created, received, or maintained by a charter school are public unless classified by state or federal law as not public or private or confidential. State law classifies all data on individuals maintained by a charter school which relates to a student as private data on individuals. This data may not be disclosed to parties other than the parent or eligible student without consent, except pursuant to a valid court order, certain state statutes authorizing access, and the provisions of FERPA and the regulations promulgated thereunder.

V. STATEMENT OF RIGHTS

A. Rights of Parents and Eligible Students

Parents and eligible students have the following rights under this policy:

1. The right to inspect and review the student's education records;
2. The right to request the amendment of the student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that such consent is not required for disclosure pursuant to this policy, state or federal law, or the regulations promulgated thereunder;
4. The right to refuse release of names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers and postsecondary educational institutions;
5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the charter school to comply with the federal law and the regulations promulgated thereunder;
6. The right to be informed about rights under the federal law; and
7. The right to obtain a copy of this policy at the location set forth in Article XXI. of this policy.

B. Eligible Students

All rights and protections given to parents under this policy transfer to the student when he or she reaches eighteen (18) years of age or enrolls in an institution of postsecondary education. The student then becomes an "eligible student." However, the parents of an eligible student who is also a "dependent student" are entitled to gain access to the education records of such student without first obtaining the consent of the student. In addition, parents of an eligible student may be given access to education records in connection with a health or safety emergency if the disclosure meets the conditions of any provision set forth in 34 Code of Federal Regulations, section 99.31(a).

C. Students with a Disability

The charter school shall follow 34 Code of Federal Regulations, sections 300.610-300.617 with regard to the privacy, notice, access, recordkeeping, and

accuracy of information related to students with a disability.

VI. DISCLOSURE OF EDUCATION RECORDS

A. Consent Required for Disclosure

1. The charter school shall obtain a signed and dated written informed consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of the student, except as provided herein.
2. The written consent required by this subdivision must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:
 - a. a specification of the records to be disclosed;
 - b. the purpose or purposes of the disclosure;
 - c. the party or class of parties to whom the disclosure may be made;
 - d. the consequences of giving informed consent; and
 - e. if appropriate, a termination date for the consent.
3. When a disclosure is made under this subdivision:
 - a. if the parent or eligible student so requests, the charter school shall provide him or her with a copy of the records disclosed; and
 - b. If the parent of a student who is not an eligible student so requests, the charter school shall provide the student with a copy of the records disclosed.
4. A signed and dated written consent may include a record and signature in electronic form that:
 - a. identifies and authenticates a particular person as the source of the electronic consent; and
 - b. indicates such a person's approval of the information contained in the electronic consent.
5. If the responsible authority seeks an individual's informed consent to the release of private data to an insurer or the authorized representative of an insurer, informed consent shall not be deemed to have been given unless the statement is:
 - a. in plain language;
 - b. dated;
 - c. specific in designating the particular persons or agencies the data subject is authorized to disclose information about the data subject;
 - d. specific as to the nature of the information the subject is authorizing to be disclosed;
 - e. specific as to the persons or agencies to whom the subject is authorizing information to be disclosed;

- f. specific as to the purpose or purposes for which the information may be used by any of the parties named in Clause e. above, both at the time of the disclosure and at any time in the future; and
- g. specific as to its expiration date which should be within a reasonable time, not to exceed one year except in the case of authorizations given in connection with applications for: (i) life insurance or noncancelable or guaranteed renewable health insurance and identified as such, two years after the date of the policy, or (ii) medical assistance under Minnesota Statutes, chapter 256B or Minnesota Care under Minnesota Statutes, chapter 256L, which shall be ongoing during all terms of eligibility, for individualized education program health-related services provided by a charter school that are subject to third party reimbursement.

6. Eligible Student Consent

Whenever a student has attained eighteen (18) years of age or is attending an institution of postsecondary education, the rights accorded to and the consent required of the parent of the student shall thereafter only be accorded to and required of the eligible student, except as provided in Article V. of this policy.

B. Prior Consent for Disclosure Not Required

The charter school may disclose personally identifiable information from the education records of a student without the written consent of the parent of the student or the eligible student unless otherwise provided herein, if the disclosure is:

- 1. To other school officials, including teachers, within the charter school whom the charter school determines have a legitimate educational interest in such records;
- 2. To a contractor, consultant, volunteer, or other party to whom the charter school has outsourced institutional services or functions provided that the outside party:
 - a. performs an institutional service or function for which the charter school would otherwise use employees;
 - b. is under the direct control of the charter school with respect to the use and maintenance of education records; and
 - c. will not disclose the information to any other party without the prior consent of the parent or eligible student and uses the information only for the purposes for which the disclosure was made;
- 3. To officials of other schools, charter schools, or post-secondary educational institutions in which the student seeks or intends to enroll, or is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer. The records shall include information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, and with proper annual notice (see Article XIX suspension and expulsion information pursuant to section 7917 of the federal Every Student Succeeds Act, 20 United States Code section 7917, *[insert the following if the charter school has a policy regarding Staff Notification of Violent Behavior by Students]* and, if applicable, data regarding a student's history of violent behavior. The records also shall include a copy of any probable cause notice or any disposition or court order under Minnesota Statutes, section 260B.171, unless the data are required to be destroyed

under Minnesota Statutes, section 120A.22, subdivision 7(c) or section 121A.75. On request, the charter school will provide the parent or eligible student with a copy of the education records that have been transferred and provide an opportunity for a hearing to challenge the content of those records in accordance with Article XV. of this policy;

4. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or the Commissioner of the State Department of Education or his or her representative, subject to the conditions relative to such disclosure provided under federal law;
5. In connection with financial aid for which a student has applied or has received, if the information is necessary for such purposes as to:
 - a. determine eligibility for the aid;
 - b. determine the amount of the aid;
 - c. determine conditions for the aid; or
 - d. enforce the terms and conditions of the aid.

“Financial aid” for purposes of this provision means a payment of funds provided to an individual or a payment in kind of tangible or intangible property to the individual that is conditioned on the individual’s attendance at an educational agency or institution;

6. To state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute adopted:
 - a. before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system’s ability to effectively serve the student whose records are released; or
 - b. after November 19, 1974, if the reporting or disclosure allowed by state statute concerns the juvenile justice system and the system’s ability to effectively serve, prior to adjudication, the student whose records are released, provided the officials and authorities to whom the records are disclosed certify in writing to the charter school that the data will not be disclosed to any other party, except as provided by state law, without the prior written consent of the parent of the student. At a minimum, the charter school shall disclose the following information to the juvenile justice system under this paragraph: a student’s full name, home address, telephone number, and date of birth; a student’s school schedule, attendance record, and photographs, if any; and parents’ names, home addresses, and telephone numbers;
7. To organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction; provided that the studies are conducted in a manner which does not permit the personal identification of parents or students by individuals other than representatives of the organization who have a legitimate interest in the information, the information is destroyed when no longer needed for the purposes for which the study was conducted, and the charter school enters into a written agreement with the organization that: (a) specifies the purpose, scope, and duration of the study or studies and the information to be

disclosed; (b) requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement; (c) requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and (d) requires the organization to destroy all personally identifiable information when information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed. For purposes of this provision, the term, "organizations," includes, but is not limited to, federal, state, and local agencies and independent organizations. In the event the Department of Education determines that a third party outside of the charter school to whom information is disclosed violates this provision, the charter school may not allow that third party access to personally identifiable information from education records for at least five (5) years;

8. To accrediting organizations in order to carry out their accrediting functions;
9. To parents of a student eighteen (18) years of age or older if the student is a dependent of the parents for income tax purposes;
10. To comply with a judicial order or lawfully issued subpoena, provided, however, that the charter school makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance therewith so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with a federal grand jury subpoena, or any other subpoena issued for law enforcement purposes, and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, or the disclosure is in compliance with an *ex parte* court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 United States Code, section 2332b(g)(5)(B), an act of domestic or international terrorism as defined in 18 United States Code, section 2331, or a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of the proceeding. If the charter school initiates legal action against a parent or student, it may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the charter school to proceed with the legal action as a plaintiff. Also, if a parent or eligible student initiates a legal action against the charter school, the charter school may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the charter school to defend itself;
11. To appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health, including the mental health, or safety of the student or other individuals. The decision is to be based upon information available at the time the threat occurs that indicates that there is an articulable and significant threat to the health or safety of a student or other individuals. In making a determination whether to disclose information under this section, the charter school may take into account the totality of the circumstances pertaining to a threat and may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other students. A record of this disclosure must be maintained pursuant to Paragraph XIII.E. of this policy. In addition, an educational agency or institution may include in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.

This information may be disclosed to teachers and school officials within the charter school and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student;

12. To the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;
13. Information the charter school has designated as "directory information" pursuant to Article VII. of this policy;
14. To military recruiting officers and postsecondary educational institutions pursuant to Article XI. of this policy;
15. To the parent of a student who is not an eligible student or to the student himself or herself;
16. to appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals (34 Code of Federal Regulations, part 99.36) and for bona fide epidemiologic investigations which the Commissioner of the Minnesota Department of Health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;
17. To volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;
18. To the juvenile justice system, on written request that certifies that the information will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student:
 - a. the following information about a student must be disclosed: a student's full name, home address, telephone number, date of birth; a student's school schedule, daily attendance record, and photographs, if any; and any parents' names, home addresses, and telephone numbers;
 - b. the existence of the following information about a student, not the actual data or other information contained in the student's education record, may be disclosed provided that a request for access must be submitted on the statutory form and it must contain an explanation of why access to the information is necessary to serve the student: (1) use of a controlled substance, alcohol, or tobacco; (2) assaultive or threatening conduct that could result in dismissal from school under the Pupil Fair Dismissal Act; (3) possession or use of weapons or look-alike weapons; (4) theft; or (5) vandalism or other damage to property. Prior to releasing this information, the principal or chief administrative officer of a school who receives such a request must, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the request to disclose information. If the student's parent or guardian notifies the school official of an objection to the disclosure within ten (10) days of receiving certified notice, the school official must not disclose the information and instead must inform the requesting member of the juvenile justice system of the objection. If no objection from the parent or guardian is received within fourteen (14) days, the school official must respond to the request for information.

The written requests of the juvenile justice system member(s), as well as a record of any release, must be maintained in the student's file;

19. To the principal where the student attends and to any counselor directly supervising or reporting on the behavior or progress of the student if it is information from a disposition order received by an executive director under Minnesota Statutes, section 260B.171, subdivision 3. The principal must notify the counselor immediately and must place the disposition order in the student's permanent education record. The principal also must notify immediately any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other charter school employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individuals need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student, outline the offense, and describe any conditions of probation about which the school must provide information if this information is provided in the disposition order. Disposition order information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information may not be further disseminated by the counselor, teacher, administrator, staff member, substitute, or volunteer except as necessary to serve the student, to protect students and staff, or as otherwise required by law, and only to the student or the student's parent or guardian;
20. To the principal where the student attends if it is information from a peace officer's record of children received by an executive director under Minnesota Statutes, section 260B.171, subdivision 5. The principal must place the information in the student's education record. The principal also must notify immediately any teacher, counselor, or administrator directly supervising the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other charter school employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individuals need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student and describe the alleged offense if this information is provided in the peace officer's notice. Peace officer's record information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information must not be further disseminated by the counselor, teacher administrator, staff member, substitute, or volunteer except to communicate with the student or the student's parent or guardian as necessary to serve the student, to protect students and staff, or as otherwise required by law.

The principal must delete the peace officer's record from the student's education record, destroy the data, and make reasonable efforts to notify any teacher, counselor, staff member, administrator, substitute, or volunteer who received information from the peace officer's record if the county attorney determines not to proceed with a petition or directs the student into a diversion or mediation program or if a juvenile court makes a decision on a petition and the county attorney or juvenile court notifies the executive director of such action;

21. To the Secretary of Agriculture, or authorized representative from the Food and Nutrition Service or contractors acting on behalf of the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of state and local educational and other agencies and institutions receiving funding or providing benefits of one or more programs authorized under the National School Lunch Act or the Child Nutrition Act of 1966 for which the results will be reported in an aggregate form that does not identify any individual, on the conditions that: (a) any data collected shall be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the Secretary; and (b) any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements; or
22. To an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in 25 United States Code, section 5304), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records.
23. When requested, and in accordance with requirements for parental consent in 34 Code of Federal Regulations, section 300.622(b)(2), and part 99, educational agencies or institutions may share personal student contact information and directory information for students served in special education with postsecondary transition planning and services under Minnesota Statutes, section 125A.08, paragraph (b), clause (1), whether public or private, with the Minnesota Department of Employment and Economic Development, as required for coordination of services to students with disabilities under Minnesota Statutes, sections 125A.08, paragraph (b), clause (1); 125A.023; and 125A.027.

C. Nonpublic School Students

The charter school may disclose personally identifiable information from the education records of a nonpublic school student, other than a student who receives shared time educational services, without the written consent of the parent of the student or the eligible student unless otherwise provided herein, if the disclosure is:

1. Pursuant to a valid court order;
2. Pursuant to a statute specifically authorizing access to the private data; or
3. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiological investigations which the Commissioner of the Minnesota Department of Health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted; or
4. to appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

VII. RELEASE OF DIRECTORY INFORMATION

A. Educational Data

1. Educational data designated as directory information is public data on individuals to the extent required under federal law. Directory information must be designated pursuant to the provisions of:
 - a. Minnesota Statutes, section 13.32, subdivision 5; and
 - b. 20 United States Code, section 1232g, and 34 Code of Federal Regulations, section 99.37, which were in effect on January 3, 2012.
2. The charter school may not designate a student's home address, telephone number, email address, or other personal contact information as directory information under Minnesota Statutes, section 13.32.
3. A parent's personal contact information must be treated as private data on individuals regardless of whether that contact information was previously designated as or treated as directory information under Minnesota Statutes, section 13.32, subdivision 2.
4. When requested, the charter school must share personal contact information and directory information, whether public or private, with the Minnesota Department of Education, as required for federal reporting purposes.

B. Former Students

Unless a former student validly opted out of the release of directory information while the student was in attendance and has not rescinded the opt out request at any time, the charter school may disclose directory information from the education records generated by it regarding the former student without meeting the requirements of Paragraph C. of this Article. In addition, under an explicit exclusion from the definition of an "education record," the charter school may release records that only contain information about an individual obtained after he or she is no longer a student at the charter school and that are not directly related to the individual's attendance as a student (e.g., a student's activities as an alumnus of the charter school).

C. Present Students and Parents

The charter school may disclose directory information from the education records of a student and information regarding parents without prior written consent of the parent of the student or eligible student, except as provided herein.

1. When conducting the directory information designation and notice process required by federal law, the charter school shall give parents and students notice of the right to refuse to let the charter school designate specified data about the student as directory information.
2. The charter school shall give annual notice by any means that are reasonably likely to inform the parents and eligible students of:
 - a. the types of personally identifiable information regarding students and/or parents that the charter school has designated as directory information;
 - b. the parent's or eligible student's right to refuse to let the charter school designate any or all of those types of information about the student and/or the parent as directory information; and

- c. the period of time in which a parent or eligible student has to notify the charter school in writing that he or she does not want any or all of those types of information about the student and/or the parent designated as directory information.
3. Allow a reasonable period of time after such notice has been given for a parent or eligible student to inform the charter school in writing that any or all of the information so designated should not be disclosed without the parent's or eligible student's prior written consent, except as provided in Article VI. of this policy.
4. A parent or eligible student may not opt out of the directory information disclosures to:
 - a. prevent the charter school from disclosing or requiring the student to disclose the student's name, ID, or charter school e-mail address in a class in which the student is enrolled; or
 - b. prevent the charter school from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information and that has been properly designated by the charter school as directory information.
5. The charter school shall not disclose or confirm directory information without meeting the written consent requirements contained in Paragraph VI.A. of this policy if a student's social security number or other non-directory information is used alone or in combination with other data elements to identify or help identify the student or the student's records.

D. Procedure for Obtaining Nondisclosure of Directory Information

The parent's or eligible student's written notice shall be directed to the responsible authority and shall include the following:

1. Name of the student and/or parent, as appropriate;
2. Home address;
3. School presently attended by student;
4. Parent's legal relationship to student, if applicable; and
5. Specific categories of directory information to be made not public without the parent's or eligible student's prior written consent, which shall only be applicable for that school year.

E. Duration

The designation of any information as directory information about a student or parents will remain in effect for the remainder of the school year unless the parent or eligible student provides the written notifications provided herein.

VIII. DISCLOSURE OF PRIVATE RECORDS

A. Private Records

For the purposes herein, education records are records which are classified as private data on individuals by state law and which are accessible only to the student who is the subject of the data and the student's parent if the student is not an eligible

student. The charter school may not disclose private records or their contents except as summary data, or except as provided in Article VI. of this policy, without the prior written consent of the parent or the eligible student. The charter school will use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other party to whom personally identifiable information from education records is disclosed.

B. Private Records Not Accessible to Parent

In certain cases, state law intends, and clearly provides, that certain information contained in the education records of the charter school pertaining to a student be accessible to the student alone, and to the parent only under special circumstances, if at all.

1. The responsible authority may deny access to private data by a parent when a minor student who is the subject of that data requests that the responsible authority deny such access. The minor student's request must be submitted in writing setting forth the reasons for denying access to the parent and must be signed by the minor. Upon receipt of such request the responsible authority shall determine if honoring the request to deny the parent access would be in the best interest of the minor data subject. In making this determination the responsible authority shall consider the following factors:
 - a. whether the minor is of sufficient age and maturity to be able to explain the reasons for and understand the consequences of the request to deny access;
 - b. whether the personal situation of the minor is such that denying parental access may protect the minor data subject from physical or emotional harm;
 - c. whether there are grounds for believing that the minor data subject's reasons for precluding parental access are reasonably accurate;
 - d. whether the data in question is of such a nature that disclosure of it to the parent may lead to physical or emotional harm to the minor data subject; and
 - e. whether the data concerns medical, dental or other health services provided pursuant to Minnesota Statutes, sections 144.341-144.347, in which case the data may be released only if the failure to inform the parent would seriously jeopardize the health of the minor.

C. Private Records Not Accessible to Student

Students shall not be entitled to access to private data concerning financial records and statements of the student's parent or any information contained therein.

D. Military-Connected Youth Identifier

When a charter school updates its enrollment forms in the ordinary course of business, the charter school must include a box on the enrollment form to allow students to self-identify as a military-connected youth. For purposes of this section, a "military-connected youth" means having an immediate family member, including a parent or sibling, who is currently in the armed forces either as a reservist or on active duty or has recently retired from the armed forces. Data collected under this provision is private data on individuals, but summary data may be published by the Department of Education.

IX. DISCLOSURE OF CONFIDENTIAL RECORDS

A. Confidential Records

Confidential records are those records and data contained therein which are made not public by state or federal law, and which are inaccessible to the student and the student's parents or to an eligible student.

B. Reports Under the Maltreatment of Minors Reporting Act

Pursuant to Minnesota Statutes, chapter 260E, written copies of reports pertaining to a neglected and/or physically and/or sexually abused child shall be accessible only to the appropriate welfare and law enforcement agencies. In respect to other parties, such data shall be confidential and will not be made available to the parent or the subject individual by the charter school. The subject individual, however, may obtain a copy of the report from either the local welfare agency, county sheriff, or the local police department subject to the provisions of Minnesota Statutes, chapter 260E.

Regardless of whether a written report is made under Minnesota Statutes, chapter 260E, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

C. Investigative Data

Data collected by the charter school as part of an active investigation undertaken for the purpose of the commencement or defense of pending civil legal action, or are retained in anticipation of a pending civil legal action are classified as protected nonpublic data in the case of data not on individuals, and confidential data in the case of data on individuals.

1. The charter school may make any data classified as protected non-public or confidential pursuant to this subdivision accessible to any person, agency, or the public if the charter school determines that such access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.
2. A complainant has access to a statement he or she provided to the charter school.
3. Parents or eligible students may have access to investigative data of which the student is the subject, but only to the extent the data is not inextricably intertwined with data about other charter school students, charter school employees, and/or attorney data as defined in Minnesota Statutes, section 13.393.
4. Once a civil investigation becomes inactive, civil investigative data becomes public unless the release of the data would jeopardize another pending civil legal action, except for those portions of such data that are classified as not public data under state or federal law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. For purposes of this provision, a civil investigation becomes inactive upon the occurrence of any of the following events:
 - a. a decision by the charter school, or by the chief attorney for the charter school, not to pursue the civil legal action. However, such investigation may subsequently become active if the charter school or its attorney decides to renew the civil legal action;

- b. the expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil legal action; or
- c. the exhaustion or expiration of rights of appeal by either party to the civil legal action.

5. A "pending civil legal action" for purposes of this subdivision is defined as including, but not limited to, judicial, administrative, or arbitration proceedings.

D. Chemical Abuse Records

To the extent the charter school maintains records of the identity, diagnosis, prognosis, or treatment of any student which are maintained in connection with the performance of any drug abuse prevention function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, such records are classified as confidential and shall be disclosed only for the purposes and under the circumstances expressly authorized by law.

X. DISCLOSURE OF SCHOOL RECORDS PRIOR TO EXCLUSION OR EXPULSION HEARING

At a reasonable time prior to any exclusion or expulsion hearing, the student and the student's parent or guardian or representative shall be given access to all charter school records pertaining to the student, including any tests or reports upon which the action proposed by the charter school may be based, pursuant to the Minnesota Pupil Fair Dismissal Act, Minnesota Statutes, section 121A.40, *et seq.*

XI. DISCLOSURE OF DATA TO MILITARY RECRUITING OFFICERS AND POSTSECONDARY EDUCATIONAL INSTITUTIONS

- A. The charter school will release the names, addresses, electronic mail address (which shall be the electronic mail addresses provided by the charter school, if available, that may be released to military recruiting officers only), and home telephone numbers of students in grades 11 and 12 to military recruiting officers and postsecondary educational institutions within sixty (60) days after the date of the request unless a parent or eligible student has refused in writing to release this data pursuant to Paragraph C. below.
- B. Data released to military recruiting officers under this provision:
 - 1. may be used only for the purpose of providing information to students about military service, state and federal veterans' education benefits, and other career and educational opportunities provided by the military;
 - 2. cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces; and
 - 3. copying fees shall not be imposed.
- C. A parent or eligible student has the right to refuse the release of the name, address, electronic mail addresses (which shall be the electronic mail addresses provided by the school, if available, that may be released to military recruiting officers only) or home telephone number to military recruiting officers and post-secondary educational institutions. To refuse the release of the above information to military recruiting officers and post-secondary educational institutions, a parent or eligible student must notify the responsible authority [*Theresa Seichter, District Office Manager, tseichter@stcroixprep.org*] in writing by [*November 1st*] each year. The written request must include the following information:
 - 1. Name of student and parent, as appropriate;

2. Home address;
3. Student's grade level;
4. School presently attended by student;
5. Parent's legal relationship to student, if applicable;
6. Specific category or categories of information which are not to be released to military recruiting officers and postsecondary educational institutions; and
7. Specific category or categories of information which are not to be released to the public, including military recruiting officers and postsecondary educational institutions.

D. Annually, the charter school will provide public notice by any means that are reasonably likely to inform the parents and eligible students of their rights to refuse to release the names, addresses, and home phone numbers of students in grades 11 and 12 without prior consent.

E. A parent or eligible student's refusal to release the above information to military recruiting officers and postsecondary educational institutions does not affect the charter school's release of directory information to the rest of the public, which includes military recruiting officers and postsecondary educational institutions. In order to make any directory information about a student private, the procedures contained in Article VII. of this policy also must be followed. Accordingly, to the extent the charter school has designated the name, address, home phone number, and grade level of students as directory information, absent a request from a parent or eligible student not to release such data, this information will be public data and accessible to members of the public, including military recruiting officers and postsecondary educational institutions.

XII. LIMITS ON REDISCLOSURE

A. Redisclosure

Consistent with the requirements herein, the charter school may only disclose personally identifiable information from the education records of a student on the condition that the party to whom the information is to be disclosed will not disclose the information to any other party without the prior written consent of the parent of the student or the eligible student, except that the officers, employees, and agents of any party receiving personally identifiable information under this section may use the information, but only for the purposes for which the disclosure was made.

B. Redisclosure Not Prohibited

1. Paragraph A. of this section does not prevent the charter school from disclosing personally identifiable information under Article VI. of this policy with the understanding that the party receiving the information may make further disclosures of the information on behalf of the charter school provided:
 - a. The disclosures meet the requirements of Article VI. of this policy; and
 - b. The charter school has complied with the record-keeping requirements of Article XIII. of this policy.
2. Paragraph A. of this Article does not apply to disclosures made pursuant to court orders or lawfully issued subpoenas or litigation, to disclosures of directory information, to disclosures to a parent or student or to parents of

dependent students, or to disclosures concerning sex offenders and other individuals required to register under 42 United States Code, section 14071. However, the charter school must provide the notification required in Paragraph XII.D. of this policy if a redisclosure is made based upon a court order or lawfully issued subpoena.

C. Classification of Disclosed Data

The information disclosed shall retain the same classification in the hands of the party receiving it as it had in the hands of the charter school.

D. Notification

The charter school shall inform the party to whom a disclosure is made of the requirements set forth in this section, except for disclosures made pursuant to court orders or lawfully issued subpoenas, disclosure of directory information under Article VII. of this policy, disclosures to a parent or student, or disclosures to parents of a dependent student. In the event that the Family Policy Compliance Office determines that a state or local educational authority, a federal agency headed by an official listed in 34 Code of Federal Regulations, section 99.31(a)(3), or an authorized representative of a state or local educational authority or a federal agency headed by an official listed in section 99.31(a)(3), or a third party outside of the charter school improperly rediscloses personally identifiable information from education records or fails to provide notification required under this section of this policy, the charter school may not allow that third party access to personally identifiable information from education records for at least five (5) years.

XIII. RESPONSIBLE AUTHORITY; RECORD SECURITY; AND RECORD KEEPING

A. Responsible Authority

The responsible authority shall be responsible for the maintenance and security of student records.

B. Record Security

The principal of each school subject to the supervision and control of the responsible authority shall be the records manager of the school, and shall have the duty of maintaining and securing the privacy and/or confidentiality of student records.

C. Plan for Securing Student Records

The building principal shall submit to the responsible authority a written plan for securing students records by September 1 of each school year. The written plan shall contain the following information:

1. A description of records maintained;
2. Titles and addresses of person(s) responsible for the security of student records;
3. Location of student records, by category, in the buildings;
4. Means of securing student records; and
5. Procedures for access and disclosure.

D. Review of Written Plan for Securing Student Records

The responsible authority shall review the plans submitted pursuant to Paragraph C. of

this Article for compliance with the law, this policy, and the various administrative policies of the charter school. The responsible authority shall then promulgate a chart incorporating the provisions of Paragraph C. which shall be attached to and become a part of this policy.

E. Record Keeping

1. The principal shall, for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record, with the education records of the student, that indicates:
 - a. the parties who have requested or received personally identifiable information from the education records of the student;
 - b. the legitimate interests these parties had in requesting or obtaining the information; and
 - c. the names of the state and local educational authorities and federal officials and agencies listed in Paragraph VI.B.4. of this policy that may make further disclosures of personally identifiable information from the student's education records without consent.
2. In the event the charter school discloses personally identifiable information from an education record of a student pursuant to Paragraph XII.B. of this policy, the record of disclosure required under this section shall also include:
 - a. the names of the additional parties to which the receiving party may disclose the information on behalf of the charter school;
 - b. the legitimate interests under Article VI. of this policy which each of the additional parties has in requesting or obtaining the information; and
 - c. a copy of the record of further disclosures maintained by a state or local educational authority or federal official or agency listed in Subparagraph VI.B.4. of this policy in accordance with 34 Code of Federal Regulations, section 99.32 and to whom the charter school disclosed information from an education record. The charter school shall request a copy of the record of further disclosures from a state or local educational authority or federal official or agency to whom education records were disclosed upon a request from a parent or eligible student to review the record of requests for disclosure.
3. Subparagraph XIII.E.1. does not apply to requests by or disclosure to a parent of a student or an eligible student, disclosures pursuant to the written consent of a parent of a student or an eligible student, requests by or disclosures to other school officials under Subparagraph VI.B.1. of this policy, to requests for disclosures of directory information under Article VII. of this policy, or to a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or agency has ordered that the existence or the contents of the subpoena or the information provided in response to the subpoena not be disclosed or as directed by an *ex parte* court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 United States Code, section 2332b(g)(5)(B) or an act of domestic or international terrorism.
4. The record of requests of disclosures may be inspected by:
 - a. the parent of the student or the eligible student;

- b. the school official or his or her assistants who are responsible for the custody of the records; and
 - c. the parties authorized by law to audit the record-keeping procedures of the charter school.
5. The charter school shall record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception:
 - a. the articulable and significant threat to the health or safety of a student or other individual that formed the basis for the disclosure; and
 - b. the parties to whom the charter school disclosed the information.
6. The record of requests and disclosures shall be maintained with the education records of the student as long as the charter school maintains the student's education records.

XIV. RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS

A. Parent of a Student, an Eligible Student or the Parent of an Eligible Student Who is Also a Dependent Student

The charter school shall permit the parent of a student, an eligible student, or the parent of an eligible student who is also a dependent student who is or has been in attendance in the charter school to inspect or review the education records of the student, except those records which are made confidential by state or federal law or as otherwise provided in Article VIII. of this policy.

B. Response to Request for Access

The charter school shall respond to any request pursuant to Paragraph A. of this Article immediately, if possible, or within ten (10) days of the date of the request, excluding Saturdays, Sundays, and legal holidays.

C. Right to Inspect and Review

The right to inspect and review education records under Paragraph A. of this Article includes:

1. The right to a response from the charter school to reasonable requests for explanations and interpretations of records; and
2. If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the education records, the charter school shall provide the parent or eligible student with a copy of the records requested or make other arrangements for the parent or eligible student to inspect and review the requested records.
3. Nothing in this policy shall be construed as limiting the frequency of inspection of the education records of a student with a disability by the student's parent or guardian or by the student upon the student reaching the age of majority.

D. Form of Request

Parents or eligible students shall submit to the charter school a written request to inspect education records which identify as precisely as possible the record or records

he or she wishes to inspect.

E. Collection of Student Records

If a student's education records are maintained in more than one location, the responsible authority may collect copies of the records or the records themselves from the various locations so they may be inspected at one site. However, if the parent or eligible student wishes to inspect these records where they are maintained, the charter school shall attempt to accommodate those wishes. The parent or eligible student shall be notified of the time and place where the records may be inspected.

F. Records Containing Information on More Than One Student

If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information which pertains to that student.

G. Authority to Inspect or Review

The charter school may presume that either parent of the student has authority to inspect or review the education records of a student unless the charter school has been provided with evidence that there is a legally binding instrument or a state law or court order governing such matters as marriage dissolution, separation, or custody which provides to the contrary.

H. Fees for Copies of Records

1. The charter school shall charge a reasonable fee for providing photocopies or printed copies of records unless printing a copy is the only method to provide for the inspection of data. In determining the amount of the reasonable fee, the charter school shall consider the following:
 - a. the cost of materials, including paper, used to provide the copies;
 - b. the cost of the labor required to prepare the copies;
 - c. any schedule of standard copying charges established by the charter school in its normal course of operations;
 - d. any special costs necessary to produce such copies from machine-based record-keeping systems, including but not limited to computers and microfilm systems; and
 - e. mailing costs.
2. If one hundred (100) or fewer pages of black and white, letter or legal size paper copies are requested, actual costs shall not be used, and, instead, the charge shall be no more than twenty-five (25) cents for each page copied.
3. The cost of providing copies shall be borne by the parent or eligible student.
4. The responsible authority, however, may not impose a fee for a copy of an education record made for a parent or eligible student if doing so would effectively prevent or, in the case of a student with a disability, impair the parent or eligible student from exercising their right to inspect or review the student's education records.

XV. REQUEST TO AMEND RECORDS; PROCEDURES TO CHALLENGE DATA

A. Request to Amend Education Records

The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate, misleading, or violates the privacy rights of the student may request that the charter school amend those records.

1. The request shall be in writing, shall identify the item the requestor believes to be inaccurate, misleading, or in violation of the privacy or other rights of the student, shall state the reason for this belief, and shall specify the correction the requestor wishes the charter school to make. The request shall be signed and dated by the requestor.
2. The charter school shall decide whether to amend the education records of the student in accordance with the request within thirty (30) days after receiving the request.
3. If the charter school decides to refuse to amend the education records of the student in accordance with the request, it shall inform the parent of the student or the eligible student of the refusal and advise the parent or eligible student of the right to a hearing under Paragraph B. of this section.

B. Right to a Hearing

If the charter school refuses to amend the education records of a student, the charter school, on request, shall provide an opportunity for a hearing in order to challenge the content of the student's education records to ensure that information in the education records of the student is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. A hearing shall be conducted in accordance with Paragraph C. of this Article.

1. If, as a result of the hearing, the charter school decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the education records of the student accordingly and so inform the parent of the student or the eligible student in writing.
2. If, as a result of the hearing, the charter school decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the charter school, or both.
3. Any statement placed in the education records of the student under Paragraph B. of this Article shall:
 - a. be maintained by the charter school as part of the education records of the student so long as the record or contested portion thereof is maintained by the charter school; and
 - b. if the education records of the student or the contested portion thereof is disclosed by the charter school to any party, the explanation shall also be disclosed to that party.

C. Conduct of Hearing

1. The hearing shall be held within a reasonable period of time after the charter school has received the request, and the parent of the student or the eligible student shall be given notice of the date, place, and time reasonably in advance of the hearing.

2. The hearing may be conducted by any individual, including an official of the charter school who does not have a direct interest in the outcome of the hearing. The school board attorney shall be in attendance to present the school board's position and advise the designated hearing officer on legal and evidentiary matters.
3. The parent of the student or eligible student shall be afforded a full and fair opportunity for hearing to present evidence relative to the issues raised under Paragraphs A. and B. of this Article and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney.
4. The charter school shall make a decision in writing within a reasonable period of time after the conclusion of the hearing. The decision shall be based solely on evidence presented at the hearing and shall include a summary of evidence and reasons for the decision.

D. Appeal

The final decision of the designated hearing officer may be appealed in accordance with the applicable provisions of Minnesota Statutes, chapter 14 relating to contested cases.

XVI. PROBLEMS ACCESSING DATA

- A. The data practices compliance official is the designated employee to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems.
- B. Data practices compliance official means the executive director.
- C. Any request by an individual with a disability for reasonable modifications of the charter school's policies or procedures for purposes of accessing records shall be made to the data practices compliance official.

XVII. COMPLAINTS FOR NONCOMPLIANCE WITH FERPA

A. Where to File Complaints

Complaints regarding alleged violations of rights accorded parents and eligible students by FERPA, and the rules promulgated thereunder, shall be submitted in writing to the U.S. Department of Education, Student Privacy Policy Office, 400 Maryland Avenue S.W., Washington, D.C. 20202-8520.

B. Content of Complaint

A complaint filed pursuant to this section must contain specific allegations of fact giving reasonable cause to believe that a violation of FERPA and the rules promulgated thereunder has occurred.

XVIII. WAIVER

A parent or eligible student may waive any of his or her rights provided herein pursuant to FERPA. A waiver shall not be valid unless in writing and signed by the parent or eligible student. The charter school may not require such a waiver.

XIX. ANNUAL NOTIFICATION OF RIGHTS

A. Contents of Notice

The charter school shall give parents of students currently in attendance and eligible students currently in attendance annual notice by such means as are reasonably likely to inform the parents and eligible students of the following:

1. That the parent or eligible student has a right to inspect and review the student's education records and the procedure for inspecting and reviewing education records;
2. That the parent or eligible student has a right to seek amendment of the student's education records to ensure that those records are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights and the procedure for requesting amendment of records;
3. That the parent or eligible student has a right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that federal and state law and the regulations promulgated thereunder authorize disclosure without consent;
4. That the parent or eligible student has a right to file a complaint with the U.S. Department of Education regarding an alleged failure by the charter school to comply with the requirements of FERPA and the rules promulgated thereunder;
5. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest for purposes of disclosing education records to other school officials whom the charter school has determined to have legitimate educational interests; and
6. That the charter school forwards education records on request to a school in which a student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment or transfer and that such records may include suspension and expulsion records pursuant to the federal Every Student Succeeds Act and, if applicable, a student's history of violent behavior.

B. Notification to Parents of Students Having a Primary Home Language Other Than English

The charter school shall provide for the need to effectively notify parents of students identified as having a primary or home language other than English.

C. Notification to Parents or Eligible Students Who are Disabled

The charter school shall provide for the need to effectively notify parents or eligible students identified as disabled.

XX. DESTRUCTION AND RETENTION OF RECORDS

Destruction and retention of records by the charter school shall be controlled by state and federal law.

XXI. COPIES OF POLICY

Copies of this policy may be obtained by parents and eligible students at the executive director's office.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 13.32, Subd. 5 (Directory Information)
Minn. Stat. § 13.393 (Attorneys)
Minn. Stat. Ch. 14 (Administrative Procedures Act)
Minn. Stat. § 120A.22 (Compulsory Instruction)

Minn. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)
Minn. Stat. § 121A.75 (Receipt of Records; Sharing)
Minn. Stat. § 127A.852 (Military-Connected Youth Identifier)
Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)
Minn. Stat. Ch. 256B (Medical Assistance for Needy Persons)
Minn. Stat. Ch. 256L (MinnesotaCare)
Minn. Stat. § 260B.171, Subds. 3 and 5 (Disposition Order and Peace Officer Records of Children)
Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)
Minn. Stat. § 363A.42 (Public Records; Accessibility)
Minn. Stat. § 480.40 (Personal Information, Dissemination)
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)
Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)
10 U.S.C. § 503(b) and (c) (Enlistments: Recruiting Campaigns; Compilation of Directory Information)
18 U.S.C. § 2331 (Definitions)
18 U.S.C. § 2332b (Acts of Terrorism Transcending National Boundaries)
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)
20 U.S.C. § 6301 *et seq.* (Every Student Succeeds Act)
20 U.S.C. § 7908 (Armed Forces Recruiting Information)
20 U.S.C. § 7917 (Transfer of School Disciplinary Records)
25 U.S.C. § 5304 (Definitions – Tribal Organization)
26 U.S.C. §§ 151 and 152 (Internal Revenue Code)
42 U.S.C. § 1711 *et seq.* (Child Nutrition Act)
42 U.S.C. § 1751 *et seq.* (Richard B. Russell National School Lunch Act)
34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)
34 C.F.R. § 300.610-300.627 (Confidentiality of Information)
42 C.F.R. § 2.1 *et seq.* (Confidentiality of Drug Abuse Patient Records)
Gonzaga University v. Doe, 536 U.S. 273 309 (2002)
Dept. of Admin. Advisory Op. No. 21-008 (December 8, 2021)

Cross References: MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
MSBA/MASA Model Policy 417 (Chemical Use and Abuse)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 519 (Interviews of Students by Outside Agencies)
MSBA/MASA Model Policy 520 (Student Surveys)
MSBA/MASA Model Policy 711 (Video Recording on School Buses)
MSBA/MASA Model Policy 722 (Public Data Requests)
MSBA/MASA Model Policy 906 (Community Notification of Predatory Offenders)
MSBA School Law Bulletin "I" (School Records – Privacy – Access to Data)

Resources
U.S. Department of Education: *FAQs on Photos and Videos under FERPA | Protecting Student Privacy* (012325)

U.S. Department of Education: *Letter to Wachter Regarding Surveillance Video of Multiple Students | Protecting Student Privacy* (012325)

U.S. Department of Education: *School Resource Officers, School Law Enforcement Units, and the Family Educational Rights and Privacy Act (FERPA) | Protecting Student Privacy* (012325)

U.S. Department of Education: *Protecting Student Privacy While Using Online Educational Services: Requirements and Best Practices | Protecting Student Privacy* (102325)

U.S. Department of Education: *FERPA/IDEA Crosswalk | Protecting Student Privacy* (012325)

U.S. Department of Education: *What is the Protection of Pupil Rights Board Policy 515-26*

Amendment? | Protecting Student Privacy (012325)

Minnesota Department of Health: The Family Educational Rights and Privacy Act (FERPA) and Immunization Data (including Possible School Consent Language for Sharing Immunization Data with Registries)

ST. CROIX PREPARATORY ACADEMY

Adopted: **8/15/2023**

Revised: _____

MSBA/MASA Model Policy 516 Charter

Orig. 1995 (as ISD Policy)

Orig. 2022 (as Charter Policy)

Rev. June 2025

516 STUDENT MEDICATION AND TELEHEALTH

I. PURPOSE

The purpose of this policy is to set forth the provisions regarding medicine and telehealth for students while at St. Croix Preparatory Academy (Academy).

II. GENERAL STATEMENT OF POLICY

The Academy acknowledges that some students may require prescribed drugs or medication or telehealth during the school day. The Academy's licensed school nurse, trained health clerk, principal, or teacher will administer prescribed medications, except any form of medical cannabis, in accordance with law and the Academy's procedures.

III. DRUG AND MEDICATION REQUIREMENTS

A. Administration of Drugs and Medicine

1. The administration of medication or drugs at school requires a completed signed request from the student's parent. An oral request must be reduced to writing within two school days, provided that the Academy may rely on an oral request until a written request is received.
2. Drugs and medicine subject to Minnesota Statutes, section 121A.22 must be administered, to the extent possible, according to school board procedures that must be developed in consultation with:
 - a. with a licensed nurse, in a school that employs a licensed nurse under Minnesota Statutes, section 148.171;
 - b. with a licensed school nurse, in a school that employs a licensed school nurse licensed under Minnesota Rules, part 8710.6100;
 - c. with a public or private health-related organization, in a school that contracts with a public or private health or health-related organization, according to Minnesota Statutes, section 121A.21; or
 - d. with the appropriate party, in a school that has an arrangement approved by the Commissioner of the Minnesota Department of Education, according to Minnesota Statutes, section 121A.21.

3. Exclusions

The provisions on administration of drugs and medicine above do not apply to drugs or medicine that are:

- a. purchased without a prescription;
- b. used by a pupil who is 18 years old or older;
- c. used in connection with services for which a minor may give effective consent;

- d. used in situations in which, in the judgment of the school personnel, including a licensed nurse, who are present or available, the risk to the pupil's life or health is of such a nature that drugs or medicine should be given without delay;
- e. used off the school grounds;
- f. used in connection with athletics or extracurricular activities;
- g. used in connection with activities that occur before or after the regular school day;
- h. provided or administered by a public health agency to prevent or control an illness or a disease outbreak as provided under Minnesota law;
- i. prescription asthma or reactive airway disease medications can be self-administered by a student with an asthma inhaler if:
 - (1) the school has received a written authorization each school year from the pupil's parent permitting the student to self-administer the medication;
 - (2) the inhaler is properly labeled for that student; and
 - (3) the parent has not requested school personnel to administer the medication to the student.

In a school that does not have a school nurse or school nursing services, the student's parent or guardian must submit written verification from the prescribing professional which documents that an assessment of the student's knowledge and skills to safely possess and use an asthma inhaler in a school setting has been completed.

If the school employs a school nurse or provides school nursing services under another arrangement, the school nurse or other appropriate party must assess the student's knowledge and skills to safely possess and use an asthma inhaler in a school setting and enter into the student's school health record a plan to implement safe possession and use of asthma inhalers.

- j. epinephrine delivery systems, consistent with Minnesota Statutes, section 121A.2205, if the parent and prescribing medical professional annually inform the pupil's school in writing that
 - (1) the pupil may possess the epinephrine or
 - (2) the pupil is unable to possess the epinephrine and requires immediate access to epinephrine delivery systems that the parent provides properly labeled to the school for the pupil as needed.
- k. For the purposes of Minnesota Statutes, section 121A.22, special health treatments and health functions, such as catheterization, tracheostomy suctioning, and gastrostomy feedings, do not constitute administration of drugs or medicine.
- l. Emergency health procedures, including emergency administration of drugs and medicine are not subject to this policy.

B. Prescription Medication

1. An "Administering Prescription Medications" form must be completed annually (once per school year) and/or when a change in the prescription or requirements for administration occurs. Prescription medication as used in this policy does not include any form of medical cannabis as defined in Minnesota Statutes, section 152.22, subdivision 6.
2. Prescription medication must come to school in the original container labeled for the student by a pharmacist in accordance with law, and must be administered in a manner consistent with the instructions on the label.
3. The school nurse may request to receive further information about the prescription, if needed, prior to administration of the substance.
4. Prescription medications are not to be carried by the student, but will be left with the appropriate Academy personnel. Exceptions to this requirement are: prescription asthma medications self-administered with an inhaler (See Subparagraph III.A.3(i) above), and medications administered as noted in a written agreement between the Academy and the parent or as specified in an IEP (individualized education program), Section 504 plan, or IHP (individual health plan).
5. The Academy must be notified immediately by the parent or student eighteen (18) years old or older in writing of any change in the student's prescription medication administration. A new medical authorization or container label with new pharmacy instructions shall be required immediately as well.
6. The school nurse, or other designated person, shall be responsible for the filing of the Administering Prescription Medications form in the health records section of the student file. The school nurse, or other designated person, shall be responsible for providing a copy of such form to the principal and to other personnel designated to administer the medication.
7. For drugs or medicine used by children with a disability, administration may be as provided in the IEP, Section 504 plan or IHP.
8. If the administration of a drug or medication described in this section requires the Academy to store the drug or medication, the parent or legal guardian must inform the Academy if the drug or medication is a controlled substance. For a drug or medication that is not a controlled substance, the request must include a provision designating the Academy as an authorized entity to transport the drug or medication for the purpose of destruction if any unused drug or medication remains in the possession of school personnel. For a drug or medication that is a controlled substance, the request must specify that the parent or legal guardian is required to retrieve the drug or controlled substance when requested by the school.

C. Nonprescription Medication

A secondary student may possess and use nonprescription pain relief in a manner consistent with the labeling, if the Academy has received written authorization from the student's parent or guardian permitting the student to self-administer the medication. The parent or guardian must submit written authorization for the student to self-administer the medication each school year. The Academy may revoke a student's privilege to possess and use nonprescription pain relievers if the Academy determines that the student is abusing the privilege. This provision does not apply to the possession or use of any drug or product containing ephedrine or pseudoephedrine as its sole active ingredient or as one of its active ingredients. Except as stated in this paragraph, only prescription medications are governed by this policy.

D. Possession and Use of Epinephrine Delivery systems

1. Definitions

- a. "Administer" means the direct application of an epinephrine delivery system to the body of an individual.
- b. "Epinephrine delivery system" means a medication product approved by the United States Food and Drug Administration that automatically delivers a single, premeasured dose of epinephrine to prevent or treat a life-threatening allergic reaction.
- c. "School" means a public school under Minnesota Statutes, section 120A.22, subdivision 4, or a nonpublic school, excluding a home school, under section 120A.22, subdivision 4, that is subject to the federal Americans with Disabilities Act.

2. At the start of each school year or at the time a student enrolls in school, whichever is first, a student's parent, school staff, including those responsible for student health care, and the prescribing medical professional must develop and implement an individualized written health plan for a student who is prescribed epinephrine delivery systems that enables the student to:

- a. possess epinephrine delivery systems; or
- b. If the parent and prescribing medical professional determine the student is unable to possess the epinephrine, have immediate access to epinephrine delivery systems in close proximity to the student at all times during the instructional day.

For the purposes of this policy, "instructional day" is defined as eight hours for each student contact day.

The plan must designate the school staff responsible for implementing the student's health plan, including recognizing anaphylaxis and administering epinephrine delivery systems when required, consistent with state law. This health plan may be included in a student's Section 504 plan.

Schools may obtain and possess epinephrine delivery systems to be maintained and administered by school personnel, including a licensed nurse, to a student or other individual if, in good faith, it is determined that person is experiencing anaphylaxis regardless of whether the student or other individual has a prescription for an epinephrine delivery system. The administration of an epinephrine delivery system in accordance with Minnesota Statutes, section 121A.2207 is not the practice of medicine.

Registered nurses may administer epinephrine delivery systems in a school setting according to a condition-specific protocol as authorized under Minnesota Statutes, section 148.235, subdivision 8. Notwithstanding any limitation in Minnesota Statutes, sections 148.171 to 148.285, licensed practical nurses may administer epinephrine delivery systems in a school setting according to a condition-specific protocol that does not reference a specific patient and that specifies the circumstances under which the epinephrine delivery system is to be administered, when caring for a patient whose condition falls within the protocol.

A school may enter into arrangements with manufacturers of epinephrine delivery systems to obtain epinephrine delivery systems at fair-market, free, or reduced prices. A third party, other than a manufacturer or supplier, may pay for a school's supply of epinephrine delivery systems.

The Commissioner of the Minnesota Department of Health must provide a district or school with a standing order for distribution of epinephrine delivery systems under Minnesota Statutes, sections 148.235, subdivision 8 and 151.37, subdivision 2.

E. Sunscreen

A student may possess and apply a topical sunscreen product during the school day while on school property or at a school-sponsored event without a prescription, physician's note, or other documentation from a licensed health care professional. School personnel are not required to provide sunscreen or assist students in applying sunscreen.

F. Procedure regarding unclaimed drugs or medications

1. The Academy has adopted the following procedure for the collection and transport of any unclaimed or abandoned prescription drugs or medications remaining in the possession of school personnel in accordance with this policy. Before the transportation of any prescription drug or medication under this policy, the Academy shall make a reasonable attempt to return the unused prescription drug or medication to the student's parent or legal guardian. Transportation of unclaimed or unused prescription drugs or medications will occur at least annually, but may occur more frequently at the discretion of the Academy.
2. If the unclaimed or abandoned prescription drug is not a controlled substance as defined under Minnesota Statutes, section 152.01, subdivision 4, or is an over-the-counter medication, the Academy will either designate an individual who shall be responsible for transporting the drug or medication to a designated drop-off box or collection site or request that a law enforcement agency transport the drug or medication to a drop-off box or collection site on behalf of the Academy.
3. If the unclaimed or abandoned prescription drug is a controlled substance as defined in Minnesota Statutes, section 152.01, subdivision 4, the charter school or school personnel is prohibited from transporting the prescription drug to a drop-off box or collection site for prescription drugs identified under this paragraph. The Academy must request that a law enforcement agency transport the prescription drug or medication to a collection bin that complies with Drug Enforcement Agency regulations, or if a site is not available, under the agency's procedure for transporting drugs.

IV. ACCESS TO SPACE FOR MENTAL HEALTH CARE THROUGH TELEHEALTH

- A. To the extent space is available, the school must provide an enrolled secondary school student with access during regular school hours, and to the extent staff is available, before or after the school day on days when students receive instruction at school, to space at the school site that a student may use to receive mental health care through telehealth from a student's licensed mental health provider. A secondary school must develop a plan with procedures to receive requests for access to the space.
- B. The space must provide a student privacy to receive mental health care.
- C. A student may use a school-issued device to receive mental health care through telehealth if such use is consistent with the school policy governing acceptable use of the school-issued device.
- D. A school may require a student requesting access to space under this section to submit to the school a signed and dated consent from the student's parent or guardian, or from the student if the student is age 16 or older, authorizing the

student's licensed mental health provider to release information from the student's health record that is requested by the school to confirm the student is currently receiving mental health care from the provider. Such a consent is valid for the school year in which it is submitted.

Legal References: Minn. Stat. § 13.32 (Educational Data)
Minn. Stat. § 121A.21 (School Health Services)
Minn. Stat. § 121A.216 (Access to Space for Mental Health Care through Telehealth)
Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)
Minn. Stat. § 121A.2205 (Possession and Use of Epinephrine Delivery systems; Model Policy)
Minn. Stat. § 121A.2207 (Life-Threatening Allergies in Schools; Stock Supply of Epinephrine Delivery systems)
Minn. Stat. § 121A.221 (Possession and Use of Asthma Inhalers by Asthmatic Students)
Minn. Stat. § 121A.222 (Possession and Use of Nonprescription Pain Relievers by Secondary Students)
Minn. Stat. § 121A.223 (Possession and Use of Sunscreen)
Minn. Stat. § 148.171 (Definitions; Title)
Minn. Stat. § 151.212 (Label of Prescription Drug Containers)
Minn. Stat. § 152.01 (Definitions)
Minn. Stat. § 152.22 (Definitions)
Minn. Stat. § 152.23 (Limitations)
Minn. Rule 8710.6100 (School Nurse)
20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education Act)
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)

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

ST. CROIX PREPARATORY ACADEMY

Adopted: 1/15/2019

Revised: _____

MSBA/MASA Model Policy 521 Charter

Orig. 1995 (as ISD Policy)

Orig. 2022 (as Charter Policy)

Rev. 2024

521 STUDENT DISABILITY NONDISCRIMINATION

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. Students with disabilities who meet the criteria of Paragraph C. below are protected from discrimination on the basis of a disability.
- B. The responsibility of the charter school is to identify and evaluate learners who, within the intent of Section 504, need services, accommodations, or programs in order that such learners may receive a free appropriate public education.
- C. For this policy, a learner who is protected under Section 504 is one who:
 1. has a physical or mental impairment that substantially limits one or more of such person's major life activities; or
 2. has a record of such an impairment;
 3. is regarded as having such an impairment; or
 4. has an impairment that is episodic or in remission and would materially limit a major life activity when active.
- D. Learners may be protected from disability discrimination and be eligible for services, accommodations, or programs under the provisions of Section 504 even though they are not eligible for special education pursuant to the Individuals with Disabilities Education Act.

III. COORDINATOR

Persons who have questions or comments should contact the Director of Special Education, Cori Wahl, St. Croix Preparatory Academy, 4260 Stagecoach Trail North, Stillwater, MN 55082. This person is the charter school's Americans with Disabilities Act/Section 504 coordinator. Persons who wish to make a complaint regarding a disability discrimination matter may use the accompanying Student Disability Discrimination Grievance Report Form. The form should be given to the ADA/Section 504 coordinator.

Legal References: Minn. Stat. § 363A.03, Subd. 12 (Definitions)
42 U.S.C. Ch. 126 (Equal Opportunity for Individuals with Disabilities)
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)
34 C.F.R. Part 104 (Section 504 Implementing Regulations)

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

ST. CROIX PREPARATORY ACADEMY

Adopted: _____

MSBA/MASA Model Policy 522 Charter

Orig. 1995 (as ISD Policy)

Orig. 2022 (as Charter Policy)

Revised: _____

522 TITLE IX SEX NONDISCRIMINATION POLICY, GRIEVANCE PROCEDURE AND PROCESS

I. PURPOSE

The purpose of this policy is to provide a nondiscriminatory and safe environment for all persons and to comply with state and federal law.

II. GENERAL STATEMENT OF POLICY

- A. The charter school does not discriminate on the basis of sex in its education programs or activities, and it is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The charter school is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.
- B. The charter school prohibits sexual harassment that occurs within its education programs and activities. When the charter school has actual knowledge of sexual harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.
- C. This policy applies to sexual harassment that occurs within the charter school's education programs and activities and that is committed by a charter school employee, student, or other members of the school community. This policy does not apply to sexual harassment that occurs off school grounds, in a private setting, and outside the scope of the charter school's education programs and activities. This policy does not apply to sexual harassment that occurs outside the geographic boundaries of the United States, even if the sexual harassment occurs in the charter school's education programs or activities.
- D. Any student, parent, or guardian having questions regarding the application of Title IX and its regulations and/or this policy and grievance process should discuss them with the Title IX Coordinator. The charter school's Title IX Coordinator(s) is/are:

Keven Seim, Activities Director, 4260 Stagecoach Trail N. Stillwater, MN 55082, 651.395.5944, kevenseim@stcroixprep.org

Questions relating solely to Title IX and its regulations may be referred to the Title IX Coordinator(s), the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

- E. The effective date of this policy is August 14, 2020, and applies to alleged violations of this policy occurring on or after August 14, 2020.

III. DEFINITIONS

- A. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the charter school's Title IX Coordinator or to any employee of the charter school. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the charter school with actual knowledge is the

respondent.

B. "Complainant" means a person who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. A Title IX Coordinator who signs a formal complaint is not a complainant unless the Title IX Coordinator is alleged to be the victim of the conduct described in the formal complaint.

C. "Day" or "days" means, unless expressly stated otherwise, business days (i.e. day(s) that the charter school office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).

D. "Deliberately indifferent" means clearly unreasonable in light of the known circumstances. The charter school is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

E. "Education program or activity" means locations, events, or circumstances for which the charter school exercises substantial control over both the respondent and the context in which the sexual harassment occurs and includes charter school education programs or activities that occur on or off of charter school property.

F. "Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the charter school investigate the allegation of sexual harassment.

1. A formal complaint filed by a complainant must be a physical document or an electronic submission. The formal complaint must contain the complainant's physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint, and must be submitted to the Title IX Coordinator in person, by mail, or by email.
2. A formal complaint shall state that, at the time of filing the formal complaint, the complainant was participating in, or attempting to participate in, an education program or activity of the charter school with which the formal complaint is filed.

G. "Informal resolution" means options for resolving a formal complaint that do not involve a full investigation and adjudication. Informal resolution may encompass a broad range of conflict resolution strategies, including mediation or restorative justice.

H. "Relevant questions" and "relevant evidence" are questions, documents, statements, or information that are related to the allegations raised in a formal complaint. Relevant evidence includes evidence that is both inculpatory and exculpatory. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

I. "Remedies" means actions designed to restore or preserve the complainant's equal access to education after a respondent is found responsible. Remedies may include the same individualized services that constitute supportive measures, but need not be non-punitive or non-disciplinary, nor must they avoid burdening the respondent.

J. "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under Title IX.

K. "Sexual harassment" means any of three types of misconduct on the basis of sex that occurs in a charter school education program or activity and is committed against a

person in the United States:

1. *Quid pro quo* harassment by a charter school employee (conditioning the provision of an aid, benefit, or service of the charter school on an individual's participation in unwelcome sexual conduct);
2. Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or
3. Any instance of sexual assault (as defined in the Clery Act, 20 United States Code, section 1092(f)(6)A(v)), dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act, 34 United States Code, section 12291).

L. "Supportive measures" means individualized services provided to the complainant or respondent without fee or charge that are reasonably available, non-punitive, non-disciplinary, not unreasonably burdensome to the other party, and designed to ensure equal educational access, protect safety, and deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, alternative educational services as defined under Minnesota Statutes, section 121A.41, as amended, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the charter school buildings or property, and other similar measures.

M. "Title IX Personnel" means any person who addresses, works on, or assists with the charter school's response to a report of sexual harassment or formal complaint, and includes persons who facilitate informal resolutions. The following are considered Title IX Personnel:

1. "Title IX Coordinator" means an employee of the charter school that coordinates the charter school's efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator is responsible for acting as the primary contact for the parties and ensuring that the parties are provided with all notices, evidence, reports, and written determinations to which they are entitled under this policy and grievance process. The Title IX Coordinator is also responsible for effective implementation of any supportive measures or remedies. The Title IX Coordinator must be free from conflicts of interest and bias when administrating the grievance process.
2. "Investigator" means a person who investigates a formal complaint. The investigator of a formal complaint may not be the same person as the Decision-maker or the Appellate Decision-maker. The Investigator may be a charter school employee, charter school official, or a third party designated by the charter school.
3. "Decision-maker" means a person who makes a determination regarding responsibility after the investigation has concluded. The Decision-maker cannot be the same person as the Title IX Coordinator, the Investigator, or the Appellate Decision-maker.
4. "Appellate Decision-maker" means a person who considers and decides appeals of determinations regarding responsibility and dismissals of formal complaints. The Appellate Decision-maker cannot be the same person as the Title IX Coordinator, Investigator, or Decision-maker. The Appellate Decision-maker may be a charter school employee, or a third party designated by the charter school.

The executive director of the charter school may delegate functions assigned to a

specific charter school employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, Investigator, Decision-maker, Appellate Decision-maker, and facilitator of informal resolution processes, to any suitably qualified individual and such delegation may be rescinded by the executive director at any time. The charter school may also, in its discretion, appoint suitably qualified persons who are not charter school employees to fulfill any function under this policy, including, but not limited to, Investigator, Decision-maker, Appellate Decision-maker, and facilitator of informal resolution processes.

IV. BASIC REQUIREMENTS FOR GRIEVANCE PROCESS

A. Equitable Treatment

The charter school shall treat complainants and respondents equitably. However, equality or parity with respect to supportive measures provided to complainants and respondents is not required.

The charter school will not impose any disciplinary sanctions or take any other actions against a respondent that do not constitute supportive measures until it has completed this grievance process and the respondent has been found responsible.

The charter school will provide appropriate remedies to the complainant any time a respondent is found responsible.

B. Objective and Unbiased Evaluation of Complaints

1. Title IX Personnel, including the Title IX Coordinator, Investigator, Decision-maker, and Appellate Decision-maker, shall be free from conflicts of interest or bias for or against complainants or respondents generally or a specific complainant or respondent.
2. Throughout the grievance process, Title IX Personnel will objectively evaluate all relevant evidence, inculpatory and exculpatory, and shall avoid credibility determinations based solely on a person's status as a complainant, respondent, or witness.

C. Title IX Personnel will presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

D. Confidentiality

The charter school will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), 20 United States Code section 1232g, FERPA regulations, 34 Code of Federal Regulations part 99, Minnesota law under Minnesota Statutes section 13.32, or as required by law, or to carry out the purposes of 34 Code of Federal Regulations part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the charter school's obligation to maintain confidentiality shall not impair or otherwise affect the complainants and respondents receipt of the information to which they are entitled with respect to the investigative record and determination of responsibility).

E. Right to an Advisor; Right to a Support Person

Complainants and respondents have the right, at their own expense, to be assisted by an advisor of their choice during all stages of any grievance proceeding, including all meetings and investigative interviews. The advisor may be, but is not required to be, an attorney. In general, an advisor is not permitted to speak for or on behalf of a complainant or respondent, appear in lieu of complainant or respondent, participate as a witness, or participate directly in any other manner during any phase of the grievance process.

A complainant or respondent with a disability may be assisted by a support person throughout the grievance process, including all meetings and investigative interviews, if such accommodation is necessary. A support person may be a friend, family member, or any individual who is not otherwise a potential witness. The support person is not permitted to speak for or on behalf of a complainant or respondent, appear in lieu of complainant or respondent, participate as a witness, or participate directly in any other manner during any phase of the grievance process.

F. Notice

The charter school will send written notice of any investigative interviews or meetings to any party whose participation is invited or expected. The written notice will include the date, time, location, participants, and purpose of the meeting or interview, and will be provided to allow sufficient time for the party to prepare to participate.

G. Consolidation

The charter school may, in its discretion, consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

H. Evidence

1. During the grievance process, the charter school will not require, allow, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
2. The charter school shall not access, consider, disclose, or otherwise use a party's medical, psychological, and similar treatment records unless the charter school obtains the party's voluntary, written consent.

I. Burden of Proof

1. The burden of gathering evidence and the burden of proof shall remain upon the charter school and not upon the parties.
2. The grievance process shall use a preponderance of the evidence standard (i.e. whether it is more likely than not that the respondent engaged in sexual harassment) for all formal complaints of sexual harassment, including when charter school employees are respondents.

J. Timelines

1. Any informal resolution process must be completed within thirty (30) calendar days following the parties' agreement to participate in such informal process.
2. An appeal of a determination of responsibility or of a decision dismissing a formal complaint must be received by the charter school within five (5) days of

the date the determination of responsibility or dismissal was provided to the parties.

3. Any appeal of a determination of responsibility or of a dismissal will be decided within thirty (30) calendar days of the day the appeal was received by the charter school.
4. The charter school will seek to conclude the grievance process, including any appeal, within 120 calendar days of the date the formal complaint was received by the charter school.
5. Although the charter school strives to adhere to the timelines described above, in each case, the charter school may extend the time frames for good cause. Good cause may include, without limitation: the complexity of the allegations; the severity and extent of the alleged misconduct; the number of parties, witnesses, and the types of other evidence (e.g., forensic evidence) involved; the availability of the parties, advisors, witnesses, and evidence (e.g., forensic evidence); concurrent law enforcement activity; intervening charter school holidays, breaks, or other closures; the need for language assistance or accommodation of disabilities; and/or other unforeseen circumstances.

K. Potential Remedies and Disciplinary Sanctions

1. The following is the range of possible remedies that the charter school may provide a complainant and disciplinary sanctions that the charter school might impose upon a respondent, following determination of responsibility: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual or unilateral restrictions on contact between the parties, changes in work locations, leaves of absence, monitoring of certain areas of the charter school buildings or property, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge.
2. If the Decision-maker determines a student-respondent is responsible for violating this policy, the Decision-maker will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the executive director of the recommended remedies, such that an authorized administrator can consider the recommendation(s) and implement appropriate remedies in compliance with MSBA Model Policy 506 – Student Discipline. The discipline of a student-respondent must comply with the applicable provisions of Minnesota Pupil Fair Dismissal Act, the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

V. **REPORTING PROHIBITED CONDUCT**

- A. Any student who believes they have been the victim of unlawful sex discrimination or sexual harassment, or any person (including the parent of a student) with actual knowledge of conduct which may constitute unlawful sex discrimination or sexual harassment toward a student should report the alleged acts as soon as possible to the Title IX Coordinator.
- B. Any employee of the charter school who has experienced, has actual knowledge of, or has witnessed unlawful sex discrimination, including sexual harassment, or who otherwise becomes aware of unlawful sex discrimination, including sexual harassment, must promptly report the allegations to the Title IX Coordinator without screening or investigating the report or allegations.
- C. A report of unlawful sex discrimination or sexual harassment may be made at any

time, including during non-business hours, and may be made in person, by mail, by telephone, or by e-mail using the Title IX Coordinator's contact information. A report may also be made by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

- D. Sexual harassment may constitute both a violation of this policy and criminal law. To the extent the alleged conduct may constitute a crime, the charter school may report the alleged conduct to law enforcement authorities. The charter school encourages complainants to report criminal behavior to the police immediately.

VI. INITIAL RESPONSE AND ASSESSMENT BY THE TITLE IX COORDINATOR

- A. When the Title IX Coordinator receives a report, the Title IX Coordinator shall promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
- B. The charter school will offer supportive measures to the complainant whether or not the complainant decides to make a formal complaint. The charter school must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the charter school's ability to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.
- C. If the complainant does not wish to file a formal complaint, the allegations will not be investigated by the charter school unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the complainant's wishes is not clearly unreasonable in light of the known circumstances.
- D. Upon receipt of a formal complaint, the charter school must provide written notice of the formal complaint to the known parties with sufficient time to prepare a response before any initial interview. This written notice must contain:
 1. The allegations of sexual harassment, including sufficient details known at the time, the identities of the parties involved in the incident (if known), the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
 2. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
 3. A statement explaining that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
 4. A statement that the parties may inspect and review evidence gathered pursuant to this policy;
 5. A statement informing the parties of any code of conduct provision that prohibits knowingly making false statements or knowingly submitting false information; and
 6. A copy of this policy.

VII. STATUS OF RESPONDENT DURING PENDENCY OF FORMAL COMPLAINT

- A. Emergency Removal of a Student

1. The charter school may remove a student-respondent from an education program or activity of the charter school on an emergency basis before a determination regarding responsibility is made if:
 - a. The charter school undertakes an individualized safety and risk analysis;
 - b. The charter school determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal of the student-respondent; and
 - c. The charter school determines if the student-respondent poses such a threat, it will notify the student-respondent and the student-respondent will have an opportunity to challenge the decision immediately following the removal. In determining whether to impose emergency removal measures, the Title IX Coordinator shall consult related charter school policies, including MSBA Model Policy 506 – Student Discipline. The charter school must take into consideration applicable requirements of the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973, prior to removing a special education student or Section 504 student on an emergency basis.

B. Employee Administrative Leave

The charter school may place a non-student employee on administrative leave during the pendency of the grievance process of a formal complaint. Such leave will typically be paid leave unless circumstances justify unpaid leave in compliance with legal requirements. The charter school must take into consideration applicable requirements of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prior to removing an individual with a qualifying disability.

VIII. INFORMAL RESOLUTION OF A FORMAL COMPLAINT

- A. At any time prior to reaching a determination of responsibility, informal resolution may be offered and facilitated by the charter school at the charter school's discretion, but only after a formal complaint has been received by the charter school.
- B. The charter school may not require as a condition of enrollment or continued enrollment, or of employment or continued employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment.
- C. The informal resolution process may not be used to resolve allegations that a charter school employee sexually harassed a student.
- D. The charter school will not facilitate an informal resolution process without both parties' agreement, and will obtain their voluntary, written consent. The charter school will provide to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, the parties' right to withdraw from the informal resolution process, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
- E. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the

formal complaint.

IX. DISMISSAL OF A FORMAL COMPLAINT

- A. Under federal law, the charter school must dismiss a Title IX complaint, or a portion thereof, if the conduct alleged in a formal complaint or a portion thereof:
 - 1. Would not meet the definition of sexual harassment, even if proven;
 - 2. Did not occur in the charter school's education program or activity; or
 - 3. Did not occur against a person in the United States.
- B. The charter school may, in its discretion, dismiss a formal complaint or allegations therein if:
 - 1. The complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein;
 - 2. The respondent is no longer enrolled or employed by the charter school; or
 - 3. Specific circumstances prevent the charter school from gathering sufficient evidence to reach a determination.
- C. The charter school shall provide written notice to both parties of a dismissal. The notice must include the reasons for the dismissal.
- D. Dismissal of a formal complaint or a portion thereof does not preclude the charter school from addressing the underlying conduct in any manner that the charter school deems appropriate.

X. INVESTIGATION OF A FORMAL COMPLAINT

- A. If a formal complaint is received by the charter school, the charter school will assign or designate an Investigator to investigate the allegations set forth in the formal complaint.
- B. If during the course of the investigation the charter school decides to investigate any allegations about the complainant or respondent that were not included in the written notice of a formal complaint provided to the parties, the charter school must provide notice of the additional allegations to the known parties.
- C. When a party's participation is invited or expected in an investigative interview, the Investigator will coordinate with the Title IX Coordinator to provide written notice to the party of the date, time, location, participants, and purposes of the investigative interview with sufficient time for the party to prepare.
- D. During the investigation, the Investigator must provide the parties with an equal opportunity to present witnesses for interviews, including fact witnesses and expert witnesses, and other inculpatory and exculpatory evidence.
- E. Prior to the completion of the investigative report, the Investigator, through the Title IX Coordinator, will provide the parties and their advisors (if any) with an equal opportunity to inspect and review any evidence directly related to the allegations. The evidence shall be provided in electronic format or hard copy and shall include all relevant evidence, evidence upon which the charter school does not intend to rely in reaching a determination regarding responsibility, and any inculpatory or exculpatory evidence whether obtained from a party or another source. The parties will have ten (10) days to submit a written response, which the Investigator will consider prior to

completion of the investigative report.

F. The Investigator will prepare a written investigative report that fairly summarizes the relevant evidence. The investigative report may include credibility determinations that are not based on a person's status as a complainant, respondent or witness. The charter school will send the parties and their advisors (if any) a copy of the report in electronic format or hard copy, for their review and written response at least ten (10) days prior to a determination of responsibility.

XI. DETERMINATION REGARDING RESPONSIBILITY

A. After the charter school has sent the investigative report to both parties and before the charter school has reached a determination regarding responsibility, the Decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness.

B. The Decision-maker must provide the relevant questions submitted by the parties to the other parties or witnesses to whom the questions are offered, and then provide each party with the answers, and allow for additional, limited follow-up questions from each party.

C. The Decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant.

D. When the exchange of questions and answers has concluded, the Decision-maker must issue a written determination regarding responsibility that applies the preponderance of the evidence standard to the facts and circumstances of the formal complaint. The written determination of responsibility must include the following:

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the charter school's code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the charter school imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the charter school to the complainant; and
6. The charter school's procedures and permissible bases for the complainant and respondent to appeal and the date by which an appeal must be made.

E. In determining appropriate disciplinary sanctions, the Decision-maker 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 incident occurred.

F. The written determination of responsibility must be provided to the parties simultaneously.

G. The Title IX Coordinator is responsible for the effective implementation of any

remedies.

H. The determination regarding responsibility becomes final either on the date that the charter school provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

XII. APPEALS

A. The charter school shall offer the parties an opportunity to appeal a determination regarding responsibility or the charter school's dismissal of a formal complaint or any allegations therein, on the following bases:

1. A procedural irregularity that affected the outcome of the matter (e.g., a material deviation from established procedures);
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

B. If notice of an appeal is timely received by the charter school, the charter school will notify the parties in writing of the receipt of the appeal, assign or designate the Appellate Decision-maker, and give the parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

C. After reviewing the parties' written statements, the Appellate Decision-maker must issue a written decision describing the result of the appeal and the rationale for the result.

D. The written decision describing the result of the appeal must be provided simultaneously to the parties.

E. The decision of the Appellate Decision-maker is final. No further review beyond the appeal is permitted.

XIII. RETALIATION PROHIBITED

A. Neither the charter school nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of sexual harassment, filing a formal complaint, or participating in an investigation, constitutes a violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

B. Any person may submit a report or formal complaint alleging retaliation in the manner described in this policy and it will be addressed in the same manner as other

complaints of sexual harassment or sex discrimination.

C. Charging an individual with violation of charter school policies for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

XIV. TRAINING

A. The charter school shall ensure that Title IX Personnel receive appropriate training. The training shall include instruction on:

1. The Title IX definition of sexual harassment;
2. The scope of the charter school's education program or activity;
3. How to conduct an investigation and grievance process, appeals, and informal resolution processes, as applicable;
4. How to serve impartially, including by avoiding pre-judgment of the facts at issue, conflicts of interest, and bias;
5. For Decision-makers, training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's prior sexual behavior are not relevant; and
6. For Investigators, training on issues of relevance, including the creation of an investigative report that fairly summarizes relevant evidence.

B. The training materials will not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints.

C. Materials used to train Title IX Personnel must be posted on the charter school's website. If the charter school does not have a website, it must make the training materials available for public inspection upon request.

XV. DISSEMINATION OF POLICY

A. This policy shall be made available to all students, parents/guardians of students, charter school employees, and employee unions.

B. The charter school shall conspicuously post the name of the Title IX Coordinator, including office address, telephone number, and work e-mail address on its website and in each handbook that it makes available to parents, employees, students, unions, or applicants.

C. The charter school must provide applicants for admission and employment, students, parents or legal guardians of secondary school students, employees, and all unions holding collective bargaining agreements with the charter school, with the following:

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator;
2. Notice that the charter school does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner;
3. A statement that the requirement not to discriminate in the education program

or activity extends to admission and employment, and that inquiries about the application of Title IX may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the United States Department of Education, or both; and

4. Notice of the charter school's grievance procedures and grievance process contained in this policy, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the charter school will respond.

XVI. RECORDKEEPING

- A. The charter school must create, and maintain for a period of seven calendar years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the charter school must document:
 1. The basis for the charter school's conclusion that its response to the report or formal complaint was not deliberately indifferent;
 2. The measures the charter school has taken that are designed to restore or preserve equal access to the charter school's education program or activity; and
 3. If the charter school does not provide a complainant with supportive measures, then it must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. Such a record must be maintained for a period of seven years.
 4. The documentation of certain bases or measures does not limit the recipient in the future from providing additional explanations or detailing additional measures taken.
- B. The charter school must also maintain for a period of seven calendar years records of:
 1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity;
 2. Any appeal and the result therefrom;
 3. Any informal resolution and the result therefrom; and
 4. All materials used to train Title IX Personnel.

Legal References:

Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)
Minn. Stat. §§ 121A.40 – 121A.575 (Minnesota Pupil Fair Dismissal Act)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments)
34 C.F.R. Part 106 (Implementing Regulations of Title IX)
20 U.S.C. § 1400, *et seq.* (Individuals with Disabilities Education Act)
29 U.S.C. § 794 (Section 504 of the Rehabilitation Act)
42 U.S.C. § 12101, *et seq.* (Americans with Disabilities Act)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act of 1974)
20 U.S.C. § 1092 *et seq.* (Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act ("Clery Act"))

Cross References:

MSBA/MASA Model Policy 102 (Equal Educational Opportunity)

MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status
Nondiscrimination)

ST. CROIX PREPARATORY ACADEMY

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524 INTERNET, TECHNOLOGY, AND CELL PHONE ACCEPTABLE USE AND SAFETY POLICY

I. PURPOSE

The purpose of this policy is to set forth policies and guidelines for access to the charter school computer system and acceptable and safe use of Electronic Technology.

I. DEFINITION

For purposes of this policy, the term "Electronic Technology" means all electronic systems, equipment, and devices that are owned, leased, or supplied by the school, or are otherwise under the control of the school, including, but not limited to, computers, computer systems, networks, hardware, software, electronic devices, electronic programs, electronic storage media, databases, systems used to supply or facilitate Internet access, and Internet access provided by or gained through any school service, system, device, or equipment.

II. GENERAL STATEMENT OF POLICY

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

III. LIMITED EDUCATIONAL PURPOSE

The charter school is providing students and employees with access to Electronic Technology for educational purposes, which includes use of the system for classroom activities, educational research, and professional or career development activities. Users are expected to use Electronic Technology to further educational and personal goals consistent with the mission of the charter school and school policies. Uses which might be acceptable on a user's private personal account on another system may not be acceptable on Electronic Technology, which is owned, operated, or provided by the school for a limited-purpose.

IV. USE OF SYSTEM IS A PRIVILEGE

The use of Electronic Technology is a privilege, not a right. Depending on the nature and degree of the violation and the number of previous violations, unacceptable use of Electronic Technology may result in one or more of the following consequences: suspension or cancellation of use or access privileges; payments for damages and repairs; discipline under other appropriate charter school policies, including suspension, expulsion, exclusion, or termination of employment; or civil or criminal liability under other applicable laws.

V. UNACCEPTABLE USES

A. While not an exhaustive list, the following uses of Electronic Technology are considered unacceptable:

1. Users will not use Electronic Technology to access, review, upload, download, store, print, post, receive, transmit, or distribute:

- a. pornographic, obscene, or sexually explicit material or other visual depictions that are harmful to minors;
- b. obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit language;
- c. materials that use language or images that are inappropriate in the education setting or disruptive to the educational process;
- d. information or materials that could cause damage or danger of disruption to the educational process;
- e. materials that use language or images that advocate violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination.
- f. materials that present a risk of harm to students, staff, Electronic Technology, or any school property.

2. Users will not use Electronic Technology to knowingly or recklessly post, transmit or distribute false or defamatory information about a person or organization, or to harass another person, or to engage in personal attacks, including prejudicial or discriminatory attacks.

3. Users will not use Electronic Technology to engage in any illegal act or violate any local, state or federal statute or law.

4. Users will not use Electronic Technology to vandalize, damage, or disable the property of another person or organization, will not make deliberate attempts to degrade or disrupt equipment, software, or system performance by spreading computer viruses or by any other means, will not tamper with, modify, or change the charter school system software, hardware, or wiring or take any action to violate the charter school's security system, and will not use Electronic Technology in such a way as to disrupt the use of the system by other users.

5. Users will not use Electronic Technology to gain unauthorized access to information resources or to access another person's materials, information, or files without the implied or direct permission of that person.

6. Users will not use Electronic Technology to post private information about another person, personal contact information about themselves or other persons, or other personally identifiable information, including, but not limited to, addresses, telephone numbers, school addresses, work addresses, identification numbers, account numbers, access codes or passwords, labeled photographs, or other information that would make the individual's identity easily traceable, and will not repost a message that was sent to the user privately without permission of the person who sent the message.

- a. This paragraph does not prohibit the posting of employee contact information on charter school webpages or communications between employees and other individuals when such communications are made for education-related purposes (i.e., communications with parents or other staff members related to students).
- b. Employees creating or posting school-related webpages may include personal contact information about themselves on a webpage. However, employees may not post personal contact information or other personally identifiable information about students unless:

(1) such information is classified by the charter school as directory information and verification is made that the charter school has not received notice from a parent/guardian or eligible student that such information is not to be designated as directory information in accordance with the charter school's Protection and Privacy of Pupil Records policy

In addition, prior to posting any personal contact or personally identifiable information on a school-related webpage, employees shall obtain written approval of the content of the postings from the building administrator.

c. These prohibitions specifically prohibit a user from utilizing Electronic Technology to post personal information about a user or another individual on social networks, including, but not limited to, social networks such as "Facebook," "X," "Instagram," "Snapchat," "TikTok," "Reddit," and similar websites or applications.

7. Users must keep all account information and passwords on file with the designated charter school official. Users will not attempt to gain unauthorized access to the charter school system or any other system through the charter school system, attempt to log in through another person's account, or use computer accounts, access codes, or network identification other than those assigned to the user. Messages and records on the charter school system may not be encrypted without the permission of appropriate school authorities.

8. Users will not use Electronic Technology to violate copyright laws or usage licensing agreements, or otherwise to use another person's property without the person's prior approval or proper citation, including the downloading or exchanging of pirated software or copying software to or from any school computer, and will not plagiarize works they find on the Internet.

9. Users will not use Electronic Technology for conducting business, for unauthorized commercial purposes or for financial gain unrelated to the mission of the school. Users will not use Electronic Technology to offer or provide goods or services or for product advertisement. Users will not use Electronic Technology to purchase goods or services for personal use without authorization from the appropriate charter school official.

10. Users will not use Electronic Technology to engage in bullying or cyberbullying in violation of the charter school's Bullying Prohibition Policy. This prohibition includes using any technology or other electronic communication off school premises to the extent that student learning or the school environment is substantially and materially disrupted.

B. The charter school has a special interest in regulating off-campus speech that materially disrupts classwork or involves substantial disorder or invasion of the rights of others. A student or employee engaging in the foregoing unacceptable uses of the Internet or Electronic Technology when off charter school premises also may be in violation of this policy as well as other charter school policies. Examples of such violations may include, but are not limited to, serious or severe bullying or harassment targeting particular individuals, threats aimed at teachers or other students, failure to follow rules concerning lessons, the writing of papers, the use of computers, or participation in other online school activities, and breaches of school security devices. If the charter school receives a report of an unacceptable use originating from a non-school computer or resource, the charter school may investigate such reports to the best of its ability. Students or employees may be subject to disciplinary action for such conduct, including, but not limited to, suspension or cancellation of the use or

access to Electronic Technology, the charter school computer system and the Internet and discipline under other appropriate charter school policies, including suspension, expulsion, exclusion, or termination of employment.

- C. If a user inadvertently accesses unacceptable materials or an unacceptable Internet site, the user shall immediately disclose the inadvertent access to an appropriate charter school official. In the case of a charter school employee, the immediate disclosure shall be to the employee's immediate supervisor and/or the building administrator. This disclosure may serve as a defense against an allegation that the user has intentionally violated this policy. In certain rare instances, a user also may access otherwise unacceptable materials if necessary to complete an assignment and if done with the prior approval of and with appropriate guidance from the appropriate teacher or, in the case of a charter school employee, the building administrator.
- D. Any student who witnesses unacceptable use of Electronic Technology is encouraged to report this unauthorized use to the appropriate school official. Any school employee who witnesses unacceptable use of Electronic Technology shall report this unauthorized use to the appropriate school official.

VI. FILTER

All computers equipped with Internet access and available for student use at each school site will be equipped to restrict, by use of available software filtering technology or other effective methods, all student access to materials that are reasonably believed to be obscene, child pornography or harmful to minors under state or federal law. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.

- A. All charter school computers with Internet access and available for student use will be equipped to restrict, by use of available software filtering technology or other effective methods, all student access to materials that are reasonably believed to be obscene, child pornography or harmful to minors under state or federal law.
- B. All charter school computers with Internet access, not just those accessible and available to students, will be equipped to restrict, by use of available software filtering technology or other effective methods, adult access to materials that are reasonably believed to be obscene or child pornography under state or federal law.
- C. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.

ALTERNATIVE NO. 3

[NOTE: Charter schools that receive certain federal funding, such as e-rate discounts, for purposes of Internet access and connection services and/or receive funds to purchase Internet accessible computers are subject to the federal Children's Internet Protection Act, effective in 2001. This law requires charter schools to adopt an Internet safety policy that contains the provisions set forth below. Also, the Act requires such charter schools to provide reasonable notice and hold at least one public hearing or meeting to address the proposed Internet safety policy prior to its implementation. Charter schools that do not seek such federal financial assistance need not adopt the alternative language set forth below nor meet the requirements with respect to a public meeting to review the policy. The following alternative language for charter schools that seek such federal financial assistance satisfies both state and federal law requirements.]

- A. With respect to any of its computers with Internet access, the charter school will monitor the online activities of both minors and adults and employ technology protection measures during any use of such computers by minors and adults. The technology protection measures utilized will block or filter Internet access to any visual depictions that are:

1. Obscene;
2. Child pornography; or
3. Harmful to minors.

B. The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that:

1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; or
2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

C. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.

D. An administrator, supervisor, or other person authorized by the executive director may disable the technology protection measure, during use by an adult, to enable access for bona fide research or other lawful purposes.

D. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.

E. The charter school will educate students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

F. The use of a "Proxy" server or service to bypass the filtering technology is not allowed and is a violation of this policy. Defeating or bypassing the filtering technology is also a violation of CIPA (Children's Internet Protection Act, [Federal Act, 2000]).

[NOTE: Although charter schools are not required to adopt the more restrictive provisions contained in either Alternative No. 2 or No. 3 if they do not seek state or federal funding, they may choose to adopt the more restrictive provisions as a matter of school policy.]

VII. CONSISTENCY WITH OTHER SCHOOL POLICIES

Use of Electronic Technology shall be consistent with charter school policies and the mission of the charter school.

VIII. LIMITED EXPECTATION OF PRIVACY

- A. By authorizing use of Electronic Technology, the school does not relinquish control over materials on the system or contained in files on the system. Users should expect only limited privacy in the contents of personal files that are accessed, reviewed, uploaded, downloaded, stored, maintained, printed, posted, transmitted, or distributed using Electronic Technology.
- B. Routine maintenance and monitoring of Electronic Technology may lead to a discovery that a user has violated this policy, another charter school policy, or the law.
- C. An individual investigation or search will be conducted if school authorities have a

reasonable suspicion that the search will uncover a violation of law or charter school policy.

- D. Parents may have the right at any time to investigate or review the contents of their child's files and e-mail files in accordance with the charter school's Protection and Privacy of Pupil Records Policy. Parents have the right to request the termination of their child's access to or use of Electronic Technology at any time.
- E. Charter school employees should be aware that the charter school retains the right at any time to investigate or review the contents of their files and e-mail files. In addition, charter school employees should be aware that data and other materials in files maintained on or through the use of Electronic Technology may be subject to review, disclosure, or discovery under Minnesota Statutes, chapter 13 (Minnesota Government Data Practices Act).
- F. The charter school will cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with charter school policies conducted through the charter school system.
- G. The school retains full ownership, authority, and control over its Electronic Technology. To the full extent permitted by law, the school may monitor and inspect the use of Electronic Technology, including, but not limited to, any data that are accessed, reviewed, uploaded, downloaded, stored, maintained, printed, posted, transmitted, or distributed using Electronic Technology. Such monitoring and inspection may occur as authorized by an administrator, supervisor or other person authorized by the executive director, without any notice to the user.

IX. ELECTRONIC TECHNOLOGY USE AGREEMENT

- A. The proper use of Electronic Technology, and the educational value to be gained from proper Electronic Technology use, is the joint responsibility of students, parents and employees of the school.
- B. This policy requires the permission of and supervision by the school's designated professional staff before a student may use a school account or resource to access Electronic Technology.
- C. The Electronic Technology Use Agreement form for students must be read and signed by the user, the parent or guardian, and the supervising teacher. The Electronic Technology Use Agreement form for employees must be signed by the employee. The form must then be filed at the school office. As supervising teachers change, the agreement signed by the new teacher shall be attached to the original agreement.

X. LIMITATION ON CHARTER SCHOOL LIABILITY

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

XI. USER NOTIFICATION

- A. All users shall be notified of the charter school policies relating to Electronic Technology use.

B. This notification shall include the following:

1. Notification that use of Electronic Technology is subject to compliance with charter school policies.
2. Disclaimers limiting the charter school's liability relative to:
 - a. Information stored on charter school diskettes, hard drives, or servers.
 - b. Information retrieved through charter school computers, networks, or online resources.
 - c. Personal property used to access charter school computers, networks, or online resources.
 - d. Unauthorized financial obligations resulting from use of charter school resources/accounts to access the Internet.
3. A description of the privacy rights and limitations of school sponsored/managed Internet accounts.
4. Notification that, even though the charter school may use technical means to limit student Electronic Technology access, these limits do not provide a foolproof means for enforcing the provisions of this acceptable use policy.
5. Notification that goods and services can be purchased over the Internet that could potentially result in unwanted financial obligations and that any financial obligation incurred by a student through the Internet is the sole responsibility of the student and/or the student's parents.
6. Notification that the collection, creation, reception, maintenance, and dissemination of data via Electronic Technology, including electronic communications, is governed by Public and Private Personnel Data Policy, and Protection and Privacy of Pupil Records Policy.
7. Notification that, should the user violate the charter school's acceptable use policy, the user's access privileges may be revoked, school disciplinary action may be taken and/or appropriate legal action may be taken.
8. Notification that all provisions of the acceptable use policy are subordinate to local, state, and federal laws.

XII. PARENTS' RESPONSIBILITY; NOTIFICATION OF STUDENT ELECTRONIC TECHNOLOGY USE

- A. Outside of school, parents bear responsibility for the same guidance of Electronic Technology use as they exercise with information sources such as television, phones, radio, movies and other possibly offensive media. Parents are responsible for monitoring their student's use of Electronic Technology if the student is accessing Electronic Technology from home or a remote location.
- B. Parents will be notified that their students will be using school resources/accounts to access Electronic Technology and that the charter school will provide parents the option to request alternative activities not requiring Internet access. This notification should include:
 1. A copy of the user notification form provided to the student user.
 2. A description of parent/guardian responsibilities.

3. A notification that the parents have the option to request alternative educational activities not requiring Internet access and the material to exercise this option.
4. A statement that the Electronic Technology Use Agreement must be signed by the user, the parent or guardian, and the supervising teacher prior to use by the student.
5. A statement that the charter school's acceptable use policy is available for parental review.

XIII. NOTIFICATION REGARDING TECHNOLOGY PROVIDERS

- A. "Technology provider" means a person who:
 1. contracts with the charter school, as part of a one-to-one program or otherwise, to provide a school-issued device for student use; and
 2. creates, receives, or maintains educational data pursuant or incidental to a contract with the charter school.
- B. "Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.
- C. Within thirty (30) days of the start of each school year, the charter school must give parents and students direct and timely notice, by United States mail, e-mail, or other direct form of communication, of any curriculum, testing, or assessment technology provider contract affecting a student's educational data. The notice must:
 1. identify each curriculum, testing, or assessment technology provider with access to educational data;
 2. identify the educational data affected by the curriculum, testing, or assessment technology provider contract; and
 3. include information about the contract inspection and provide contact information for a school department to which a parent or student may direct questions or concerns regarding any program or activity that allows a curriculum, testing, or assessment technology provider to access a student's educational data.
- D. The charter school must provide parents and students an opportunity to inspect a complete copy of any contract with a technology provider.
- E. A contract between a technology provider and the charter school must include requirements to ensure appropriate security safeguards for educational data. The contract must require that:
 1. the technology provider's employees or contractors have access to educational data only if authorized; and
 2. the technology provider's employees or contractors may be authorized to access educational data only if access is necessary to fulfill the official duties of the employee or contractor.
- F. All educational data created, received, maintained, or disseminated by a technology provider pursuant or incidental to a contract with a public educational agency or institution are not the technology provider's property.

XIV. SCHOOL-ISSUED DEVICES

- A. "School-issued device" means hardware or software that the charter school, acting independently or with a technology provider, provides to an individual student for that student's dedicated personal use. A school-issued device includes a device issued through a one-to-one program.
- B. Except as provided in paragraph C, the charter school or a technology provider must not electronically access or monitor:
 - 1. any location-tracking feature of a school-issued device;
 - 2. any audio or visual receiving, transmitting, or recording feature of a school-issued device; or
 - 3. student interactions with a school-issued device, including but not limited to keystrokes and web-browsing activity.
- C. The charter school or a technology provider may only engage in activities prohibited by paragraph B if:
 - 1. the activity is limited to a noncommercial educational purpose for instruction, technical support, or exam-proctoring by charter school employees, student teachers, staff contracted by the charter school, a vendor, or the Minnesota Department of Education, and notice is provided in advance;
 - 2. the activity is permitted under a judicial warrant;
 - 3. the charter school is notified or becomes aware that the device is missing or stolen;
 - 4. the activity is necessary to respond to an imminent threat to life or safety and the access is limited to that purpose;
 - 5. the activity is necessary to comply with federal or state law, including but not limited to Minnesota Statutes, section 121A.031; or
 - 6. the activity is necessary to participate in federal or state funding programs, including but not limited to the E-Rate program.
- D. If the charter school or a technology provider interacts with a school-issued device as provided in paragraph C, clause 4, it must, within seventy-two (72) hours of the access, notify the student to whom the school-issued device was issued or that student's parent and provide a written description of the interaction, including which features of the device were accessed and a description of the threat. This notice is not required at any time when the notice itself would pose an imminent threat to life or safety, but must instead be given within seventy-two (72) hours after that imminent threat has ceased.

XV. CELL PHONE USE

The school board directs the executive director and school administration to establish rules and procedures regarding student possession and use of cell phones in schools. These rules and procedures should seek to minimize the impact of cell phones on student behavior, mental health, and academic attainment. These rules and procedures may be designed for specific school buildings, grade levels, or similar criteria.

XVI. LIMIT ON SCREEN TIME FOR CHILDREN IN PRESCHOOL AND KINDERGARTEN

A child in a publicly funded preschool or kindergarten program may not use an individual-use screen, such as a tablet, smartphone, or other digital media, without engagement from a

teacher or other students. This section does not apply to a child for whom the school has an individualized family service plan, an individualized education program, or a 504 plan in effect.

XVII. IMPLEMENTATION; POLICY REVIEW

- A. The charter school administration may develop appropriate user notification forms, guidelines, and procedures necessary to implement this policy for submission to the school board for approval. Upon approval by the school board, such guidelines, forms, and procedures shall be an addendum to this policy.
- B. The administration shall revise the user notifications, including student and parent notifications, if necessary, to reflect the adoption of these guidelines and procedures.
- C. The charter school Electronic Technology policies and procedures are available for review by all parents, guardians, staff and members of the community.
- D. Because of the rapid changes in the development of Electronic Technology, the school board shall conduct an annual review of this policy.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 13.32 (Educational Data)
Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. § 121A.73 (School Cell Phone Policy)
Minn. Stat. § 124D.166 (Limit on Screen Time for Children in Preschool and Kindergarten)
Minn. Stat. § 125B.15 (Internet Access for Students)
Minn. Stat. § 125B.26 (Telecommunications/Internet Access Equity Act)
15 U.S.C. § 6501 *et seq.* (Children's Online Privacy Protection Act)
17 U.S.C. § 101 *et seq.* (Copyrights)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
47 U.S.C. § 254 (Children's Internet Protection Act of 2000 (CIPA))
47 C.F.R. § 54.520 (FCC rules implementing CIPA)
Mahanoy Area Sch. Dist. v. B.L., 594 U.S. 180, 141 S. Ct. 2038 (2021)
Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969)
United States v. Amer. Library Assoc., 539 U.S. 1942003)
Sagehorn v. Indep. Sch. Dist. No. 728, 122 F.Supp.2d 842 (D. Minn. 2015)
R.S. v. Minnewaska Area Sch. Dist. No. 2149, 894 F.Supp.2d 1128 (D. Minn. 2012)
Tatro v. Univ. of Minnesota, 800 N.W.2d 811 (Minn. App. 2011), aff'd on other grounds 816 N.W.2d 509 (Minn. 2012)
S.J.W. v. Lee's Summit R-7 Sch. Dist., 696 F.3d 771 (8th Cir. 2012)
Parents, Families and Friends of Lesbians and Gays, Inc. v. Camdenton R-III Sch. Dist., 853 F.Supp.2d 888 (W.D. Mo. 2012)
M.T. v. Cent. York Sch. Dist., 937 A.2d 538 (Pa. Commw. Ct. 2007)

Cross References: 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 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)
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 519 (Interviews of Students by Outside Agencies)
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 603 (Curriculum Development)
MSBA/MASA Model Policy 604 (Instructional Curriculum)
MSBA/MASA Model Policy 606 (Textbooks and Instructional Materials)
MSBA/MASA Model Policy 806 (Crisis Management Policy)

MSBA/MASA Model Policy 904 (Distribution of Materials on Charter School Property by Nonschool Persons)

ST. CROIX PREPARATORY ACADEMY

Adopted: **4/22/2025**

MSBA/MASA Model Policy 524.5
Charter

Revised: _____

Orig. 2025

524.5 PERSONAL ELECTRONIC COMMUNICATION DEVICES

I. PURPOSE

The objective of this policy is to support the charter school's focus on learning in alignment with the school's mission to ignite students' passion for learning, cultivate a strong foundation of knowledge, and foster a sense of community within our schools. Possession and use of personal electronic communication devices must be regulated to ensure that such devices do not disrupt or interfere with the education process or school operations, impair the safety, welfare, and privacy of students and staff, or are used as part of an act of academic dishonesty.

II. GENERAL STATEMENT OF POLICY

To minimize the impact of personal electronic communication devices on student behavior, mental health, and academic attainment and to support school environments in which students can engage fully with their classmates, their teachers, and instruction, the school board has determined the use of personal electronic communication devices by students during school hours should be limited.

III. DEFINITIONS

- A. "Bell-to-Bell" means from when the first bell rings at the start of the school day to begin instructional time until the dismissal bell rings at the end of the academic school day. "Bell-to bell" includes lunch and time in between class periods.
- B. "Cell Phone" means a personal device capable of making calls, transmitting pictures or video, or sending or receiving messages through electronic means. The definition of cell phone includes a non-smart phone that is limited to making phone calls or text messages and a smart phone that encompasses the above features.
- C. "Cyberbullying" means bullying using technology or other electronic communication, including but not limited to a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet website or forum, transmitted through a computer, cell phone, or other electronic device.
- D. "Instructional Time" means any structured or unstructured learning experiences that occur from when the first bell rings at the start of the school day until the dismissal bell rings at the end of the academic school day.
- E. "Personal Electronic Communication Device" means any personal device capable of connecting to a cell phone, the internet, a cellular or Wi-Fi network, or directly connects to another similar device. Personal electronic communication devices may include cell phones, wearable devices such as smart watches, personal headphones, earbuds or pods, laptops, tablets, virtual reality devices, Apple AirTags, and other personal electronic communication devices with the above mentioned characteristics.
- F. "Stored" means a cell phone or personal electronic communication device not being carried on the student's person, including not in the student's pocket. Storage options may include, but are not limited to, in the student's backpack, in the student's locker, in a locked pouch, or in a designated place in the classroom, as determined by school administration.

IV. PERSONAL ELECTRONIC COMMUNICATION DEVICE USE AND STORAGE

A. Personal Electronic Communication Device Use

Lower school students may not have technology at Prep. This includes phones, smart watches, earphones, video games, or other technology devices.

Middle School and Upper School allows students to have cell phones, smartwatches, earphones, and other technology devices, but they are not to be visible, turned on, or in use during regular school hours.

Students may use their phones/devices before/after regular school hours. We understand that on occasion a student may need to communicate transportation needs with a parent or family member. This communication should go through the Office Manager. The use of earphones is prohibited unless authorized by St. Croix Prep faculty. Students who violate the above restrictions shall be deemed to have created a disruption to the instructional environment and may receive a technology violation.

B. Off-Campus School-Sponsored Activities

School administration may establish guidelines for personal electronic communication device possession and use during off-campus school-sponsored activities, such as extracurricular activities, outdoor and service trips, and school field trips. These guidelines will be provided at pre-activity meetings, activity-specific permission slips, and by other means as appropriate in the circumstances.

V. LIMITATIONS ON USE OF AND STORAGE OF PERSONAL ELECTRONIC COMMUNICATION DEVICES

A. Limitations on Use of Personal Electronic Communication Devices

1. Personal electronic communication devices may not be used in any manner that causes or results in disruption of the educational environment or school-sponsored extracurricular activities or events or impairs or interferes with charter school operations.
2. Devices, including but not limited to personal electronic communication devices, with audio, video, or photo-taking capabilities shall not be used at any time in locker rooms, bathrooms, or other locations where the presence of such devices poses an unreasonable risk to the safety, welfare, or privacy of others. Confiscation and search of such devices will occur if found in these areas.
3. Students may not use a device to record, transmit, or post audio, videos, or photos of a person or persons on school grounds or on a school bus without the express permission of school staff in addition to the express consent of the individual or individuals that are the subjects of the recording.
4. Personal electronic communication devices may not be used to engage in bullying, cyberbullying, harassment, discrimination, or other activity prohibited under federal or state law or under charter school policy.
5. Personal electronic communication devices shall not be used during a lockdown drill, a fire drill, or a similar safety drill.

B. Storage of Personal Electronic Communication Devices

Students shall keep their personal electronic communication devices in a secure place, such as the student's locker, a closed backpack, a storage device provided by the school, or an area designated by the classroom teacher at all times when personal electronic communication device use is prohibited.

V. EXCEPTIONS

- A. Nothing in this policy prohibits a student from using a personal electronic communication device for a purpose documented in the student's individualized education program, a plan developed under section 504 of the Rehabilitation Act of 1973, or a health care plan in force regarding the student.
- B. A student may use a personal electronic communication device to monitor or address a health concern or medical condition upon permission granted by school administration.
- C. Students may use a personal electronic communication device when the use is necessary to respond to or report an emergency. For purposes of this policy, "emergency" means an actual or imminent threat to the health or safety of students and/or school personnel, which may result in death, bodily injury, or substantial property damage.
- D. A student may use a personal electronic communication device during a time at which use would otherwise be prohibited when the student has been granted permission from a staff member to use the device. If the charter school implements a curriculum that uses technology, students may be allowed to use their own personal electronic communication devices to access the curriculum. Students who are allowed to use their own devices to access the curriculum will be granted access to any application or electronic materials when they are available to students who do not use their own devices, or provided free of charge to students who do not use their own devices for specific curricular purposes for specific courses.
- E. A personal electronic communication device may be stored in student vehicles parked on charter school property provided that the device is not removed from the vehicle while on charter school property.
- F. Students who need to make a call may request permission to use a telephone in the building office.

VI. DISCIPLINE

If a student violates this policy, a teacher or administrator shall take the following progressively serious disciplinary measures:

- A. Give the student a verbal warning and require the student to store the student's personal electronic communication device in accordance with this policy.
- B. Securely store the student's personal electronic communication device in a teacher- or administrator-controlled locker, bin, or drawer for the duration of the class or period.
- C. Place the student's personal electronic communication device in the school's central office for the remainder of the school day.
- D. Place the student's personal device in the school's central office to be picked up by the student's parent or guardian.
- E. Schedule a conference with the student's parent or guardian to discuss the student's

personal device use.

F. Apply discipline as provided under charter school policies and as appropriate.

VII. CHARTER SCHOOL RESPONSIBILITY

A. The charter school is not responsible for, nor is it required to investigate, any lost, stolen, or damaged personal electronic communication devices brought onto school grounds or the bus or school-sponsored activities or events.

B. The charter school board directs the executive director and charter school administration to establish additional rules and procedures regarding student possession and use of personal electronic communication devices in schools as the executive director and charter school administration find appropriate. These rules shall be consistent with this policy and other applicable charter school policies. These rules and procedures should seek to minimize the impact of personal electronic communication devices on student behavior, mental health, and academic attainment. These rules and procedures may be designed for specific school buildings, grade levels, or pursuant to similar criteria.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 13.32 (Educational Data)
Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. § 121A.73 (School Cell Phone Policy)
Minn. Stat. § 124D.166 (Limit on Screen Time for Children in Preschool and Kindergarten)
Minn. Stat. § 125B.15 (Internet Access for Students)
Minn. Stat. § 125B.26 (Telecommunications/Internet Access Equity Act)
29 U.S.C. § 794 (Nondiscrimination under Federal Grants and Programs)

Cross References: 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 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 524 (Internet, Technology, and Cell Phone Acceptable Use and Safety Policy)

Resources: Away for the Day (www.awayfortheday.org)
MASSP/MESPA, *The Cell Phone Toolkit* (July 2024)

ST. CROIX PREPARATORY ACADEMY

*Adopted: **08/15/2023***

Revised: _____

MSBA/MASA Model Policy 526 Charter

Orig. 1997 (as ISD Policy)

Orig. 2022 (as Charter Policy)

526 HAZING PROHIBITION POLICY

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. No student, teacher, administrator, volunteer, contractor, or other employee of the charter school shall plan, direct, encourage, aid, or engage in hazing.
- B. No teacher, administrator, volunteer, contractor, or other employee of the charter school shall permit, condone, or tolerate hazing.
- C. Apparent permission or consent by a person being hazed does not lessen the prohibitions contained in this policy.
- D. Retaliation against a victim, good faith reporter, or a witness of hazing is prohibited.
- E. False accusations or reports of hazing against a student, teacher, administrator, volunteer, contractor, or other employee are prohibited.
- F. A person who engages in an act of hazing, reprisal, retaliation, or false reporting of hazing or permits, condones, or tolerates hazing 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, tolerate, or are a party to prohibited acts of hazing 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 hazing or engage in an act of reprisal or intentional false reporting of hazing may result in disciplinary action up to and including termination or discharge.

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

- G. This policy applies to hazing that occurs during and after school hours, on or off school premises or property, at school functions or activities, or on school transportation.
- H. A person who engages in an act that violates school policy or law in order to be initiated into or affiliated with a student organization shall be subject to discipline for that act.
- I. The charter school will act to investigate all complaints of hazing and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the charter school who is found to have violated this policy.

III. DEFINITIONS

A. "Hazing" means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other school-related purpose. The term hazing includes, but is not limited to:

1. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking, or placing a harmful substance on the body.
2. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
3. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product, or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
4. Any activity that intimidates or threatens the student with ostracism, that subjects a student to extreme mental stress, embarrassment, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school.
5. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of charter school policies or regulations.

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

C. "On school premises or charter school property, or at school functions or activities, or on school transportation" means all charter school buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for charter school purposes, the area of entrance or departure from school grounds, 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 hazing at these locations and events, the charter school does not represent that it will provide supervision or assume liability at these locations and events.

D. "Remedial response" means a measure to stop and correct hazing, prevent hazing from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of hazing.

E. "Student" means a student enrolled in a public school or a charter school.

F. "Student organization" means a group, club, or organization having students as its primary members or participants. It includes grade levels, classes, teams, activities, or particular school events. A student organization does not have to be an official school organization to come within the terms of this definition.

IV. REPORTING PROCEDURES

A. Any person who believes he or she has been the target or victim of hazing or any person with knowledge or belief of conduct which may constitute hazing shall report the alleged acts immediately to an appropriate charter school official designated by this policy. A person may report hazing anonymously. However, the charter school may not rely solely on an anonymous report to determine discipline or other remedial

responses.

B. The charter school encourages the reporting party to use the report form available from the principal or building supervisor of each building or available from the charter school office, but oral reports shall be considered complaints as well.

The building principal, the principal's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving reports of hazing at the building level. Any adult charter school personnel who receives a report of hazing prohibited by this policy shall inform the building report taker immediately. Any person may report hazing directly to a charter school human rights officer – Terri Smith -- or to the executive director – Jon Gutierrez. If the complaint involves the building report taker, the complaint shall be made or filed directly with the executive director – Jon Gutierrez -- or the school's human rights officer – Terri Smith -- 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.

C. A teacher, administrator, volunteer, contractor, and other school employees shall be particularly alert to possible situations, circumstances, or events which might include hazing. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct which may constitute hazing shall make reasonable efforts to address and resolve the hazing and shall inform the building report taker immediately. Charter school personnel who fail to inform the building report taker of conduct that may constitute hazing or who fail to make reasonable efforts to address and resolve the hazing in a timely manner may be subject to disciplinary action.

D. Submission of a good faith complaint or report of hazing will not affect the complainant or reporter's future employment, grades, work assignments, or educational or work environment.

E. Reports of hazing are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The building report taker, in conjunction with the responsible authority, shall be responsible for keeping and regulating access to any report of hazing and the record of any resulting investigation.

F. 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 charter school's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

V. CHARTER SCHOOL ACTION

A. Within three (3) school days of the receipt of a complaint or report of hazing, the charter school shall undertake or authorize an investigation by charter school officials or a third party designated by the charter school.

B. The building report taker or other appropriate charter school officials may take immediate steps, at their discretion, to protect the target or victim of the hazing, the complainant, the reporter, and students or others pending completion of an investigation of alleged hazing prohibited by this policy.

C. The alleged perpetrator of the hazing shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.

D. Upon completion of an investigation that determines hazing 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. Charter school action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; and applicable charter school policies and regulations.

- E. The charter 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 parent(s) or guardian(s) of students who are targets or victims of hazing and the parent(s) or guardian(s) of alleged perpetrators of hazing who have been involved in a reported and confirmed hazing incident of the remedial or disciplinary action taken, to the extent permitted by law.
- F. In order to prevent or to respond to hazing committed by or directed against a child with a disability, the charter school shall, where determined appropriate by the child's individualized education program (IEP) team 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 hazing.

VI. RETALIATION OR REPRISAL

The charter school will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the charter school who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged hazing, who provides information about hazing, who testifies, assists, or participates in an investigation of alleged hazing, or who testifies, assists, or participates in a proceeding or hearing relating to such hazing. Retaliation includes, but is not limited to, any form of intimidation, reprisal, 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 prohibited conduct. Remedial responses to the prohibited conduct shall be tailored to the particular incident and nature of the conduct.

VII. DISSEMINATION OF POLICY

- A. This policy shall appear in each school's student handbook and in each school's building and staff handbooks.
- B. The charter school will develop a method of discussing this policy with students and employees.

Legal References: Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. § 121A.0311 (Notice of the Rights and Responsibilities of Students and Parents Under the Safe and Supportive Minnesota Schools Act)
Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.69 (Hazing Policy)

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of Charter School Employees)
MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)
MSBA/MASA Model Policy 525 (Violence Prevention [Applicable to Students and Staff])

ST. CROIX PREPARATORY ACADEMY

Adopted: _____

MSBA/MASA Model Policy 533 Charter

Orig. 2005 (as ISD Policy)

Revised: 5/20/2025

Orig. 2022 (as Charter Policy)

533 WELLNESS

I. PURPOSE

The purpose of this policy is to set forth methods that promote student wellness, prevent and reduce childhood obesity, and assure that school meals and other food and beverages sold and otherwise made available on the school campus during the school day are consistent with applicable minimum local, state, and federal standards.

II. GENERAL STATEMENT OF POLICY

- A. The school board recognizes that nutrition promotion and education, physical activity, and other school-based activities that promote student wellness are essential components of the educational process and that good health fosters student attendance and learning.
- B. The school environment should promote students' health, well-being, and ability to learn by encouraging healthy eating and physical activity.
- C. The charter school encourages the involvement of parents, students, representatives of the school food authority, teachers, school health professionals, the school board, school administrators, and the general public in the development, implementation, and periodic review and update of the charter school's wellness policy.
- D. Children need access to healthy foods and opportunities to be physically active in order to grow, learn, and thrive.
- E. All students in grades K-12 will have opportunities, support, and encouragement to be physically active on a regular basis.
- F. Qualified food service personnel will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students; try to accommodate the religious, ethnic, and cultural diversity of the student body in meal planning; and will provide clean, safe, and pleasant settings and adequate time for students to eat.

III. WELLNESS GOALS

A. Nutrition Promotion and Education

1. The charter school will encourage and support healthy eating by students and engage in nutrition promotion that is:
 - a. offered as part of a comprehensive program designed to provide students with the knowledge and skills necessary to promote and protect their health;
 - b. part of health education classes, as well as classroom instruction in subjects such as math, science, language arts, social sciences, and elective subjects, where appropriate; and

- c. enjoyable, developmentally appropriate, culturally relevant, and includes participatory activities, such as contests, promotions, taste testing, and field trips.
2. The charter school will encourage all students to make age appropriate, healthy selections of foods and beverages, including those sold individually outside the reimbursable school meal programs, such as through a la carte/snack lines, vending machines, fundraising events, concession stands, and student stores.

B. Physical Activity

1. Students need opportunities for physical activity and to fully embrace regular physical activity as a personal behavior. Toward that end, health and physical education will reinforce the knowledge and self-management skills needed to maintain a healthy lifestyle and reduce sedentary activities, such as watching television;
2. Opportunities for physical activity will be incorporated into other subject lessons, where appropriate; and
3. Classroom teachers will provide short physical activity breaks between lessons or classes, as appropriate.

C. Communications with Parents

1. The charter school recognizes that parents and guardians have a primary role in promoting their children's health and well-being.
2. The charter school will support parents' efforts to provide a healthy diet and daily physical activity for their children.
3. The charter school encourages parents to pack healthy lunches and snacks and refrain from including beverages and foods without nutritional value.
4. The charter school will provide information about physical education and other school-based physical activity opportunities and will support parents' efforts to provide their children with opportunities to be physically active outside of school.

IV. STANDARDS AND NUTRITION GUIDELINES

A. School Meals

1. The charter school will provide healthy and safe school meal programs that comply with all applicable federal, state, and local laws, rules, and regulations.
2. Food service personnel will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students.
3. Food service personnel will try to accommodate the religious, ethnic, and cultural diversity of the student body in meal planning.
4. Food service personnel will provide clean, safe, and pleasant settings and adequate time for students to eat.
5. Food service personnel will take every measure to ensure that student access to foods and beverages meets or exceeds all applicable federal, state, and

local laws, rules, and regulations and that reimbursable school meals meet USDA nutrition standards.

6. Food service personnel shall adhere to all applicable federal, state, and local food safety and security guidelines.
7. The charter school will make every effort to eliminate any social stigma attached to, and prevent the overt identification of, students who are eligible for free and reduced-price school meals.
8. The charter school will provide students access to hand washing or hand sanitizing before they eat meals or snacks.
9. The charter school will make every effort to provide students with sufficient time to eat after sitting down for school meals and will schedule meal periods at appropriate times during the school day.
10. The charter school will discourage tutoring, club, or organizational meetings or activities during mealtimes unless students may eat during such activities.

B. School Food Service Program/Personnel

1. The charter school shall designate an appropriate person to be responsible for the charter school's food service program, whose duties shall include the creation of nutrition guidelines and procedures for the selection of foods and beverages made available on campus to ensure food and beverage choices are consistent with current USDA guidelines.
2. As part of the charter school's responsibility to operate a food service program, the charter school will provide continuing professional development for all food service personnel in schools.

C. Competitive Foods and Beverages

1. All foods and beverages sold on school grounds to students, outside of reimbursable meals, are considered "competitive foods." Competitive foods include items sold a la carte in the cafeteria, from vending machines, school stores, and for in-school fundraisers.
2. All competitive foods will meet the USDA Smart Snacks in School (Smart Snacks) nutrition standards and any applicable state nutrition standards, at a minimum. Smart Snacks aim to improve student health and well-being, increase consumption of healthful foods during the school day, and create an environment that reinforces the development of healthy eating habits.
3. Before and Aftercare (child care) programs must also comply with the charter school's nutrition standards unless they are reimbursable under USDA school meals program, in which case they must comply with all applicable USDA standards.

D. Other Foods and Beverages Made Available to Students

1. Student wellness will be a consideration for all foods offered, but not sold, to students on the school campus, including those foods provided through:
 - a. Celebrations and parties

The charter school will provide a list of healthy party ideas to parents and teachers, including non-food celebration ideas.

b. Classroom snacks brought by parents

The charter school will provide to parents a list of suggested foods and beverages that meet Smart Snacks nutrition standards.

2. Rewards and incentives

Schools will not use foods or beverages as rewards for academic performance or good behavior (unless this practice is allowed by a student's individual education plan or behavior intervention plan) and will not withhold food or beverages as punishment.

3. Fundraising

The charter school will make available to parents and teachers a list of suggested healthy fundraising ideas.

E. Food and Beverage Marketing in Schools

1. School-based marketing will be consistent with nutrition education and health promotion.
2. Schools will restrict food and beverages marketing to the promotion of only those foods and beverages that meet the Smart Snacks nutrition standards.

V. WELLNESS LEADERSHIP AND COMMUNITY INVOLVEMENT

A. Wellness Coordinator

1. The executive director will designate a charter school official to oversee the charter school's wellness-related activities (Wellness Coordinator). The Wellness Coordinator will ensure that each school implements the policy.
2. The principal of each school, or a designated school official, will ensure compliance within the school and will report to the Wellness Coordinator regarding compliance matters upon request.

B. Public Involvement

1. The Wellness Coordinator will permit parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public to participate in the development, implementation, and periodic review and update of the wellness policy.
2. The Wellness Coordinator will hold meetings, from time to time, for the purpose of discussing the development, implementation, and periodic review and update of the wellness policy. All meeting dates and times will be posted on the charter school's website and will be open to the public.

VI. POLICY IMPLEMENTATION AND MONITORING

A. Implementation and Publication

1. After approval by the school board, the wellness policy will be implemented throughout the charter school.
2. The charter school will post its wellness policy on its website, to the extent it maintains a website.

B. Annual Reporting

The Wellness Coordinator will annually inform the public about the content and implementation of the wellness policy and make the policy and any updates to the policy available to the public.

C. Triennial Assessment

1. At least once every three (3) years, the charter school will evaluate compliance with the wellness policy to assess the implementation of the policy and create a report that includes the following information:
 - a. the extent to which schools under the jurisdiction of the charter school are in compliance with the wellness policy;
 - b. the extent to which the charter school's wellness policy compares to model local wellness policies; and
 - c. a description of the progress made in attaining the goals of the charter school's wellness policy.
2. The Wellness Coordinator will be responsible for conducting the triennial assessment.
3. The triennial assessment report shall be posted on the charter school's website or otherwise made available to the public.

D. Recordkeeping

The charter school will retain records to document compliance with the requirements of the wellness policy. The records to be retained include, but are not limited to:

1. The charter school's written wellness policy.
2. Documentation demonstrating compliance with community involvement requirements, including requirements to make the local school wellness policy and triennial assessments available to the public.
3. Documentation of the triennial assessment of the local school wellness policy for each school under the charter school's jurisdiction efforts to review and update the wellness policy (including an indication of who is involved in the update and methods the charter school uses to make stakeholders aware of their ability to participate on the Wellness Committee).

Legal References: Minn. Stat. § 121A.215 (Local School District Wellness Policy; Website)
42 U.S.C. § 1751 *et seq.* (Healthy and Hunger-Free Kids Act)
42 U.S.C. § 1758b (Local School Wellness Policy)
42 U.S.C. § 1771 *et seq.* (Child Nutrition Act)
7 U.S.C. § 5341 (Establishment of Dietary Guidelines)
7 C.F.R. § 210.10 (School Lunch Program Regulations)
7 C.F.R. § 220.8 (School Breakfast Program Regulations)

Resources: Minnesota Department of Education, www.education.state.mn.us
Minnesota Department of Health, www.health.state.mn.us
County Health Departments
Action for Healthy Kids Minnesota, www.actionforhealthykids.org
United States Department of Agriculture, www.fns.usda.gov

ST. CROIX PREPARATORY ACADEMY

Adopted: 7/23/2019 _____

MSBA/MASA Model Policy 709 Charter

Revised: 10/21/2025 _____

Rev. 2025 (October)

709 STUDENT TRANSPORTATION SAFETY POLICY

I. PURPOSE

The purpose of this policy is to provide safe transportation for students and to educate students on safety issues and the responsibilities of school bus ridership.

II. PLAN FOR STUDENT TRANSPORTATION SAFETY TRAINING

A. School Bus Safety Week

The charter school may designate a school bus safety week. The National School Bus Safety Week is the third week in October.

B. Student School Bus Safety Training

1. The charter school shall provide students enrolled in grades kindergarten (K) through 12 with age-appropriate school bus safety training of the following concepts:
 - a. transportation by school bus is a privilege, not a right;
 - b. charter school policies for student conduct and school bus safety;
 - c. appropriate conduct while on the bus;
 - d. the danger zones surrounding a school bus;
 - e. procedures for safely boarding and leaving a school bus;
 - f. procedures for safe vehicle lane crossing; and
 - g. school bus evacuation and other emergency procedures.
2. All students in grades K through 6 who are transported by school bus and are enrolled during the first or second week of school must receive the school bus safety training by the end of the third week of school. All students in grades 7 through 12 who are transported by school bus and are enrolled during the first or second week of school must receive the school bus safety training or receive bus safety instruction materials by the end of the sixth week of school, if they have not previously received school bus training. Students in grades K through 12 who enroll in a school after the second week of school, are transported by school bus, and have not received training in their previous charter schools shall undergo school bus safety training or receive bus safety instructional materials within four (4) weeks of their first day of attendance.
3. The charter school must provide students enrolled in grades K through 3 school bus safety training twice during the school year.
4. Students taking driver's training instructional classes must receive training in the laws and proper procedures for operating a motor vehicle in the vicinity of a school bus as required by Minnesota Statutes, section 169.446, subdivision 2.
5. The charter school and a ~~non~~public school with students transported by school

bus at public expense must conduct a school bus evacuation drill at least once during the school year.

6. The charter school will make reasonable accommodations in training for students known to speak English as a second language and students with disabilities.
7. The charter school may provide kindergarten students with school bus safety training before the first day of school.
8. The charter school shall adopt and make available for public review a curriculum for transportation safety education.
9. Nonpublic school students transported by the charter school will receive school bus safety training by their nonpublic school. The nonpublic schools may use the charter school's school transportation safety education curriculum. Upon request by the charter school executive director, the nonpublic school must certify to the charter school's school transportation safety director that all students enrolled in grades K through 10 have received the appropriate training.

C. Active Transportation Safety Training

1. Training required
 - a. The charter school must provide pupils enrolled in kindergarten through grade 3 with age-appropriate active transportation safety training. At a minimum, the training must include pedestrian safety, including crossing roads.
 - b. The charter school must provide pupils enrolled in grades 4 through 8 with age-appropriate active transportation safety training. At a minimum, the training must include:
 - (1) pedestrian safety, including crossing roads safely using the searching left, right, left for vehicles in traffic technique;
 - (2) bicycle safety, including relevant traffic laws, use and proper fit of protective headgear, bicycle parts and safety features, and safe biking techniques; and
 - (3) electric-assisted bicycle safety, including that a person under the age of fifteen (15) is not allowed to operate an electric-assisted bicycle.
2. Instruction
 - a. The charter school may provide active transportation safety training through distance learning.
 - b. The charter school and a nonpublic school must make reasonable accommodations for the active transportation safety training of pupils known to speak English as a second language and pupils with disabilities.

III. CONDUCT ON SCHOOL BUSES AND CONSEQUENCES FOR MISBEHAVIOR

- A. Riding the school bus is a privilege, not a right. The charter school's general student behavior rules are in effect for all students on school buses, including nonpublic and charter school students.
- B. Consequences for school bus/bus stop misconduct will be imposed by the charter school under adopted administrative discipline procedures. In addition, all school bus/bus stop misconduct will be reported to the charter school's transportation safety director. Serious misconduct may be reported to local law enforcement.

1. School Bus and Bus Stop Rules

The charter school bus safety rules are to be posted on every bus. If these rules are broken, the charter school's discipline procedures are to be followed. In most circumstances, consequences are progressive and may include suspension of bus privileges. It is the school bus driver's responsibility to report unacceptable behavior to the charter school's Transportation Office/School Office.

2. Rules at the Bus Stop

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

3. Rules on the Bus

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

4. Consequences

- a. Consequences for school bus/bus stop misconduct will apply to all regular and late routes. Decisions regarding a student's ability to ride the bus in

connection with cocurricular and extracurricular events (for example, field trips or competitions) will be in the sole discretion of the charter school. Parents or guardians will be notified of any suspension of bus privileges.

(1) Elementary (K-6)

1st offense – warning
2nd offense – 3 school-day suspension from riding the bus
3rd offense – 5 school-day suspension from riding the bus
4th offense – 10 school-day suspension from riding the bus/meeting with parent
Further offenses – individually considered. Students may be suspended for longer periods of time, including the remainder of the school year.

(2) Secondary (7-12)

1st offense – warning
2nd offense – 5 school-day suspension from riding the bus
3rd offense – 10 school-day suspension from riding the bus
4th offense – 20 school-day suspension from riding the bus/meeting with parent
5th offense – suspended from riding the bus for the remainder of the school year

(3) Other Discipline

Based on the severity of a student's conduct, more serious consequences may be imposed at any time. Depending on the nature of the offense, consequences such as suspension or expulsion from school also may result from school bus/bus stop misconduct.

(4) Records

Records of school bus/bus stop misconduct will be forwarded to the individual school building and will be retained in the same manner as other student discipline records. Reports of student misbehavior on a school bus or in a bus-loading or unloading area that are reasonably believed to cause an immediate and substantial danger to the student or surrounding persons or property shall be provided by the charter school to local law enforcement and the Department of Public Safety in accordance with state and federal law.

(5) Vandalism/Bus Damage

Students damaging school buses will be responsible for the damages. Failure to pay such damages (or make arrangements to pay) within 2 weeks may result in the loss of bus privileges until damages are paid.

(6) Notice

School bus and bus stop rules and consequences for violations of these rules will be reviewed with students annually and copies of these rules will be made available to students. School bus rules are to be posted on each school bus.

(7) Criminal Conduct

In cases involving criminal conduct (for example, assault, weapons, drug possession, or vandalism), the appropriate charter school personnel and local law enforcement officials will be informed.

IV. PARENT AND GUARDIAN INVOLVEMENT

A. Parent and Guardian Notification

The charter school bus and bus stop rules will be provided to each family. Parents and guardians are asked to review the rules with their children.

B. Parents/Guardians Responsibilities for Transportation Safety

Parents/Guardians are responsible to:

1. Become familiar with charter school rules, policies, regulations, and the principles of school bus safety, and thoroughly review them with their children;
2. Support safe riding and walking practices, and recognize that students are responsible for their actions;
3. Communicate safety concerns to their school administrators;
4. Monitor bus stops, if possible;
5. Have their children to the bus stop 5 minutes before the bus arrives;
6. Have their children properly dressed for the weather; and
7. Have a plan in case the bus is late.

V. SCHOOL BUS DRIVER DUTIES AND RESPONSIBILITIES

A. School bus drivers shall have a valid Class A, B, or C Minnesota driver's license with a school bus endorsement. A person possessing a valid driver's license, without a school bus endorsement, may drive a type III vehicle set forth in Sections VII.B. and VII.C., below. Drivers with a valid Class D driver's license, without a school bus endorsement, may operate a "type A-I" school bus as set forth in Section VII.D., below.

B. The charter school shall conduct mandatory drug and alcohol testing of all charter school bus drivers and bus driver applicants in accordance with state and federal law and charter school policy.

C. A school bus driver, with the exception of a driver operating a type A-I school bus or type III vehicle, who has a commercial driver's license and who is convicted of a criminal offense, a serious traffic violation, or of violating any other state or local law relating to motor vehicle traffic control, other than a parking violation, in any type of motor vehicle in a state or jurisdiction other than Minnesota, shall notify the Minnesota Division of Driver and Vehicle Services (Division) of the conviction within 30 days of the conviction. For purposes of this paragraph, a "serious traffic violation" means a conviction of any of the following offenses:

1. excessive speeding, involving any single offense for any speed of 15 miles per hour or more above the posted speed limit;
2. reckless driving;
3. improper or erratic traffic lane changes;

4. following the vehicle ahead too closely;
5. a violation of state or local law, relating to motor vehicle traffic control, arising in connection with a fatal accident;
6. driving a commercial vehicle without obtaining a commercial driver's license or without having a commercial driver's license in the driver's possession;
7. driving a commercial vehicle without the proper class of commercial driver's license and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported;
8. a violation of a state or local law prohibiting texting while driving a commercial vehicle; and
9. a violation of a state or local law prohibiting the use of a hand-held mobile telephone while driving a commercial vehicle.

D. A school bus driver, with the exception of a driver operating a type A-I school bus or type III vehicle, who has a commercial driver's license and who is convicted of violating, in any type of motor vehicle, a Minnesota state or local law relating to motor vehicle traffic control, other than a parking violation, shall notify the person's employer of the conviction within 30 days of conviction. The notification shall be in writing and shall contain all the information set forth in Attachment A accompanying this policy.

E. A school bus driver, with the exception of a driver operating a type A-I school bus or type III vehicle, who has a Minnesota commercial driver's license suspended, revoked, or cancelled by the state of Minnesota or any other state or jurisdiction and who loses the right to operate a commercial vehicle for any period or who is disqualified from operating a commercial motor vehicle for any period shall notify the person's employer of the suspension, revocation, cancellation, lost privilege, or disqualification. Such notification shall be made before the end of the business day following the day the employee received notice of the suspension, revocation, cancellation, lost privilege, or disqualification. The notification shall be in writing and shall contain all the information set forth in Attachment B accompanying this policy.

F. A person who operates a type III vehicle and who sustains a conviction as described in Section VII.C.1.g. (i.e., driving while impaired offenses), VII.C.1.h. (i.e., felony, controlled substance, criminal sexual conduct offenses, or offenses for surreptitious observation, indecent exposure, use of minor in a sexual performance, or possession of child pornography or display of pornography to a minor), or VII.C.1.i. (multiple moving violations) while employed by the entity that owns, leases, or contracts for the school bus, shall report the conviction to the person's employer within 10 days of the date of the conviction. The notification shall be in writing and shall contain all the information set forth in Attachment C accompanying this policy.

VI. SCHOOL BUS DRIVER TRAINING

A. Training

1. All new school bus drivers shall be provided with pre-service training, including in-vehicle (actual driving) instruction, before transporting students and shall meet the competency testing specified in the Minnesota Department of Public Safety *Minnesota Model School Bus Driver Training Program*. All school bus drivers shall receive in-service training annually. For purposes of this section, "annually" means at least once every 380 days from the initial or previous evaluation and at least once every 380 days from the initial or previous license verification. The charter school shall retain on file an annual individual school bus driver "evaluation certification" form for each charter school driver as contained in the *Minnesota Model School Bus Driver Training Program*.

2. All bus drivers operating a type III vehicle will be provided with annual training and certification as set forth in Section VII.C.1.b., below, by either the charter school or the entity from whom such services are contracted by the charter school.

B. Evaluation

School bus drivers with a Class D license will be evaluated annually and all other bus drivers will be assessed periodically for the following competencies:

1. Safely operate the type of school bus the driver will be driving;
2. Understand student behavior, including issues relating to students with disabilities;
3. Ensure orderly conduct of students on the bus and handling incidents of misconduct appropriately;
4. Know and understand relevant laws, rules of the road, and local school bus safety policies;
5. Handle emergency situations; and
6. Safely load and unload students.

The evaluation must include completion of an individual "school bus driver evaluation form" (road test evaluation) as contained in the *Minnesota Model School Bus Driver Training Program*.

VII. OPERATING RULES AND PROCEDURES

A. General Operating Rules

1. School buses shall be operated in accordance with state traffic and school bus safety laws and the procedures contained in the Minnesota Model School Bus Driver Training Manual.
2. Only students assigned to the school bus by the charter school shall be transported. The number of students or other authorized passengers transported in a school bus shall not be more than the legal capacity for the bus. No person shall be allowed to stand when the bus is in motion.
3. The parent/guardian may designate, pursuant to charter school policy, a day care facility, respite care facility, the residence of a relative, or the residence of a person chosen by the parent or guardian as the address of the student for transportation purposes.
4. Bus drivers must minimize, to the extent practical, the idling of school bus engines and exposure of children to diesel exhaust fumes.
5. To the extent practical, the charter school will designate school bus loading/unloading zones at a sufficient distance from school air-intake systems
6. A bus driver may not operate a school bus while communicating over, or otherwise operating, a cellular phone for personal reasons, whether hand-held or hands free, when the vehicle is in motion or a part of traffic. For purposes of this paragraph, "school bus" has the meaning given in Minnesota Statutes, section 169.011, subdivision 71. In addition, "school bus" also includes type III vehicles when driven by employees or agents of the charter school. "Cellular phone" means a cellular, analog, wireless, or digital telephone capable of sending or receiving telephone or text messages without an access line for

service.

B. Type III Vehicles

1. Type III vehicles are restricted to passenger cars, station wagons, vans, and buses having a maximum manufacturer's rated seating capacity of 10 or fewer people including the driver and a gross vehicle weight rating of 10,000 pounds or less. A van or bus converted to a seating capacity of 10 or fewer and placed in service on or after August 1, 1999, must have been originally manufactured to comply with the passenger safety standards.
2. Type III vehicles must be painted a color other than national school bus yellow.
3. Type III vehicles shall be state inspected in accordance with legal requirements.
4. Vehicles model year 2007 or older must not be used as type III vehicles to transport school children, except those vehicles that are manufactured to meet the structural requirements of federal motor vehicle safety standard 222, Code of Federal Regulations, title 49, part 571.
5. If a type III vehicle is charter school owned, the charter school name will be clearly marked on the side of the vehicle. The type III vehicle must not have the words "school bus" in any location on the exterior of the vehicle or in any interior location visible to a motorist.
6. A "type III vehicle" must not be outwardly equipped and identified as a type A, B, C, or D bus.
7. Eight-lamp warning systems and stop arms must not be installed or used on type III vehicles.
8. Type III vehicles must be equipped with mirrors as required by law.
9. Any type III vehicle may not stop traffic and may not load or unload before making a complete stop and disengaging gears by shifting into neutral or park. Any type III vehicle used to transport students must not load or unload so that a student has to cross the road, except where not possible or impractical, then the driver or assistant must escort a student across the road. If the driver escorts the student across the road, then the motor must be stopped, the ignition key removed, the brakes set, and the vehicle otherwise rendered immobile.
10. Any type III vehicle used to transport students must carry emergency equipment including:
 - a. Fire extinguisher. A minimum of one 10BC rated dry chemical type fire extinguisher is required. The extinguisher must be mounted in a bracket and must be located in the driver's compartment and be readily accessible to the driver and passengers. A pressure indicator is required and must be easily read without removing the extinguisher from its mounted position.
 - b. First aid kit and body fluids cleanup kit. A minimum of a 10-unit first aid kit and a body fluids cleanup kit is required. They must be contained in removable, moisture- and dust-proof containers mounted in an accessible place within the driver's compartment and must be marked to indicate their identity and location.
 - c. Passenger cars and station wagons may carry a fire extinguisher, a first aid kit, and warning triangles in the trunk or trunk area of the vehicle if a label in the driver and front passenger area clearly indicates the

location of these items.

11. Students will not be regularly transported in private vehicles that are not state inspected as type III vehicles. Only emergency, unscheduled transportation may be conducted in vehicles with a seating capacity of 10 or fewer without meeting the requirements for a type III vehicle. Also, parents may use a private vehicle to transport their own children under a contract with the charter school. The charter school has no system of inspection for private vehicles.
12. All drivers of type III vehicles will be licensed drivers and will be familiar with the use of required emergency equipment. The charter school will not knowingly allow a person to operate a type III vehicle if the person has been convicted of an offense that disqualifies the person from operating a school bus.
13. Type III vehicles will be equipped with child passenger restraints, and child passenger restraints will be utilized to the extent required by law.

C. Type III Vehicle Driven by Employees with a Driver's License Without a School Bus Endorsement

1. The holder of a Class A, B, C, or D driver's license, without a school bus endorsement, may operate a type III vehicle, described above, under the following conditions:
 - a. The operator is an employee of the entity that owns, leases, or contracts for the school bus, which may include the charter school.
 - b. The operator's employer, which may include the charter school, has adopted and implemented a policy that provides for annual training and certification of the operator in:
 - (1) safe operation of a type III vehicle;
 - (2) understanding student behavior, including issues relating to students with disabilities;
 - (3) encouraging orderly conduct of students on the bus and handling incidents of misconduct appropriately;
 - (4) knowing and understanding relevant laws, rules of the road, and local school bus safety policies;
 - (5) handling emergency situations;
 - (6) proper use of seat belts and child safety restraints;
 - (7) performance of pretrip vehicle inspections;
 - (8) safe loading and unloading of students, including, but not limited to:
 - (a) utilizing a safe location for loading and unloading students at the curb, on the nontraffic side of the roadway, or at off-street loading areas, driveways, yards, and other areas to enable the student to avoid hazardous conditions;
 - (b) refraining from loading and unloading students in a vehicular traffic lane, on the shoulder, in a designated turn lane, or a lane adjacent to a designated turn lane;

- (c) avoiding a loading or unloading location that would require a student to cross a road, or ensuring that the driver or an aide personally escort the student across the road if it is not reasonably feasible to avoid such a location;
- (d) placing the type III vehicle in "park" during loading and unloading;
- (e) escorting a student across the road under clause (c) only after the motor is stopped, the ignition key is removed, the brakes are set, and the vehicle is otherwise rendered immobile; and

(9) compliance with paragraph V.F. concerning reporting convictions to the employer within 10 days of the date of conviction.

- c. A background check or background investigation of the operator has been conducted that meets the requirements under Minnesota Statutes, section 122A.18, subdivision 8, or Minnesota Statutes, section 123B.03 for charter school employees; Minnesota Statutes, section 144.057 or Minnesota Statutes, chapter 245C for day care employees; or Minnesota Statutes, section 171.321, subdivision 3, for all other persons operating a type III vehicle under this section.
- d. Operators shall submit to a physical examination as required by Minnesota Statutes, section 171.321, subdivision 2.
- e. The operator's employer requires preemployment drug testing of applicants for operator positions. Current operators must comply with the employer's policy under Minnesota Statutes, section 181.951, subdivisions 2, 4, and 5. Notwithstanding any law to the contrary, the operator's employer may use a breathalyzer or similar device to fulfill random alcohol testing requirements.
- f. The operator's driver's license is verified annually by the entity that owns, leases, or contracts for the type III vehicle as required by Minnesota Statutes, section 171.321, subdivision 5.
- g. A person who sustains a conviction, as defined under Minnesota Statutes, sections 609.02, of violating Minnesota Statutes, section 169A.25, 169A.26, 169A.27 (driving while impaired offenses), or 169A.31 (alcohol-related school bus driver offenses), or whose driver's license is revoked under Minnesota Statutes, sections 169A.50 to 169A.53 of the implied consent law, or who is convicted of violating or whose driver's license is revoked under a similar statute or ordinance of another state, is precluded from operating a type III vehicle for 5 years from the date of conviction.
- h. A person who has ever been convicted of a disqualifying offense as defined in Minnesota Statutes, section 171.3215, subdivision 1(c), (i.e., felony, controlled substance, criminal sexual conduct offenses, or offenses for surreptitious observation, indecent exposure, use of minor in a sexual performance, or possession of child pornography or display of pornography to a minor) may not operate a type III vehicle.
- i. A person who sustains a conviction, as defined under Minnesota Statutes, section 609.02, of a moving offense in violation of Minnesota Statutes, chapter 169 within 3 years of the first of 3 other moving offenses is precluded from operating a type III vehicle for 1 year from the date of the last conviction.

- j. Students riding the type III vehicle must have training required under Minnesota Statutes, section 123B.90, subdivision 2 (See Section II.B., above).
 - k. Documentation of meeting the requirements listed in this section must be maintained under a separate file at the business location for each type III vehicle operator. The charter school or any other entity that owns, leases, or contracts for the type III vehicle operating under this section is responsible for maintaining these files for inspection.
2. The type III vehicle must bear a current certificate of inspection issued under Minnesota Statutes, section 169.451.
3. An employee of the charter school who is not employed for the sole purpose of operating a type III vehicle may, in the discretion of the charter school, be exempt from paragraphs VII.C.1.d. (physical examination) and VII.C.1.e. (drug testing), above.

D. Type A-I "Activity" Buses Driven by Employees with a Driver's License Without a School Bus Endorsement

1. The holder of a Class D driver's license, without a school bus endorsement, may operate a type A-I school bus or a Multifunction School Activity Bus (MFSAB) under the following conditions:
 - a. The operator is an employee of the charter school or an independent contractor with whom the charter school contracts for the school bus and is not solely hired to provide transportation services under this paragraph.
 - b. The operator drives the school bus only from points of origin to points of destination, not including home-to-school trips to pick up or drop off students.
 - c. The operator is prohibited from using the 8-light system if the vehicle is so equipped.
 - d. The operator has submitted to a background check and physical examination as required by Minnesota Statutes, section 171.321, subdivision 2.
 - e. The operator has a valid driver's license and has not sustained a conviction of a disqualifying offense as set forth in Minnesota Statutes, section 171.02, subdivisions 2a(h) - 2a(j).
 - f. The operator has been trained in the proper use of child safety restraints as set forth in the National Highway Traffic Safety Administration's "Guideline for the Safe Transportation of Pre-school Age Children in School Buses," if child safety restraints are used by passengers, in addition to the training required in Section VI., above.
 - g. The bus has a gross vehicle weight rating of 14,500 pounds or less and is designed to transport 15 or fewer passengers, including the driver.
2. The charter school shall maintain annual certification of the requirements listed in this section for each Class D license operator.
3. A school bus operated under this section must bear a current certificate of inspection.

4. The word "School" on the front and rear of the bus must be covered by a sign that reads "Activities" when the bus is being operated under authority of this section.

VIII. CHARTER SCHOOL EMERGENCY PROCEDURES

- A. If possible, school bus drivers or their supervisors shall call "911" or the local emergency phone number in the event of a serious emergency.
- B. School bus drivers shall meet the emergency training requirements contained in Unit III "Crash & Emergency Preparedness" of the Minnesota Model School Bus Driver Training Manual. This includes procedures in the event of a crash (accident).
- C. School bus drivers and bus assistants for special education students requiring special transportation service because of a disability shall be trained in basic first aid procedures, shall within one (1) month after the effective date of assignment participate in a program of in-service training on the proper methods for dealing with the specific needs and problems of students with disabilities, assist students with disabilities on and off the bus when necessary for their safe ingress and egress from the bus; and ensure that protective safety devices are in use and fastened properly.
- D. Emergency Health Information shall be maintained on the school bus for students requiring special transportation service because of a disability. The information shall state:
 1. the student's name and address;
 2. the nature of the student's disabilities;
 3. emergency health care information; and
 4. the names and telephone numbers of the student's physician, parents, guardians, or custodians, and some person other than the student's parents or custodians who can be contacted in case of an emergency.

IX. CHARTER SCHOOL VEHICLE MAINTENANCE STANDARDS

- A. All school vehicles shall be maintained in safe operating conditions through a systematic preventive maintenance and inspection program adopted or approved by the charter school.
- B. All school vehicles shall be state inspected in accordance with legal requirements.
- C. A copy of the current daily pre-trip inspection report must be carried in the bus. Daily pre-trip inspections shall be maintained on file in accordance with the charter school's record retention schedule. Prompt reports of defects to be immediately corrected will be submitted.
- D. Daily post-trip inspections shall be performed to check for any children or lost items remaining on the bus and for vandalism.

X. SCHOOL TRANSPORTATION SAFETY DIRECTOR

The school board has designated an individual to serve as the charter school's school transportation safety director. The school transportation safety director shall have day-to- day responsibility for student transportation safety, including transportation of nonpublic school children when provided by the charter school. The school transportation safety director will assure that this policy is periodically reviewed to ensure that it conforms to law. The school transportation safety director shall certify annually to the school board that each school bus driver meets the school bus driver training competencies required Minnesota Statutes, section 171.321, subdivision 4. The transportation safety director also shall annually verify or ensure

that the private contractor utilized by the school has verified the validity of the driver's license of each employee who regularly transports students for the charter school in a type A, B, C, or D school bus, type III vehicle, or MFSAB with the National Driver Register or the Department of Public Safety. Upon request of the charter school executive director or the executive director of the charter school where nonpublic students are transported, the school transportation safety director also shall certify to the executive director that students have received school bus safety training in accordance with state law. The name, address and telephone number of the school transportation safety director are on file in the charter school office. Any questions regarding student transportation or this policy may be addressed to the school transportation safety director.

XI. STUDENT TRANSPORTATION SAFETY COMMITTEE

The school board may establish a student transportation safety committee. The chair of the student transportation safety committee is the charter school's school transportation safety director. The school board shall appoint the other members of the student transportation safety committee. Membership may include parents, school bus drivers, representatives of school bus companies, local law enforcement officials, other charter school staff, and representatives from other units of local government.

Legal References: Minn. Stat. § 122A.18, Subd. 8 (Board to Issue Licenses) Minn. Stat. § 123B.03 (Background Check)
Minn. Stat. § 123B.42 (Textbooks; Individual Instruction or Cooperative Learning Material; Standard Tests)
Minn. Stat. § 123B.88 (Independent School Districts; Transportation)
Minn. Stat. § 123B.885 (Diesel School Buses; Operation of Engine; Parking)
Minn. Stat. § 123B.90 (School Bus Safety Training)
Minn. Stat. § 123B.91 (School District Bus Safety Responsibilities)
Minn. Stat. § 123B.935 (Active Transportation Safety Training)
Minn. Stat. § 144.057 (Background Studies on Licensees and Other Personnel)
Minn. Stat. Ch. 169 (Traffic Regulations)
Minn. Stat. § 169.011, Subds. 15, 16, and 71 (Definitions)
Minn. Stat. § 169.02 (Scope)
Minn. Stat. § 169.443 (Safety of School Children; Bus Driver's Duties)
Minn. Stat. § 169.446, Subd. 2 (Safety of School Children; Training and Education Rules)
Minn. Stat. § 169.451 (Inspecting School and Head Start Buses; Rules; Misdemeanor)
Minn. Stat. § 169.454 (Type III Vehicle Standards)
Minn. Stat. § 169.4582 (Reportable Offense on School Buses) Minn. Stat. §§ 169A.25-169A.27 (Driving While Impaired)
Minn. Stat. § 169A.31 (Alcohol-Related School Bus or Head Start Bus Driving)
Minn. Stat. §§ 169A.50-169A.53 (Implied Consent Law)
Minn. Stat. § 171.02, Subds. 2, 2a, and 2b (Licenses; Types, Endorsements, Restrictions)
Minn. Stat. § 171.168 (Notice of Violation by Commercial Driver)
Minn. Stat. § 171.169 (Notice of Commercial License Suspension)
Minn. Stat. § 171.321 (Qualifications of School Bus and Type III Vehicle Drivers)
Minn. Stat. § 171.3215, Subd. 1(c) (Canceling Bus Endorsement for Certain Offenses)
Minn. Stat. § 181.951 (Authorized Drug and Alcohol Testing)
Minn. Stat. Ch. 245C (Human Services Background Studies)
Minn. Stat. § 609.02 (Definitions)
Minn. Rules Parts 7470.1000-7470.1700 (School Bus Inspection)
49 C.F.R. Part 383 (Commercial Driver's License Standards; Requirements and Penalties)
49 C.F.R. § 383.31 (Notification of Convictions for Driver Violations)
49 C.F.R. § 383.33 (Notification of Driver's License Suspensions)
49 C.F.R. § 383.5 (Transportation Definitions)
49 C.F.R. § 383.51 (Disqualification of Drivers)
49 C.F.R. Part 571 (Federal Motor Vehicle Safety Standards)

Cross References: MSBA/MASA Model Policy 416 (Drug, Alcohol, and Cannabis Testing)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA/MASA Model Policy 707 (Transportation of Charter School Students)
MSBA/MASA Model Policy 710 (Extracurricular Transportation)

Resources: Minnesota Department of Public Safety: [School Bus Resources](#)
National Highway Traffic Safety Administration: [Guideline for the Safe Transportation of Pre-school Age Children in School Buses](#) (Feb. 1999)

ST. CROIX PREPARATORY ACADEMY

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721 UNIFORM GRANT GUIDANCE POLICY REGARDING FEDERAL REVENUE SOURCES

I. PURPOSE

The purpose of this policy is to ensure compliance with the requirements of the federal Uniform Grant Guidance regulations by establishing uniform administrative requirements, cost principles, and audit requirements for federal grant awards received by the school district.

II. DEFINITIONS

- A. "Compensation for personal services" includes all remuneration, paid currently or accrued, for services of employees rendered during the period of performance under the federal award, including, but not necessarily limited to, wages and salaries. Compensation for personal services may also include fringe benefits which are addressed in 2 Code of Federal Regulations, section 200.431 (Compensation - Fringe Benefits).
- B. "Contract" means a legal instrument by which a non-federal entity purchases property or services needed to carry out the project or program under a federal award. The term, as used in 2 Code of Federal Regulations, Part 200, does not include a legal instrument, even if the non-federal entity considers it a contract, when the substance of the transaction meets the definition of a federal award or subaward.
- C. "Direct costs" are those costs that can be identified specifically with a particular final cost objective, such as a federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.
- D. "Equipment" means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which exceeds the lesser of the capitalization level established by the non-federal entity for financial statement purposes, or \$10,000.
- E. "Federal award" has the meaning, depending on the context, in either paragraph 1. or 2. of this definition:
 - 1.
 - a. The federal financial assistance that a non-federal entity receives directly from a federal awarding agency or indirectly from a pass-through entity, as described in 2 Code of Federal Regulations, section 200.101 (Applicability); or
 - b. The cost-reimbursement contract under the federal Acquisition Regulations that a non-federal entity receives directly from a federal awarding agency or indirectly from a pass-through entity, as described in 2 Code of Federal Regulations, section 200.101 (Applicability).
 - 2. The instrument setting forth the terms and conditions. The instrument is the grant agreement, cooperative agreement, other agreement for assistance covered in paragraph (b) ¹⁶⁶ of 2 Code of Federal Regulations, section 200.40

(Federal Financial Assistance), or the cost-reimbursement contract awarded under the federal Acquisition Regulations.

3. "Federal award" does not include other contracts that a federal agency uses to buy goods or services from a contractor or a contract to operate federal-government-owned, contractor-operated facilities.

F. Grants

1. "State-administered grants" are those grants that pass through a state agency such as the Minnesota Department of Education (MDE).
2. "Direct grants" are those grants that do not pass through another agency such as MDE and are awarded directly by the federal awarding agency to the grantee organization. These grants are usually discretionary grants that are awarded by the U.S. Department of Education (DOE) or by another federal awarding agency.

G. "Non-federal entity" means a state, local government, Indian tribe, institution of higher education, or nonprofit organization that carries out a federal award as a recipient or subrecipient.

H. "Post-retirement health plans" refer to costs of health insurance or health services not included in a pension plan covered by 2 Code of Federal Regulations, section 200.431(g) for retirees and their spouses, dependents, and survivors.

I. Procurement Methods

1. "Procurement by micro-purchase" is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (generally \$10,000, except as otherwise discussed in 48 Code of Federal Regulations, Subpart 2.1 or as periodically adjusted for inflation).
2. "Procurement by small purchase procedures" are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than \$175,000 (periodically adjusted for inflation).
3. "Procurement by sealed bids (formal advertising)" is a publicly solicited and a firm, fixed-price contract (lump sum or unit price) awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price.
4. "Procurement by competitive proposals" is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. Competitive proposals are generally used when conditions are not appropriate for the use of sealed bids.
5. "Procurement by noncompetitive proposals" is procurement through solicitation of a proposal from only one source.

J. "Relocation costs" are costs incident to the permanent change of duty assignment (for an indefinite period or for a stated period not less than 12 months) of an existing employee or upon recruitment of a new employee.

K. "Severance pay" is a payment in addition to regular salaries and wages by the non-federal entities to workers whose employment is being terminated.

- L. "Travel costs" are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the school district.

III. CONFLICT OF INTEREST

A. Employee Conflict of Interest

No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The employees, officers, and agents of the school district may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, the school district may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by employees, officers, or agents of the school district.

B. Organizational Conflicts of Interest

The school district is unable or appears to be unable to be impartial in conducting a procurement action involving the related organization because of relationships with a parent company, affiliate, or subsidiary organization.

C. Disclosing Conflicts of Interest

The school district must disclose in writing any potential conflict of interest to MDE in accordance with applicable federal awarding agency policies.

IV. ACCEPTABLE METHODS OF PROCUREMENT

A. General Procurement Standards

The school district must use its own documented procurement procedures which reflect applicable state laws, provided that the procurements conform to the applicable federal law and the standards identified in the Uniform Grant Guidance.

- B. The school district must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
- C. The school district's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives and any other appropriate analysis to determine the most economical approach.
- D. The school district must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

- E. The school district must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement; selection of the contract type; contractor selection or rejection; and the basis for the contract price.
- F. The school district alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the school district of any contractual responsibilities under its contracts.
- G. The school district must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, veteran-owned businesses, and labor surplus area firms are considered.

H. Methods of Procurement

The school district must use one of the following methods of procurement:

- 1. Procurement by micro-purchases. To the extent practicable, the school district must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the school district considers the price to be reasonable.
- 2. Procurement by small purchase procedures. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.
- 3. Procurement by sealed bids (formal advertising).
- 4. Procurement by competitive proposals. If this method is used, the following requirements apply:
 - a. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
 - b. Proposals must be solicited from an adequate number of qualified sources;
 - c. The school district must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
 - d. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
 - e. The school district may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method where price is not used as a selection factor can only be used in procurement of A/E professional services; it cannot be used to purchase other types of services, though A/E firms are a potential source to perform the proposed effort.

5. Procurement by noncompetitive proposals. Procurement by noncompetitive proposals may be used only when one or more of the following circumstances apply:
 - a. The item is available only from a single source;
 - b. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
 - c. The DOE or MDE expressly authorizes noncompetitive proposals in response to a written request from the school district; or
 - d. After solicitation of a number of sources, competition is determined inadequate.

I. Competition

The school district must have written procedures for procurement transactions. These procedures must ensure that all solicitations:

1. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When making a clear and accurate description of the technical requirements is impractical or uneconomical, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and
2. Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

J. The school district must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the school district must not preclude potential bidders from qualifying during the solicitation period.

K. Non-federal entities are prohibited from contracting with or making subawards under "covered transactions" to parties that are suspended or debarred or whose principals are suspended or debarred. "Covered transactions" include procurement contracts for goods and services awarded under a grant or cooperative agreement that are expected to equal or exceed \$25,000.

L. All nonprocurement transactions entered into by a recipient (i.e., subawards to subrecipients), irrespective of award amount, are considered covered transactions, unless they are exempt as provided in 2 Code of Federal Regulations, section 180.215.

V. MANAGING EQUIPMENT AND SAFEGUARDING ASSETS

A. Property Standards

The school district must, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired or improved with federal funds as provided to property owned by the non-federal entity. Federally owned property need not be

insured unless required by the terms and conditions of the federal award. The school district must adhere to the requirements concerning real property, equipment, supplies, and intangible property set forth in 2 Code of Federal Regulations, sections 200.311, 200.314, and 200.315.

B. Equipment

Management requirements.

Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part under a federal award, until disposition takes place will, at a minimum, meet the following requirements:

1. Property records must be maintained that include a description of the property; a serial number or other identification number; the source of the funding for the property (including the federal award identification number (FAIN)); who holds title; the acquisition date; the cost of the property; the percentage of the federal participation in the project costs for the federal award under which the property was acquired; the location, use, and condition of the property; and any ultimate disposition data, including the date of disposition and sale price of the property.
2. A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.
3. A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft must be investigated.
4. Adequate maintenance procedures must be developed to keep property in good condition.
5. If the school district is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

C. Cybersecurity

The school district must take reasonable cybersecurity and other measures to safeguard

1. Personally identifiable information;
2. Information that the federal agency or pass-through entity designates as sensitive; and
3. other information that the school district considers sensitive and is consistent with applicable Federal, State, local, and tribal laws regarding privacy and responsibility over confidentiality.

VI. FINANCIAL MANAGEMENT REQUIREMENTS

A. Financial Management.

The school district's financial management systems, including records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the federal statutes, regulations, and the terms and conditions of the federal award.

B. Payment

The school district must be paid in advance, provided it maintains or demonstrates the willingness to maintain both written procedures that minimize the time elapsing between the transfer of funds and disbursement between the school district and the financial management systems that meet the standards for fund control.

Advance payments to a school district must be limited to the minimum amounts needed and timed to be in accordance with the actual, immediate cash requirements of the school district in carrying out the purpose of the approved program or project. The timing and amount of advance payments must be as close as is administratively feasible to the actual disbursements by the non-federal entity for direct program or project costs and the proportionate share of any allowable indirect costs. The school district must make timely payment to contractors in accordance with the contract provisions.

C. Internal Controls

The school district must establish and maintain effective internal control over the federal award that provides reasonable assurance that the school district is managing the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal award. These internal controls should align with guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States, or the "Internal Control Integrated Framework," issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

The school district must comply with the United States Constitution, federal statutes, regulations, and the terms and conditions of the federal award.

The school district must evaluate and monitor the school district's compliance with statutes, regulations, and the terms and conditions of the federal award.

The school district must take prompt action when instances of noncompliance are identified, including noncompliance identified in audit findings.

The school district must take reasonable measures to safeguard protected personally identifiable information considered sensitive consistent with applicable federal and state laws regarding privacy and obligations of confidentiality.

VII. ALLOWABLE USE OF FUNDS AND COST PRINCIPLES

A. Allowable Use of Funds

The school district administration and board will enforce appropriate procedures and penalties for program, compliance, and accounting staff responsible for the allocation of federal grant costs based on their allowability and their conformity with federal cost principles to determine the allowability of costs.

B. Definitions

1. "Allowable cost" means a cost that complies with all legal requirements that apply to a particular federal education program, including statutes, regulations, guidance, applications, and approved grant awards.
2. "Education Department General Administrative Regulations (EDGAR)" means a compilation of regulations that apply to federal education programs. These regulations contain important rules governing the administration of federal education programs and include rules affecting the allowable use of federal funds (including rules regarding allowable costs, the period of availability of federal awards, documentation requirements, and grants management

requirements). EDGAR can be accessed at: <http://www2.ed.gov/policy/fund/req/edgarReg/edgar.html>.

3. "Omni Circular" or "2 Code of Federal Regulations, Part 200s" or "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" means federal cost principles that provide standards for determining whether costs may be charged to federal grants.
4. "Advance payment" means a payment that a federal awarding agency or passthrough entity makes by any appropriate payment mechanism, including a predetermined payment schedule, before the non-federal entity disburses the funds for program purposes.

C. Allowable Costs

The following items are costs that may be allowable under the 2 Code of Federal Regulations, Part 200s under specific conditions:

1. Advisory councils;
2. Audit costs and related services;
3. Bonding costs;
4. Communication costs;
5. Compensation for personal services;
6. Depreciation and use allowances;
7. Employee morale, health, and welfare costs;
8. Equipment and other capital expenditures;
9. Gains and losses on disposition of depreciable property and other capital assets and substantial relocation of federal programs;
10. Insurance and indemnification;
11. Maintenance, operations, and repairs;
12. Materials and supplies costs;
13. Meetings and conferences;
14. Memberships, subscriptions, and professional activity costs;
15. Security costs;
16. Professional service costs;
17. Proposal costs;
18. Publication and printing costs;
19. Rearrangement and alteration costs;
20. Rental costs of building and equipment;
21. Training costs; and
22. Travel costs.

D. Costs Forbidden by Federal Law

2 Code of Federal Regulations, Part 200s and EDGAR identify certain costs that may never be paid with federal funds. The following list provides examples of such costs. If a cost is on this list, it may not be supported with federal funds. The fact that a cost is not on this list does not mean it is necessarily permissible. Other important restrictions apply to federal funds, such as those items detailed in the 2 Code of Federal Regulations, Part 200s; thus, the following list is not exhaustive:

1. Advertising and public relations costs (with limited exceptions), including promotional items and memorabilia, models, gifts, and souvenirs;
2. Alcoholic beverages;
3. Bad debts;
4. Contingency provisions (with limited exceptions);
5. Fundraising and investment management costs (with limited exceptions);
6. Donations;
7. Contributions;
8. Entertainment (amusement, diversion, and social activities and any associated costs);
9. Fines and penalties;
10. General government expenses (with limited exceptions pertaining to Indian tribal governments and Councils of Government (COGs));
11. Goods or services for personal use;
12. Interest, except interest specifically stated in 2 Code of Federal Regulations, section 200.441 as allowable;
13. Religious use;
14. The acquisition of real property (unless specifically permitted by programmatic statute or regulations, which is very rare in federal education programs);
15. Construction (unless specifically permitted by programmatic statute or regulations, which is very rare in federal education programs); and
16. Tuition charged or fees collected from students applied toward meeting matching, cost sharing, or maintenance of effort requirements of a program.

E. Program Allowability

1. Any cost paid with federal education funds must be permissible under the federal program that would support the cost.
2. Many federal education programs detail specific required and/or allowable uses of funds for that program. Issues such as eligibility, program beneficiaries, caps or restrictions on certain types of program expenses, other program expenses, and other program specific requirements must be considered when performing the programmatic analysis.
3. The two largest federal K-12 programs, Title I, Part A, and the Individuals with Disabilities Education Act (IDEA), do not contain a use of funds section delineating the allowable uses of funds under those programs. In those cases, costs must be consistent with the purposes of the program in order to be allowable.

F. Federal Cost Principles

1. The Omni Circular defines the parameters for the permissible uses of federal funds. While many requirements are contained in the Omni Circular, it includes five core principles that serve as an important guide for effective grant management. These core principles require all costs to be:
 - a. Necessary for the proper and efficient performance or administration of the program.
 - b. Reasonable. An outside observer should clearly understand why a decision to spend money on a specific cost made sense in light of the cost, needs, and requirements of the program.
 - c. Allocable to the federal program that paid for the cost. A program must benefit in proportion to the amount charged to the federal program – for example, if a teacher is paid 50% with Title I funds, the teacher must work with the Title I program/students at least 50% of the time. Recipients also need to be able to track items or services purchased with federal funds so they can prove they were used for federal program purposes.
 - d. Authorized under state and local rules. All actions carried out with federal funds must be authorized and not prohibited by state and local laws and policies.
 - e. Adequately documented. A recipient must maintain proper documentation so as to provide evidence to monitors, auditors, or other oversight entities of how the funds were spent over the lifecycle of the grant.

G. Program Specific Fiscal Rules

The Omni Circular also contains specific rules on selected items of costs. Costs must comply with these rules in order to be paid with federal funds.

1. All federal education programs have certain program specific fiscal rules that apply. Determining which rules apply depends on the program; however, rules such as supplement, not supplant, maintenance of effort, comparability, caps on certain uses of funds, etc., have an important impact when analyzing whether a particular cost is permissible.
2. Many state-administered programs require local education agencies (LEAs) to use federal program funds to supplement the amount of state, local, and, in some cases, other federal funds they spend on education costs and not to supplant (or replace) those funds. Generally, the “supplement, not supplant” provision means that federal funds must be used to supplement the level of funds from non-federal sources by providing additional services, staff, programs, or materials. In other words, federal funds normally cannot be used to pay for things that would otherwise be paid for with state or local funds (and, in some cases, with other federal funds).
3. Auditors generally presume supplanting has occurred in three situations:
 - a. School district uses federal funds to provide services that the school district is required to make available under other federal, state, or local laws.
 - b. School district uses federal funds to provide services that the school district provided with state or local funds in the prior year.

- c. School district uses Title I, Part A, or Migrant Education Program funds to provide the same services to Title I or Migrant students that the school district provides with state or local funds to nonparticipating students.
4. These presumptions apply differently in different federal programs and also in schoolwide program schools. Staff should be familiar with the supplement not supplant provisions applicable to their program.

H. Approved Plans, Budgets, and Special Conditions

1. As required by the Omni Circular, all costs must be consistent with approved program plans and budgets.
2. Costs must also be consistent with all terms and conditions of federal awards, including any special conditions imposed on the school district's grants.

I. Training

1. The school district will provide training on the allowable use of federal funds to all staff involved in federal programs.
2. The school district will promote coordination between all staff involved in federal programs through activities, such as routine staff meetings and training sessions.

J. Employee Sanctions

Any school district employee who violates this policy will be subject to discipline, as appropriate, up to and including the termination of employment.

K. Mandatory Disclosures

The school district must promptly disclose whenever, in connection with the Federal award (including any activities or subawards thereunder), it has credible evidence of the commission of a violation of Federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in 18 United States Code or a violation of the civil False Claims Act (31 United States Code, sections 3729–3733).

The disclosure must be made in writing to the Federal agency, the agency's Office of Inspector General, and pass-through entity (if applicable). School districts are also required to report matters related to recipient integrity and performance in accordance with Appendix XII of this part. Failure to make required disclosures can result in any of the remedies described in 2 Code of Federal Regulations, section 200.339.

VIII. COMPENSATION – PERSONAL SERVICES EXPENSES AND REPORTING

A. Compensation – Personal Services

Costs of compensation are allowable to the extent that they satisfy the specific requirements of the Uniform Grant Guidance and that the total compensation for individual employees:

1. Is reasonable for the services rendered and conforms to the established written policy of the school district consistently applied to both federal and non-federal activities; and
2. Follows an appointment made in accordance with a school district's written policies and meets the requirements of federal statute, where applicable.

Unless an arrangement is specifically authorized by a federal awarding agency, a school district must follow its written non-federal, entity-wide policies and practices concerning the permissible extent of professional services that can be provided outside the school district for non-organizational compensation.

B. Compensation – Fringe Benefits

1. During leave

The costs of fringe benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as for annual leave, family-related leave, sick leave, holidays, court leave, military leave, administrative leave, and other similar benefits, are allowable if all of the following criteria are met:

- a. They are provided under established written leave policies;
- b. The costs are equitably allocated to all related activities, including federal awards; and
- c. The accounting basis (cash or accrual) selected for costing each type of leave is consistently followed by the school district.

2. The costs of fringe benefits in the form of employer contributions or expenses for social security; employee life, health, unemployment, and worker's compensation insurance (except as indicated in 2 Code of Federal Regulations, section 200.447(d)); pension plan costs; and other similar benefits are allowable, provided such benefits are granted under established written policies. Such benefits must be allocated to federal awards and all other activities in a manner consistent with the pattern of benefits attributable to the individuals or group(s) of employees whose salaries and wages are chargeable to such federal awards and other activities and charged as direct or indirect costs in accordance with the school district's accounting practices.
3. Actual claims paid to or on behalf of employees or former employees for workers' compensation, unemployment compensation, severance pay, and similar employee benefits (e.g., post-retirement health benefits) are allowable in the year of payment provided that the school district follows a consistent costing policy.
4. Pension plan costs may be computed using a pay-as-you-go method or an acceptable actuarial cost method in accordance with the written policies of the school district.
5. Post-retirement costs may be computed using a pay-as-you-go method or an acceptable actuarial cost method in accordance with established written policies of the school district.
6. Costs of severance pay are allowable only to the extent that, in each case, severance pay is required by law; employer-employee agreement; established policy that constitutes, in effect, an implied agreement on the school district's part; or circumstances of the particular employment.

C. Insurance and Indemnification

Types and extent and cost of coverage are in accordance with the school district's policy and sound business practice.

D. Recruiting Costs

Short-term travel visa costs (as opposed to longer-term, immigration visas) may be directly charged to a federal award, so long as they are:

1. Critical and necessary for the conduct of the project;
2. Allowable under the cost principles set forth in the Uniform Grant Guidance;
3. Consistent with the school district's cost accounting practices and school district policy; and
4. Meeting the definition of "direct cost" in the applicable cost principles of the Uniform Grant Guidance.

E. Relocation Costs of Employees

Relocation costs are allowable, subject to the limitations described below, provided that reimbursement to the employee is in accordance with the school district's reimbursement policy.

F. Travel Costs

Travel costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those normally allowed in like circumstances in the school district's non-federally funded activities and in accordance with the school district's reimbursement policies.

Costs incurred by employees and officers for travel, including costs of lodging, other subsistence, and incidental expenses, must be considered reasonable and otherwise allowable only to the extent such costs do not exceed charges normally allowed by the school district in its regular operations according to the school district's written reimbursement and/or travel policies.

In addition, when costs are charged directly to the federal award, documentation must justify the following:

1. Participation of the individual is necessary to the federal award; and
2. The costs are reasonable and consistent with the school district's established travel policy.

Temporary dependent care costs above and beyond regular dependent care that directly results from travel to conferences is allowable provided the costs are:

1. A direct result of the individual's travel for the federal award;
2. Consistent with the school district's documented travel policy for all school district travel; and
3. Only temporary during the travel period.

Legal References:

[2 C.F.R. § 200.1](#) (Definitions: Capital Assets)
[2 C.F.R. § 200.112](#) (Conflict of Interest)
[2 C.F.R. § 200.113](#) (Mandatory Disclosures)
[2 C.F.R. § 200.205](#) (Federal Awarding Agency Review of Merit of Proposals)
[2 C.F.R. § 200.214](#) (Suspension and Debarment)
[2 C.F.R. § 200.300\(b\)](#) (Statutory and National Policy Requirements)
[2 C.F.R. § 200.302](#) (Financial Management)
[2 C.F.R. § 200.303](#) (Internal Controls)

[2 C.F.R. § 200.305\(b\)\(1\)](#) (Federal Payment)
[2 C.F.R. § 200.310](#) (Insurance Coverage)
[2 C.F.R. § 200.311](#) (Real Property)
[2 C.F.R. § 200.312](#) (Federally-owned and Exempt Property)
[2 C.F.R. § 200.313\(d\)](#) (Equipment)
[2 C.F.R. § 200.314](#) (Supplies)
[2 C.F.R. § 200.315](#) (Intangible Property)
[2 C.F.R. § 200.318](#) (General Procurement Standards)
[2 C.F.R. § 200.319\(c\)](#) (Competition)
[2 C.F.R. § 200.320](#) (Methods of Procurement to be Followed)
[2 C.F.R. § 200.321](#) (Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms)
[2 C.F.R. § 200.328](#) (Financial Reporting)
[2 C.F.R. § 200.339](#) (Remedies for Noncompliance)
[2 C.F.R. § 200.403\(c\)](#) (Factors Affecting Allowability of Costs)
[2 C.F.R. § 200.430](#) (Compensation – Personal Services)
[2 C.F.R. § 200.431](#) (Compensation – Fringe Benefits)
[2 C.F.R. § 200.447](#) (Insurance and Indemnification)
[2 C.F.R. § 200.463](#) (Recruiting Costs)
[2 C.F.R. § 200.464](#) (Relocation Costs of Employees)
[2 C.F.R. § 200.474](#) (Transportation Costs)
[2 C.F.R. § 200.475](#) (Travel Costs)

Cross References:

MSBA/MASA Model Policy 208 (Development, Adoption, and Implementation of Policies)
MSBA/MASA Model Policy 210 (Conflict of Interest – School Board Members)
MSBA/MASA Model Policy 412 (Expense Reimbursement)
MSBA/MASA Model Policy 701 (Establishment and Adoption of School District Budget)
MSBA/MASA Model Policy 701.1 (Modification of School District Budget)
MSBA/MASA Model Policy 702 (Accounting)
MSBA/MASA Model Policy 703 (Annual Audit)

ST. CROIX PREPARATORY ACADEMY

Adopted: _____

MSBA/MASA Model Policy 722 Charter

Orig. 2017 (as ISD Policy)

Revised: _____

Orig. 2022 (as Charter Policy)

Rev. 2025

722 PUBLIC DATA AND DATA SUBJECT REQUESTS

I. PURPOSE

The charter school recognizes its responsibility relative to the collection, maintenance, and dissemination of public data as provided in state statutes.

II. GENERAL STATEMENT OF POLICY

The charter school will comply with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13 (MGDPA), and Minnesota Rules, parts 1205.0100-1205.2000 in responding to requests for public data.

III. DEFINITIONS

A. Confidential Data on Individuals

Data made not public by statute or federal law applicable to the data and are inaccessible to the individual subject of those data.

B. Data on Individuals

All government data in which any individual is or can be identified as the subject of that data, unless the appearance of the name or other identifying data can be clearly demonstrated to be only incidental to the data and the data are not accessed by the name or other identifying data of any individual.

C. Data Practices Compliance Officer

The data practices compliance official is the designated employee of the charter school to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems. The responsible authority may be the data practices compliance official.

D. Government Data

All data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media or conditions of use.

E. Individual

"Individual" means a natural person. In the case of a minor or an incapacitated person as defined in Minnesota Statutes, section 524.5-102, subdivision 6, "individual" includes a parent or guardian or an individual acting as a parent or guardian in the absence of a parent or guardian, except that the responsible authority shall withhold

data from parents or guardians, or individuals acting as parents or guardians in the absence of parents or guardians, upon request by the minor if the responsible authority determines that withholding the data would be in the best interest of the minor.

F. Inspection

“Inspection” means the visual inspection of paper and similar types of government data. Inspection does not include printing copies by the charter school, unless printing a copy is the only method to provide for inspection of the data. For data stored in electronic form and made available in electronic form on a remote access basis to the public by the charter school, inspection includes remote access to the data by the public and the ability to print copies of or download the data on the public’s own computer equipment.

G. Not Public Data

Any government data classified by statute, federal law, or temporary classification as confidential, private, nonpublic, or protected nonpublic.

H. Nonpublic Data

Data not on individuals made by statute or federal law applicable to the data: (a) not accessible to the public; and (b) accessible to the subject, if any, of the data.

I. Private Data on Individuals

Data made by statute or federal law applicable to the data: (a) not public; and (b) accessible to the individual subject of those data.

J. Protected Nonpublic Data

Data not on individuals made by statute or federal law applicable to the data (a) not public and (b) not accessible to the subject of the data.

K. Public Data

All government data collected, created, received, maintained, or disseminated by the charter school, unless classified by statute, temporary classification pursuant to statute, or federal law, as nonpublic or protected nonpublic; or, with respect to data on individuals, as private or confidential.

L. Public Data Not on Individuals

Data accessible to the public pursuant to Minnesota Statutes, section 13.03.

M. Public Data on Individuals

Data accessible to the public pursuant Minnesota Statutes, section 13.03.

N. Responsible Authority

The individual designated by the school board as the individual responsible for the collection, use, and dissemination of any set of data on individuals, government data, or summary data, unless otherwise provided by state law. Until an individual is designated by the school board, the responsible authority is the executive director.

O. Summary Data

Statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify an individual is ascertainable. Unless classified pursuant to Minnesota Statutes, section 13.06, another statute, or federal law, summary data is public.

IV. REQUESTS FOR PUBLIC DATA

A. All requests for public data must be made in writing directed to the responsible authority.

1. A request for public data must include the following information:
 - a. Date the request is made;
 - b. A clear description of the data requested;
 - c. Identification of the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and
 - d. Method to contact the requestor (such as phone number, address, or email address).
2. Unless specifically authorized by statute, the charter school may not require persons to identify themselves, state a reason for, or justify a request to gain access to public government data. A person may be asked to provide certain identifying or clarifying information for the sole purpose of facilitating access to the data.
3. The identity of the requestor is public, if provided, but cannot be required by the government entity.
4. The responsible authority may seek clarification from the requestor if the request is not clear before providing a response to the data request.

B. The responsible authority will respond to a data request at reasonable times and places as follows:

1. The responsible authority will notify the requestor in writing as follows:
 - a. The requested data does not exist; or
 - b. The requested data does exist but either all or a portion of the data is not accessible to the requestor; or

- (1) If the responsible authority determines that the requested data is classified so that access to the requestor is denied, the responsible authority will inform the requestor of the determination in writing, as soon thereafter as possible, and shall cite the specific statutory section, temporary classification, or specific provision of federal law on which the determination is based.
- (2) Upon the request of a requestor who is denied access to data, the responsible authority shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of federal law upon which the denial was based.

c. The requested data does exist and provide arrangements for inspection of the data, identify when the data will be available for pick-up, or indicate that the data will be sent by mail. If the requestor does not appear at the time and place established for inspection of the data or the data is not picked up within ten (10) business days after the requestor is notified, the charter school will conclude that the data is no longer wanted and will consider the request closed.

- 2. The charter school's response time may be affected by the size and complexity of the particular request, including necessary redactions of the data, and also by the number of requests made within a particular period of time.
- 3. The charter school will provide an explanation of technical terminology, abbreviations, or acronyms contained in the responsive data on request.
- 4. The charter school is not required by the MGDPA to create or collect new data in response to a data request, or to provide responsive data in a specific form or arrangement if the charter school does not keep the data in that form or arrangement.
- 5. The charter school is not required to respond to questions that are not about a particular data request or requests for data in general.

C. If the charter district notifies the requesting person that responsive data or copies are available for inspection or collection, and the requesting person does not inspect the data or collect the copies within five business days of the notification, the charter school may suspend any further response to the request until the requesting person inspects the data that has been made available, or collects and pays for the copies that have been produced.

V. REQUEST FOR SUMMARY DATA

- A. A request for the preparation of summary data shall be made in writing directed to the responsible authority.
 - 1. A request for the preparation of summary data must include the following information:

- a. Date the request is made;
- b. A clear description of the data requested;
- c. Identify the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and
- d. Method to contact requestor (phone number, address, or email address).

B. The responsible authority will respond within ten (10) business days of the receipt of a request to prepare summary data and inform the requestor of the following:

- 1. The estimated costs of preparing the summary data, if any; and
- 2. The summary data requested; or
- 3. A written statement describing a time schedule for preparing the requested summary data, including reasons for any time delays; or
- 4. A written statement describing the reasons why the responsible authority has determined that the requestor's access would compromise the private or confidential data.

C. The charter school may require the requestor to pre-pay all or a portion of the cost of creating the summary data before the charter school begins to prepare the summary data.

VI. DATA BY AN INDIVIDUAL DATA SUBJECT

- A. Collection and storage of all data on individuals and the use and dissemination of private and confidential data on individuals shall be limited to that necessary for the administration and management of programs specifically authorized by the legislature or local governing body or mandated by the federal government.
- B. Private or confidential data on an individual shall not be collected, stored, used, or disseminated by the charter school for any purposes other than those stated to the individual at the time of collection in accordance with Minnesota Statutes section 13.04, except as provided in Minnesota Statutes section 13.05, subdivision 4.
- C. Upon request to the responsible authority or designee, an individual shall be informed whether the individual is the subject of stored data on individuals, and whether it is classified as public, private or confidential. Upon further request, an individual who is the subject of stored private or public data on individuals shall be shown the data without any charge and, if desired, shall be informed of the content and meaning of that data.
- D. After an individual has been shown the private data and informed of its meaning, the data need not be disclosed to that individual for six (6) months thereafter unless a dispute or action pursuant to this section is pending or additional data on the individual has been collected or created.

- E. The responsible authority or designee shall provide copies of the private or public data upon request by the individual subject of the data. The responsible authority or designee may require the requesting person to pay the actual costs of making and certifying the copies.
- F. The responsible authority or designee shall comply immediately, if possible, with any request made pursuant to this subdivision, or within ten days of the date of the request, excluding Saturdays, Sundays and legal holidays, if immediate compliance is not possible.
- G. An individual subject of the data may contest the accuracy or completeness of public or private data. To exercise this right, an individual shall notify in writing the responsible authority describing the nature of the disagreement. The responsible authority shall within thirty (30) days either: (1) correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual; or (2) notify the individual that the authority believes the data to be correct. Data in dispute shall be disclosed only if the individual's statement of disagreement is included with the disclosed data.
- H. The determination of the responsible authority may be appealed by a data subject pursuant to the provisions of the Administrative Procedure Act relating to contested cases. Upon receipt of an appeal by an individual, the Commissioner of the Minnesota Department of Administration (Commissioner) shall, before issuing the order and notice of a contested case hearing required by Minnesota Statutes, chapter 14, try to resolve the dispute through education, conference, conciliation, or persuasion. If the parties consent, the commissioner may refer the matter to mediation. Following these efforts, the commissioner shall dismiss the appeal or issue the order and notice of hearing.
- I. Data on individuals that have been successfully challenged by an individual must be completed, corrected, or destroyed by a government entity without regard to the requirements of Minnesota Statutes, section 138.17.
- J. After completing, correcting, or destroying successfully challenged data, the charter school may retain a copy of the Commissioner's order issued under Minnesota Statutes, chapter 14 or, if no order were issued, a summary of the dispute between the parties that does not contain any particulars of the successfully challenged data.

VII. REQUESTS FOR DATA BY AN INDIVIDUAL SUBJECT OF THE DATA

- A. All requests for individual subject data must be made in writing directed to the responsible authority.
- B. A request for individual subject data must include the following information:
 1. Statement that one is making a request as a data subject for data about the individual or about a student for whom the individual is the parent or guardian;
 2. Date the request is made;
 3. A clear description of the data requested;

4. Proof that the individual is the data subject or the data subject's parent or guardian;
5. Identification of the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and
6. Method to contact the requestor (such as phone number, address, or email address).

C. The identity of the requestor of private data is private.

D. The responsible authority may seek clarification from the requestor if the request is not clear before providing a response to the data request.

E. The Protection and Privacy of Pupil Records Policy addresses requests of students or their parents for educational records and data.

VIII. COSTS

A. Public Data

1. The charter school will charge for copies provided as follows:
 - a. One hundred (100) or fewer pages of black and white, letter or legal sized paper copies will be charged at twenty-five (25) cents for a one-sided copy or fifty (50) cents for a two-sided copy.
 - b. More than one hundred (100) pages or copies on other materials are charged based upon the actual cost of searching for and retrieving the data and making the copies or electronically sending the data, unless the cost is specifically set by statute or rule.
 - (1) The actual cost of making copies includes employee time, the cost of the materials onto which the data is copied (paper, CD, DVD, etc.), and mailing costs (if any).
 - (2) Also, if the charter school does not have the capacity to make the copies, e.g., photographs, the actual cost paid by the charter school to an outside vendor will be charged.
2. All charges must be paid for cash in advance of receiving the copies.

B. Summary Data

1. Any costs incurred in the preparation of summary data shall be paid by the requestor prior to preparing or supplying the summary data.
2. The charter school may assess costs associated with the preparation of summary data as follows:

- a. The cost of materials, including paper, the cost of the labor required to prepare the copies, any schedule of standard copying charges established by the charter school, any special costs necessary to produce such copies from a machine-based record-keeping system, including computers and microfilm systems;
- b. The charter school may consider the reasonable value of the summary data prepared and, where appropriate, reduce the costs assessed to the requestor.

C. Data Belonging to an Individual Subject

1. The responsible authority or designee may require the requesting person to pay the actual costs of making and certifying the copies.

The responsible authority shall not charge the data subject any fee in those instances where the data subject only desires to view private data.

The responsible authority or designee may require the requesting person to pay the actual costs of making and certifying the copies. Based on the factors set forth in Minnesota Rule, 1205.0300, subpart 4, the charter school determines that a reasonable fee would be the charges set forth in Paragraph VIII.A of this policy that apply to requests for data by the public.

2. The charter school may not charge a fee to search for or to retrieve educational records of a child with a disability by the child's parent or guardian or by the child upon the child reaching the age of majority.

IX. Annual Review and Posting

- A. The responsible authority shall prepare a written data access policy and a written policy for the rights of data subjects (including specific procedures the charter school uses for access by the data subject to public or private data on individuals). The responsible authority shall update the policies no later than August 1 of each year, and at any other time as necessary to reflect changes in personnel, procedures, or other circumstances that impact the public's ability to access data.
- B. Copies of the policies shall be easily available to the public by distributing free copies to the public or by posting the policies in a conspicuous place within the charter school that is easily accessible to the public or by posting them on the charter school's website.

Data Practices Contacts

Responsible Authority:

Terri Smith, PHR, SHRM-CP
Human Resources Director & Data Compliance Officer
terrismith@stcroixprep.org
651-395-5903

St. Croix Preparatory Academy
4260 Stagecoach Trail North
Stillwater, MN. 55082

Data Practices Compliance Official:

Terri Smith, PHR, SHRM-CP
Human Resources Director & Data Compliance Officer
terrismith@stcroixprep.org
651-395-5903

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4260 Stagecoach Trail North
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Data Practices Designee(s):

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Human Resources Director & Data Compliance Officer
terrismith@stcroixprep.org
651-395-5903

St. Croix Preparatory Academy
4260 Stagecoach Trail North
Stillwater, MN. 55082

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

Minn. Stat. § 13.01 (Government Data)
Minn. Stat. § 13.02 (Definitions)
Minn. Stat. § 13.025 (Government Entity Obligation)
Minn. Stat. § 13.03 (Access to Government Data)
Minn. Stat. § 13.04 (Rights of Subjects to Data)
Minn. Stat. § 13.05 (Duties of Responsible Authority)
Minn. Stat. § 13.32 (Educational Data)
Minn. Stat. § 124E.03 (Applicable Law)
Minn. Rules Part 1205.0300 (Access to Public Data)
Minn. Rules Part 1205.0400 (Access to Private Data)

Cross References: MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

Resources: MN Department of Administration: [Actual Cost](#)
MN Department of Administration: [Copy Costs](#)
MN Department of Administration: [Education Data](#)

ST. CROIX PREPARATORY ACADEMY

Adopted: **8/20/2019**

MSBA/MASA Model Policy 806 Charter

Orig. 1999 (as ISD Policy)

Orig. 2022 (as Charter Policy)

Rev. 2025

Revised: _____

806 CRISIS MANAGEMENT POLICY

I. PURPOSE

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

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

II. GENERAL INFORMATION

A. The Policy and Plans

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

The charter school's administration and/or the administration of each building shall present tailored building-specific crisis management plans to the school board for review and approval. The building-specific crisis management plans will include general crisis procedures and crisis-specific procedures. Upon approval by the school board, such crisis management plans shall be an addendum to this Crisis Management Policy. This Policy and the plans will be maintained and updated on an annual basis.

B. Elements of the Charter school Crisis Management Policy

1. General Crisis Procedures.

The Crisis Management Policy includes general crisis procedures for securing buildings, classroom evacuation, building evacuation, campus evacuation, and sheltering. The Policy designates the individual(s) who will determine when these actions will be taken. These charter school-wide procedures may be modified by building administrators when creating their building-specific crisis management plans. A communication system will be in place to enable the designated individual to be contacted at all times in the event of a potential crisis, setting forth the method to contact the designated individual, the provision of at least two designees when the contact person is unavailable, and the method to convey contact information to the appropriate staff persons. The alternative designees may include members of the emergency first

responder response team. A secondary method of communication should be included in the plan for use when the primary method of communication is inoperable. Each building in the charter school will have access to a copy of the Comprehensive School Safety Guide (2011 Edition) to assist in the development of building-specific crisis management plans.

All general crisis procedures will address specific procedures for the safe evacuation of children and employees with special needs such as physical, sensory, motor, developmental, and mental health challenges.

a. Lock-Down Procedures

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

b. Evacuation Procedures

Evacuations of classrooms and buildings—shall be implemented at the discretion of the Executive Director or his or her designee. Each building's crisis management plan will include procedures for transporting students and staff a safe distance from harm to a designated safe area until released by the Executive Director or designee. Safe areas may change based upon the specific emergency situation. The evacuation procedures should include specific procedures for children with special needs, including children with limited mobility (wheelchairs, braces, crutches, etc.), visual impairments, hearing impairments, and other sensory, developmental, or mental health needs. The evacuation procedures should also address transporting necessary medications for students that take medications during the school day.

c. Sheltering Procedures

Sheltering provides refuge for students, staff, and visitors within the school building during an emergency. Shelters are safe areas that maximize the safety of inhabitants. Safe areas may change based upon the specific emergency. The Executive Director or his or her designee will announce the need for sheltering over the public address system or other designated system. Each building administrator will submit sheltering procedures for his or her building as part of the building-specific crisis management plan.

2. Crisis-Specific Procedures

The Crisis Management Policy includes crisis-specific procedures for crisis situations that may occur during the school day or at school-sponsored events and functions. These charter school-wide procedures are designed to enable Executive Directors to tailor response procedures when creating building-specific crisis management plans.

3. School Emergency Response Teams

a. Composition

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

b. Leaders

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

III. PREPARATION BEFORE AN EMERGENCY

A. Communication

1. Charter School Employees

Teachers generally have the most direct contact with students on a day-to-day basis. As a result, they must be aware of their role in responding to crisis situations. This also applies to non-teaching school personnel who have direct contact with students. All staff shall be aware of the charter school's Crisis Management Policy and their own building's crisis management plan. Each school's building-specific crisis management plan shall include the method and dates of dissemination of the plan to its staff. Employees will receive a copy of the relevant building-specific crisis management plans and shall receive periodic training on plan implementation.

2. Students and Parents

Students and parents shall be made aware of the charter school's Crisis Management Policy and relevant tailored crisis management plans for each school building. Each charter school's building-specific crisis management plan shall set forth how students and parents are made aware of the charter school and school-specific plans. Students shall receive specific instruction on plan implementation and shall participate in a required number of drills and practice sessions throughout the school year.

B. Planning and Preparing for Fire

1. Designate a safe area at least 50 feet away from the building to enable students and staff to evacuate. The safe area should not interfere with emergency responders or responding vehicles and should not be in an area where evacuated persons are exposed to any products of combustion. (Depending on the wind direction, where the building on fire is located, the direction from which the fire is arriving, and the location of fire equipment, the distance may need to be extended.)
2. Each building's facility diagram and site plan shall be available in appropriate areas of the building and shall identify the most direct evacuation routes to the designated safe areas both inside and outside of the building. The facility diagram and site plan must identify the location of the fire alarm control panel, fire alarms, fire extinguishers, hoses, water spigots, and utility shut offs.
3. Teachers and staff will receive training on the location of the primary emergency evacuation routes and alternate routes from various points in the building. During fire drills, students and staff will practice evacuations using primary evacuation routes and alternate routes.
4. Certain employees, such as those who work in hazardous areas in the building, will receive training on the locations and proper use of fire extinguishers and protective clothing and equipment.
5. Fire drills will be conducted periodically without warning at various times of the day and under different circumstances, e.g. lunch time, recess, and during assemblies. State law requires a minimum of five fire drills each school year, consistent with Minnesota Statutes, section 299F.30. See Minnesota Statutes, section 121A.035.
6. A record of fire drills conducted at the building will be maintained in the building administrator's office.
7. The charter school will have prearranged sites for emergency sheltering and transportation as needed.
8. The charter school will determine which staff will remain in the building to perform essential functions if safe to do so (e.g., switchboard, building engineer, etc.). The charter school also will designate an administrator or his or her designee to meet local fire or law enforcement agents upon their arrival.

C. Facility Diagrams and Site Plans

All school buildings will have a facility diagram and site plan that includes the location of primary and secondary evacuation routes, exits, designated safe areas inside and outside of the building, and the location of fire alarm control panel, fire alarms, fire extinguishers, hoses, water spigots, and utility shut offs. All facility diagrams and site plans will be updated regularly and whenever a major change is made to a building. Facility diagrams and site plans will be maintained by the Facilities Director and will be easily accessible and on file in the charter school office. Facility diagrams and site plans will be provided to first responders, such as fire and law enforcement personnel.

D. Emergency Telephone Numbers

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

location for single building charter schools and will be updated annually.

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

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

E. Warning and Notification Systems

The charter school shall maintain a warning system designed to inform students, staff, and visitors of a crisis or emergency. This system shall be maintained on a regular basis under the maintenance plan for all school buildings. The charter school should consider an alternate notification system to address the needs of staff and students with special needs, such as vision or hearing.

The Executive Director, and his or her designee, shall be responsible for informing students and employees of the warning system and the means by which the system is used to identify a specific crisis or emergency situation. The crisis management plan will include the method and frequency of dissemination of the warning system information to students and employees.

F. Early School Closure Procedures

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

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

G. Media Procedures

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

H. Behavioral Health Crisis Intervention Procedures

Short-term behavioral health crisis intervention procedures will set forth the procedure for initiating behavioral health crisis intervention plans. The procedures will utilize available employees, contracted services, and volunteers including the school psychologist, counselor, community behavioral health crisis intervention, or others in the community. Counseling procedures will be used whenever the Executive Director or the Lower, Middle, or Upper School principals determines it to be necessary, such as

after an assault, a hostage situation, shooting, or suicide. The behavioral health crisis intervention procedures shall include the following steps:

1. Administrator will meet with relevant persons, including school psychologists and counselors, to determine the level of intervention needed for students and staff.
2. Designate specific rooms as private counseling areas.
3. Escort siblings and close friends of any victims as well as others in need of emotional support to the counseling areas.
4. Prohibit media from interviewing or questioning students or staff.
5. Provide follow-up services to students and staff who receive counseling.
6. Resume normal school routines as soon as possible.

I. Long-Term Recovery Intervention Procedures

Long-term recovery intervention procedures may involve both short-term and long-term recovery planning:

1. Physical/structural recovery.
2. Fiscal recovery.
3. Academic recovery.
4. Social/emotional recovery.

IV. ACTIVE SHOOTER DRILL

A. Definitions

1. "Active shooter drill" means an emergency preparedness drill designed to teach students, teachers, school personnel, and staff how to respond in the event of an armed intruder on campus or an armed assailant in the immediate vicinity of the school. An active shooter drill is not an active shooter simulation, nor may an active shooter drill include any sensorial components, activities, or elements which mimic a real-life shooting.
2. "Active shooter simulation" means an emergency exercise including full-scale or functional exercises, designed to teach adult school personnel and staff how to respond in the event of an armed intruder on campus or an armed assailant in the immediate vicinity of the school which also incorporates sensorial components, activities, or elements mimicking a real life shooting. Activities or elements mimicking a real-life shooting include, but are not limited to, simulation of tactical response by law enforcement. An active shooter simulation is not an active shooter drill.
3. "Evidence-based" means a program or practice that demonstrates any of the following:
 - a. a statistically significant effect on relevant outcomes based on any of the following:
 - (1) strong evidence from one or more well designed and well implemented experimental studies;

- (2) moderate evidence from one or more well designed and well implemented quasi-experimental studies; or
- (3) promising evidence from one or more well designed and well implemented correlational studies with statistical controls for selection bias

b. a rationale based on high-quality research findings or positive evaluations that the program or practice is likely to improve relevant outcomes, including the ongoing efforts to examine the effects of the program or practice.

4. "Full-scale exercise" means an operations-based exercise that is typically the most complex and resource-intensive of the exercise types and often involves multiple agencies, jurisdictions, organizations, and real-time movement of resources.

5. "Functional exercises" means an operations-based exercise designed to assess and evaluate capabilities and functions while in a realistic, real-time environment, however, movement of resources is usually simulated.

B. Criteria

An active shooter drill conducted according to Minnesota Statutes, section 121A.037 with students in early childhood through grade 12 must be:

- 1. accessible;
- 2. developmentally appropriate and age appropriate, including using appropriate safety language and vocabulary;
- 3. culturally aware;
- 4. trauma-informed; and
- 5. inclusive of accommodations for students with mobility restrictions, sensory needs, developmental or physical disabilities, mental health needs, and auditory or visual limitations.

C. Student Mental Health and Wellness

Active shooter drill protocols must include a reasonable amount of time immediately following the drill for teachers to debrief with their students. The opportunity to debrief must be provided to students before regular classroom activity may resume. During the debrief period, students must be allowed to access any mental health services available on campus, including counselors, school psychologists, social workers, or cultural liaisons. An active shooter drill must not be combined or conducted consecutively with any other type of emergency preparedness drill. An active shooter drill must be accompanied by an announcement prior to commencing. The announcement must use concise and age-appropriate language and, at a minimum, inform students there is no immediate danger to life and safety.

D. Notice

- 1. The charter school must provide notice of a pending active shooter drill to every student's parent or legal guardian before an active shooter drill is conducted. Whenever practicable, notice must be provided at least 24 hours in advance of a pending active shooter drill and inform the parent or legal guardian of the right to opt their student out of participating.

2. If a student is opted out of participating in an active shooter drill, no negative consequence must impact the student's general school attendance record nor may nonparticipation alone make a student ineligible to participate in or attend school activities.
3. The Commissioner must ensure the availability of alternative safety education for students who are opted out of participating or otherwise exempted from an active shooter drill. Alternative safety education must provide essential safety instruction through less sensorial safety training methods and must be appropriate for students with mobility restrictions, sensory needs, developmental or physical disabilities, mental health needs, and auditory or visual limitations.

E. Participation in Active Shooter Drills

Any student in early childhood through grade 12 must not be required to participate in an active shooter drill that does not meet the Criteria set forth above.

F. Active Shooter Simulations

A student must not be required to participate in an active shooter simulation. An active shooter simulation must not take place during regular school hours if a majority of students are present, or expected to be present, at the school. A parent or legal guardian of a student in grades 9 through 12 must have the opportunity to opt their student into participating in an active shooter simulation.

G. Violence Prevention

1. A charter school or charter school conducting an active shooter drill must provide students in middle school and high school at least one hour, or one standard class period, of violence prevention training annually.
2. The violence prevention training must be evidence-based and may be delivered in-person, virtually, or digitally. Training must, at a minimum, teach students the following:
 - a. how to identify observable warning signs and signals of an individual who may be at risk of harming oneself or others;
 - b. the importance of taking threats seriously and seeking help; and
 - c. the steps to report dangerous, violent, threatening, harmful, or potentially harmful activity, including providing information about the Department of Public Safety's statewide anonymous threat reporting system and any local threat reporting systems.
3. A charter school or charter school must ensure that students have the opportunity to contribute to their school's safety and violence prevention planning, aligned with the recommendations for multihazard planning for schools, including but not limited to:
 - a. student opportunities for leadership related to prevention and safety;
 - b. encouragement and support to students in establishing clubs and programs focused on safety; and
 - c. providing students with the opportunity to seek help from adults and to learn about prevention connected to topics including bullying, sexual harassment, sexual assault, and suicide.

H. Board Meeting

At a regularly scheduled school board meeting, a school board of a charter school that has conducted an active shooter drill must consider the following:

1. the effect of active shooter drills on the safety of students and staff; and
2. the effect of active shooter drills on the mental health and wellness of students and staff.

V. SAMPLE PROCEDURES INCLUDED IN THIS POLICY

Sample procedures for the various hazards/emergencies listed below are attached to this Policy for use when drafting specific crisis management plans. Additional sample procedures may be found in the Response section of the *Comprehensive School Safety Guide* (2011 Edition). After approval by the school board, an adopted procedure will become an addendum to the Crisis Management Policy.

- A. Fire
- B. Hazardous Materials
- C. Severe Weather: Tornado/Severe Thunderstorm/Flooding
- D. Medical Emergency
- E. Fight/Disturbance
- F. Assault
- G. Intruder
- H. Weapons
- I. Shooting
- J. Hostage
- K. Bomb Threat
- L. Chemical or Biological Threat
- M. Checklist for Telephone Threats
- N. Demonstration
- O. Suicide
- P. Lock-down Procedures
- Q. Shelter-In-Place Procedures
- R. Evacuation/Relocation
- S. Media Procedures
- T. Post-Crisis Procedures
- U. School Emergency Response Team

- V. Emergency Phone Numbers
- W. Highly Contagious Serious Illness or Pandemic Flu
- X. Bus Safety

VI. MISCELLANEOUS PROCEDURES

A. Chemical Accidents

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

B. Visitors

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

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

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

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

Legal References: Minn. Stat. Ch. 12 (Emergency Management)
Minn. Stat. Ch. 12A (Natural Disaster; State Assistance)
Minn. Stat. § 121A.035 (Crisis Management Policy)
Minn. Stat. § 121A.038 (Students Safe at School)
Minn. Stat. § 121A.06 (Reports of Dangerous Weapon Incidents in School Zones)
Minn. Stat. § 299F.30 (Fire Drill in School; Doors and Exits)
Minn. Stat. § 326B.02, Subd. 6 (Powers)
Minn. Stat. § 326B.106 (General Powers of Commissioner of Labor and Industry)
Minn. Stat. § 609.605, Subd. 4 (Trespasses)
Minn. Rules Ch. 7511 (Fire Code)
20 U.S.C. § 1681, *et seq.* (Title IX)
20 U.S.C. § 6301, *et seq.* (Every Student Succeeds Act)
20 U.S.C. § 7912 (Unsafe School Choice Option)
42 U.S.C. § 5121 *et seq.* (Disaster Relief and Emergency Assistance)

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

Resources: *Comprehensive School Safety Guide:* [Minnesota School Safety Center – Resources \(mn.gov\)](http://mn.gov/safetycenter)

Comprehensive school safety guide

The Minnesota Department of Homeland Security Emergency Management offers valuable guidance for school emergency planning. While the MnSSC Comprehensive School Safety Guide is being updated, we encourage you to explore resources from our partners at SchoolSafety.gov. Their [Foundation Elements of School Safety](#) can serve as a helpful framework for your planning efforts.]

I Love U Guys Foundation, *Standard Response Protocol*
<https://iloveuguys.org/The-Standard-Response-Protocol.html> (012325)

Safe and Sound Schools
<https://safeandsoundschools.org/> (012325)

ST. CROIX PREPARATORY ACADEMY

Adopted: 3/19/2019

Revised: _____

MSBA/MASA Model Policy 407 Charter

Orig. 1995 (as ISD Policy)

Orig. 2022 (as Charter Policy)

407 EMPLOYEE RIGHT TO KNOW – EXPOSURE TO HAZARDOUS SUBSTANCES

I. PURPOSE

The purpose of this policy is to provide charter school employees a place of employment and conditions of employment free from recognized hazards that are likely to cause death or serious injury or harm.

II. GENERAL STATEMENT OF POLICY

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

III. DEFINITIONS

- A. "Blood borne pathogen" means a pathogenic microorganism that is present in human blood and can cause disease in humans. This definition includes, but is not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).
- B. "Commissioner" means the Minnesota Commissioner of Labor and Industry.
- C. "Harmful physical agent" means a physical agent determined by the commissioner as a part of the standard for that agent to present a significant risk to worker health or safety or imminent danger of death or serious physical harm to an employee. This definition includes, but is not limited to, radiation, whether ionizing or nonionizing.
- D. "Hazardous substance" means a chemical or substance, or mixture of chemicals and substances, which:
 1. is regulated by the Federal Occupational Safety and Health Administration under the Code of Federal Regulations; or
 2. is either toxic or highly toxic; an irritant; corrosive; a strong oxidizer; a strong sensitizer; combustible; either flammable or extremely flammable; dangerously reactive; pyrophoric; pressure-generating; compressed gas; carcinogen; teratogen; mutagen; reproductive toxic agent; or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance; or
 3. is determined by the commissioner as a part of the standard for the chemical or substance or mixture of chemicals and substances to present a significant risk to worker health and safety or imminent danger of death or serious physical harm to an employee as a result of foreseeable use, handling, accidental spill, exposure, or contamination.
- E. "Infectious agent" means a communicable bacterium, rickettsia, parasites, virus, or fungus determined by the commissioner by rule, with approval of the commissioner of health, which, according to documented medical or scientific evidence, causes substantial acute or chronic illness or permanent disability as a foreseeable and direct result of any routine exposure to the infectious agent. Infectious agent does not include an agent in or on the body of a patient before diagnosis.

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

IV. TARGET JOB CATEGORIES

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

V. TRAINING SCHEDULE

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

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

Legal References: Minn. Stat. Ch. 182 (Occupational Safety and Health)
Minn. Rules Ch. 5205 (Occupational Safety and Health Standards)
Minn. Rules Ch. 5206 (Hazardous Substances; Employee Right to Know Standards)
29 C.F.R. § 1910.1050, App. B (Substance Technical Guidelines)

Cross References: MSBA/MASA Model Policy 420 (Students and Employees with Sexually Transmitted Infections and Diseases and Certain Other Communicable Diseases and Infectious Conditions)

ST. CROIX PREPARATORY ACADEMY

Adopted: 08/20/2019

Revised: _____

MSBA/MASA Model Policy 415 Charter

Orig. 1995 (as ISD Policy)

Orig. 2022 (as Charter Policy)

415 MANDATED REPORTING OF MALTREATMENT OF VULNERABLE ADULTS

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

III. DEFINITIONS

- A. "Abuse" means:
 1. An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of: (1) assault in the first through fifth degrees as defined in Minnesota Statutes, sections 609.221 to 609.224; (2) the use of drugs to injure or facilitate crime as defined in Minnesota Statutes, section 609.235; (3) the solicitation, inducement, and promotion of prostitution as defined in Minnesota Statutes, section 609.322; and (4) criminal sexual conduct in the first through fifth degrees as defined in Minnesota Statutes, sections 609.342 to 609.3451. A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction.
 2. Conduct which is not an accident or therapeutic conduct as defined in Minnesota Statutes, section 626.5572 which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following: (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult; (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening; (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and (4) use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under Minnesota Statutes, section 245.825.
 3. Any sexual contact or penetration as defined in Minnesota Statutes, section 609.341 between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility.
 4. The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another.

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

- B. "Caregiver" means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement.
- C. "Common entry point" means the entity responsible for receiving reports of alleged or suspected maltreatment of a vulnerable adult and designated by the Commissioner of the Minnesota Department of Human Services as the MN Adult Abuse Reporting Center (MAARC).
- D. "Financial exploitation" means a breach of a fiduciary duty by an actor's unauthorized expenditure of funds entrusted to the actor for the benefit of the vulnerable adult or by an actor's failure to provide food, clothing, shelter, health care, therapeutic conduct or supervision, the failure of which results or is likely to result in detriment to the vulnerable adult. Financial exploitation also includes: the willful use, withholding or disposal of funds or property of a vulnerable adult; the obtaining of services for wrongful profit or advantage which results in detriment to the vulnerable adult; the acquisition of a vulnerable adult's funds or property through undue influence, harassment, duress, deception or fraud; and the use of force, coercion, or enticement to cause a vulnerable adult to perform services against the vulnerable adult's will for the profit or advantage of another.
- E. "Immediately" means as soon as possible, but no longer than twenty-four (24) hours from the time initial knowledge that the incident occurred has been received.
- F. "Mandated reporter" means a professional or professional's delegate while engaged in education.
- G. "Maltreatment" means the neglect, abuse, or financial exploitation of a vulnerable adult.
- H. "Neglect" means the failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care, or supervision which is: (1) reasonable and necessary to obtain or maintain the vulnerable adult's physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and (2) which is not the result of an accident or therapeutic conduct.
- I. Neglect also means the absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health of the vulnerable adult which a reasonable person would deem essential to obtain or maintain the vulnerable adult's health, safety, or comfort considering the physical or mental capacity or dysfunction of the vulnerable adult. Neglect does not include actions specifically excluded by Minnesota Statutes, section 626.5572, subdivision 17.
- J. "School personnel" means professional employees or their delegates of the charter school engaged in providing health, educational, social, psychological, law enforcement, or other caretaking services of vulnerable adults.
- K. "Vulnerable adult" means any person eighteen (18) years of age or older who: (1) is a resident or inpatient of a facility; (2) receives services required to be licensed under Minnesota Statutes, chapter 245A, except as excluded under Minnesota Statutes, section 626.5572, subdivision 21(a)(2); (3) receives services from a licensed home care provider or person or organization that offers, provides, or arranges for personal care assistance services under the medical assistance program; or (4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the ²⁰³

individual's ability to provide adequately for the individual's own care without assistance or supervision and, because of the dysfunction or infirmity and need for care or services, has an impaired ability to protect the individual's self from maltreatment.

IV. REPORTING PROCEDURES

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

V. INVESTIGATION

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

VI. DISSEMINATION OF POLICY AND TRAINING

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

Legal References: Minn. Stat. § 13.02 (Government Data Practices; Definitions)
Minn. Stat. Ch. 245A (Human Services Licensing)
Minn. Stat. § 245.825 (Aversive and Deprivation Procedures; Licensed Facilities and Services)
Minn. Stat. §§ 609.221-609.224 (Assault)
Minn. Stat. § 609.232 (Crimes Against Vulnerable Adults; Definitions)
Minn. Stat. § 609.235 (Use²⁰⁴ of Drugs to Injure or Facilitate Crime)

Minn. Stat. § 609.322 (Solicitation, Inducement, and Promotion of Prostitution; Sex Trafficking)
Minn. Stat. § 609.341 (Definitions)
Minn. Stat. §§ 609.342-609.3451 (Criminal Sexual Conduct)
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)
Minn. Stat. § 626.5572 (Definitions)
In re Kleven, 736 N.W.2d 707 (Minn. App. 2007)

Cross References: MSBA/MASA Model Policy 103 (Complaints – Students, Employees, Parents, Other Persons)
MSBA/MASA Model Policy 211 (Criminal or Civil Action Against Charter School, School Board Member, Employee, or Student)
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)

Quarterly School Administrator Report

General Information

Administrator Name: Joann Karetov

School/Division: Lower School

Quarter & Year: Section 1: Quarter 1 2025

Section 1: SWOT Analysis

Category	Details (examples included, replace with your entries)
Strengths/Celebrations	Examples: Increased student achievement in math; Strong extracurricular participation 1. Curriculum work 2. Focus on character/Walk the Talk 3. Over enrolled by 4 students/Onboarding new students
Weaknesses	Examples: High teacher turnover in specific departments; Limited technology integration 1. Staff resignations throughout the year 2. Our later school day has been a transition 3. New staff=every day being new 4. Not fully staffed
Opportunities	Examples: New state grants for STEM programs; Partnerships with local businesses 1. Exploring transportation alternatives to address start and end times 2. Data analysis reviews; end of Q2 is near. WIN time is revamping/data driven. 3. Implementation of READ Act training- still ongoing
Threats	Examples: Declining student enrollment; Legislative funding cuts 1. Funding for next level of screenings for struggling readers by using/implementing Capti.

	<ol style="list-style-type: none"> 2. Is QComp going away from state legislature? 3. Adapting to new paper STEP tests and not having STEP wall 4. Upcoming assessment requirements taking more time/money next year (kindergarten, DIBEL mClass)
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Section 2: Addressing Weaknesses and Threats

Question: What steps are being taken to address the identified weaknesses and threats?

Response:

Weaknesses	<p>Examples: High teacher turnover in specific departments; Limited technology integration</p> <ol style="list-style-type: none"> 1. New teachers getting support for learning everything new, plus new expectations. 2. Addressing quickness of bus departures in the p.m. 3. READ Act training for new staff and EAs/paras (time consuming) 4. No applicants for vacant positions (at time of this report).
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Threats	<p>Examples: Declining student enrollment; Legislative funding cuts</p> <ol style="list-style-type: none"> 1. Only testing necessary students so not pulled from instruction for more assessments. 2. Monitoring local and federal legislature. Attending MN law conference in November. 3. Analyzing created documents; practicing and tweaking as necessary; spreadsheet created to emulate STEP wall (requires teacher to input instead of automatic calculations).
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Section 3: Family and Community Engagement

Prompt	Response
How have you engaged families to support student learning and school initiatives this quarter?	Fall Conferences Parent meetings Weekly classroom newsletters Monthly Paw Print Scheduled Book Study for parents (The Anxious Generation)
How have you collaborated with staff to build a positive school culture and support instructional goals?	Individual Goal Meetings with teachers Division meetings Focus on Character “Walking the talk” staff-created document Grade level meetings Daily “today i will” inspiration based on author of this year’s spirit week Jerry Spinelli Birthday breakfast 1X/month Best Intentions workgroup - Q1 outing (successful); Q3 outing scheduled.
What new strategies or practices are being introduced to strengthen family-school-staff partnerships?	Continued reminders to communicate with families. Book Study for parents. New staff discussions on Prep culture.

Section 4: Additional Notes & Future Planning

Upcoming priorities for next quarter: Data reviews; Curriculum reviews (ELA and social studies alignment to Core Knowledge/state standards); Intentional WIN Time support for students based on data.

Anticipated challenges and mitigation strategies: Continued training for new staff and students.

Support requested from the School Board: None at this time.

Quarterly School Administrator Report

General Information

Administrator Name: Amy Kleinboehl

School/Division: SCPA/Middle School

Quarter & Year: Section 1: Q2/2025

Section 1: SWOT Analysis

Category	Details (examples included, replace with your entries)
Strengths/Celebrations	Examples: Increased student achievement in math; Strong extracurricular participation 1. Buddy Days continue to be a highlight 2. Weekly communication to 5th and 6th grade families 3 <i>Leading with Character</i> in Teams 4. Math and Reading Intervention
Weaknesses	Examples: High teacher turnover in specific departments; Limited technology integration 1. Later start/end times 2. Increase in student behaviors 3. Advisory Year Long Plan
Opportunities	Examples: New state grants for STEM programs; Partnerships with local businesses 1. Explore transportation alternatives to address start and end times. (Other charter and private schools). 2. Implementation of Read Act Training - Tier 2 3. College and Career Readiness in Advisory
Threats	Examples: Declining student enrollment; Legislative funding cuts 1. Legislative funding cuts - Q Comp, SPED 2. Funding around the implementation of Capti

Section 2: Addressing Weaknesses and Threats

Question: What steps are being taken to address the identified weaknesses and threats?

Response:

- Creating a behavior matrix to address the increase in student behaviors and classroom distractions.
- Using Ramp-up lessons in advisory to work towards a more comprehensive college and career readiness.

Section 3: Family and Community Engagement

Prompt	Response
How have you engaged families to support student learning and school initiatives this quarter?	Quarterly middle school office communication, weekly communication from the 5th and 6th grade teams.
How have you collaborated with staff to build a positive school culture and support instructional goals?	We meet monthly as a middle school team. We talk through division successes, challenges, and things coming up. Grade levels also meet once a month to discuss different things in their teams. This could include content, student concerns, overall grade level trends, and advisory plans.
What new strategies or practices are being introduced to strengthen family-school-staff partnerships?	Parent Group - trying to attend more parent group meetings. MS Dance - Partnership with parent group and MS student council. This was a huge success!

Section 4: Additional Notes & Future Planning

Upcoming priorities for next quarter: Creating a behavior matrix

Anticipated challenges and mitigation strategies: The implementation of anything new always creates a slow change and acceptance process.

Support requested from the School Board: None at this time.

Quarterly School Administrator Report

General Information

Administrator Name: Peggy Rosell

School/Division: Director of Student Support Services

Quarter & Year: Quarter 2; 2025/2026

Section 1: SWOT Analysis

Category	Details (examples included, replace with your entries)
Strengths/Celebrations	<ol style="list-style-type: none">1. Alternative Delivery of Specialized Instructional Services (ADSS) interventions (Math, Reading, and Behavior) at the LS and MS levels.2. Improved paraprofessional staffing - hired 2.3.
Weaknesses	<ol style="list-style-type: none">1. Continue to be short-staffed with paraprofessionals in the US.2. Late start/end times.3. School-wide MTSS (Multi-tiered System of Supports) process
Opportunities	<ol style="list-style-type: none">1. Explore transportation alternatives to address start and end times.2. Implementation of the Capti reading screener, grades 4-12.3.
Threats	<ol style="list-style-type: none">1. SpEd funding cuts2. Funding for implementing CAPTI.3.

Section 2: Addressing Weaknesses and Threats

Question: What steps are being taken to address the identified weaknesses and threats?

Response:

- Funding unknowns - staying informed by watching and reading updates as they happen to prepare an appropriate response.
- Staffing: explore creative ways to fill gaps in paraprofessional coverage.
- Meeting with a small group to define and develop an MTSS framework for Prep.

Section 3: Family and Community Engagement

Prompt	Response
How have you engaged families to support student learning and school initiatives this quarter?	Responding to parent requests for 504 Plan or special education evaluations.
How have you collaborated with staff to build a positive school culture and support instructional goals?	Biweekly meetings are scheduled with each division SpEd team. 1:1 meetings are scheduled with the Health Office and EL teacher, and a biweekly meeting with school counselors.
What new strategies or practices are being introduced to strengthen family-school-staff partnerships?	Scheduled to attend Parent Group Meeting

Section 4: Additional Notes & Future Planning

Upcoming priorities for next quarter:

- Complete round 1 of observations for direct reports.
- Weekly meetings with School Counselors and MS Teaching & Learning Coordinator to work on MTSS.
- Plan Special Education Parent Advisory Council meeting date and agenda.

Anticipated challenges and mitigation strategies:

Support requested from the School Board: None at this time.



Quarterly School Administrator Report

General Information

Administrator Name: Andrew Sachariason

School/Division: Prep Upper School

Quarter & Year: Q1 2025

Section 1: SWOT Analysis

Strengths/Celebrations

New Teacher Training Preparation

Back to School Week with all staff

Freshman Orientation, Senior Breakfast/Senior Sunrise, Homecoming Planning Student Council, Buddy Day #1, Marathon Planning and Incentives,

US News and World Report - finally

Completed New Student 1-1 meetings discussing schedules, answering any questions, and reviewing email procedures.

20 New locker bay set up in the athletic hallway for seniors

A great team of teachers, Deanna Thompson has been extremely helpful in the Upper School with the resignation of Elaine Bransford.

Weaknesses/Challenges

PSEO - 28 Students Currently enrolled in both part time and full time.

11th - 18/12th - 10 - larger number of full and part time PSEO students. Roughly 50% are full time

Elaine Bransford - Upper School Teaching and Learning Coordinator resigned.

Onboarding New Teachers correctly without a TLC

Will Q Comp remain a priority at the Department of Education?

READ Act implementation and impact on Upper School - making it make sense.

Opportunities

Examples: New state grants for STEM programs; Partnerships with local businesses

Teaching and Learning Position responsibilities will be absorbed by Andrew along with support from Deanna Thompson and Nicole Donnay

New Family Outreach is happening

Working with Monica Davis on Foundation work focused on Alumni and Career Day

Current Enrollment

9th - 106

10th - 96

11th - 104

12th - 99

Total - 405

Explore transportation alternatives that promote stronger school hours.

Threats

Fears of accounting issues at other schools - change teacher's salaries i.e. Seven Hills.

PSEO. This year, 7 full time PSEO students returned to Prep this year FULL time.

School Times - lots of challenges with missing school for early release athletics

32 students were enrolled in the Upper School taking "a spot" last summer and DID NOT end up attending Prep. We are examining ways to prevent some of this, but most explained that the lack of bussing, later start times, and the inability to get siblings into Prep were their rationale.

Section 2: Addressing Weaknesses and Threats

Response: 1-1 Meetings are helpful for me in determining weaknesses and threats. I have also worked closely with a number of parents who have shared unintentional weaknesses in my processes. For example, communication with students during

schedule requests prior to school was not as beneficial as some had hoped. I have met with parents who offered helpful suggestions and am planning on applying those next year to improve overall satisfaction.

Section 3: Family and Community Engagement

Family Engagement:

We have a lot of opportunities to meet with families throughout the summer. I am hoping to provide a stronger structure to bring in potential families earlier in the summer to offer more information that will help families make an informed decision about attending Prep.

Early Student Study Team meetings are providing insights into our new students and where they are academically. I recently completed new student 1-1 meetings sitting down with each student to check in and answer questions.

We also have 3 exchange students this year, Emily from France, Aisha from Brazil, and Patricia from Spain.

Ongoing communication is happening with announcements and Parent Update.

Team Culture and Collaboration:

As Principal of the Upper School, it is important to me that teachers are supported. Our instructional efforts are challenging, and this can be difficult for students new to our school. School Culture is a big factor in making this work. Our efforts to share expectations and build rapport quickly result in an ongoing loop of student growth, professional satisfaction, and targeted coaching/professional development.

We are currently reviewing individual goal setting and opening year opportunities for further discussion.

Family/School Partnerships

Response: Nothing New. Family-Staff partnerships are important. We have hosted an “Open House” with staff presentations allowing families to get to know teachers and classroom expectations. Parents and Students were able to ask questions and share expectations. Staff are empowered to share key expectations with families as well

Deans are continuing their development with a commitment to improving attendance and upholding school behavioral expectations. Rita and Pat have helped set the tone

this year, also, a tremendous amount of work has been focused on improving study hall expectations.

Ongoing conversations with parents about how to help out and working with new students to feel comfortable and ready to learn each day.

Section 4: Additional Notes & Future Planning

As we look ahead into Q2, I am looking to develop thoughtful ongoing Professional Development within the building. I am hoping to help support our new teachers with clearly defined expectations and support as needed.

I would like to explore the connection between bussing, school hours, and our calendar to ensure a brighter future for our kids and families.

ST. CROIX PREPARATORY ACADEMY

Policy # SCPA-707

Adopted: 7/16/2024

Revised: _____

MSBA/MASA Model Policy 202 Charter

Orig. 1995 (as ISD Policy)

Orig. 2022 (as Charter Policy)

Rev. 2024

202 CHARTER SCHOOL BOARD OFFICERS

I. PURPOSE

The purpose of this policy is to create a formal process for the yearly election of SCPA Board Officers. This policy applies to the SCPA Board Officer positions of Chair, Vice-Chair, Treasurer, and Board Clerk (SCPA Bylaws Article V Section 1).

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

II. GENERAL STATEMENT OF POLICY

- A. The charter school board shall meet annually and organize by selecting a chair, a clerk, a treasurer, and such other officers as determined by the charter school board. At its option, the charter school board may appoint a vice-chair to serve in the temporary absence of the chair.
- B. The chief financial officer and the chief administrator may only serve as ex-officio nonvoting board members.

III. ORGANIZATION

- A. The charter school board shall meet annually at the June meeting, or as soon thereafter as practicable, and organize by selecting a chair, a clerk, a treasurer, and such other officers as determined by the charter school board. These officers shall hold office for one year and until their successors are elected and qualified.
- B. The persons who perform the duties of clerk and treasurer need not be members of the charter school board.
- C. The charter school board by resolution may combine the duties of the offices of clerk and treasurer in a single person in the office of business affairs.
- D. Every year at the June meeting, nominations will be given for each Board Officer position, Chair, Vice-Chair, Treasurer, and Board Clerk.
- E. Voting will follow each of the nominations and Board Officer positions will be determined by a majority vote.
- F. SCPA Board Officer positions are one year terms and will run from June to June.
- G. The Chair and Vice-Chair positions: It is preferred that the Chair and Vice-Chair have one year of previous experience serving on the SCPA Board.

IV. OFFICER'S RESPONSIBILITIES

- A. The charter school officers shall have the responsibilities and exercise the functions set forth in Minnesota Statutes, section 317A.305, the charter school Bylaws, and this policy.

B. Chair

1. The chair shall exercise the functions of the office of president of the charter school corporation as set forth in Minnesota Statutes, section 317A.305.
2. The chair, when present, shall preside at all meetings of the charter school board, countersign all orders upon the treasurer for claims allowed by the charter school board, represent the charter school in all actions, and perform all duties a chair usually performs.
2. In case of absence, inability, or refusal of the clerk to draw orders for the payment of money authorized by a vote of the majority of the charter school board to be paid, the chair may draw the orders, or the office of the clerk may be declared vacant by the chair and treasurer and filled by appointment.

C. Treasurer

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

D. Clerk

1. The clerk shall keep a record of all meetings in the books provided.
2. Within three days after an election, the clerk shall notify all persons elected of their election.
3. On or before September 15 of each year, the clerk shall:
 - a. file with the charter school board a report of the revenues, expenditures, and balances in each fund for the preceding fiscal year.
 - b. make and transmit to the commissioner certified reports, showing:
 - (1) revenues and expenditures in detail, and such other financial information required by law, rule, or as may be called for by the commissioner;
 - (2) length of school term and enrollment and attendance by grades; and
 - (3) other items of information as called for by the commissioner.
4. The clerk shall enter into the clerk's record book copies of all reports and of the teachers' term reports, and of the proceedings of any meeting, and keep an itemized account of all expenses of the charter school.
5. The clerk shall draw and sign all orders upon the treasurer for the payment of money for bills allowed by the charter school board for salaries of officers and for teachers' wages and all claims, to be countersigned by the chair.
6. The clerk shall perform such duties as required by the Minnesota Election Law or other applicable laws relating to the conduct of elections.
7. The clerk shall perform the duties of the chair in the event of the chair's and

the vice-chair's temporary absences.

E. Vice-Chair [Optional]

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

F. Executive Director

1. The Executive Director shall be an ex officio, nonvoting member of the charter school board.
2. The Executive Director shall perform the following:
 - a. supervise the charter school, report and make recommendations about their condition when advisable or on request by the charter school board;
 - b. recommend to the charter school board employment and dismissal of teachers;
 - c. annually evaluate each employee assigned responsibility for supervising the school;
 - d. superintend school grading practices and examinations for promotions;
 - e. make reports required by the Minnesota Commissioner of Education; and
 - f. perform other duties prescribed by the charter school board.

Legal References: Minn. Stat. Ch. 124E (Charter Schools)
Minn. Stat. § 317A.305 (Duties of Required Officers)

Cross References: MSBA/MASA Model Policy 101 (Legal Status of the Charter School)
MSBA/MASA Model Policy 201 (Legal Status of the Charter School Board of Directors)
MSBA/MASA Model Policy 203 (Operation of the Charter School Board – Governing Rules)

ST. CROIX PREPARATORY ACADEMY

Adopted: 12/17/2024

Revised: _____

MSBA/MASA Model Policy 404 Charter

Orig. 1995 (as ISD Policy)

Orig. 2022 (as Charter Policy)

404 EMPLOYMENT BACKGROUND CHECKS

I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment at St. Croix Preparatory Academy (SCPA). SCPA in order to promote the physical, social, and psychological well-being of its students. To that end, the charter school will seek a criminal history background check for applicants who receive an offer of employment with the charter school and on all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services to SCPA, regardless of whether any compensation is paid, or such other background checks as provided by this policy. SCPA may also elect to do background checks of other volunteers, independent contractors, and student employees in the charter school.

II. GENERAL STATEMENT OF POLICY

- A. SCPA shall require that applicants for charter school positions who receive an offer of employment and all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services to SCPA, regardless of whether any compensation is paid, submit to a criminal history background check. The offer of employment or the opportunity to provide services shall be conditioned upon a determination by SCPA that an individual's criminal history does not preclude the individual from employment with, or provision of services to SCPA.
- B. SCPA specifically reserves any and all rights it may have to conduct background checks regarding current employees, applicants, or service providers without the consent of such individuals.
- C. Adherence to this policy by SCPA shall in no way limit SCPA's right to require additional information, or to use procedures currently in place or other procedures to gain additional background information concerning employees, applicants, volunteers, service providers, independent contractors, and student employees.

III. PROCEDURES

- A. Normally an individual will not commence employment or provide services until SCPA receives the results of the criminal history background check. SCPA may conditionally hire an applicant or allow an individual to provide services pending completion of the background check but shall notify the individual that the individual's employment or opportunity to provide services may be terminated based on the result of the background check. Background checks will be performed by the Minnesota Bureau of Criminal Apprehension (BCA). The BCA shall conduct the background check by retrieving criminal history data as defined in Minnesota Statutes, section 13.87. SCPA reserves the right to also have criminal history background checks conducted by other organizations or agencies.
- B. In order for an individual to be eligible for employment or to provide athletic coaching services or other extracurricular academic coaching services to SCPA, except for an enrolled student volunteer, the individual must sign a criminal history consent form, which provides permission for SCPA to conduct a criminal history background check, and provide a money order or check payable to either the BCA or to SCPA, at the election of SCPA, in an amount equal to the actual cost to the BCA and SCPA of

conducting the criminal history background check. The cost of the criminal history background check is the responsibility of the individual, unless SCPA decides to pay the costs for a volunteer, an independent contractor, or a student employee. If the individual fails to provide SCPA with a signed Informed Consent Form and fee at the time the individual receives a job offer, or permission to provide services, the individual will be considered to have voluntarily withdrawn the application for employment or request to provide services.

- C. The charter school, in its discretion, may elect not to request a criminal history background check on an individual who holds an initial entrance license issued by the Minnesota Professional Educator Licensing and Standards Board or the Minnesota Commissioner of Education within the twelve (12) months preceding an offer of employment or permission to provide services.
- D. The charter school may use the results of a criminal background check conducted at the request of another school hiring authority if:
 - 1. the results of the criminal background check are on file with the other school hiring authority or otherwise accessible;
 - 2. the other school hiring authority conducted a criminal background check within the previous twelve (12) months;
 - 3. the individual executes a written consent form giving the charter school access to the results of the check; and
 - 4. there is no reason to believe that the individual has committed an act subsequent to the check that would disqualify the individual for employment or provision of services.
- E. For all nonstate residents who are offered employment with or the opportunity to provide athletic coaching services or other extracurricular academic coaching services to SCPA, SCPA shall request a criminal history background check on such individuals from the executive director of the BCA and from the government agency performing the same function in the resident state or, if no government entity performs the same function in the resident state, from the Federal Bureau of Investigation. The offer of employment or the opportunity to provide services shall be conditioned upon a determination by SCPA that an individual's criminal history does not preclude the individual from employment with, or provision of services to SCPA. Such individuals must provide an executed criminal history consent form.
- F. When required, individuals must provide fingerprints to assist in a criminal history background check. If the fingerprints provided by the individual are unusable, the individual will be required to submit another set of prints.
- G. Copies of this policy shall be available at SCPA's employment office and will be distributed to applicants for employment and individuals who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services upon request. The need to submit to a criminal history background check may be included with the basic criteria for employment or provision of services in the position posting and position advertisements.
- H. The individual will be informed of the results of the criminal background check(s) to the extent required by law.
- I. If the criminal history background check precludes employment with, or provision of services to SCPA, the individual will be advised.
- J. SCPA may apply these procedures to other volunteers, independent contractors, or student employees.

K. At the beginning of each school year or when a student enrolls, SCPA may notify parents and guardians about this policy and identify those positions subject to a background check and the extent of SCPA's discretion in requiring a background check. SCPA may include this notice in its student handbook, a school policy guide, or other similar communication. A form notice for this purpose is included with this policy.

IV. CRIMINAL HISTORY CONSENT FORM

An on-line background check authorization form may be found on www.stcroixprep.org. A paper authorization form may be obtained at SCPA's main office and may be submitted in a sealed envelope.

Legal References: Minn. Stat. § 13.04, Subd. 4 (Rights of Subjects of Data)
Minn. Stat. § 13.87, Subd. 1 (Criminal History Data)
Minn. Stat. § 123B.03 (Background Check)
Minn. Stat. §§ 299C.60-299C.64 (Minnesota Child, Elder, and Individuals with Disabilities Protection Background Check Act)
Minn. Stat. § 364.09(b) (Exceptions)

Cross References: None

ST. CROIX PREPARATORY ACADEMY

Adopted: 8/20/2019

Revised: _____

MSBA/MASA Model Policy 414 Charter

Orig. 1995 (as ISD Policy)

Orig. 2022 (as Charter Policy)

414 MANDATED REPORTING OF CHILD NEGLECT OR PHYSICAL OR SEXUAL ABUSE

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. The policy of the charter school is to fully comply with Minnesota Statutes, chapter 260E requiring school personnel to report suspected child neglect or physical or sexual abuse.
- B. A violation of this policy occurs when any charter school personnel fails to immediately report instances of child neglect or physical or sexual abuse when school personnel knows or has reason to believe a child is being neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years.

III. DEFINITIONS

- A. "Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence or event that:
 1. is not likely to occur and could not have been prevented by exercise of due care; and
 2. if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence of event.
- B. "Child" means one under age 18 and, for purposes of Minnesota Statutes, chapter 260C (Juvenile Safety and Placement) and Minnesota Statutes, chapter 260D (Child in Voluntary Foster Care for Treatment), includes an individual under age 21 who is in foster care pursuant to Minnesota Statutes, chapter 260C.451 (Foster Care Benefits Past Age 18).
- C. "Immediately" means as soon as possible but in no event longer than 24 hours.
- D. "Mandated reporter" means any charter school personnel who knows or has reason to believe a child is being maltreated or has been maltreated within the preceding three years.
- E. "Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.
- F. "Neglect" means the commission or omission of any of the acts specified below, other than by accidental means:
 1. failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health care, medical, or other care required

for the child's physical or mental health when reasonably able to do so;

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

Neglect does not occur solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care.

G. "Nonmaltreatment mistake" occurs when: (1) at the time of the incident, the individual was performing duties identified in the center's child care program plan required under Minnesota Rules, part 9503.0045; (2) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years; (3) the individual has not been determined to have committed a similar nonmaltreatment mistake under this paragraph for at least four years; (4) any injury to a child resulting from the incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical professional or not; and (5) except for the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing requirements relevant to the incident. This definition only applies to child care centers licensed under Minnesota Rules, chapter 9503.

H. "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employee or agent, or other

lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

I. "Physical abuse" means any physical injury, mental injury (under subdivision 13), or threatened injury (under subdivision 23), inflicted by a person responsible for the child's care on a child other than by accidental means; or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive or deprivation procedures, or regulated interventions, that have not been authorized by Minnesota Statutes, section 125A.0942 or 245.825.

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

Actions that are not reasonable and moderate include, but are not limited to, any of the following: (1) throwing, kicking, burning, biting, or cutting a child; (2) striking a child with a closed fist; (3) shaking a child under age three; (4) striking or other actions that result in any nonaccidental injury to a child under 18 months of age; (5) unreasonable interference with a child's breathing; (6) threatening a child with a weapon, as defined in Minnesota Statutes, section 609.02, subdivision 6; (7) striking a child under age one on the face or head; (8) striking a child who is at least age one but under age four on the face or head, which results in an injury; (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances that were not prescribed for the child by a practitioner, in order to control or punish the child, or other substances that substantially affect the child's behavior, motor coordination, or judgment, or that result in sickness or internal injury, or that subject the child to medical procedures that would be unnecessary if the child were not exposed to the substances; (10) unreasonable physical confinement or restraint not permitted under Minnesota Statutes, section 609.379, including, but not limited to, tying, caging, or chaining; or (11) in a school facility or school zone, an act by a person responsible for the child's care that is a violation under Minnesota Statutes, section 121A.58.

J. "Report" means any communication received by the local welfare agency, police department, county sheriff, or agency responsible for child protection pursuant to this section that describes maltreatment of a child and contains sufficient content to identify the child and any person believed to be responsible for the maltreatment, if known.

K. "School personnel" means professional employee or professional's delegate of the charter school who provides health, educational, social, psychological, law enforcement, or child care services.

L. "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child (as defined in Minnesota Statutes, section 609.341, subdivision 15), or by a person in a current or recent position of authority (as defined in Minnesota Statutes, section 609.341, subdivision 10) to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct. Such acts include sexual penetration, sexual contact, solicitation of children to engage in sexual conduct, and communication of sexually explicit materials to children. Sexual abuse also includes any act involving a minor that constitutes a violation of Minnesota statutes prohibiting prostitution or use of a minor in a sexual performance. Sexual abuse includes all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation that requires registration under Minnesota Statutes, section 243.166, subdivision 1b(a) or (b) (Registration of Predatory Offenders).

M. "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care who has (1) subjected the child to, or failed to protect a child from, an overt act or condition that constitutes egregious harm under Minnesota Statutes, section 260E.03, subdivision 5, or a similar law of another jurisdiction; (2) been found to be palpably unfit under Minnesota Statutes, section 260C.301, subdivision 1, paragraph (b), clause 3, or a similar law of another jurisdiction; (3) committed an act that resulted in an involuntary termination of parental rights; or (4) or committed an act that resulted in the involuntary transfer of permanent legal and physical custody of a child to a relative or parent under Minnesota Statutes, section 260C.515, subdivision 4, or a similar law of another jurisdiction.

IV. REPORTING PROCEDURES

- A. A mandated reporter shall immediately report the information to the local welfare agency, agency responsible for assessing or investigating the report, police department, county sheriff, tribal social services agency, or tribal police department. The reporter will include his or her name and address in the report.
- B. An oral report shall be made immediately by telephone or otherwise. The oral report shall be followed by a written report within 72 hours (exclusive of weekends and holidays) to the appropriate police department, the county sheriff, local welfare agency, or agency responsible for assessing or investigating the report. Any report shall be of sufficient content to identify the child, any person believed to be responsible for the maltreatment of the child if the person is known, the nature and extent of the maltreatment, and the name and address of the reporter.
- C. Regardless of whether a report is made, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident has occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.
- D. A mandated reporter who knows or has reason to know of the deprivation of custodial or parental rights or the kidnapping of a child shall report the information to the local police department or the county sheriff.
- E. With the exception of a health care professional or a social service professional who is providing the woman with prenatal care or other health care services, a mandated reporter shall immediately report to the local welfare agency if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive.
- F. A person mandated by Minnesota law and this policy to report who fails to report may be subject to criminal penalties and/or discipline, up to and including termination of employment.
- G. An employer of a mandated reporter shall not retaliate against the person for reporting in good faith maltreatment against a child with respect to whom a report is made, because of the report.
- H. Any person who knowingly or recklessly makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury, plus costs and reasonable attorney fees. Knowingly or

recklessly making a false report also may result in discipline.

V. INVESTIGATION

- A. The responsibility for assessing or investigating reports of suspected maltreatment rests with the appropriate state, county, or local agency or agencies. The agency responsible for assessing or investigating reports of maltreatment has the authority to interview the child, the person or persons responsible for the child's care, the alleged offender, and any other person with knowledge of the maltreatment for the purpose of gathering facts, assessing safety and risk to the child, and formulating a plan. The investigating agency may interview the child at school. The interview may take place outside the presence of the alleged offender or parent, legal guardian, or school official. The investigating agency, not the school, is responsible for either notifying or withholding notification of the interview to the parent, guardian, or person responsible for the child's care. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded.
- B. When the investigating agency determines that an interview should take place on school property, written notification of intent to interview the child on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property.
- C. Except where the alleged offender is believed to be a school official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare or law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable, and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school officials and the local welfare or law enforcement agency. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school employees when an interview is conducted on school premises.
- D. Where the alleged offender is believed to be a school official or employee, the charter school shall conduct its own investigation independent of MDE and, if involved, the local welfare or law enforcement agency.
- E. Upon request by MDE, the charter school shall provide all requested data that are relevant to a report of maltreatment and are in the possession of a school facility, pursuant to an assessment or investigation of a maltreatment report of a student in school. The charter school shall provide the requested data in accordance with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13, and the Family Educational Rights and Privacy Act, 20 United States Code, section 1232g.

VI. MAINTENANCE OF SCHOOL RECORDS CONCERNING ABUSE OR POTENTIAL ABUSE

- A. When a local welfare or local law enforcement agency determines that a potentially abused or abused child should be interviewed on school property, written notification of the agency's intent to interview on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct the interview. The notification shall be private data. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notice or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation has been concluded.

B. All records regarding a report of maltreatment, including any notification of intent to interview which was received by the school as described above in Paragraph A., shall be destroyed by the school only when ordered by the agency conducting the investigation or by a court of competent jurisdiction.

VII. PHYSICAL OR SEXUAL ABUSE AS SEXUAL HARASSMENT OR VIOLENCE

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

VIII. DISSEMINATION OF POLICY AND TRAINING

- A. This policy shall appear in charter school personnel handbooks.
- B. The Executive Director will develop a method of discussing this policy with school personnel.
- C. This policy shall be reviewed regularly for compliance with state law.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 121A.58 (Corporal Punishment)
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)
Minn. Stat. § 125A.0942 (Standards for Restrictive Procedures)
Minn. Stat. § 243.166, Subd. 1b(a)(b) (Registration of Predatory Offenders)
Minn. Stat. § 245.825 (Use of Aversive or Deprivation Procedures)
Minn. Stat. § 260C.007, Subd. 6, Clause (5) (Child in Need of Protection)
Minn. Stat. § 260C.301 (Termination of Parental Rights)
Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18)
Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment)
Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)
Minn. Stat. § 609.02, Subd. 6 (Definitions – Dangerous Weapon)
Minn. Stat. § 609.341, Subd. 10 (Definitions – Position of Authority)
Minn. Stat. § 609.341, Subd. 15 (Definitions – Significant Relationship)
Minn. Stat. § 609.379 (Reasonable Force)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)

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

ANNUAL FINANCIAL REPORT

ST. CROIX PREPARATORY ACADEMY
STILLWATER, MINNESOTA

FOR THE YEAR ENDED
JUNE 30, 2025

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St Croix Preparatory Academy
 Stillwater, Minnesota
 Annual Financial Report
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 For the Year Ended June 30, 2025

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INTRODUCTORY SECTION

ST CROIX PREPATORY ACADEMY
STILLWATER, MINNESOTA

FOR THE YEAR ENDED
JUNE 30, 2025

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St Croix Preparatory Academy
 Stillwater, Minnesota
 Board of Education and Administration
 For the Year Ended June 30, 2025

School Board

Name	Position
Bob Hajlo	Chairperson
Terri Gulbrandson	Vice Chairperson
Deb Keyes	Member
Angela Galati	Clerk
Rita Thorson	Member
Danielle Smith	Treasurer
Jeff Johnson	Member

Building Company Board

Kristine Fisher	Director
Kelly Gutierrez	Treasurer
Dan Mehls	Chair
Bill Blotske	Secretary

Advisory Board

Dr. Jenn Fuchs	Executive Director
Kelly Gutierrez	Executive Director - Finance and Operations
Joann Karetov	Lower School Principal
Amy Kleinbeohl	Middle School Principal
Andrew Sachariason	Upper School Principal
Peggy Rosell	Director of Student Support Services

Administration

Dr. Jenn Fuchs	Executive Director
Kelly Gutierrez	Executive Director - Finance and Operations

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FINANCIAL SECTION
ST CROIX PREPATORY ACADEMY
STILLWATER, MINNESOTA

FOR THE YEAR ENDED
JUNE 30, 2025

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INDEPENDENT AUDITOR'S REPORT

Board of Education
St Croix Preparatory Academy
Stillwater, Minnesota

Opinions

We have audited the accompanying financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of St Croix Preparatory Academy, (the Charter School), Stillwater, Minnesota as of June 30, 2025 and the related notes to the financial statements, which collectively comprise the Charter School's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of the Charter School as of June 30, 2025, and the respective changes in financial position and the budgetary comparison for the General fund for the year then ended in conformity with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Charter School and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about Charter School's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Charter School's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Charter School's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the Management's Discussion and Analysis starting on page 15 and the Schedules of Employer's Share of the Net Pension Liability and the Schedules of Employer's Contributions on page 62 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedure to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Supplementary Information

Our audit was conducted for the purpose of forming an opinion on the financial statements that collectively comprise the Charter School's basic financial statements. The accompanying individual fund financial statements, schedules and table are presented for the purpose of additional analysis and are not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and related directly to the underlying accounting and other records used to prepare the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the individual fund financial statements, schedules and table are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Information

Management is responsible for the other information in the annual report. The other information comprises the introductory section but does not include the basic financial statements and our auditor's report thereon. Our opinions on the basic financial statement do not cover the other information, and we do not express an opinion or any form of assurance thereon.

In connection with our audit of the basic financial statements, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the basic financial statements or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated November 5, 2025 on our consideration of the Charter School's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Charter School's internal control over financial reporting and compliance.


Abdo
Minneapolis, Minneapolis
November 5, 2025

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Management's Discussion and Analysis

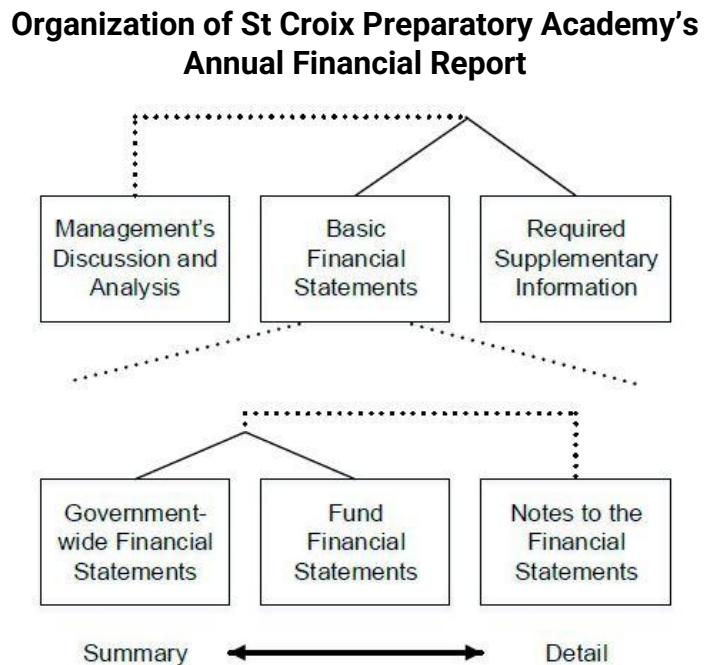
As management of the St Croix Preparatory Academy, (the Charter School), Stillwater, Minnesota, we offer readers of the Charter School's financial statements this narrative overview and analysis of the financial activities of the Charter School for the fiscal year ended June 30, 2025.

Financial Highlights

- The liabilities and deferred inflows of resources of the Charter School exceeded its assets and deferred outflows of resources at the close of the most recent fiscal year as shown in the summary of net position on the following pages.
- The Charter School's total net position increased as shown in the summary of changes in net position on the following pages. This was primarily a result of changes relating to the Charter School's net pension liability and the remeasurement of finance purchase arrangements.
- As of the close of the current fiscal year, the Charter School's governmental fund balances are shown in the financial analysis of the Charter School's funds section of the MD&A. The total fund balance increased in comparison with the prior year. The increased can be attributed to a decrease in expenditures, especially relating to capital outlay for the building company and sites and buildings. Interest earned on investments also increased in comparison with the prior year.
- At the end of the current fiscal year, unassigned fund balance for the General fund, as shown in the financial analysis of the Charter School's funds section, increased from the prior year.
- The Charter Schools' long-term liabilities decreased during the current year due to the regularly scheduled debt payments, lease purchase repayments, and lease payable repayments.

Overview of the Financial Statements

This discussion and analysis is intended to serve as an introduction to the School's basic financial statements. The Charter School's basic financial statements are comprised of three components: 1) Government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements. This report also contains other required supplemental information in addition to the basic financial statements themselves. The following chart shows how the various parts of this annual report are arranged and related to one another:



The following chart summarizes the major features of the Charter School's financial statements, including the portion of the Charter School's activities they cover and the types of information they contain. The remainder of this overview section of management's discussion and analysis highlights the structure and contents of each of the statements:

Major Features of the Government-wide and Fund Financial Statements

	Government-wide Statements	Fund Financial Statements	
		Governmental Funds	
Scope	Entire Charter School (except fiduciary funds)	The activities of the Charter School that are not fiduciary, such as special education and building maintenance	
Required financial statements	<ul style="list-style-type: none"> Statement of Net Position Statement of Activities 	<ul style="list-style-type: none"> Balance Sheet Statement of Revenues, Expenditures, and Changes in Fund Balances 	
Accounting basis and measurement focus	Accrual accounting and economic resources focus	Modified accrual accounting and current financial focus	
Type of asset/liability information	All assets and liabilities, both financial and capital, short-term and long-term	Generally assets expected to be used up and liabilities that come due during the year or soon thereafter; no capital assets or long-term liabilities included	
Type of deferred outflows/inflows of resources information	All deferred outflows/inflows of resources, regardless of when cash is received or paid	Only deferred outflows of resources expected to be used up and deferred inflows of resources that come due during the year or soon thereafter; no capital assets included	
Type of in flow/out flow information	All revenues and expenses during year, regardless of when cash is received or paid	Revenues for which cash is received during or soon after the end of the year; expenditures when goods or services have been received and the related liability is due and payable	

Government-wide Financial Statements. The government-wide financial statements are designed to provide readers with a broad overview of the Charter School's finances, in a manner similar to a private-sector business.

The *statement of net position* presents information on all of the Charter School's assets, deferred inflows of resources, liabilities and deferred outflows of resources, with the difference reported as *net position*. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the Charter School is improving or deteriorating.

The *statement of activities* presents information showing how the Charter School's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, *regardless of the timing of related cash flows*. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods.

The government-wide financial statements display functions of the Charter School that are principally supported by intergovernmental revenues (*governmental activities*). The governmental activities of the Charter School include administration, district support services, elementary and secondary regular instruction, vocational education instruction, special education instruction, instructional support services, pupil support services, sites and buildings, food service, fiscal and other fixed cost programs, fiscal and other fixed cost programs, and fiscal charges on long term debt.

The government-wide financial statements start on page 26 of this report.

Fund Financial Statements. A *fund* is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Charter School, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

Governmental Funds. *Governmental funds* are used to account for essentially the same functions reported as *governmental activities* in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on *near-term inflows and outflows of spendable resources*, as well as on *balances of spendable resources* available at the end of the fiscal year. Such information may be useful in evaluating the Charter School's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for *governmental funds* with similar information presented for *governmental activities* in the government-wide financial statements. By doing so, readers may better understand the long-term impact by the Charter School's near-term financing decisions. Both the governmental fund balance sheet and the governmental fund statement of revenues, expenditures and changes in fund balances provide a reconciliation to facilitate this comparison between *governmental funds* and *governmental activities*.

The Charter School maintains four individual governmental funds. Information is presented separately in the governmental fund balance sheet and in the governmental fund statement of revenues, expenditures and changes in fund balances for the General fund and the Building Company funds, both of which are considered to be major funds. Data from the other two funds (Food Service and Community Service special revenue funds) are combined into a single, aggregated presentation. Individual data for each of these nonmajor funds is provided in the form of *combining statements* elsewhere in this report.

The Charter School adopts an annual appropriated budget for its General fund, Food Service fund, and Community Service fund. A budgetary comparison statement has been provided for all three funds to demonstrate compliance with this budgets.

The basic governmental fund financial statements start on page 30 of this report.

Notes to the Financial Statements. The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements start on page 35 of this report.

Required Supplementary Information. In addition to the basic financial statements and accompanying notes, this report also presents certain required supplementary information concerning the Charter School's progress in funding its obligation to provide pension benefits to its employees. Required supplementary information can be found starting on page 62 of this report.

Other Information. The combining statements referred to earlier in connection with nonmajor governmental funds are presented immediately following the notes to the financial statements. Combining fund financial statements, schedules and table start on page 70 of this report.

Government-wide Financial Analysis

As noted earlier, net position may serve over time as a useful indicator of a government's financial position. In the case of the Charter School, liabilities and deferred inflows of resources exceeded assets and deferred outflows of resources as shown in the summary of net position below at the close of the most recent fiscal year.

St Croix Preparatory Academy's Net Position

	Governmental Activities		
	2025	2024	Increase (Decrease)
Assets			
Current and other assets	\$ 11,378,673	\$ 11,092,648	\$ 286,025
Capital assets	21,447,320	22,535,141	(1,087,821)
Total Assets	32,825,993	33,627,789	(801,796)
Deferred Outflows of Resources			
Deferred pension resources	2,051,883	2,166,089	(114,206)
Deferred loss on refunding	551,715	576,793	(25,078)
Total Deferred Outflows of Resources	2,603,598	2,742,882	(139,284)
Liabilities			
Current and other liabilities	1,282,404	1,273,010	9,394
Noncurrent liabilities	32,135,827	35,135,643	(2,999,816)
Total Liabilities	33,418,231	36,408,653	(2,990,422)
Deferred Inflows of Resources			
Deferred pension resources	2,288,262	638,224	1,650,038
Net Position			
Net investment in capital assets	(291,609)	129,609	(421,218)
Restricted	1,218,645	992,581	226,064
Unrestricted	(1,203,938)	(1,798,396)	594,458
Total Net Position	\$ (276,902)	\$ (676,206)	\$ 399,304
Net Position as a Percent of Total			
Net investment in capital assets	(105.3) %	19.2 %	
Restricted	440.1	146.8	
Unrestricted	(434.8)	(266.0)	
Total	(100.0) %	(100.0) %	

A portion of the Charter School's net position reflects its net investment in capital assets. The Charter School uses these capital assets to provide services to students; consequently, these assets are not available for future spending. Although the Charter School's net investment in its capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities. At the end of the current fiscal year, the Charter School reports a negative balance in the unrestricted and net investment in capital asset category of net position, and a positive balance in the restricted category.

Governmental Activities. Governmental activities increased the Charter School's net position as shown below in the summary of changes in net position. Key elements of this increase are shown in the table below.

St Croix Preparatory Academy's Changes in Net Position

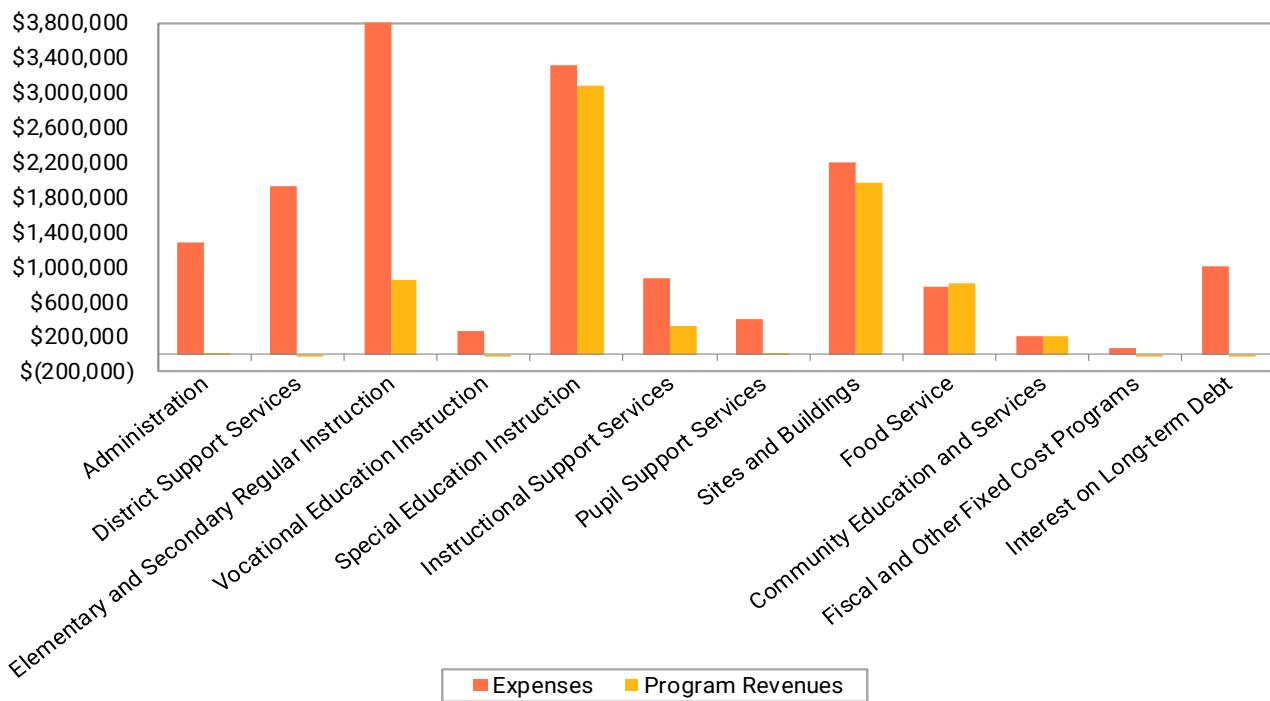
	Governmental Activities			Increase (Decrease)
	2025	2024		
Revenues				
Program revenues				
Charges for services	\$ 831,921	\$ 849,836		\$ (17,915)
Operating grants and contributions	6,454,153	6,521,801		(67,648)
General revenues				
State aid-formula grants	9,785,060	9,559,574		225,486
Other general revenues	711,333	621,814		89,519
Gain on sale of assets	449	2,099		(1,650)
Unrestricted investment earnings	357,186	297,859		59,327
Total Revenues	<u>18,140,102</u>	<u>17,852,983</u>		<u>287,119</u>
Expenses				
Administration	1,277,559	1,226,996		50,563
District support services	1,940,515	1,686,596		253,919
Elementary and secondary regular instruction	5,397,076	5,999,463		(602,387)
Vocational instruction	259,131	393,164		(134,033)
Special education instruction	3,317,306	3,347,388		(30,082)
Instructional support services	871,752	889,148		(17,396)
Pupil support services	401,684	434,340		(32,656)
Sites and buildings	2,199,252	2,300,578		(101,326)
Fiscal and other fixed cost programs	65,315	54,793		10,522
Food service	783,165	729,811		53,354
Community service	218,128	225,632		(7,504)
Interest on long-term debt	1,009,915	1,039,728		(29,813)
Total Expenses	<u>17,740,798</u>	<u>18,327,637</u>		<u>(586,839)</u>
Change in Net Position	399,304	(474,654)		873,958
Net Position, July 1	<u>(676,206)</u>	<u>(201,552)</u>		<u>(474,654)</u>
Net Position, June 30	<u>\$ (276,902)</u>	<u>\$ (676,206)</u>		<u>\$ 399,304</u>

At the end of the current fiscal year the Charter School experienced an increase in both revenue and expenses.

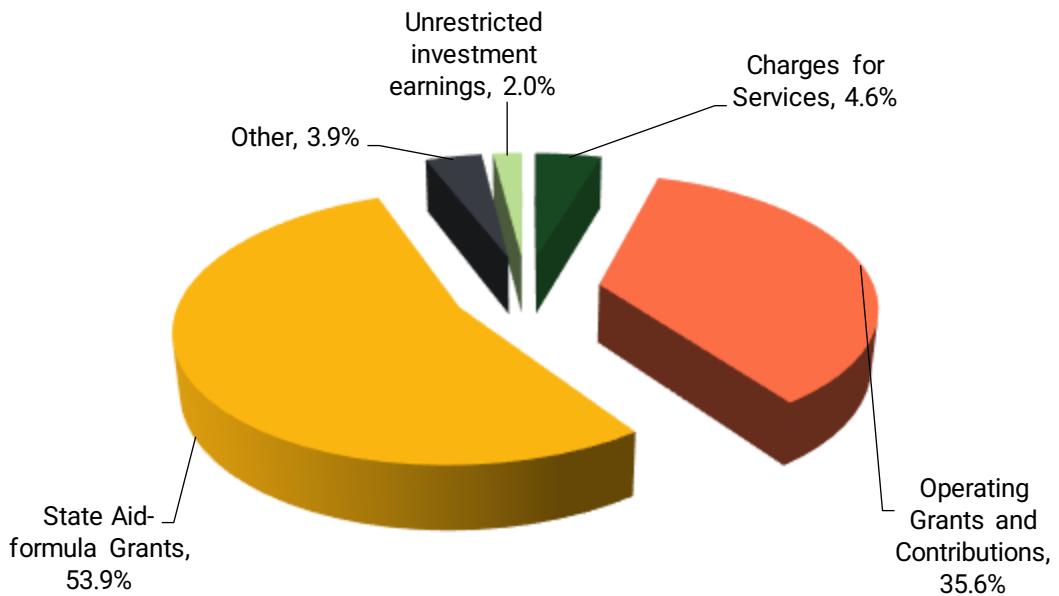
- Total revenues increased \$287,119 in comparison to the prior year mainly due to an increase in state aid-formula grants, other revenues and interest earned on investments.
- Total expenses decreased \$586,839 in comparison to the prior year, mainly due to the decrease in elementary and secondary regular instruction and vocational instruction.

The following graph depicts various governmental activities and shows the revenues and expenses directly related to those activities.

Expenses and Program Revenues - Governmental Activities



Revenues by Source - Governmental Activities



Financial Analysis of the Government's Funds

As noted earlier, the Charter School uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

Governmental Funds. The focus of the Charter School's governmental funds is to provide information on near-term inflows, outflows and balances of spendable resources. Such information is useful in assessing the Charter School's financing requirements. In particular, unassigned fund balance may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year. The table below outlines the governmental fund balances for the year ending June 30, 2025.

	General	Building Company	Other Governmental Funds	Total	Prior Year Total	Increase/Decrease
Fund Balances						
Nonspendable	\$ 152,769	\$ -	\$ 7,915	\$ 160,684	\$ 105,817	\$ 54,867
Restricted for						
Debt service/construction	-	3,763,009	-	3,763,009	3,694,154	68,855
Food service	-	-	562,673	562,673	512,374	50,299
Student activities	1,173	-	-	1,173	1,469	(296)
READ Act - literacy Aid	45,995	-	-	45,995	-	45,995
READ Act - teacher training	646	-	-	646	-	646
Community service	-	-	69,128	69,128	80,077	(10,949)
Assigned for						
Development - general	9,121	-	-	9,121	15,338	(6,217)
Educational travel	3,851	-	-	3,851	3,213	638
Prom	1,787	-	-	1,787	2,113	(326)
Fundraising - wish list	500	-	-	500	500	-
Wellness	4,292	-	-	4,292	3,850	442
Extracurriculars	116,889	-	-	116,889	132,052	(15,163)
Fruit fundraising	10,154	-	-	10,154	10,421	(267)
Unassigned	5,754,872	-	-	5,754,872	5,676,901	77,971
Total Fund Balances	<u>\$ 6,102,049</u>	<u>\$ 3,763,009</u>	<u>\$ 639,716</u>	<u>\$ 10,504,774</u>	<u>\$ 10,238,279</u>	<u>\$ 266,495</u>

As of the close of the current fiscal year, the Charter School's governmental funds reported combined ending fund balances shown above. Additional information on the Charter School's fund balances can be found in Note 1 starting on page 35 of this report.

The General fund is the chief operating fund of the Charter School. At the end of the current year, the fund balance of the General fund is shown in the table above. As a measure of the General fund's liquidity, it may be useful to compare both unassigned fund balance and total fund balance to total fund expenditures. The total unassigned fund balance as a percent of total fund expenditures is shown in the chart below along with total fund balance as a percent of total expenditures.

	Fund Balance		Increase / (Decrease)
	2025	2024	
General Fund Fund Balances			
Nonspendable	\$ 152,769	\$ 91,765	\$ 61,004
Restricted	47,814	1,469	46,345
Assigned	146,594	167,487	(20,893)
Unassigned	<u>5,754,872</u>	<u>5,676,901</u>	<u>77,971</u>
Totals	<u>\$ 6,102,049</u>	<u>\$ 5,937,622</u>	<u>\$ 164,427</u>
General fund expenditures	\$ 16,793,512	\$ 17,123,317	
Unassigned as a percent of expenditures	34.3%	33.2%	
Total fund balance as a percent of expenditures	36.3%	34.7%	

The fund balance of the Charter School's General fund increased during the current fiscal year as shown in the table above. The increase in fund balance was due to total revenues being more than budgeted, primarily related to revenue from state sources and interest on investments.

Other Major Funds

	Fund Balance		Increase / (Decrease)
	2025	2024	
Building Company	\$ 3,763,009	\$ 3,694,154	\$ 68,855
<i>The ending fund balance increased during the year mainly due to lease revenues in excess of debt service payments and maintenance expenses during the current fiscal year.</i>			

General Fund Budgetary Highlights

	Original Budgeted Amounts	Budget Amendments	Final Budgeted Amounts	Actual Amounts	Variance With Final Budget
Revenues	\$ 16,296,095	\$ 139,382	\$ 16,435,477	\$ 16,957,490	\$ 522,013
Expenditures	<u>16,191,054</u>	<u>179,329</u>	<u>16,370,383</u>	<u>16,793,512</u>	<u>423,129</u>
Excess (Deficiency) of Revenues Over (Under) Expenditures	105,041	(39,947)	65,094	163,978	98,884
Other Financing Sources (Uses)					
Sale of capital assets	-	460	460	449	(11)
Net Change in Fund Balances	105,041	(39,487)	65,554	164,427	98,873
Fund Balances, July 1	<u>5,937,622</u>	-	<u>5,937,622</u>	<u>5,937,622</u>	-
Fund Balances, June 30	<u>\$ 6,042,663</u>	<u>\$ (39,487)</u>	<u>\$ 6,003,176</u>	<u>\$ 6,102,049</u>	<u>\$ 98,873</u>

The Charter School's General fund budget was amended during the year as shown above. The budget amendment increased revenues and expenditures. Actual revenues and expenses were both over the final budget amounts as shown above.

Capital Assets and Debt Administration

Capital Assets. The Charter School's investment in capital assets for its governmental activities as of June 30, 2025, is shown below in the capital asset table (net of accumulated depreciation/amortization). This investment in capital assets includes land, construction in progress, buildings and improvements, furniture and equipment, and lease equipment.

St Croix Preparatory Academy's Capital Assets (Net of Depreciation/Amortization)

	Governmental Activities		
	2025	2024	Increase (Decrease)
Land	\$ 2,080,000	\$ 2,080,000	\$ -
Building and Improvements	18,230,300	18,990,820	(760,520)
Furniture and Equipment	1,079,689	1,349,660	(269,971)
Leased Equipment	57,331	114,661	(57,330)
Total	\$ 21,447,320	\$ 22,535,141	\$ (1,087,821)
Percent Change from Prior Year			-4.8%

Additional information on the School's capital assets can be found in Note 3B on page 44 of this report.

Noncurrent Liabilities. At the end of the current fiscal year, the Charter School had the following noncurrent liabilities outstanding.

	Governmental Activities		
	2025	2024	Increase (Decrease)
Bonds Payable	\$ 24,320,000	\$ 25,015,000	\$ (695,000)
Bond Premium	242,318	253,332	(11,014)
Financed Purchase	104,064	225,435	(121,371)
Lease Payable	61,058	120,108	(59,050)
Total	\$ 24,727,440	\$ 25,613,875	\$ (886,435)
Percent Change from Prior Year			-3.5%

The Charter Schools' long-term liabilities decreased during the current year due to the regularly scheduled debt payments, lease purchase repayments and remeasurement, and lease payable repayments.

Economic Factors and Next Year's Budgets and Rates

The school is dependent on the state of Minnesota for its revenue authority. Recent experience demonstrates that legislated revenue increases have not been sufficient to meet instructional program needs and increased costs due to inflation. It is imperative that the School's financial management develop budgets that maintain the School's fund balance policy of 20 to 22% General fund unassigned fund balance as a percentage of yearly general fund expenditures.

Requests for Information

These financial statements are designed to provide our citizens, sponsor district, customers, and creditors with a general overview of the Charter School's finances and to demonstrate the Charter School's accountability for the money it receives. If you have questions about this report or need additional financial information, contact St Croix Preparatory Academy, 4260 Stagecoach Trail North, Stillwater, Minnesota 55082.

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GOVERNMENT-WIDE FINANCIAL STATEMENTS

ST CROIX PREPATORY ACADEMY
STILLWATER, MINNESOTA

FOR THE YEAR ENDED
JUNE 30, 2025

St Croix Preparatory Academy
 Stillwater, Minnesota
 Statement of Net Position
 June 30, 2025

	<u>Governmental Activities</u>
Assets	
Cash and temporary investments	\$ 5,376,330
Cash with fiscal agent	3,363,262
Accounts receivable	94,561
Interest receivable	359,483
Due from the Department of Education	1,948,370
Due from the Federal government	75,983
Prepaid items	152,769
Inventory	7,915
Capital assets	
Land and construction in progress	2,080,000
Other capital assets, net of accumulated depreciation and amortization	<u>19,367,320</u>
Total Assets	<u>32,825,993</u>
Deferred Outflows of Resources	
Deferred pension resources	2,051,883
Deferred loss on refunding	<u>551,715</u>
Total Deferred Outflows of Resources	<u>2,603,598</u>
Liabilities	
Accounts and other payables	217,007
Accrued salaries payable	568,929
Accrued interest payable	408,505
Unearned revenue	87,963
Noncurrent liabilities	
Due within one year	
Long-term liabilities	859,983
Due in more than one year	
Long-term liabilities	23,867,457
Net pension liability	<u>7,408,387</u>
Total Liabilities	<u>33,418,231</u>
Deferred Inflows of Resources	
Deferred pension resources	<u>2,288,262</u>
Net Position	
Net investment in capital assets	(291,609)
Restricted for	
Building company	531,115
Food service	570,588
Community service	69,128
Student activities	1,173
READ Act - Literacy Aid	45,995
READ Act - Teacher Training	646
Unrestricted	<u>(1,203,938)</u>
Total Net Position	<u>\$ (276,902)</u>

St Croix Preparatory Academy

Stillwater, Minnesota

Statement of Activities

For the Year Ended June 30, 2025

Functions/Programs	Expenses	Program Revenues			Net Revenues (Expenses) and Changes in Net Position	
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Governmental Activities	
Governmental Activities						
Administration	\$ 1,277,559	\$ -	\$ 19,017	\$ -	\$ (1,258,542)	
District support services	1,940,515	-	-	-	(1,940,515)	
Elementary and secondary regular instruction	5,397,076	614,423	245,428	-	(4,537,225)	
Vocational education instruction	259,131	-	-	-	(259,131)	
Special education instruction	3,317,306	-	3,082,147	-	(235,159)	
Community education and services	218,128	131,365	75,577	-	(11,186)	
Instructional support services	871,752	-	331,330	-	(540,422)	
Pupil support services	401,684	-	1,876	-	(399,808)	
Sites and buildings	2,199,252	-	1,975,822	-	(223,430)	
Food service	783,165	86,133	722,956	-	25,924	
Fiscal and other fixed cost programs	65,315	-	-	-	(65,315)	
Interest on long-term debt	1,009,915	-	-	-	(1,009,915)	
Total Governmental Activities	\$ 17,740,798	\$ 831,921	\$ 6,454,153	\$ -	(10,454,724)	
General Revenues						
State aid-formula grants					9,785,060	
Other general revenues					711,333	
Gain on sale of assets					449	
Unrestricted investment earnings					357,186	
Total General Revenues					10,854,028	
Change in Net Position					399,304	
Net Position, July 1					(676,206)	
Net Position, June 30					\$ (276,902)	

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FUND FINANCIAL STATEMENTS
ST CROIX PREPATORY ACADEMY
STILLWATER, MINNESOTA

FOR THE YEAR ENDED
JUNE 30, 2025

St Croix Preparatory Academy

Stillwater, Minnesota

Balance Sheet

Governmental Funds

June 30, 2025

	General	Building Company	Nonmajor Funds	Total Governmental Funds
Assets				
Cash and temporary investments	\$ 4,196,683	\$ 462,764	\$ 716,883	\$ 5,376,330
Cash with fiscal agent	-	3,363,262	-	3,363,262
Accounts receivable	93,777	-	784	94,561
Interest receivable	359,483	-	-	359,483
Due from the Department of Education	1,943,000	-	5,370	1,948,370
Due from the Federal government	74,306	-	1,677	75,983
Due from other funds	63,017	-	-	63,017
Inventory	-	-	7,915	7,915
Prepaid items	152,769	-	-	152,769
Total Assets	\$ 6,883,035	\$ 3,826,026	\$ 732,629	\$ 11,441,690
Liabilities				
Accounts and other payables	\$ 212,057	\$ -	\$ 4,950	\$ 217,007
Accrued salaries payable	568,929	-	-	568,929
Due to other funds	-	63,017	-	63,017
Unearned revenue	-	-	87,963	87,963
Total Liabilities	780,986	63,017	92,913	936,916
Fund Balances				
Nonspendable for				
Prepaid items	152,769	-	-	152,769
Inventory	-	-	7,915	7,915
Restricted for				
Food service			562,673	562,673
Community service	-	-	69,128	69,128
Debt service	-	3,763,009	-	3,763,009
Student activities	1,173	-	-	1,173
READ Act - Literacy Aid	45,995	-	-	45,995
READ Act - Teacher Training	646	-	-	646
Assigned for				
Development - general	9,121	-	-	9,121
Educational travel	3,851	-	-	3,851
Prom	1,787	-	-	1,787
Fundraising - wish list	500	-	-	500
Wellness	4,292	-	-	4,292
Extracurriculars	116,889	-	-	116,889
Fruit fundraising	10,154	-	-	10,154
Unassigned	5,754,872	-	-	5,754,872
Total Fund Balances	6,102,049	3,763,009	639,716	10,504,774
Total Liabilities and Fund Balances	\$ 6,883,035	\$ 3,826,026	\$ 732,629	\$ 11,441,690

St Croix Preparatory Academy
 Stillwater, Minnesota
 Reconciliation of the Balance Sheet
 to the Statement of Net Position
 Governmental Funds
 June 30, 2025

Amounts reported for governmental activities in the statement of net position are different because

Total Fund Balances - Governmental Funds	\$ 10,504,774
Capital assets used in governmental activities are not financial resources and therefore are not reported as assets in governmental funds.	
Cost of capital assets	34,270,774
Less: accumulated depreciation	(12,823,454)
Noncurrent liabilities, including bonds payable, are not due and payable in the current period and therefore are not reported as liabilities in the funds.	
Noncurrent liabilities at year-end consist of	
Bonds payable	(24,320,000)
Premium on bonds payable	(242,318)
Lease payable	(61,058)
Finance purchase	(104,064)
Net pension liability	(7,408,387)
Deferred loss on refunding	551,715
Governmental funds do not report long-term amounts related to pensions.	
Deferred outflows of pension resources	2,051,883
Deferred inflows of pension resources	(2,288,262)
Governmental funds do not report a liability for accrued interest on bonds until due and payable.	
	<u>(408,505)</u>
Total Net Position - Governmental Activities	<u>\$ (276,902)</u>

St Croix Preparatory Academy
 Stillwater, Minnesota
Statement of Revenues, Expenditures and
Changes in Fund Balances
Governmental Funds
For the Year Ended June 30, 2025

	<u>General</u>	<u>Building Company</u>	<u>Nonmajor Funds</u>	<u>Total Governmental Funds</u>
Revenues				
Revenue from federal sources	\$ 269,094	\$ -	\$ 214,809	\$ 483,903
Revenue from state sources	15,351,687	-	509,531	15,861,218
Revenue from local sources	1,087,749	1,963,992	208,475	3,260,216
Interest earned on investments	232,808	124,378	-	357,186
Sales and other conversion of assets	16,152	-	86,133	102,285
Total Revenues	16,957,490	2,088,370	1,018,948	20,064,808
Expenditures				
Current				
Administration	1,317,787	-	-	1,317,787
District support services	1,851,736	28,076	-	1,879,812
Elementary and secondary regular instruction	5,343,460	-	-	5,343,460
Vocational education instruction	260,968	-	-	260,968
Special education instruction	3,401,319	-	-	3,401,319
Community education and services	-	-	218,438	218,438
Instructional support services	741,394	-	-	741,394
Pupil support services	452,191	-	-	452,191
Sites and buildings	1,176,547	120,657	-	1,297,204
Food service	-	-	742,486	742,486
Fiscal and other fixed cost programs	62,971	2,344	-	65,315
Capital outlay				
District support services	9,855	-	-	9,855
Instructional support services	34,667	-	-	34,667
Sites and buildings	2,026,939	180,863	-	2,207,802
Food service	-	-	25,011	25,011
Debt service				
Principal	100,266	695,000	-	795,266
Interest and other	13,412	992,575	-	1,005,987
Total Expenditures	16,793,512	2,019,515	985,935	19,798,962
Excess (Deficiency) of Revenues Over (Under) Expenditures	163,978	68,855	33,013	265,846
Other Financing Sources (Uses)				
Sale of capital assets	449	-	200	649
Net Change in Fund Balances	164,427	68,855	33,213	266,495
Fund Balances, July 1	5,937,622	3,694,154	606,503	10,238,279
Fund Balances, June 30	\$ 6,102,049	\$ 3,763,009	\$ 639,716	\$ 10,504,774

St Croix Preparatory Academy
Stillwater, Minnesota
Reconciliation of the Statement of Revenues, Expenditures and
Changes in Fund Balances to the Statement of Activities
Governmental Funds
For the Year Ended June 30, 2025

Amounts reported for governmental activities in the statement of activities are different because

Net Change in Fund Balances - Total Governmental Funds	\$ 266,495
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Capital outlays are reported in governmental funds as expenditures. However, in the statement of activities, the cost of those assets is allocated over the estimated useful lives as depreciation expense.

Depreciation expense	(1,300,598)
Capital outlays	287,640

Governmental funds report a gain (loss) on sale of capital assets to the extent of cash exchanged, whereas the disposition of the assets book value is included in the total gain (loss) in the statement of activities

Disposals	(142,924)
Depreciation on disposals	68,061

The issuance of long-term debt provides current financial resources to governmental funds, while the repayment of principal of long-term debt consumes the current financial resources of governmental funds. Neither transaction, however, has any effect on net position. Also, governmental funds report the effect of premiums, discounts and similar items when debt is first issued, whereas these amounts are amortized in the statement of activities. The amounts below are the effects of these differences in the treatment of long-term debt and related items.

Principal repayments	695,000
Finance purchase remeasurement	80,155
Lease payable repayments	59,050
Finance purchase repayments	41,216
Amortization of bond premium	11,014
Amortization of deferred charges on refunding bond	(25,078)

Interest on long-term debt in the statement of activities differs from the amount reported in the governmental funds because interest is recognized as an expenditure in the funds when it is due, and thus requires the use of current financial resources. In the statement of activities, however, interest expense is recognized as the interest accrues, regardless of when it is due.

10,136

Long-term pension activity is not reported in governmental funds.

Pension revenue	38,637
Pension expense	<hr/> 310,500

Change in Net Position of Governmental Activities	<hr/> \$ 399,304
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St Croix Preparatory Academy
 Stillwater, Minnesota
Statement of Revenues, Expenditures and
Changes in Fund Balances - Budget and Actual
General Fund
For the Year Ended June 30, 2025

	General Fund			
	Budgeted Amounts		Actual Amounts	Variance with Final Budget
	Original	Final	Original	Final
Revenues				
Revenue from federal sources	\$ 249,600	\$ 274,491	\$ 269,094	\$ (5,397)
Revenue from state sources	14,834,945	14,922,855	15,351,687	428,832
Revenue from local sources	957,800	990,586	1,087,749	97,163
Interest earned on investments	230,000	230,000	232,808	2,808
Sales and other conversion of assets	23,750	17,545	16,152	(1,393)
Total Revenues	16,296,095	16,435,477	16,957,490	522,013
Expenditures				
Current				
Administration	1,190,264	1,304,115	1,317,787	(13,672)
District support services	1,740,734	1,813,205	1,851,736	(38,531)
Elementary and secondary regular instruction	5,103,946	5,233,216	5,343,460	(110,244)
Vocational education instruction	370,308	267,445	260,968	6,477
Special education instruction	3,229,601	3,136,061	3,401,319	(265,258)
Instructional support services	699,160	669,485	741,394	(71,909)
Pupil support services	373,835	444,925	452,191	(7,266)
Sites and buildings	1,213,352	1,180,831	1,176,547	4,284
Fiscal and other fixed cost programs	58,750	62,608	62,971	(363)
Capital outlay				
District support services	30,000	8,910	9,855	(945)
Elementary and secondary regular instruction	4,000	-	-	-
Instructional support services	11,000	37,700	34,667	3,033
Sites and buildings	1,970,592	2,117,132	2,026,939	90,193
Debt service				
Principal	195,512	81,575	100,266	(18,691)
Interest and other charges	-	13,175	13,412	(237)
Total Expenditures	16,191,054	16,370,383	16,793,512	(423,129)
Excess (Deficiency) of Revenues Over (Under) Expenditures	105,041	65,094	163,978	98,884
Other Financing Sources (Uses)				
Sale of capital assets	-	460	449	(11)
Net Change in Fund Balances	105,041	65,554	164,427	98,873
Fund Balances, July 1	5,937,622	5,937,622	5,937,622	-
Fund Balances, June 30	\$ 6,042,663	\$ 6,003,176	\$ 6,102,049	\$ 98,873

St Croix Preparatory Academy
Stillwater, Minnesota
Notes to the Financial Statements
June 30, 2025

Note 1: Summary of Significant Accounting Policies

A. Reporting Entity

St Croix Preparatory Academy (the Charter School) is a nonprofit corporation that was formed and began operating, on August 6, 2003, in accordance with Minnesota Statutes. The Charter School is authorized by Friends of Education and operates under an authorizer agreement extending through June 30, 2025. The governing body consists of a board of directors composed of a Chairperson and such other officers as the board of directors shall determine from time to time.

The Charter School's policy is to include in the financial statements all funds, departments, agencies, boards, commissions, and other component units for which the Charter School is considered to be financially accountable.

Component units are legally separate entities for which the Charter School is financially accountable, or for which the exclusion of the component unit would render the financial statements of the primary government misleading. The criteria used to determine if the primary government is financially accountable for a component unit include whether or not the primary government appoints the voting majority of the potential component unit's governing body, is able to impose its will on the potential component unit, is in a relationship of financial benefit or burden with the potential component unit or is fiscally depended upon by the potential component unit.

Based on these criteria, there is one organization that is considered to be a component unit of the Charter School. Friends of St. Croix Preparatory Academy (the Building Company) is a Minnesota nonprofit corporation holding IRS classification as a 501(c)(3) tax-exempt organization. The Building Company is governed by a separate board appointed by the board of the Charter School. Although it is legally separate from the Charter School, the Building Company is reported as if it were part of the Charter School (as a blended component unit) because its sole purpose is to own an educational site which is leased to the School. No separate financial statements of the Building Company are issued.

Aside from its sponsorship, Friends of Education has no authority, control, power, or administrative responsibilities over St. Croix Preparatory Academy. Therefore, the Charter School is not considered a component unit of Friends of Education.

B. Government-Wide and Fund Financial Statements

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all non-fiduciary activities of the Charter School.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment is offset by program revenues. *Direct expenses* are those that are clearly identifiable with a specific function or segment. Amounts reported as program revenues include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Other internally dedicated resources are reported as general revenues rather than as program revenues. Other items not properly included among program revenues are reported instead as *general revenues*.

The Charter School applies restricted resources first when an expense is incurred for a purpose for which both restricted and unrestricted net position is available. Depreciation expense that can be specifically identified by function is included in the direct expenses of each function. Interest on long-term debt is considered an indirect expense and is reported separately on the statement of activities. Generally, the effect of material interfund activity has been removed from the government-wide financial statements.

Major individual governmental funds are reported in separate columns in the fund financial statements. Aggregated information for the remaining nonmajor governmental funds is reported in a single column in the fund financial statements.

St Croix Preparatory Academy
Stillwater, Minnesota
Notes to the Financial Statements
June 30, 2025

Note 1: Summary of Significant Accounting Policies (Continued)

C. Measurement Focus, Basis of Accounting and Financial Statement Presentation

The government-wide financial statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*, as are the fiduciary fund financial statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the *current financial resources measurement focus* and the *modified accrual basis of accounting*. Revenues are recognized as soon as they are both measurable and available. Revenues are considered *available* when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. State revenue is recognized in the year to which it applies according to Minnesota statutes and accounting principles generally accepted in the United States of America. Minnesota statutes include state aid funding formulas for specific fiscal years. Federal revenue is recorded in the year in which the related expenditure was made. Other revenue is considered available if collected within one year.

Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to claims and judgments, are recorded only when payment is due. General capital asset acquisitions are reported as expenditures in governmental funds.

Revenue resulting from exchange transactions, in which each party gives and receives essentially equal value, is recorded on the accrual basis when the exchange takes place. On a modified accrual basis, revenue is recorded in the year in which the resources are measurable and become available.

Non-exchange transactions, in which the Charter School receives value without directly giving equal value in return, include grants, entitlement and donations. On a modified accrual basis, revenue from non-exchange transaction must also be available before it can be recognized. Revenue from grants, entitlements and donations is recognized in the year in which all eligibility requirements have been satisfied. Eligibility requirements include timing requirements, which specify the year when the resources are required to be used or the year when use is first permitted, matching requirements, in which the Charter School must provide local resources to be used for a specified purpose, and expenditure requirements, in which the resources are provided to the Charter School on a reimbursement basis.

The preparation of financial statements in conformity with generally accepted accounting principles in the United States of America requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

Description of Funds

The various Charter School funds have been established by the State of Minnesota Department of Education. Each fund is accounted for as an independent entity. Descriptions of the funds included in this report are as follows:

Major Governmental Funds

The *General fund* is the Charter School's primary operating fund. It accounts for all financial resources of the Charter School, except those required to be accounted for in another fund.

The *Building Company fund* accounts for financial resources used for the acquisition or construction of major capital facilities authorized by bond issue. It also collects lease payments from the Charter School's general fund and is responsible for debt service on outstanding bonds.

St Croix Preparatory Academy
Stillwater, Minnesota
Notes to the Financial Statements
June 30, 2025

Note 1: Summary of Significant Accounting Policies (Continued)

Nonmajor Governmental Funds

The *Food Service special revenue fund* is used to account for food service revenues and expenditures. The Food Service fund receives revenue from State and Federal sources as well as the receipts from the Charter School's nutrition program.

The *Community Service special revenue fund* is used to account for various extracurricular activities. Primary sources of revenue in the Community Service Fund are from user fees.

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements.

D. Assets, Deferred Outflows of Resources, Liabilities, Deferred Inflows of Resources and Net Position/Fund Balance

Deposits and Investments

The Charter School's cash and cash equivalents are considered to be cash on hand, demand deposits, and short-term investments with original maturities of three months or less from the date of acquisition.

The Charter School may also invest idle funds as authorized by Minnesota statutes, as follows:

1. Direct obligations or obligations guaranteed by the United States or its agencies.
2. Shares of investment companies registered under the Federal Investment Company Act of 1940 and received the highest credit rating is rated in one of the two highest rating categories by a statistical rating agency, and all of the investments have a final maturity of thirteen months or less.
3. General obligations of a state or local government with taxing powers rated "A" or better; revenue obligations rated "AA" or better.
4. General obligations of the Minnesota Housing Finance Agency rated "A" or better.
5. Obligation of a school district with an original maturity not exceeding 13 months and (i) rated in the highest category by a national bond rating service or (ii) enrolled in the credit enhancement program pursuant to statute section 126C.55.
6. Bankers' acceptances of United States banks eligible for purchase by the Federal Reserve System.
7. Commercial paper issued by United States banks corporations or their Canadian subsidiaries, of highest quality category by at least two nationally recognized rating agencies, and maturing in 270 days or less.
8. Repurchase or reverse repurchase agreements and securities lending agreements with financial institutions qualified as a "depository" by the government entity, with banks that are members of the Federal Reserve System with capitalization exceeding \$10,000,000, a primary reporting dealer in U.S. government securities to the Federal Reserve Bank of New York, or certain Minnesota securities broker-dealers.
9. Guaranteed Investment Contracts (GIC's) issued or guaranteed by a United States commercial bank, a domestic branch of a foreign bank, a United States insurance company, or its Canadian subsidiary, whose similar debt obligations were rated in one of the top two rating categories by a nationally recognized rating agency.

St Croix Preparatory Academy
Stillwater, Minnesota
Notes to the Financial Statements
June 30, 2025

Note 1: Summary of Significant Accounting Policies (Continued)

Cash and investments held by trustee include balances held in segregated accounts that are established for specific purposes. In the Building Company funds, the bond escrow account held by trustee can only be used for capital purposes related to the construction of the school building, for the repair and replacement needs of the educational site or to make payments on the outstanding bonds. Interest earned on these investments is allocated directly to the escrow account.

The Charter School categorizes its fair value measurements within the fair value hierarchy established by generally accepted accounting principles. The hierarchy is based on the valuation inputs used to measure the fair value of the assets. Level 1 inputs are quoted prices in active markets for identical assets, Level 2 inputs are significant other observable inputs, Level 3 inputs are significant unobservable inputs. The Charter School's fair value are valued at amortized costs and are valued using quoted market prices (Level 1 inputs).

Accounts Receivable

Accounts receivable include amounts billed for services provided before year end. No substantial losses are anticipated from present receivable balances, therefore no allowance for uncollectible has been recorded.

Due from the Minnesota Department of Education and Federal Government

Due from Minnesota Department of Education include amounts for expenditures that have been incurred before year end and will be reimbursed with State funding. No substantial losses are anticipated from present balances, therefore no allowance for uncollectible has been recorded.

Inventories and Prepaid Items

Inventories are valued at lower of cost or market, using the first-in, first-out (FIFO) method. Inventories of governmental funds are recorded as expenditures when consumed rather than when purchased.

Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid items in both government-wide and fund financial statements.

Capital Assets

Capital assets are recorded at historical cost, or estimated historical cost if purchased or constructed. The Charter School defines capital assets as those with an initial, individual cost of more than \$2,500 (amount not rounded) and an estimated useful life in excess of one year. Donated capital assets are recorded at acquisition value at the date of donation. The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets' lives are not capitalized.

Capital assets are recorded in the government-wide financial statements but are not reported in the fund financial statements. Capital assets are depreciated using the straight-line method over an estimated useful live provided below:

Assets	Useful Lives in Years
Furniture and Equipment	5 -20
Building and Improvements	20 - 40
Lease Equipment	5 -20

St Croix Preparatory Academy
Stillwater, Minnesota
Notes to the Financial Statements
June 30, 2025

Note 1: Summary of Significant Accounting Policies (Continued)

Deferred Outflows of Resources

In addition to assets, the statement of net position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net assets that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then. The government has two items item that qualify for reporting in this category. Accordingly, the items, deferred pension resources and deferred loss on refunding, are reported only in the statement of net position. The first item results from actuarial calculations and current year pension contributions made subsequent to the measurement date. The second item results from a difference in the carrying value of refunded debt and its reacquisition price.

Pensions

Teachers Retirement Association (TRA)

For purposes of measuring the net pension liability, deferred outflows/inflows of resources, and pension expense, information about the fiduciary net position of the Teachers Retirement Association (TRA) and additions to/deductions from TRA's fiduciary net position have been determined on the same basis as they are reported by TRA.

TRA has a special funding situation created by direct aid contributions made by the State of Minnesota, City of Minneapolis and Minneapolis School District. This direct aid is a result of the merger of the Minneapolis Teachers Retirement Fund Association merger into TRA in 2006. A second direct aid source is from the State of Minnesota for the merger of the Duluth Teacher's Retirement Fund Association in 2015. Additional information can be found in Note 4.

Public Employees Retirement Association (PERA)

For purposes of measuring the net pension liability, deferred outflows/inflows of resources, and pension expense, information about the fiduciary net position of the Public Employees Retirement Association (PERA) and additions to/deductions from PERA's fiduciary net position have been determined on the same basis as they are reported by PERA. For this purpose, plan contributions are recognized as of employer payroll paid dates and benefit payments and refunds are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

The total pension expense for General Employee Plan (GERP) and Teacher Retirement Association (TRA) is as follows:

	GERP	TRA	Total All Plans
Charter School's proportionate share	\$ 77,679	\$ 580,319	\$ 657,998
Proportionate share of State's contribution	779	26,752	27,531
Total pension expense	\$ 78,458	\$ 607,071	\$ 685,529

St Croix Preparatory Academy
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Notes to the Financial Statements
June 30, 2025

Note 1: Summary of Significant Accounting Policies (Continued)

Long-term Obligations

In the government-wide financial statements long-term debt and other long-term obligations, such as lease and financed purchase payables, are reported as liabilities in the applicable governmental activities statement of net position. The recognition of bond premiums and discounts are amortized over the life of the bonds using the straight-line method. Bonds payable are reported net of the applicable bond premium or discount. Bond issuance costs are reported as an expense in the period incurred.

In the fund financial statements, governmental fund types recognized bond premiums and discounts, as well as bond issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

Deferred Inflows of Resources

In addition to liabilities, the statement of net position and fund financial statements will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, *deferred inflows of resources*, represents an acquisition of net assets that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time. The Charter School has one type of item, which arises only under a full accrual basis of accounting that qualifies as needing to be reported in this category. Accordingly, the item, deferred pension resources, is reported only in the statement of net position of the government-wide statements and results from actuarial calculations.

Fund Balance

In the fund financial statements, fund balance is divided into five classifications based primarily on the extent to which the Charter School is bound to observe constraints imposed upon the use of resources reported in the governmental funds. These classifications are defined as follows:

Nonspendable - Amounts that cannot be spent because they are not in spendable form, such as prepaids.

Restricted - Amounts related to externally imposed constraints established by creditors, grantors or contributors; or constraints imposed by state statutory provisions.

Committed – Amounts constrained for specific purposes that are internally imposed by formal action (resolution) of the Board of Education, which is the Charter School's highest level of decision making authority. Committed amounts cannot be used for any other purposes unless the Board of Education itself or by an official to which the Board of Education delegates the authority.

Assigned – Amounts constrained for specific purposes that are internally imposed. In governmental funds other than the General fund, assigned fund balances represents all remaining amounts that are not classified as nonspendable and are neither restricted nor committed. In the General fund, assigned amounts cannot be used for any other purposes unless the Board of Education itself or by an official to which the Board of Education delegates the authority. The Board of Education has delegated this authority to the Executive Director of Finance.

Unassigned - The residual classification for the General fund and also negative residual amounts in other funds.

The Charter School considers restricted amounts to be spent first when both restricted and unrestricted fund balance is available. Additionally, the Charter School would first use committed, then assigned, and lastly unassigned amounts of unrestricted fund balance when expenditures are made.

St Croix Preparatory Academy
Stillwater, Minnesota
Notes to the Financial Statements
June 30, 2025

Note 1: Summary of Significant Accounting Policies (Continued)

The Charter School has formally adopted a fund balance policy. It is the Charter School's policy to budget towards maintaining a minimum of 20 to 22 percent of general fund expenditures, with an eye toward growing the fund balance computed each year based on the audited financial statements. Additionally, the Finance Committee monitors the trend in estimated fund balance percentage each month to understand changes and whether they are in alignment with Board direction. Based on that monthly review, the Finance Committee may initiate a Board conversation when changes in fund balance warrant discussion.

Net Position

Net position represents the difference between assets and deferred outflows of resources and liabilities and deferred inflows of resources. Net position is displayed in three components:

- a. Net investment in capital assets - Consists of capital assets, net of accumulated depreciation/amortization reduced by any outstanding debt attributable to acquire capital assets.
- b. Restricted net position - Consists of net position balances restricted when there are limitations imposed on their use through external restrictions imposed by creditors, grantors, laws or regulations of other governments.
- c. Unrestricted net position - All other net position balances that do not meet the definition of "restricted" or "net investment in capital assets".

When both restricted and unrestricted resources are available for use, it is the Charter School's policy to use restricted resources first, then unrestricted resources as they are needed.

Note 2: Stewardship, Compliance and Accountability

A. Budgetary Information

The budget for each fund is prepared on the same basis of accounting as the financial statements. Each May, the Charter School Board adopts an annual budget for the following fiscal year for the General fund, Food Service special revenue fund, and Community Service special revenue fund. A budget for the Friends of St. Croix Academy Building Company was not adopted for fiscal year 2025 as the school is not legally required to do so. Reported budget amounts represent the amended budget as adopted by the Charter School Board. Legal budgetary control is at the fund level. The General fund budget was amended during the current fiscal year. The amendment increased revenues \$139,382 and increased expenditures \$179,329.

1. Prior to July 1, the Executive Director of Finance and Operations submits to the Charter School's Board of Directors, a proposed operating budget for the year commencing the following July 1. The operating budget includes proposed expenditures and the means for financing them.
2. The Executive Director of Finance and Operations authorized to transfer budgeted amounts between departments within any fund, however, any revisions that alter the total expenditures of any fund must be approved by the Charter School's Board.
3. Formal budgetary integration is employed as a management control device during the year for the General and Special Revenue funds.
4. Budgets are as originally adopted or as amended by the Charter School's Board of Directors.

Legal budgetary control is at the fund level. Budgeted expenditure appropriations lapse at year-end.

St Croix Preparatory Academy
 Stillwater, Minnesota
 Notes to the Financial Statements
 June 30, 2025

Note 2: Stewardship, Compliance and Accountability

B. Excess of Expenditures Over Appropriations

For the year ended June 30, 2025, expenditures exceeded appropriations in the following funds:

Fund	Final Budget	Actual	Excess of Expenditures Over Appropriations
General Fund	\$ 16,370,383	\$ 16,793,512	\$ 423,129
Food Service	749,853	767,497	17,644
Community Service	207,000	218,438	11,438

The excess expenditures were funded with available fund balances and revenues in excess of budget.

Note 3: Detailed Notes on All Funds

A. Deposits and Investments

Deposits

Custodial credit risk for deposits and investments is the risk that in the event of a bank failure, the Charter School's deposits and investments may not be returned or the Charter School will not be able to recover collateral securities in the possession of an outside party. In accordance with Minnesota statutes and as authorized by the Board of Education, the Charter School maintains deposits at depository banks that are members of the Federal Reserve System.

Minnesota statutes require that all Charter School deposits be protected by insurance, surety bond or collateral. The fair value of collateral pledged must equal 110 percent of the deposits not covered by insurance, bonds, or irrevocable standby letters of credit from Federal Home Loan Banks.

Authorized collateral in lieu of a corporate surety bond includes:

- United States government Treasury bills, Treasury notes, Treasury bonds;
- Issues of United States government agencies and instrumentalities as quoted by a recognized industry quotation service available to the government entity;
- General obligation securities of any state or local government with taxing powers which is rated "A" or better by a national bond rating service, or revenue obligation securities of any state or local government with taxing powers which is rated "AA" or better by a national bond rating service;
- General obligation securities of a local government with taxing powers may be pledged as collateral against funds deposited by that same local government entity;
- Irrevocable standby letters of credit issued by Federal Home Loan Banks to a municipality accompanied by written evidence that the bank's public debt is rated "AA" or better by Moody's Investors Service, Inc., or Standard & Poor's Corporation; and
- Time deposits that are fully insured by any federal agency.

St Croix Preparatory Academy
 Stillwater, Minnesota
 Notes to the Financial Statements
 June 30, 2025

Note 3: Detailed Notes on All Funds (Continued)

Minnesota statutes require that all collateral shall be placed in safekeeping in a restricted account at a Federal Reserve Bank, or in an account at a trust department of a commercial bank or other financial institution that is not owned or controlled by the financial institution furnishing the collateral. The selection should be approved by the Charter School.

At year end, the Charter School's carrying amount of deposits, bank balance, FDIC coverage and pledged collateral are shown in the chart below.

Carrying amount of deposits	\$ <u>5,374,980</u>
Bank Balance	\$ <u>5,585,407</u>
Covered by FDIC	<u>(1,001,961)</u>
Collateralized with securities pledged in Charter School's name	<u>\$ 4,583,446</u>

Investments

As of June 30, 2025, the Charter School had the following investments that are insured or registered, or securities held by the Charter School's agent in the Charter School's name:

Types of Investments	Credit Quality/ Ratings (1)	Segmented Time Distribution (2)	Amortized Cost and Carrying Amount
Pooled Investments at Amortized Costs			
Brokered Money Market Accounts	N/A	less than one year	\$ <u>3,363,262</u>

(1) Ratings are provided by various credit rating agencies where applicable to indicate association credit risk.

(2) Interest rate risk is disclosed using the segmented time distribution method.

N/A Indicates not applicable or available.

These investments are held by an escrow agent in accordance with escrow agreements established with the sale of the Lease Revenue Bonds Series 2016. The investments of the Charter School are subject to the following risks:

- *Concentration of Credit Risk.* Concentration of credit risk is the risk of loss attributed to the magnitude of a government's investment in a single issuer. The School and the Building Company do not have formal investment policies to address the risk.
- *Interest Rate Risk.* Interest rate risk is the risk that changes in interest rates will adversely affect the fair value of an investment. The School and the Building Company do not have formal investment policies to address the risk.

Cash Summary

A reconciliation of cash and investments as shown on the statement of net position for the Charter School is as follows:

Carrying Amount of Deposits	\$ <u>5,374,980</u>
Investments	<u>3,363,262</u>
Cash on Hand	<u>1,350</u>
 Total	 <u>\$ 8,739,592</u>

St Croix Preparatory Academy
 Stillwater, Minnesota
 Notes to the Financial Statements
 June 30, 2025

Note 3: Detailed Notes on All Funds (Continued)

B. Capital Assets

Capital asset activity for the year ended June 30, 2025 was as follows:

	Beginning Balance	Increases	Decreases	Ending Balance
Governmental Activities				
Capital Assets not Being Depreciated/Amortized				
Land	\$ 2,080,000	\$ -	\$ -	\$ 2,080,000
Capital Assets Being Depreciated/Amortized				
Buildings and improvements	28,804,112	229,484	-	29,033,596
Furniture and equipment	2,955,294	58,156	(142,924)	2,870,526
Lease Equipment (Intangible Right to Use)	286,652	-	-	286,652
Total Capital Assets Being Depreciated/Amortized	<u>32,046,058</u>	<u>287,640</u>	<u>(142,924)</u>	<u>32,190,774</u>
Less Accumulated Depreciation/Amortization for				
Buildings and improvements	(9,813,292)	(990,004)	-	(10,803,296)
Furniture and equipment	(1,605,634)	(253,264)	68,061	(1,790,837)
Lease Equipment (Intangible Right to Use)	(171,991)	(57,330)	-	(229,321)
Total Accumulated Depreciation/Amortization	<u>(11,590,917)</u>	<u>(1,300,598)</u>	<u>68,061</u>	<u>(12,823,454)</u>
Total Capital Assets				
Being Depreciated/Amortized, Net	<u>20,455,141</u>	<u>(1,012,958)</u>	<u>(74,863)</u>	<u>19,367,320</u>
Governmental Activities				
Capital Assets, Net	<u>\$ 22,535,141</u>	<u>\$ (1,012,958)</u>	<u>\$ (74,863)</u>	<u>\$ 21,447,320</u>

Depreciation/amortization expense was charged to functions of the Charter School as follows:

Governmental Activities				
Administration				\$ 57,330
District Support Services				32,051
Elementary and Secondary Regular Instruction				145,667
Vocational Education Instruction				1,538
Special Education Instruction				1,018
Community Service				836
Instructional Support Services				152,176
Pupil Services				118
Food Service				15,668
Sites and Buildings				<u>894,196</u>
Total Depreciation/Amortization Expense - Governmental Activities				<u>\$ 1,300,598</u>

St Croix Preparatory Academy
Stillwater, Minnesota
Notes to the Financial Statements
June 30, 2025

Note 3: Detailed Notes on All Funds (Continued)

C. Interfund Receivables and Payables'

Interfund Balances

The composition of interfund balances as of June 30, 2025 is as follows:

Receivable Fund	Payable Fund	Amount
General	Building Company Funds	\$ 63,017

During the year, the General Fund incurred expenditures that are to be reimbursed by the Building Company. This is expected to be repaid during the next fiscal year.

D. Short-Term Debt

The Charter School has a line of credit agreement with First State Bank and Trust for operating capital. The line of credit agreement was renewed in December 2023, with a maximum borrowing limit of \$500,000 and matures on December 31, 2024. Interest is variable at prime plus 1.25% with a floor of 5.00%. The interest rate at June 30, 2025, was 9.25%. There was no borrowing activity and a zero balance under the line of credit agreement above for the fiscal year ended June 30, 2025.

E. Long-term Liabilities

Lease Revenue Bonds

During fiscal 2013, the Friends of St. Croix Preparatory Academy obtained a \$5,000,000 construction loan from lease revenue bond proceeds sold by Bayview Township, Minnesota to finance the site acquisition, construction, and equipping of an approximately 23,000 square-foot expansion of the existing kindergarten through grade twelve building owned by the Friends of St. Croix Preparatory Academy and leased to St. Croix Preparatory Academy. Bayview Township issued \$5,000,000 of nontaxable lease revenue bonds (Series 2012). The bond proceeds were placed in an escrow account controlled by Wells Fargo Bank under the terms of a trust agreement between the Bayview Township and Wells Fargo Bank for the benefit of the Friends of St. Croix Preparatory Academy. The resulting loan was payable in semiannual installments of interest only beginning February 1, 2013 through February 1, 2039 and principal and interest beginning August 1, 2039 through August 1, 2042. The note was based on annual interest rate of 5.75% and was secured by a mortgage agreement covering the related land, school building, and building contents as well as the assignment of all lease revenue. These bonds were refunded by the 2016 lease revenue bonds on August 31, 2016.

During fiscal 2017, the Friends of St. Croix Preparatory Academy obtained a \$29,320,000 construction loan from lease revenue bond proceeds sold by Bayview Township, Minnesota to: (i) refund the Township's Lease Revenue Bonds 2008A, (ii) refund the Township's Lease Revenue Bonds Series 2012, (iii) finance the construction of athletic fields and other recreational facilities, which may include an approximately 7,000 square-foot building and tennis courts, all located on approximately 25 acres of the existing site (the Athletics Facility and, with the Original Facility and the Expansion Facility, the Facility); (iv) fund a debt service reserve fund; and (v) pay the costs of issuing the Bonds. The bond proceeds were placed in an escrow account controlled by UMB Bank under the terms of a trust agreement between the Bayview Township and UMB Bank for the benefit of the Friends of St. Croix Preparatory Academy. The resulting loan is payable in semiannual installments beginning February 1, 2017 through August 1, 2046. The note is based on annual interest rates of between 1.70% and 4.25% and is secured by a mortgage agreement covering the related land, school building, and building contents as well as the assignment of all lease revenue.

St Croix Preparatory Academy
 Stillwater, Minnesota
 Notes to the Financial Statements
 June 30, 2025

Note 3: Detailed Notes on All Funds (Continued)

Annual debt service requirements to maturity for the lease revenue bonds are as follows:

Year Ending June 30,	2016 Lease Revenue Bonds		
	Principal	Interest	Total
2026	\$ 720,000	\$ 967,813	\$ 1,687,813
2027	745,000	942,175	1,687,175
2028	770,000	915,662	1,685,662
2029	795,000	886,288	1,681,288
2030	830,000	853,788	1,683,788
2031 - 2035	4,665,000	3,734,437	8,399,437
2036 - 2040	5,680,000	2,702,538	8,382,538
2041 - 2045	6,920,000	1,431,637	8,351,637
2046 - 2047	3,195,000	170,425	3,365,425
Total	\$ 24,320,000	\$ 12,604,763	\$ 36,924,763

Financed Purchase Arrangement

The Charter School entered into several financed purchase arrangements for the acquisition of Chromebooks and computers. The details of the agreements are as follows:

Description	Authorized and Issued	Interest Rate	Issue Date	Maturity Date	Balance at Year End	Due Within One Year
Regent Capital - Computers	\$ 50,219	7.10 %	08/01/23	11/01/27	\$ 27,953	\$ 11,879
Regent Capital - Computers	173,637	7.10	07/01/23	07/01/27	76,111	67,046
Totals					\$ 104,064	\$ 78,925

The annual requirements to amortize all financed purchase arrangements at June 30, 2025 are as follows:

Year Ending June 30,	Finance Purchase		
	Principal	Interest	Total
2026	\$ 78,925	\$ 8,427	\$ 87,352
2027	21,810	968	22,778
2028	3,329	59	3,388
Total	\$ 104,064	\$ 9,454	\$ 113,518

St Croix Preparatory Academy
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 Notes to the Financial Statements
 June 30, 2025

Note 3: Detailed Notes on All Funds (Continued)

Lease Payable

In November of 2017, the Charter School entered into a long-term, noncancelable lease agreement with Loffler Companies, Inc. for copiers. This lease was remeasured to a duration of an additional 60 months from 7/1/21 and carries an interest rate of 3.35%. The details of the agreement are as follows:

Description	Authorized and Issued	Interest Rate	Issue Date	Maturity Date	Balance at Year End	Due Within One Year
Loffler Copiers	\$ 286,652	3.35 %	07/01/21	06/01/26	<u>\$ 61,058</u>	<u>\$ 61,058</u>

The annual requirements to amortize all financed purchase arrangement are as follows:

Year Ending June 30,	Lease Payable		
	Principal	Interest	Total
2026	<u>\$ 61,058</u>	<u>\$ 1,113</u>	<u>\$ 62,171</u>

Changes in Long-term Liabilities

Long-term liability activity for the year ended June 30, 2025 was as follows:

Governmental Activities	Beginning Balance	Increases	Decreases	Remeasurement*	Ending Balance	Due Within One Year
Bonds payable	\$ 25,015,000	\$ -	\$ (695,000)	\$ -	\$ 24,320,000	\$ 720,000
Premium	253,332	-	(11,014)	-	242,318	-
Lease Payable	120,108	-	(59,050)	-	61,058	61,058
Finance Purchase	225,435	-	(41,216)	(80,155)	104,064	78,925
Total	<u>\$ 25,613,875</u>	<u>\$ -</u>	<u>\$ (806,280)</u>	<u>\$ (80,155)</u>	<u>\$ 24,727,440</u>	<u>\$ 859,983</u>

*Remeasurement reflects the write-off of a finance purchase payable recorded in the prior year.

Note 4: Other Information

A. Risk Management

The Charter School is exposed to various risks of loss related to torts: theft of, damage to and destruction of assets; errors and omissions; injuries to employees; and natural disasters for which the Charter School carries commercial insurance. Settled claims have not exceeded this commercial coverage in any of the past three fiscal years. There were no significant reductions in insurance coverage in fiscal year 2025.

Liabilities are reported when it is probable that a loss has occurred, and the amount of the loss can be reasonably estimated. Liabilities, if any, include an amount for claims that have been incurred but not reported (IBNRs). The Charter School's management is not aware of any incurred but not reported claims.

St Croix Preparatory Academy
Stillwater, Minnesota
Notes to the Financial Statements
June 30, 2025

Note 4: Other Information (Continued)

B. Commitments and Contingencies

Federal and State Programs

Amounts received or receivable from federal and state agencies are subject to agency audit and adjustment. Any disallowed claims, including amounts already collected, may constitute a liability of the applicable fund. The amount, if any, of funds which may be disallowed by the agencies cannot be determined at this time although the Charter School expects such amounts, if any, to be immaterial.

State Revenues Pledged

The Charter School has pledged all funds, monies, grants, or other distributions received by the Charter School from the state of Minnesota with respect to general student funding, state building lease aid payments, state distributions of Federal Title I funds, or any other funding sources, net of operating expenses of the Charter School required under state or federal laws to provide required educational program expenditures, to repay the \$29.3 million 2016 lease revenue bonds issued by the Building Company in August of 2016. Proceeds from the bonds provided financing to (i) refund the Township's Lease Revenue Bonds Series 2008A, the proceeds of which were used to finance the acquisition, construction, and equipping of an approximately 90,000 square foot kindergarten through grade 12 education facility, located on an approximately 59 acre site at 4260 Stagecoach Trail North in the Township (the Original Facility), (ii) refund the Township's Lease Revenue Bonds Series 2012, the proceeds of which were used to finance the acquisition, construction, and equipping of an approximately 23,000 square foot addition to the Original Facility (the Expansion Facility), (iii) finance the construction of athletic fields and other recreational facilities, which may include an approximately 7,000 square-foot building and tennis courts, all located on approximately 25 acres of the existing site; (iv) fund a debt service reserve fund; and (v) pay the costs of issuing the Bonds. The bonds are payable solely from lease revenues paid by the Charter School to the Building Company revenues and are payable through August 1, 2046. Annual principal and interest payments on the bonds during the year ended June 30, 2025 required 86% of net lease revenues. The total principal and interest remaining to be paid on the bonds is \$36,924,763. Principal and interest debt service expenditures paid for the current year and total customer net revenues were \$1,687,575 and \$1,963,992, respectively.

Lease Commitments and Terms

Effective with the purchase and construction of the educational site by the Friends of St. Croix Preparatory Academy, the Charter School leased the site from the Friends of St. Croix Preparatory Academy (a blended component unit). Under the terms of the lease agreement, the lease term is for the period beginning September 1, 2009 and ending June 30, 2039. The end of the term of this lease was extended to June 30, 2043 with the first amendment to the lease which was signed on August 15, 2012. The lease agreement was revised effective August 31, 2016 when the 2016 lease revenue bonds were issued. The revised lease extended the term through June 30, 2047. The net annual base rent for the term of the lease agreement is tied closely to the debt service requirements of the Friends of St. Croix Preparatory Academy, including amounts held in escrow as part of the respective loan agreements. In addition, the Charter School is responsible for all interior and exterior repair and maintenance costs as well as all utility costs. The total amount of rent paid by the School to Friends of St. Croix Preparatory Academy under the terms of the lease agreement for fiscal 2024-2025 was \$1,963,992.

For fiscal 2025, the Charter School qualified for state charter school lease aid in the amount of \$1,712,444 based on a statutory cap of \$1,314 per pupil unit. This entitlement is subject to proration by the Minnesota Department of Education to the extent the overall funding that has been provided is insufficient to meet all amounts owed to Minnesota charter schools.

St Croix Preparatory Academy
 Stillwater, Minnesota
 Notes to the Financial Statements
 June 30, 2025

Note 4: Other Information (Continued)

Below is the schedule of future base rents payable in accordance with the lease agreements summarized above:

Year Ending June 30,	Lease Revenue
2026	\$ 1,857,383
2027	1,856,852
2028	1,854,975
2029	1,857,746
2030	1,855,079
2031 - 2035	9,283,979
2036 - 2040	9,282,246
2041 - 2045	9,285,763
2046 - 2048	2,001,268
 Total	 <u>\$ 39,135,291</u>

The Charter School's ability to make payments under such lease agreements is dependent on its revenues which are in turn, largely dependent on sufficient enrollments being served at the Charter School and on sufficient state aids per student being authorized and received from the state of Minnesota. The Charter School believes that its enrollments and aid entitlements will be sufficient to meet the lease obligations as they become due.

C. Economic Dependency

The charter school has a significant amount of revenue (78.9 percent) coming from the State of Minnesota.

D. Income Taxes

The Charter School is exempt from income taxes under Section 501(c)(3) of the Internal Revenue Code. The Charter School also qualifies as a tax-exempt organization under applicable statutes of the State of Minnesota.

Management believes that it is not reasonably possible for any tax position benefits to increase or decrease significantly over the next 12 months. As of June 30, 2025, there were no income tax related accrued interest or penalties recognized in either the statement of financial position or the statement of activities.

The Charter School files informational returns in the U.S. federal jurisdiction, and in the Minnesota state jurisdiction. U.S. federal returns and Minnesota returns for the prior three fiscal years are closed. No returns are currently under examination in any tax jurisdiction.

Note 5: Lease Modification – Correction of Error

During the fiscal year 2025, a finance purchase payable recorded in the prior years was determined to have been recorded in error, as no underlying agreement existed and the related transaction has been removed. The payable was subsequently written off through a remeasurement adjustment to long-term liabilities.

St. Croix Prepatory Academy
Stillwater, Minnesota
Notes to the Financial Statements
June 30, 2025

Note 6: Defined Benefit Pension Plans - Statewide

A. Teacher Retirement Association (TRA)

1. Plan Description

The Teachers Retirement Association (TRA) is an administrator of a multiple employer, cost-sharing, defined benefit retirement fund. TRA administers a Basic Plan (without Social Security coverage) and a Coordinated Plan (with Social Security coverage) in accordance with Minnesota Statutes, Chapters 354 and 356. TRA is a separate statutory entity and administered by a Board of Trustees. The Board consists of four active members, one retired member, and three statutory officials.

Educators employed in Minnesota's public elementary and secondary school, charter schools, and certain other TRA-covered educational institutions maintained by the state are required to be TRA members (except those employed by St. Paul schools or Minnesota State Colleges and Universities). Educators first hired by Minnesota State may elect either TRA coverage within one year of eligible employment or elect coverage through the Defined Contribution Retirement Plan (DCR) administered by Minnesota State. A teacher employed by Minnesota State and electing DCR plan is not a member of TRA except for purposes of social security coverage.

2. Benefits Provided

TRA provides retirement benefits as well as disability benefits to members, and benefits to survivors upon death of eligible members. Benefits are established by Minnesota Statute and vest after three years of service credit. The defined retirement benefits are based on a member's highest average salary for any consecutive 60 months of formula service, age and years of formula service credit at termination of service. TRA members belong to either the Basic or Coordinated Plan.

Two methods are used to compute benefits for TRA's Coordinated and Basic Plan members. Members first employed before July 1, 1989, receive the greater of the Tier I or Tier II benefits as described.

Tier I:	Step Rate Formula	Percentage
Basic	First ten years of service	2.2 percent per year
	All years after	2.7 percent per year
Coordinated	First ten years if service years are prior to July 1, 2006	1.2 percent per year
	First ten years if service years are July 1, 2006 or after	1.4 percent per year
	All other years of service if service years are prior to July 1, 2006	1.7 percent per year
	All other years of service if service years are July 1, 2006 or after	1.9 percent per year

With these provisions:

1. Retirement age is 65 with less than 30 years of allowable service and age 62 with 30 or more years of allowable service.
2. Three percent per year early retirement reduction factor for all years under normal retirement age.
3. Unreduced benefits for early retirement under a Rule-of-90 (age plus allowable service equals 90 or more).

or

St. Croix Prepatory Academy
Stillwater, Minnesota
Notes to the Financial Statements
June 30, 2025

Note 6: Defined Benefit Pension Plans - Statewide (Continued)

For years of service prior to July 1, 2006, a level formula of 1.7% per year for coordinated members and 2.7% per year for basic members is applied. For years of service July 1, 2006 and after, a level formula of 1.9% per year for coordinated members and 2.7% per year for Basic members applies. An early retirement reduction is applied to members retiring prior to age 65. Members who reach age 62 with 30 years of service have a lower (more favorable to the member) reduction rate applied.

Tier II:

Members first employed after June 30, 1989, receive only the Tier II benefit calculation with a normal retirement age that is their retirement age for full Social Security retirement benefits, but not to exceed age 66. After July 1, 2024, the age will change to not to exceed 65. An early retirement reduction is applied to members retiring before age 66, but will be age 65 after July 1, 2024. Members who reach age 62 with 30 years of service have a lower (more favorable to the member) early retirement reduction rate applied.

Six different types of annuities are available to members upon retirement. The No Refund Plan is a lifetime annuity that ceases upon the death of the retiree – no survivor annuity is payable. A retiring member may also choose to provide survivor benefits to a designated beneficiary(ies) by selecting one of the five plans that have survivorship features. Vested members may also leave their contributions in the TRA Fund upon termination of service in order to qualify for a deferred annuity at retirement age. Any member terminating service is eligible for a refund of their employee contributions plus interest.

The benefit provisions stated apply to active plan participants. Vested, terminated employees who are entitled to benefits but not yet receiving them are bound by the plan provisions in effect at the time they last terminated their public service.

3. Contributions

Per Minnesota Statutes, Chapter 354 sets the contribution rates for employees and employers. Rates for the fiscal year 2025 for coordinated were 7.75% for the employee and 8.75% for the employer. Basic rates were 11.25% for the employee and 12.75% for the employer. The Charter School's contributions to TRA for the plan's fiscal year ended June 30, 2025, 2024, and 2023 were \$585,347, \$574,074, and \$520,286. The Charter School's contributions were equal to the required contributions for each year as set by state statute.

4. Actuarial Assumptions

The total pension liability in the July 1, 2024 actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement.

St. Croix Prepatory Academy
 Stillwater, Minnesota
 Notes to the Financial Statements
 June 30, 2025

Note 6: Defined Benefit Pension Plans - Statewide (Continued)

Key Methods and Assumptions Used in Valuation of Total Pension Liability

Actuarial Information	
Experience Studies	August 2, 2023 (demographic and economic assumptions)
Actuarial Cost Method	Entry Age Normal
Actuarial Assumptions	
Investment Rate of Return	7.00%
Price Inflation	2.50%
Wage Growth Rate	2.85% before July 1, 2028 and 3.25% after June 30, 2028
Projected Salary Increase	2.85 to 8.85% before July 1, 2028 and 3.25% to 9.25% after June 30, 2028
Cost of Living Adjustment	1% for January 2019 through January 2023, then Increasing by 0.1% each year up to 1.5% annually
Mortality Assumption	
Pre-retirement	PubT-2010(A) Employee Mortality Table, male rates set forward 1 year and female rates unadjusted. Generational projection uses the MP-2021 scale.
Healthy Retirees	PubT-2010 (A) Retiree Mortality Table, male rates set forward 1 year and female rates unadjusted. Generational projection uses the MP-2021 scale.
Beneficiaries	Pub-2010 (A) Contingent Survivor Mortality Table, male rates set forward 1 year and female rates unadjusted. Generational projection uses the MP-2021 scale.
Disabled Retirees	PubNS-2010 Disabled Retiree Mortality Table, male rates set forward 1 year and female rates unadjusted. Generational projection uses the MP-2021 scale.

*The assumptions prescribed are based on the experience study dated August 2, 2023. For GASB 67 purposes, the long-term rate of return assumptions is selected by TRA management in consultation with actuary.

The long-term expected rate of return on pension plan investments was determined using a building block method in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation.

The target allocation and best estimates of geometric real rates of return for each major asset class are summarized in the following table:

Asset Class	Target Allocation	Long-term Expected Real Rate of Return
Domestic Equity	33.5 %	5.10 %
International Equity	16.5	5.30
Fixed Income	25.0	0.75
Private Markets	25.0	5.90
Total	100.0 %	

St. Croix Prepatory Academy
Stillwater, Minnesota
Notes to the Financial Statements
June 30, 2025

Note 6: Defined Benefit Pension Plans - Statewide (Continued)

Changes in the actuarial assumptions since the 2022 valuation:

- Mortality tables were updated for active employees, retirees, disabled retirees, and contingent beneficiaries to recently published tables derived from public plan data known as the Pub2010 family.
- Retirement rates were increased for some of the Tier II early retirement ages and some of the unreduced retirement rates were modified for both tiers to better align with actual experience.
- Probability that new female retirees elect either the Straight Life Annuity or 100% Joint & Survivor Annuity were refined to reflect the actual experience.
- Termination rates were reduced in the first 10 years of employment and slightly increased in years 16 to 25 to better match the observed experience.
- Disability rates were decreased beyond age 45 by 15% to reflect the continued lower than expected observations.

5. Discount Rate

The discount rate used to measure the total pension liability was 7%. There was no change in the discount rate since the prior measurement date. The projection of cash flows used to determine the discount rate assumed that employee contributions will be made at the fiscal year 2024 contribution rate, contributions from school districts will be made at contractually required rates (actuarially determined), and contributions from the state will be made at current statutorily required rates. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

6. Net Pension Liability

On June 30, 2025, The Charter School reported a liability of \$6,284,423 for its proportionate share of the net pension liability. The net pension liability was measured as of June 30, 2024, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of July 1, 2024. The Charter School's proportion of the net pension liability was based on the Charter School's contributions to TRA in relation to total system contributions including direct aid from the State of Minnesota, City of Minneapolis and Minneapolis School District. The Charter School's proportionate share was 0.0989% at the end of the measurement period and 0.0944% for the beginning of the year.

The pension liability amount reflected a reduction due to direct aid provided to TRA. The amount recognized by the Charter School as its proportionate share of the net pension liability, the direct aid, and total portion of the net pension liability that was associated with the Charter School were as follows:

Charter School's Proportionate Share of Net Pension Liability	\$ 6,284,423
State's Proportionate Share of Net Pension Liability Associated with the Charter School	<u>385,147</u>
Total	<u><u>\$ 6,669,570</u></u>

For the year ended June 30, 2025, the Charter School recognized pension expense of \$580,319. It also recognized \$26,752 as an decrease to pension expense for the support provided by direct aid.

During the plan year ended June 30, 2024, the State of Minnesota contributed \$176 million to the Fund. The State of Minnesota is not included as a non-employer contributing entity in the plan pension allocation schedules for the \$176 million in direct state aid because this contribution was not considered to meet the definition of a special funding situation. The Charter School recognized \$174,229 for the year ended June 30, 2025 as revenue and an offsetting reduction of net pension liability for its proportionate share of the State of Minnesota's on-behalf contributions to the Fund.

St. Croix Prepatory Academy
 Stillwater, Minnesota
 Notes to the Financial Statements
 June 30, 2025

Note 6: Defined Benefit Pension Plans - Statewide (Continued)

On June 30, 2025, the Charter School reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences Between Expected and Actual Economic Experience	\$ 295,882	\$ 78,385
Changes in Actuarial Assumptions	554,331	1,072,761
Net Difference Between Projected and Actual Investment Earnings	-	362,625
Changes in Proportion	309,608	-
Contributions Paid to PERA Subsequent to the Measurement Date	585,347	-
 Total	 <u>\$ 1,745,168</u>	 <u>\$ 1,513,771</u>

The \$585,347 reported as deferred outflows of resources related to pensions resulting from Charter School Contributions subsequent to the measurement date will be recognized as a reduction in the net pension liability in the year ending June 30, 2026. Other amounts reported as deferred outflows of resources and (deferred inflows of resources) will be recognized in pension expense as follows:

2026	\$ (375,169)
2027	465,963
2028	198,757
2029	(311,856)
2030	(246,710)
Thereafter	(84,935)

7. Pension Liability Sensitivity

The following presents the net pension liability of TRA calculated using the discount rate of 7%, as well as what the net pension liability would be if it were calculated using a discount rate that is one percentage point lower (6%) or one percentage point higher (8%) than the current rate (preparer instructions: multiply the allocation % by TRA's sensitivity footnote info).

	Charter School's Proportionate Share of NPL		
	1 Percent Decrease (6%)	Current (7%)	1 Percent Increase (8%)
Teachers Retirement Association	\$ 11,067,237	\$ 6,284,423	\$ 3,998,104

8. Pension Plan Fiduciary Net Position

Detailed information about the plan's fiduciary net position is available in a separately-issued TRA financial report. That report can be obtained at <https://minnesotatra.org>, by writing to TRA at 60 Empire Drive, Suite 400, St. Paul, MN, 55103-4000; or by calling 651-296-2409 or 800-657-3669.

St. Croix Prepatory Academy
Stillwater, Minnesota
Notes to the Financial Statements
June 30, 2025

Note 6: Defined Benefit Pension Plans - Statewide (Continued)

B. Public Employees Retirement Association (PERA)

1. Plan Description

The Charter School participates in the following cost-sharing multiple-employer defined benefit pension plans administered by the Public Employees Retirement Association of Minnesota (PERA). These plan provisions are established and administered according to Minnesota Statutes chapters 353, 353D, 353E, 353G, and 356. Minnesota Statutes chapter 356 defines each plan's financial reporting requirements. PERA's defined benefit pension plans are tax qualified plans under Section 401(a) of the Internal Revenue Code.

General Employees Retirement Plan (General Plan)

Membership in the General Plan includes employees of counties, cities, townships, schools in non-certified positions, and other governmental entities whose revenues are derived from taxation, fees, or assessments. Plan membership is required for any employee who is expected to earn more than \$425 in a month, unless the employee meets exclusion criteria.

2. Benefits Provided

PERA provides retirement, disability, and death benefits. Benefit provisions are established by state statute and can only be modified by the state Legislature. Vested, terminated employees who are entitled to benefits, but are not receiving them yet, are bound by the provisions in effect at the time they last terminated their public service. When a member is "vested," they have earned enough service credit to receive a lifetime monthly benefit after leaving public service and reaching an eligible retirement age. Members who retire at or over their Social Security full retirement age with at least one year of service qualify for a retirement benefit.

General Employees Plan Benefits

General Employees Plan requires three years of service to vest. Benefits are based on a member's highest average salary for any five successive years of allowable service, age, and years of credit at termination of service. Two methods are used to compute benefits for General Plan members. Members hired prior to July 1, 1989, receive the higher of the Step or Level formulas. Only the Level formula is used for members hired after June 30, 1989. Under the Step formula, General Plan members receive 1.2 percent of the highest average salary for each of the first 10 years of service and 1.7 percent for each additional year. Under the Level formula, General Plan members receive 1.7 percent of highest average salary for all years of service. For members hired prior to July 1, 1989 a full retirement benefit is available when age plus years of service equal 90 and normal retirement age is 65. Members can receive a reduced requirement benefit as early as age 55 if they have three or more years of service. Early retirement benefits are reduced by .25 percent for each month under age 65. Members with 30 or more years of service can retire at any age with a reduction of 0.25 percent for each month the member is younger than age 62. The Level formula allows General Plan members to receive a full retirement benefit at age 65 if they were first hired before July 1, 1989 or at age 66 if they were hired on or after July 1, 1989. Early retirement begins at age 55 with an actuarial reduction applied to the benefit.

Benefit increases are provided to benefit recipients each January. The postretirement increase is equal to 50 percent of the cost-of-living adjustment (COLA) announced by the SSA, with a minimum increase of at least 1 percent and a maximum of 1.5 percent. The 2024 annual increase was 1.5 percent. Recipients that have been receiving the annuity or benefit for at least a full year as of the June 30 before the effective date of the increase will receive the full increase. Recipients receiving the annuity or benefit for at least one month but less than a full year as of the June 30 before the effective date of the increase will receive a prorated increase.

St. Croix Prepatory Academy
Stillwater, Minnesota
Notes to the Financial Statements
June 30, 2025

Note 6: Defined Benefit Pension Plans - Statewide (Continued)

3. Contributions

Minnesota Statutes chapters 353, 353E, 353G, and 356 set the rates for employer and employee contributions. Contribution rates can only be modified by the state Legislature.

General Employees Fund Contributions

General Plan members were required to contribute 6.50 percent of their annual covered salary in fiscal year 2025 and the Charter School was required to contribute 7.50 percent for Coordinated Plan members. The Charter School's contributions to the General Employees Fund for the years ending June 30, 2025, 2024 and 2023, were \$195,846, \$192,984 and \$184,212, respectively. The Charter School's contributions were equal to the required contributions for each year as set by state statute.

4. Pension Costs

General Employees Fund Pension Costs

At June 30, 2025, the Charter School reported a liability of \$1,123,964 for its proportionate share of the General Employees Fund's net pension liability. The Charter School's net pension liability reflected a reduction due to the State of Minnesota's contribution of \$16 million. The State of Minnesota is considered a non-employer contributing entity and the state's contribution meets the definition of a special funding situation. The State of Minnesota's proportionate share of the net pension liability associated with the Charter School totaled \$29,063.

Charter School's Proportionate Share of Net Pension Liability	\$ 1,123,964
State's Proportionate Share of Net Pension Liability Associated with the Charter School	29,063
Total	\$ 1,153,027

The net pension liability was measured as of June 30, 2025, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of that date. The Charter School's proportion of the net pension liability was based on the Charter School's contributions received by PERA during the measurement period for employer payroll paid dates from July 1, 2024 through June 30, 2025, relative to the total employer contributions received from all of PERA's participating employers. The Charter School's proportionate share was 0.0304 percent at the end of the measurement period and 0.0309 percent for the beginning of the period.

For the year ended June 30, 2025, the Charter School recognized pension expense of \$77,679 for its proportionate share of the General Employees Plan's pension expense. In addition, the Charter School recognized an additional \$779 as pension expense (and grant revenue) for its proportionate share of the State of Minnesota's contribution of \$16 million to the General Employees Fund.

During the plan year ended June 30, 2025, the State of Minnesota contributed \$170.1 million to the General Employees Fund. The State of Minnesota is not included as a non-employer contributing entity in the General Employees Plan pension allocation schedules for the \$170.1 million in direct state aid because this contribution was not considered to meet the definition of a special funding situation. The Charter School recognized \$51,713 for the year ended June 30, 2025 as revenue and an offsetting reduction of net pension liability for its proportionate share of the State of Minnesota's on-behalf contributions to the General Employees Fund.

St. Croix Prepatory Academy
 Stillwater, Minnesota
 Notes to the Financial Statements
 June 30, 2025

Note 6: Defined Benefit Pension Plans - Statewide (Continued)

At June 30, 2025, the Charter School reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences Between Expected and Actual Economic Experience	\$ 105,725	\$ -
Changes in Actuarial Assumptions	5,144	660,314
Net Difference Between Projected and Actual Investment Earnings	-	93,318
Changes in Proportion	-	20,859
Contributions Paid to PERA Subsequent to the Measurement Date	<u>195,846</u>	<u>-</u>
 Total	 <u>\$ 306,715</u>	 <u>\$ 774,491</u>

The \$195,846 reported as deferred outflows of resources related to pensions resulting from the Charter School's contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability in the year ended June 30, 2026. Other amounts reported as deferred outflows and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

2026	\$ (366,732)
2027	(103,783)
2028	(164,419)
2029	(28,688)

5. Long-Term Expected Return on Investment

The State Board of Investment, which manages the investments of PERA, prepares an analysis of the reasonableness on a regular basis of the long-term expected rate of return using a building-block method in which best-estimate ranges of expected future rates of return are developed for each major asset class. These ranges are combined to produce an expected long-term rate of return by weighting the expected future rates of return by the target asset allocation percentages. The target allocation and best estimates of geometric real rates of return for each major asset class are summarized in the following table:

Asset Class	Target Allocation	Long-term Expected Real Rate of Return
Domestic Equity	33.5 %	5.10 %
International Equity	16.5	5.30
Fixed Income	25.0	0.75
Private Markets	<u>25.0</u>	<u>5.90</u>
 Total	 <u>100.0 %</u>	

St. Croix Prepatory Academy
Stillwater, Minnesota
Notes to the Financial Statements
June 30, 2025

Note 6: Defined Benefit Pension Plans - Statewide (Continued)

6. Actuarial Assumptions

The total pension liability for each of the cost-sharing defined benefit plans was determined by an actuarial valuation as of June 30, 2024, using the entry age normal actuarial cost method. The long-term rate of return on pension plan investments used to determine the total liability is 7%. The 7% assumption is based on a review of inflation and investment return assumptions from a number of national investment consulting firms. The review provided a range of investment return rates considered reasonable by the actuary. An investment return of 7% is within that range.

Inflation is assumed to be 2.25% for the General Employees Plan. Benefit increases after retirement are assumed to be 1.25% for the General Employees Plan.

Salary growth assumptions in the General Employees Plan range in annual increments from 10.25% after one year of service to 3% after 27 years of service. Mortality rates for the General Employees Plan are based on the Pub-2010 General Employee Mortality Table.

Actuarial assumptions for the General Employees Plan are reviewed every four years. The General Employees Plan was last reviewed in 2023. The assumption changes were adopted by the board and became effective with the July 1, 2024 actuarial valuation.

The following changes in actuarial assumptions and plan provisions occurred in 2024:

General Employees Fund

Changes in Actuarial Assumptions

- Rates of merit and seniority were adjusted, resulting in slightly higher rates.
- Assumed rates of retirement were adjusted as follows: increase the rate of assumed unreduced retirements, slight adjustments to Rule of 90 retirement rates, and slight adjustments to early retirement rates for Tier 1 and Tier 2 members.
- Minor increase in assumed withdrawals for males and females.
- Lower rates of disability.
- Continued use of Pub-2010 general mortality table with slight rate adjustments as recommended in the most recent experience study.
- Minor changes to form of payment assumptions for male and female retirees.
- Minor changes to assumptions made with respect to missing participant data.

Changes in Plan Provisions

-The workers' compensation offset for disability benefits was eliminated. The actuarial equivalent factors updated to reflect the changes in assumptions.

7. Discount Rate

The discount rate used to measure the total pension liability in 2024 was 7.0 percent. The projection of cash flows used to determine the discount rate assumed that contributions from plan members and employers will be made at rates set in Minnesota Statutes. Based on these assumptions, the fiduciary net position of the General Employees Plans were projected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

St. Croix Prepatory Academy
Stillwater, Minnesota
Notes to the Financial Statements
June 30, 2025

Note 6: Defined Benefit Pension Plans - Statewide (Continued)

8. Pension Liability Sensitivity

The following presents the Charter School's proportionate share of the net pension liability for all plans it participates in, calculated using the discount rate disclosed in the preceding paragraph, as well as what the Charter School's proportionate share of the net pension liability would be if it were calculated using a discount rate one percentage point lower or one percentage point higher than the current discount rate:

	Charter School's Proportionate Share of NPL		
	1 Percent Decrease (6%)	Current (7%)	1 Percent Increase (8%)
	\$ 2,454,918	\$ 1,123,964	\$ 29,133
General Employees Fund			

9. Pension Plan Fiduciary Net Position

Detailed information about each pension plan's fiduciary net position is available in a separately issued PERA financial report that includes financial statements and required supplementary information. That report may be obtained on the Internet at www.mnpera.org.

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REQUIRED SUPPLEMENTARY INFORMATION

ST CROIX PREPATORY ACADEMY
STILLWATER, MINNESOTA

FOR THE YEAR ENDED
JUNE 30, 2025

St. Croix Prepatory Academy
 Stillwater, Minnesota
 Required Supplementary Information
 For the Year Ended June 30, 2025

Schedule of Employer's Share of TRA Net Pension Liability

Fiscal Year Ending	Charter School's Proportion of the Net Pension Liability	State's Proportionate Share of the Net Pension Liability Associated with the Charter School			Charter School's Total (a+b)	Charter School's Covered Payroll (c)	Charter School's Proportionate Share of the Net Pension Liability as a Percentage of Covered Payroll (a/c)	Plan Fiduciary Net Position as a Percentage of the Total Pension Liability
		Charter School's Proportionate Share of the Net Pension Liability (a)	(b)	Total (a+b)				
6/30/2024	0.0989 %	\$ 6,284,423	\$ 385,147	\$ 6,669,570	\$ 6,560,846	95.8 %	82.1 %	
6/30/2023	0.0944	7,793,875	545,968	8,339,843	6,085,216	128.1	76.4	
6/30/2022	0.0872	6,982,515	1,040,634	8,023,149	5,400,396	129.3	76.2	
6/30/2021	0.0865	3,785,499	319,280	4,104,779	5,213,542	72.6	86.6	
6/30/2020	0.0875	6,464,617	541,567	7,006,184	5,034,621	128.4	75.5	
6/30/2019	0.0794	5,060,973	-	5,060,973	4,515,409	112.1	78.2	
6/30/2018	0.0771	4,843,191	-	4,843,191	4,292,160	112.8	78.1	
6/30/2017	0.0753	15,031,246	-	15,031,246	4,075,667	368.8	51.6	
6/30/2016	0.0765	18,247,075	-	18,247,075	3,991,373	457.2	44.9	
6/30/2015	0.0772	4,775,584	-	4,775,584	3,908,133	122.2	76.8	

Schedule of Employer's TRA Contributions

Year Ending	Contributions in Relation to the Statutorily Required Contribution			Charter School's Covered Payroll (c)	Contributions as a Percentage of Covered Payroll (b/c)
	Statutorily Required Contribution (a)	Statutorily Required Contribution (b)	Contribution Deficiency (Excess) (a-b)		
6/30/2025	\$ 585,347	\$ 585,347	\$ -	\$ 6,689,680	8.75 %
6/30/2024	574,074	574,074	-	6,560,846	8.75
6/30/2023	520,286	520,286	-	6,085,216	8.55
6/30/2022	450,393	450,393	-	5,400,396	8.34
6/30/2021	423,861	423,861	-	5,213,542	8.13
6/30/2020	398,742	398,742	-	5,034,621	7.92
6/30/2019	348,138	348,138	-	4,515,409	7.71
6/30/2018	321,912	321,912	-	4,292,160	7.50
6/30/2017	305,675	305,675	-	4,075,667	7.50
6/30/2016	299,353	299,353	-	3,991,373	7.50

St. Croix Prepatory Academy
Stillwater, Minnesota
Required Supplementary Information (Continued)
For the Year Ended June 30, 2025

Notes to the Required Supplementary Information - TRA

Changes in Actuarial Assumptions

2024

Mortality tables were updated for active employees, retirees, disabled retirees, and contingent beneficiaries to recently published tables derived from public plan data known as the Pub2010 family. Retirement rates were increased for some of the Tier II early retirement ages and some of the unreduced retirement rates were modified for both tiers to better align with actual experience. Probability that new female retirees elect either the Straight Life Annuity or 100% Joint & Survivor Annuity were refined to reflect the actual experience. Termination rates were reduced in the first 10 years of employment and slightly increased in years 16 to 25 to better match the observed experience. Disability rates were decreased beyond age 45 by 15% to reflect the continued lower than expected observations.

2023

The 2023 Tax Finance and Policy Bill, effective July 1, 2025 and The 2024 Omnibus Pensions and Retirement Bill contained a number of changes. The employer contribution rate will increase from 8.75% to 9.5% on July 1, 2025. The employee contribution rate will increase from 7.75% to 8% on July 1, 2025. The Normal Retirement Age (NRA) for active and eligible deferred Tier II members will be 65 effective July 1, 2024. TRA's amortization date will remain the same at 2048. The pension adjustment rate for school districts and the base budgets for Minnesota State, Perpich Center for Arts Education, and Minnesota Academies will increase to reflect the 0.75% employer contribution rate increase.

2022

No changes noted.

2021

The investment return assumption was changed from 7.50 percent to 7.00 percent.

2020

Assumed termination rates were changed to more closely reflect actual experience. The pre-retirement mortality assumption was changed to RP-2014 white collar employee table, male rates set back five years and female rates set back seven years. Generational projection uses the MP-2015 scale. Assumed form of annuity election proportions were changed to more closely reflect actual experience for female retirees.

2019

No changes noted.

2018

The mortality projection scale was changed from MP-2015 to MP-2017. The assumed benefit increase was changed from 1.00 percent per year through 2044 and 2.50 percent per year thereafter to 1.25 percent per year.

2017

The Combined Service Annuity (CSA) loads were changed from 0.8 percent for active members and 60 percent for vested and non-vested deferred members. The revised CSA loads are now 0.0 percent for active member liability, 15.0 percent for vested deferred member liability and 3.0 percent for non-vested deferred member liability. The assumed post-retirement benefit increase rate was changed from 1.0 percent per year for all years to 1.0 percent per year through 2044 and 2.5 percent per year thereafter.

2016

The assumed post-retirement benefit increase rate was changed from 1.0 percent per year through 2035 and 2.5 percent per year thereafter to 1.0 percent per year for all future years. The assumed investment return was changed from 7.9 percent to 7.5 percent. The single discount rate was changed from 7.9 percent to 7.5 percent. Other assumptions were changed pursuant to the experience study dated June 30, 2015. The assumed future salary increases, payroll growth and inflation were decreased by 0.25 percent to 3.25 percent for payroll growth and 2.50 percent for inflation.

2015

The cost of living adjustment was not assumed to increase to 2.5 percent but remain at 2.0 percent for all future years. The investment return assumption was changed from 8.25 percent to 8.00 percent.

St. Croix Prepatory Academy
Stillwater, Minnesota
Required Supplementary Information (Continued)
For the Year Ended June 30, 2025

Notes to the Required Supplementary Information – TRA (Continued)

Changes in Plan Provisions

2024

No changes noted.

2023

No changes noted.

2022

No changes noted.

2021

No changes noted.

2020

No changes noted.

2019

No changes noted.

2018

The 2018 Omnibus Pension Bill contained a number of changes: The COLA was reduced from 2.0% each January 1 to 1.0%, effective January 1, 2019. Beginning January 1, 2024, the COLA will increase 0.1% each year until reaching the ultimate rate of 1.5% in January 1, 2028. Beginning July 1, 2024, eligibility for the first COLA changes to normal retirement age (age 65 to 66, depending on date of birth). However, members who retire under Rule of 90 and members who are at least age 62 with 30 years of service credit are exempt. The COLA trigger provision, which would have increased the COLA to 2.5% if the funded ratio was at least 90% for two consecutive years, was eliminated. Augmentation in the early retirement reduction factors is phased out over a five-year period beginning July 1, 2019 and ending June 30, 2024 (this reduces early retirement benefits). Members who retire and are at least age 62 with 30 years of service are exempt. Augmentation on deferred benefits will be reduced to zero percent beginning July 1, 2019. Interest payable on refunds to members was reduced from 4.0% to 3.0%, effective July 1, 2018. Interest due on payments and purchases from members, employers is reduced from 8.5% to 7.5%, effective July 1, 2018. The employer contribution rate is increased each July 1 over the next 6 years, (7.71% in 2018, 7.92% in 2019, 8.13% in 2020, 8.34% in 2021, 8.55% in 2022, 8.75% in 2023). In addition, the employee contribution rate will increase from 7.50% to 7.75% on July 1, 2023. The state provides funding for the higher employer contribution rate through an adjustment in the school aid formula.

2017

No changes noted.

2016

No changes noted.

2015

On June 30, 2015, the Duluth Teachers Retirement Fund Association was merged into TRA. This also resulted in a state-provided contribution stream of \$14.377 million until the System becomes fully funded.

St. Croix Prepatory Academy
 Stillwater, Minnesota
 Required Supplementary Information (Continued)
 For the Year Ended June 30, 2025

Schedule of Employer's Share of PERA Net Pension Liability

Fiscal Year Ending	Charter School's Proportion of the Net Pension Liability	Charter School's Proportionate Share of the Net Pension Liability (a)	State's Proportionate Share of the Net Pension Liability Associated with the 0.0771 (b)	Total (a+b)	Charter School's Covered Payroll (c)	Charter School's Proportionate Share of the Net Pension Liability as a Percentage of Covered Payroll (a/c)	Plan Fiduciary Net Position as a Percentage of the Total Pension Liability
6/30/2024	0.0304 %	\$ 1,123,964	\$ 29,063	\$ 1,153,027	\$ 2,573,120	43.7 %	86.7 %
6/30/2023	0.0309	1,727,893	47,704	1,775,597	2,456,160	70.3	83.1
6/30/2022	0.0285	2,257,209	66,320	2,323,529	2,161,347	104.4	76.7
6/30/2021	0.0272	1,161,562	35,433	1,196,995	1,957,773	59.3	87.0
6/30/2020	0.0285	1,708,705	52,728	1,761,433	1,885,747	90.6	79.0
6/30/2019	0.0269	1,487,241	46,165	1,533,406	1,899,920	78.3	80.2
6/30/2018	0.0263	1,459,016	47,924	1,506,940	1,755,987	83.1	79.5
6/30/2017	0.0253	1,615,135	20,327	1,635,462	1,627,573	99.2	75.9
6/30/2016	0.0235	1,908,083	24,913	1,932,996	1,459,320	130.8	68.9
6/30/2015	0.0247	1,280,082	-	1,280,082	1,418,453	90.2	78.2

Schedule of Employer's PERA Contributions

Year Ending	Contributions in Relation to the Statutorily Required Contribution			Charter School's Covered Payroll (c)	Contributions as a Percentage of Covered Payroll (b/c)
	(a)	(b)	(a-b)		
6/30/2025	\$ 195,846	\$ 195,846	\$ -	\$ 2,611,280	7.50 %
6/30/2024	192,984	192,984	-	2,573,120	7.50
6/30/2023	184,212	184,212	-	2,456,160	7.50
6/30/2022	162,101	162,101	-	2,161,347	7.50
6/30/2021	146,833	146,833	-	1,957,773	7.50
6/30/2020	141,431	141,431	-	1,885,747	7.50
6/30/2019	142,494	142,494	-	1,899,920	7.50
6/30/2018	131,699	131,699	-	1,755,987	7.50
6/30/2017	122,068	122,068	-	1,627,573	7.50
6/30/2016	109,449	109,449	-	1,459,320	7.50

St. Croix Prepatory Academy
Stillwater, Minnesota
Required Supplementary Information (Continued)
For the Year Ended June 30, 2025

Notes to the Required Supplementary Information - PERA

Changes in Actuarial Assumptions

2024

The following changes in assumptions are effective with the July 1, 2024 valuation, as recommended in the most recent experience study (dated June 29, 2023): Rates of merit and seniority were adjusted, resulting in slightly higher rates. Assumed rates of retirement were adjusted as follows: increase the rate of assumed unreduced retirements, slight adjustments to Rule of 90 retirement rates, and slight adjustments to early retirement rates for Tier 1 and Tier 2 members. Minor increase in assumed withdrawals for males and females. Lower rates of disability. Continued use of Pub-2010 general mortality table with slight rate adjustments as recommended in the most recent experience study. Minor changes to form of payment assumptions for male and female retirees. Minor changes to assumptions made with respect to missing participant data.

2023

The investment return and single discount rates were changed from 6.5 percent to 7.0 percent.

2022

The mortality improvement scale was changed from Scale MP-2020 to Scale MP-2021.

2021

The investment return and single discount rates were changed from 7.50 percent to 6.50 percent, for financial reporting purposes. The mortality improvement scale was changed from Scale MP-2019 to Scale MP-2020.

2020

The price inflation assumption was decreased from 2.50% to 2.25%. The payroll growth assumption was decreased from 3.25% to 3.00%. Assumed salary increase rates were changed as recommended in the June 30, 2019 experience study. The net effect is assumed rates that average 0.25% less than previous rates. Assumed rates of retirement were changed as recommended in the June 30, 2019 experience study. The changes result in more unreduced (normal) retirements and slightly fewer Rule of 90 and early retirements. Assumed rates of termination were changed as recommended in the June 30, 2019 experience study. The new rates are based on service and are generally lower than the previous rates for years 2-5 and slightly higher thereafter. Assumed rates of disability were changed as recommended in the June 30, 2019 experience study. The change results in fewer predicted disability retirements for males and females. The base mortality table for healthy annuitants and employees was changed from the RP-2014 table to the Pub-2010 General Mortality table, with adjustments. The base mortality table for disabled annuitants was changed from the RP-2014 disabled annuitant mortality table to the PUB-2010 General/Teacher disabled annuitant mortality table, with adjustments. The mortality improvement scale was changed from Scale MP-2018 to Scale MP-2019. The assumed spouse age difference was changed from two years older for females to one year older. The assumed number of married male new retirees electing the 100% Joint & Survivor option changed from 35% to 45%. The assumed number of married female new retirees electing the 100% Joint & Survivor option changed from 15% to 30%. The corresponding number of married new retirees electing the Life annuity option was adjusted accordingly.

2019

The mortality projection scale was changed from MP-2017 to MP-2018.

2018

The mortality projection scale was changed from MP-2015 to MP-2017. The assumed benefit increase was changed from 1.00 percent per year through 2044 and 2.50 percent per year thereafter to 1.25 percent per year.

2017

The Combined Service Annuity (CSA) loads were changed from 0.8 percent for active members and 60 percent for vested and non-vested deferred members. The revised CSA loads are now 0.0 percent for active member liability, 15.0 percent for vested deferred member liability and 3.0 percent for non-vested deferred member liability. The assumed post-retirement benefit increase rate was changed from 1.0 percent per year for all years to 1.0 percent per year through 2044 and 2.5 percent per year thereafter.

2016

The assumed post-retirement benefit increase rate was changed from 1.0 percent per year through 2035 and 2.5 percent per year thereafter to 1.0 percent per year for all future years. The assumed investment return was changed from 7.9 percent to 7.5 percent. The single discount rate was changed from 7.9 percent to 7.5 percent. Other assumptions were changed pursuant to the experience study dated June 30, 2015. The assumed future salary increases, payroll growth and inflation were decreased by 0.25 percent to 3.25 percent for payroll growth and 2.50 percent for inflation.

2015

The assumed post-retirement benefit increase rate was changed from 1.0 percent per year through 2030 and 2.5 percent per year thereafter to 1.0 percent per year through 2035 and 2.5 percent per year thereafter.

St. Croix Prepatory Academy
Stillwater, Minnesota
Required Supplementary Information (Continued)
For the Year Ended June 30, 2025

Notes to the Required Supplementary Information – PERA (Continued)

Changes in Plan Provisions

2024

The workers' compensation offset for disability benefits was eliminated. The actuarial equivalent factors updated to reflect the changes in assumptions.

2023

An additional one-time direct state aid contribution of \$170.1 million will be contributed to the Plan on October 1, 2023. The vesting period of those hired after June 30, 2010, was changed from five years of allowable service to three years of allowable service. The benefit increase delay for early retirements on or after January 1, 2024 was eliminated. A one-time non-compounding benefit increase of 2.5 percent minus the actual 2024 adjustment will be payable in a lump sum for calendar year 2024 by March 31, 2024.

2022

There were no changes in plan provisions since the previous valuation.

2021

There were no changes in plan provisions since the previous valuation.

2020

Augmentation for current privatized members was reduced to 2.0% for the period July 1, 2020 through December 31, 2023 and 0.0% after. Augmentation was eliminated for privatizations occurring after June 30, 2020.

2019

The employer supplemental contribution was changed prospectively, decreasing from \$31.0 million to \$21.0 million per year. The state's special funding contribution was changed prospectively, requiring \$16.0 million due per year through 2031.

2018

The augmentation adjustment in early retirement factors is eliminated over a five-year period starting July 1, 2019, resulting in actuarial equivalence after June 30, 2024. Interest credited on member contributions decreased from 4.0 percent to 3.0 percent, beginning July 1, 2018. Deferred augmentation was changed to 0.0 percent, effective January 1, 2019. Augmentation that has already accrued for deferred members will still apply. Contribution stabilizer provisions were repealed. Postretirement benefit increases were changed from 1.0 percent per year with a provision to increase to 2.5 percent upon attainment of 90.0 percent funding ratio to 50.0 percent of the Social Security Cost of Living Adjustment, not less than 1.0 percent and not more than 1.5 percent, beginning January 1, 2019. For retirements on or after January 1, 2024, the first benefit increase is delayed until the retiree reaches normal retirement age; does not apply to Rule of 90 retirees, disability benefit recipients, or survivors. Actuarial equivalent factors were updated to reflect revised mortality and interest assumptions.

2017

The State's contribution for the Minneapolis Employees Retirement Fund equals \$16,000,000 in 2017 and 2018, and \$6,000,000 thereafter. The Employer Supplemental Contribution for the Minneapolis Employees Retirement Fund changed from \$21,000,000 to \$31,000,000 in calendar years 2019 to 2031. The state's contribution changed from \$16,000,000 to \$6,000,000 in calendar years 2019 to 2031.

2016

There were no changes in plan provisions since the previous valuation.

2015

On January 1, 2015, the Minneapolis Employees Retirement Fund was merged into the General Employees Fund, which increased the total pension liability by \$1.1 billion and increased the fiduciary plan net position by \$892 million. Upon consolidation, state and employer contributions were revised.

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COMBINING FUND FINANCIAL STATEMENTS, SCHEDULES, AND TABLE
ST CROIX PREPATORY ACADEMY
STILLWATER, MINNESOTA

FOR THE YEAR ENDED
JUNE 30, 2025

St Croix Preparatory Academy
 Stillwater, Minnesota
 Combining Balance Sheet
 Nonmajor Governmental Funds
 June 30, 2025

	Special Revenue		Total Governmental Funds
	Food Service	Community Service	
Assets			
Cash and temporary investments	\$ 581,237	\$ 135,646	\$ 716,883
Accounts receivable	77	707	784
Due from the Department of Education	5,370	-	5,370
Due from the Federal government	1,677	-	1,677
Inventory	<u>7,915</u>	<u>-</u>	<u>7,915</u>
Total Assets	<u>\$ 596,276</u>	<u>\$ 136,353</u>	<u>\$ 732,629</u>
Liabilities			
Accounts and other payables	\$ 155	\$ 4,795	\$ 4,950
Unearned revenue	<u>25,533</u>	<u>62,430</u>	<u>87,963</u>
Total Liabilities	<u>25,688</u>	<u>67,225</u>	<u>92,913</u>
Fund Balances			
Nonspendable	7,915	-	7,915
Restricted for			
Food service	562,673	-	562,673
Community service	<u>-</u>	<u>69,128</u>	<u>69,128</u>
Total Fund Balances	<u>570,588</u>	<u>69,128</u>	<u>639,716</u>
Total Liabilities and Fund Balances	<u>\$ 596,276</u>	<u>\$ 136,353</u>	<u>\$ 732,629</u>

St Croix Preparatory Academy

Stillwater, Minnesota

Combining Statement of Revenues, Expenditures and
Changes in Fund Balances
Nonmajor Governmental Funds
For the Year Ended June 30, 2025

	Special Revenue		Total Governmental Funds
	Food Service	Community Service	
Revenues			
Revenue from federal sources	\$ 214,809	\$ -	\$ 214,809
Revenue from state sources	509,531	-	509,531
Revenue from local sources	1,186	207,289	208,475
Sales and other conversion of assets	86,133	-	86,133
Total Revenues	811,659	207,289	1,018,948
Expenditures			
Current			
Community education and services	-	218,438	218,438
Food service	742,486	-	742,486
Capital outlay			
Food service	25,011	-	25,011
Total Expenditures	767,497	218,438	985,935
Excess (Deficiency) of Revenues			
Over (Under) Expenditures	44,162	(11,149)	33,013
Other Financing Sources (Uses)			
Sale of capital assets	-	200	200
Net Change in Fund Balances	44,162	(10,949)	33,213
Fund Balances, July 1	526,426	80,077	606,503
Fund Balances, June 30	\$ 570,588	\$ 69,128	\$ 639,716

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St Croix Preparatory Academy
 Stillwater, Minnesota
 Schedule of Revenues, Expenditures and
 Changes in Fund Balances - Budget and Actual
 Food Service and Community Service Special Revenue Fund
 For the Year Ended June 30, 2025

	Food Service Fund				Community Service Fund			
	Budgeted Amounts		Actual Amounts	Variance with Final Budget	Budgeted Amounts		Actual Amounts	Variance with Final Budget
	Original	Final			Original	Final		
Revenues								
Revenue from federal sources	\$ 179,116	\$ 215,650	\$ 214,809	\$ (841)	\$ -	\$ -	\$ -	\$ -
Revenue from state sources	448,860	511,553	509,531	(2,022)	-	-	-	-
Revenue from local sources	782	-	1,186	1,186	172,000	181,325	207,289	25,964
Sales and other conversion of assets	162,242	85,980	86,133	153	-	175	200	25
Total Revenues	791,000	813,183	811,659	(1,524)	172,000	181,500	207,489	25,989
Expenditures								
Current								
Food service	790,000	725,393	742,486	(17,093)	-	183,000	207,000	218,438
Community education and services	-	-	-	-	183,000	-	-	(11,438)
Capital outlay								
Food service	-	24,460	25,011	(551)	-	-	-	-
Total Expenditures	790,000	749,853	767,497	(17,644)	183,000	207,000	218,438	(11,438)
Net Change in Fund Balances	1,000	63,330	44,162	(19,168)	(11,000)	(25,500)	(10,949)	14,551
Fund Balances, July 1	526,426	526,426	526,426	-	80,077	80,077	80,077	-
Fund Balances, June 30	\$ 527,426	\$ 589,756	\$ 570,588	\$ (19,168)	\$ 69,077	\$ 54,577	\$ 69,128	\$ 14,551

St Croix Preparatory Academy
 Stillwater, Minnesota
 Schedule of Revenues, Expenditures and
 Changes in Fund Balances - Budget and Actual
 General Fund
 For the Year Ended June 30, 2025
 (With Comparative Actual Amounts for the Year Ended June 30, 2024)

	2025				2024 Actual Amounts	
	Budgeted Amounts		Actual Amounts	Variance with Final Budget		
	Original	Final				
Revenues						
Revenue from federal sources	\$ 249,600	\$ 274,491	\$ 269,094	\$ (5,397)	\$ 577,014	
Revenue from state sources	14,834,945	14,922,855	15,351,687	428,832	14,701,458	
Revenue from local sources	957,800	990,586	1,087,749	97,163	1,161,741	
Interest earned on investments	230,000	230,000	232,808	2,808	163,202	
Sales and other conversion of assets	23,750	17,545	16,152	(1,393)	25,345	
Total Revenues	16,296,095	16,435,477	16,957,490	522,013	16,628,760	
Expenditures						
Current						
Administration						
Salaries	952,856	1,061,200	1,061,053	147	936,965	
Fringe benefits	199,108	203,995	217,607	(13,612)	193,346	
Purchased services	2,000	1,860	1,470	390	865	
Supplies and materials	6,300	6,975	8,533	(1,558)	5,634	
Other	30,000	30,085	29,124	961	28,552	
Total administration	1,190,264	1,304,115	1,317,787	(13,672)	1,165,362	
District support services						
Salaries	807,382	736,665	737,745	(1,080)	696,390	
Fringe benefits	224,537	195,064	188,802	6,262	161,567	
Purchased services	430,303	368,561	384,684	(16,123)	438,278	
Supplies and materials	231,297	505,205	533,185	(27,980)	141,717	
Other	47,215	7,710	7,320	390	17,614	
Total district support services	1,740,734	1,813,205	1,851,736	(38,531)	1,455,566	
Elementary and secondary regular instruction						
Salaries	3,644,732	3,732,534	3,744,535	(12,001)	4,086,536	
Fringe benefits	993,777	1,054,362	1,149,001	(94,639)	972,369	
Purchased services	202,271	207,124	215,534	(8,410)	238,713	
Supplies and materials	252,755	229,866	225,181	4,685	360,854	
Other	10,411	9,330	9,209	121	7,778	
Total elementary and secondary regular instruction	5,103,946	5,233,216	5,343,460	(110,244)	5,666,250	
Vocational education instruction						
Salaries	197,952	88,090	83,886	4,204	192,633	
Fringe benefits	57,251	56,240	60,744	(4,504)	54,016	
Purchased services	101,900	101,700	104,883	(3,183)	122,661	
Supplies and materials	12,645	20,610	10,702	9,908	14,177	
Other	560	805	753	(193)	553	
Total vocational education instruction	370,308	267,445	260,968	6,232	384,040	
Special education instruction						
Salaries	2,365,227	2,201,700	2,330,164	(128,464)	2,153,256	
Fringe benefits	593,013	548,205	648,951	(100,746)	512,255	
Purchased services	234,518	340,210	376,599	(36,389)	502,003	
Supplies and materials	34,843	45,946	45,605	341	56,625	
Other	2,000	-	-	-	2,228	
Total special education instruction	3,229,601	3,136,061	3,401,319	(265,258)	3,226,367	

St Croix Preparatory Academy
 Stillwater, Minnesota
 Schedule of Revenues, Expenditures and
 Changes in Fund Balances - Budget and Actual (Continued)
 General Fund
 For the Year Ended June 30, 2025
 (With Comparative Actual Amounts for the Year Ended June 30, 2024)

	2025				2024	
	Budgeted Amounts		Actual Amounts	Variance with Final Budget		
	Original	Final				
Expenditures (Continued)						
Current (continued)						
Instructional support services						
Salaries	\$ 436,159	\$ 409,240	\$ 451,657	\$ (42,417)	\$ 492,013	
Fringe benefits	94,257	86,540	103,074	(16,534)	84,542	
Purchased services	40,000	40,795	39,219	1,576	46,716	
Supplies and materials	128,456	132,910	147,444	(14,534)	124,383	
Other	288	-	-	288	288	
Total instructional support services	<u>699,160</u>	<u>669,485</u>	<u>741,394</u>	<u>(71,621)</u>	<u>747,942</u>	
Pupil support services						
Salaries	291,343	335,745	336,187	(442)	300,603	
Fringe benefits	76,811	89,200	96,006	(6,806)	74,471	
Purchased services	1,000	16,520	16,236	284	40,353	
Supplies and materials	4,351	3,065	3,394	(329)	4,608	
Other	330	395	368	(38)	330	
Total pupil support services	<u>373,835</u>	<u>444,925</u>	<u>452,191</u>	<u>(7,331)</u>	<u>420,365</u>	
Sites and buildings						
Salaries	233,059	259,060	259,256	(196)	251,385	
Fringe benefits	47,563	52,705	51,710	995	45,478	
Purchased services	816,000	769,846	776,577	(6,731)	816,220	
Supplies and materials	116,360	98,895	88,195	10,700	130,549	
Other	370	325	809	(484)	400	
Total sites and buildings	<u>1,213,352</u>	<u>1,180,831</u>	<u>1,176,547</u>	<u>4,284</u>	<u>1,244,032</u>	
Fiscal and other fixed cost programs						
Purchased services	58,750	62,608	62,971	(363)	53,620	
Total current	<u>13,979,950</u>	<u>14,111,891</u>	<u>14,608,373</u>	<u>(496,504)</u>	<u>14,363,544</u>	
Capital outlay						
District support services	30,000	8,910	9,855	(945)	121,825	
Elementary and secondary regular instruction	4,000	-	-	-	3,000	
Instructional support services	11,000	37,700	34,667	3,033	250,963	
Sites and buildings	1,970,592	2,117,132	2,026,939	90,193	2,192,035	
Total capital outlay	<u>2,015,592</u>	<u>2,163,742</u>	<u>2,071,461</u>	<u>92,281</u>	<u>2,567,823</u>	
Debt service						
Principal	195,512	81,575	100,266	(18,691)	172,462	
Interest and other	-	13,175	13,412	(237)	19,488	
Total debt service	<u>195,512</u>	<u>94,750</u>	<u>113,678</u>	<u>(18,928)</u>	<u>191,950</u>	
Total Expenditures	<u>16,191,054</u>	<u>16,370,383</u>	<u>16,793,512</u>	<u>(423,151)</u>	<u>17,123,317</u>	
Excess (Deficiency) of Revenues Over (Under) Expenditures	\$ 105,041	\$ 65,094	\$ 163,978	\$ 98,862	\$ (494,557)	
Other Financing Sources (Uses)						
Finance purchase issued	-	-	-	-	337,745	
Sale of capital assets	-	460	449	(11)	2,099	
Total Other Financing Sources (Uses)	<u>-</u>	<u>460</u>	<u>449</u>	<u>(11)</u>	<u>339,844</u>	
Net Change in Fund Balances	105,041	65,554	164,427	98,851	(154,713)	
Fund Balances, July 1	5,937,622	5,937,622	5,937,622	-	6,092,335	
Fund Balances, June 30	\$ 6,042,663	\$ 6,003,176	\$ 6,102,049	\$ 98,851	\$ 5,937,622	

Fiscal Compliance Report - 6/30/2025
District: ST.CROIX PREPARATORY ACD (4120-7)

	Audit	UFARS	Audit - UFARS		Audit	UFARS	Audit - UFARS
01 GENERAL FUND							
Total Revenue	\$16,957,490	<u>\$16,957,486</u>	\$4				
Total Expenditures	\$16,793,512	<u>\$16,793,511</u>	\$1				
<i>Non Spendable:</i>							
4.60 Non Spendable Fund Balance	\$152,769	<u>\$152,769</u>	\$0				
<i>Restricted / Reserved:</i>							
4.01 Student Activities	\$1,173	<u>\$1,173</u>	\$0				
4.02 Scholarships	\$0	<u>\$0</u>	\$0				
4.03 Staff Development	\$0	<u>\$0</u>	\$0				
4.07 Capital Projects Levy	\$0	<u>\$0</u>	\$0				
4.08 Cooperative Revenue	\$0	<u>\$0</u>	\$0				
4.12 Literacy Incentive Aid	\$0	<u>\$0</u>	\$0				
4.14 Operating Debt	\$0	<u>\$0</u>	\$0				
4.16 Levy Reduction	\$0	<u>\$0</u>	\$0				
4.17 Taconite Building Maint	\$0	<u>\$0</u>	\$0				
4.20 American Indian Education Aid	\$0	<u>\$0</u>	\$0				
4.24 Operating Capital	\$0	<u>\$0</u>	\$0				
4.26 \$25 Taconite	\$0	<u>\$0</u>	\$0				
4.27 Disabled Accessibility	\$0	<u>\$0</u>	\$0				
4.28 Learning & Development	\$0	<u>\$0</u>	\$0				
4.34 Area Learning Center	\$0	<u>\$0</u>	\$0				
4.35 Contracted Alt. Programs	\$0	<u>\$0</u>	\$0				
4.36 State Approved Alt. Program	\$0	<u>\$0</u>	\$0				
4.37 Q Comp	\$0	<u>\$0</u>	\$0				
4.38 Gifted & Talented	\$0	<u>\$0</u>	\$0				
4.39 English Learner	\$0	<u>\$0</u>	\$0				
4.40 Teacher Development and Evaluation	\$0	<u>\$0</u>	\$0				
4.41 Basic Skills Programs	\$0	<u>\$0</u>	\$0				
4.43 School Library Aid	\$0	<u>\$0</u>	\$0				
4.48 Achievement and Integration	\$0	<u>\$0</u>	\$0				
4.49 Safe Schools Levy	\$0	<u>\$0</u>	\$0				
4.51 QZAB Payments	\$0	<u>\$0</u>	\$0				
4.52 OPEB Liab Not In Trust	\$0	<u>\$0</u>	\$0				
4.53 Unfunded Sev & Retiremt Levy	\$0	<u>\$0</u>	\$0				
4.56 READ Act - Literacy Aid	\$45,995	<u>\$45,995</u>	\$0				
4.57 READ Act - Tchr Training Compensation	\$646	<u>\$646</u>	\$0				
4.59 Basic Skills Extended Time	\$0	<u>\$0</u>	\$0				
4.67 LTFM	\$0	<u>\$0</u>	\$0				
4.71 Student Support Personnel Aid	\$0	<u>\$0</u>	\$0				
4.72 Medical Assistance	\$0	<u>\$0</u>	\$0				
<i>Restricted:</i>							
4.64 Restricted Fund Balance	\$0	<u>\$0</u>	\$0				
4.75 Title VII Impact Aid	\$0	<u>\$0</u>	\$0				
4.76 Payments in Lieu of Taxes	\$0	<u>\$0</u>	\$0				
<i>Committed:</i>							
4.18 Committed for Separation	\$0	<u>\$0</u>	\$0				
4.61 Committed Fund Balance	\$0	<u>\$0</u>	\$0				
<i>Assigned:</i>							
4.62 Assigned Fund Balance	\$146,594	<u>\$146,593</u>	\$1				
<i>Unassigned:</i>							
4.22 Unassigned Fund Balance	\$5,754,872	<u>\$5,754,872</u>	\$0				
06 BUILDING CONSTRUCTION							
Total Revenue				\$0	<u>\$0</u>	\$0	
Total Expenditures				\$0	<u>\$0</u>	\$0	
<i>Non Spendable:</i>							
4.60 Non Spendable Fund Balance				\$0	<u>\$0</u>	\$0	
<i>Restricted / Reserved:</i>							
4.07 Capital Projects Levy				\$0	<u>\$0</u>	\$0	
4.13 Funded by COP/FP				\$0	<u>\$0</u>	\$0	
4.67 LTFM				\$0	<u>\$0</u>	\$0	
<i>Restricted:</i>							
4.64 Restricted Fund Balance				\$0	<u>\$0</u>	\$0	
<i>Unassigned:</i>							
4.63 Unassigned Fund Balance				\$0	<u>\$0</u>	\$0	
07 DEBT SERVICE							
Total Revenue				\$0	<u>\$0</u>	\$0	
Total Expenditures				\$0	<u>\$0</u>	\$0	
<i>Non Spendable:</i>							
4.60 Non Spendable Fund Balance				\$0	<u>\$0</u>	\$0	
<i>Restricted / Reserved:</i>							
4.25 Bond Refundings				\$0	<u>\$0</u>	\$0	
4.33 Maximum Effort Loan Aid				\$0	<u>\$0</u>	\$0	
4.51 QZAB Payments				\$0	<u>\$0</u>	\$0	
4.67 LTFM				\$0	<u>\$0</u>	\$0	
<i>Restricted:</i>							
4.64 Restricted Fund Balance				\$0	<u>\$0</u>	\$0	
<i>Unassigned:</i>							
4.63 Unassigned Fund Balance				\$0	<u>\$0</u>	\$0	
08 TRUST							
Total Revenue				\$0	<u>\$0</u>	\$0	
Total Expenditures				\$0	<u>\$0</u>	\$0	
<i>Restricted / Reserved:</i>							
4.01 Student Activities				\$0	<u>\$0</u>	\$0	
4.02 Scholarships				\$0	<u>\$0</u>	\$0	
4.22 Unassigned Fund Balance (Net Assets)				\$0	<u>\$0</u>	\$0	
18 CUSTODIAL							
Total Revenue				\$0	<u>\$0</u>	\$0	
Total Expenditures				\$0	<u>\$0</u>	\$0	
<i>Restricted / Reserved:</i>							
4.01 Student Activities				\$0	<u>\$0</u>	\$0	
4.02 Scholarships				\$0	<u>\$0</u>	\$0	
4.48 Achievement and Integration				\$0	<u>\$0</u>	\$0	
4.64 Restricted Fund Balance				\$0	<u>\$0</u>	\$0	
20 INTERNAL SERVICE							
Total Revenue				\$0	<u>\$0</u>	\$0	
Total Expenditures				\$0	<u>\$0</u>	\$0	
<i>4.22 Unassigned Fund Balance (Net Assets)</i>				\$0	<u>\$0</u>	\$0	
304 25 OPEB REVOCABLE TRUST							
Total Revenue				\$0	<u>\$0</u>	\$0	
Total Expenditures				\$0	<u>\$0</u>	\$0	

02 FOOD SERVICES							
Total Revenue	\$811,659	<u>\$811,657</u>	<u>\$2</u>	4.22 Unassigned Fund Balance (Net Assets)	\$0	<u>\$0</u>	<u>\$0</u>
Total Expenditures	\$767,497	<u>\$767,496</u>	<u>\$1</u>				
<i>Non Spendable:</i>							
4.60 Non Spendable Fund Balance	\$7,915	<u>\$7,915</u>	<u>\$0</u>	45 OPEB IRREVOCABLE TRUST			
<i>Restricted / Reserved:</i>				Total Revenue	\$0	<u>\$0</u>	<u>\$0</u>
4.52 OPEB Liab Not In Trust	\$0	<u>\$0</u>	<u>\$0</u>	Total Expenditures	\$0	<u>\$0</u>	<u>\$0</u>
<i>Restricted:</i>				4.22 Unassigned Fund Balance (Net Assets)	\$0	<u>\$0</u>	<u>\$0</u>
4.64 Restricted Fund Balance	\$562,673	<u>\$562,672</u>	<u>\$1</u>				
<i>Unassigned:</i>							
4.63 Unassigned Fund Balance	\$0	<u>\$0</u>	<u>\$0</u>	47 OPEB DEBT SERVICE			
				Total Revenue	\$0	<u>\$0</u>	<u>\$0</u>
04 COMMUNITY SERVICE				Total Expenditures	\$0	<u>\$0</u>	<u>\$0</u>
Total Revenue	\$207,289	<u>\$207,286</u>	<u>\$3</u>	<i>Non Spendable:</i>			
Total Expenditures	\$218,438	<u>\$218,435</u>	<u>\$3</u>	4.60 Non Spendable Fund Balance	\$0	<u>\$0</u>	<u>\$0</u>
<i>Non Spendable:</i>				<i>Restricted:</i>			
4.60 Non Spendable Fund Balance	\$0	<u>\$0</u>	<u>\$0</u>	4.25 Bond Refundings	\$0	<u>\$0</u>	<u>\$0</u>
<i>Restricted / Reserved:</i>				4.64 Restricted Fund Balance	\$0	<u>\$0</u>	<u>\$0</u>
4.26 \$25 Taconite	\$0	<u>\$0</u>	<u>\$0</u>	<i>Unassigned:</i>			
4.31 Community Education	\$0	<u>\$0</u>	<u>\$0</u>	4.63 Unassigned Fund Balance	\$0	<u>\$0</u>	<u>\$0</u>
4.32 E.C.F.E	\$0	<u>\$0</u>	<u>\$0</u>				
4.37 Q Comp	\$0	<u>\$0</u>	<u>\$0</u>				
4.40 Teacher Development and Evaluation	\$0	<u>\$0</u>	<u>\$0</u>				
4.44 School Readiness	\$0	<u>\$0</u>	<u>\$0</u>				
4.47 Adult Basic Education	\$0	<u>\$0</u>	<u>\$0</u>				
4.52 OPEB Liab Not In Trust	\$0	<u>\$0</u>	<u>\$0</u>				
4.56 READ Act - Literacy Aid	\$0	<u>\$0</u>	<u>\$0</u>				
4.57 READ Act - Tchr Training Compensation	\$0	<u>\$0</u>	<u>\$0</u>				
<i>Restricted:</i>							
4.64 Restricted Fund Balance	\$69,128	<u>\$69,128</u>	<u>\$0</u>				
<i>Unassigned:</i>							
4.63 Unassigned Fund Balance	\$0	<u>\$0</u>	<u>\$0</u>				

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OTHER REQUIRED REPORTS

ST CROIX PREPATORY ACADEMY
STILLWATER, MINNESOTA

FOR THE YEAR ENDED
JUNE 30, 2025

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**INDEPENDENT AUDITOR'S REPORT
ON MINNESOTA LEGAL COMPLIANCE**

Members of the Board of Education
St Croix Preparatory Academy
Stillwater, Minnesota

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of St Croix Preparatory Academy, (the Charter School), Stillwater, Minnesota as of and for the year ended June 30, 2025 and the related notes to the financial statements, and have issued our report thereon dated November 5, 2025.

In connection with our audit, nothing came to our attention that caused us to believe that the Charter School failed to comply with the provisions of the uniform financial accounting and reporting standards, and charter schools sections of the *Minnesota Legal Compliance Audit Guide for Charter Schools*, promulgated by the State Auditor pursuant to Minn. Stat. § 6.65, insofar as they relate to accounting matters. However, our audit was not directed primarily toward obtaining knowledge of such noncompliance. Accordingly, had we performed additional procedures, other matters may have come to our attention regarding the Charter School's noncompliance with the above referenced provisions.

The purpose of this report is solely to describe the scope of our testing of compliance and the results of that testing, and not to provide an opinion on compliance. Accordingly, this communication is not suitable for any other purpose.


Abdo
Minneapolis, Minnesota
November 5, 2025

INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

Members of the Board of Education
St Croix Preparatory Academy
Stillwater, Minnesota

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the St Croix Preparatory Academy, (the Charter School), Stillwater, Minnesota, as of and for the year ended June 30, 2025, and the related notes to the financial statements, which collectively comprise the Charter School's basic financial statements, and have issued our report thereon dated November 5, 2025.

Report on Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Charter School's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Charter School's internal control. Accordingly, we do not express an opinion on the effectiveness of the Charter School's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Charter School's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matter that is required to be reported under *Government Auditing Standards* or Minnesota statutes.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Charter School's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Charter School's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.



Abdo

Minneapolis, Minnesota
November 5, 2025



2024 – 2025 Financial Statement Audit

St. Croix Preparatory Academy



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Introduction

- Audit Opinion and Responsibility
- General Fund Results
- Other Governmental Funds
- Key Performance Indicators



Audit Results

Auditor's Opinion

unmodified clean
Audit Opinion

Minnesota Legal Compliance

No instances of
noncompliance

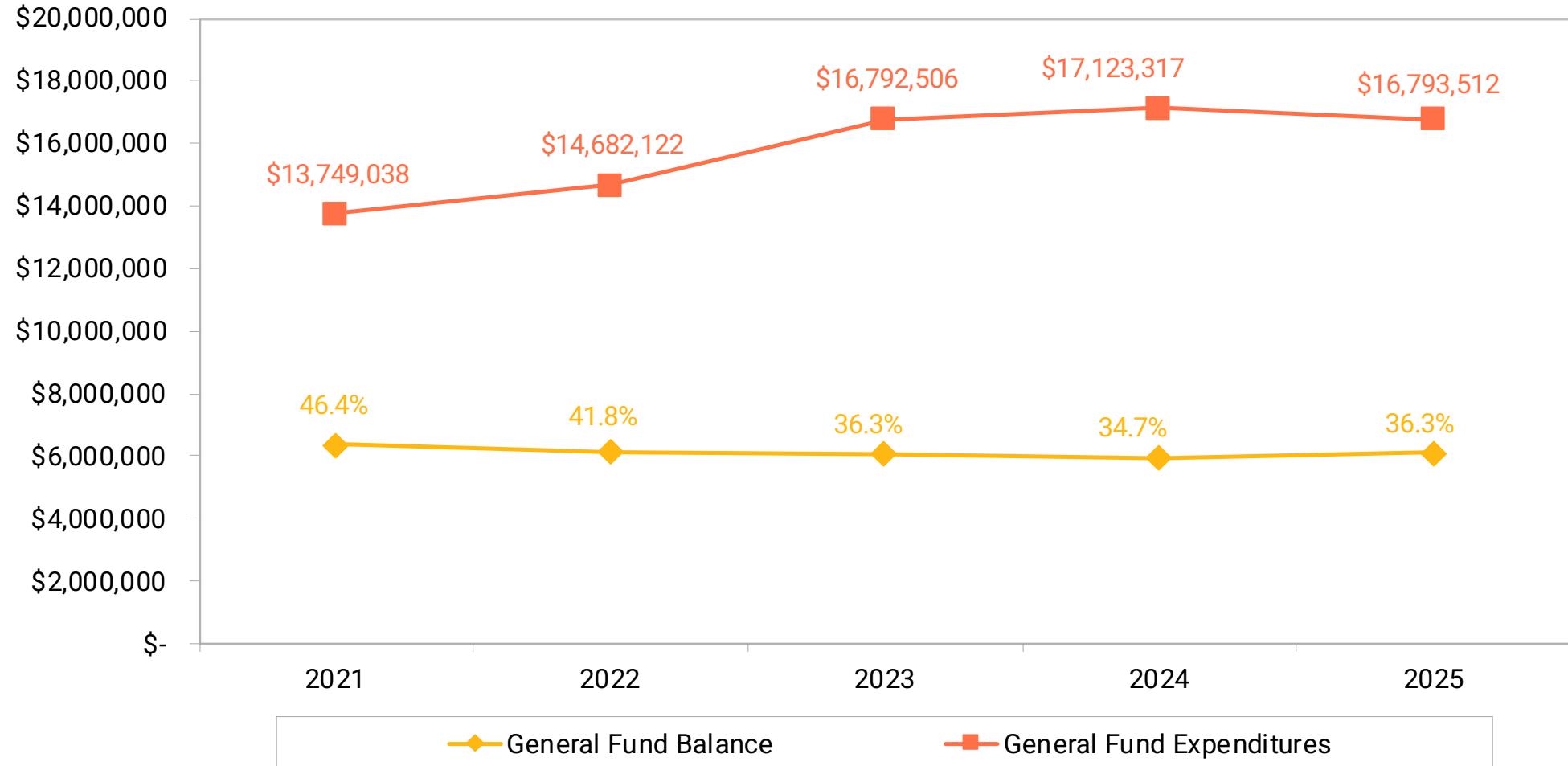
314

Average Daily Membership



General Fund Compared to Expenditures

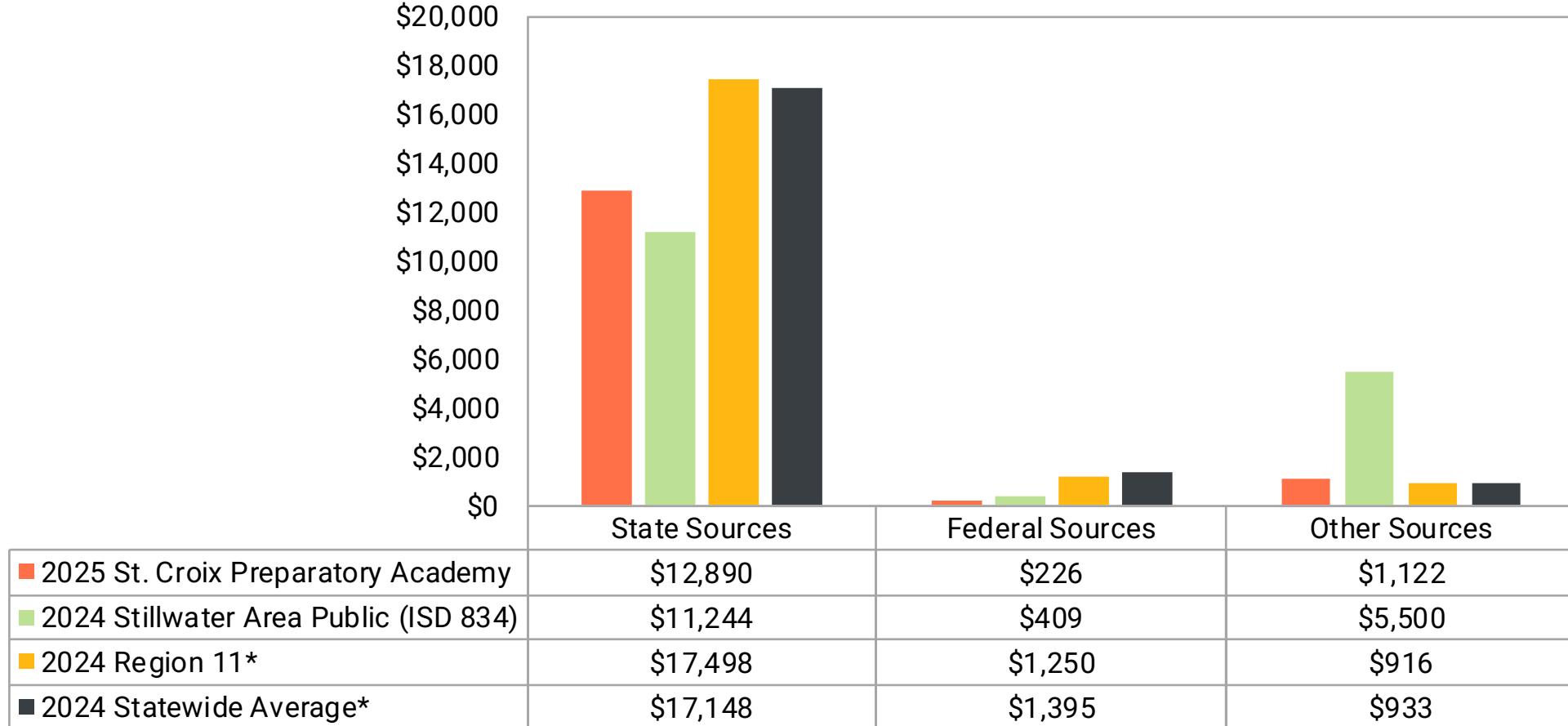
Fund Balance Policy States 20 – 22% of Expenditures



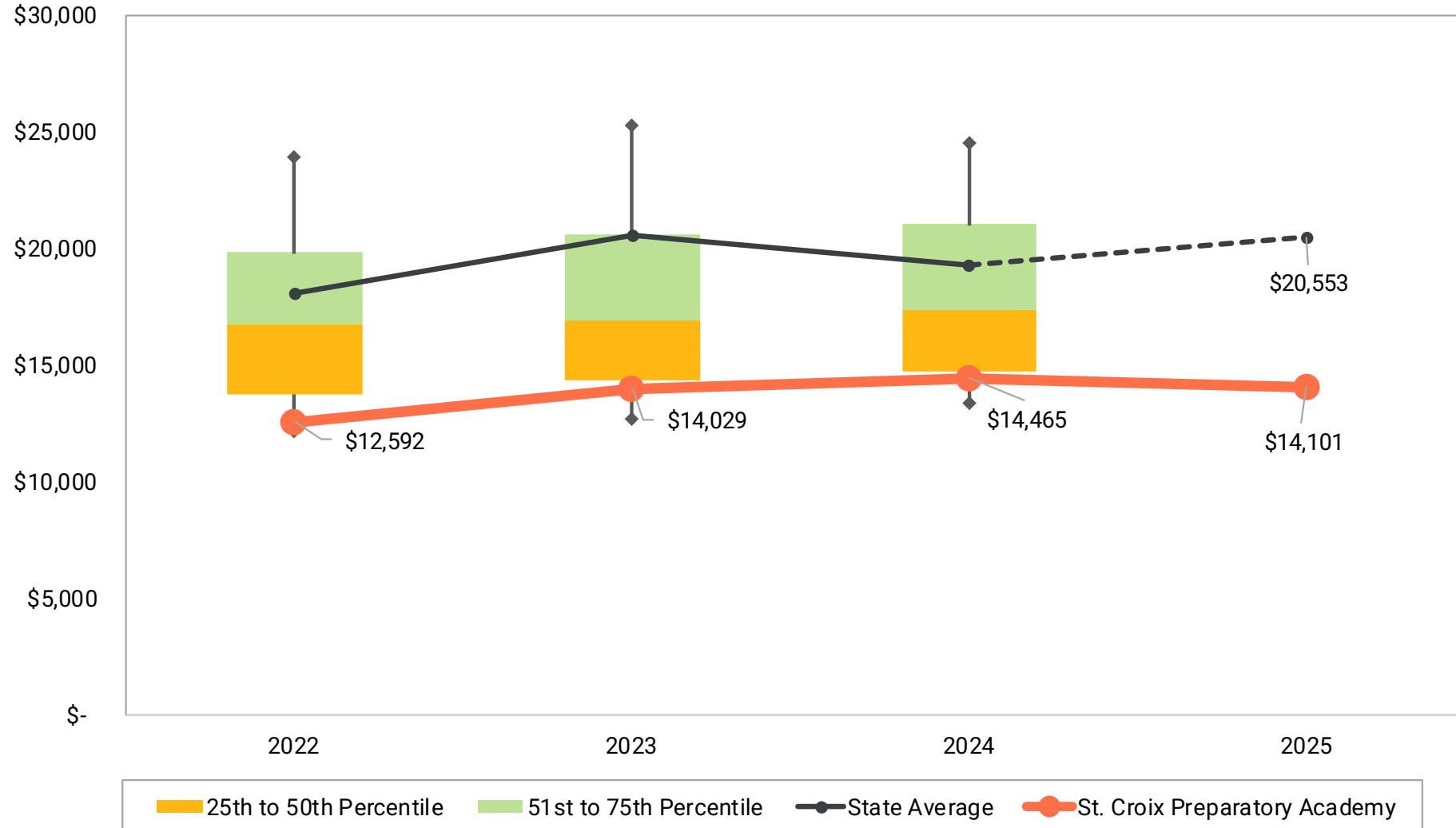
General Fund Budget to Actual

	Final Budgeted Amount	Actual Amount	Variance with Final Budget	
Revenues	\$ 16,435,477	\$ 16,957,490	\$ 522,013	
Expenditures	<u>16,370,383</u>	<u>16,793,512</u>	<u>(423,129)</u>	317
Excess (Deficiency) of Revenues Over (Under) Expenditures	65,094	163,978	98,884	
Other Financing Sources (Uses)				
Sale of capital assets	460	449	(11)	
Net Change in Fund Balances	65,554	164,427	98,873	
Fund Balances, July 1	<u>5,937,622</u>	<u>5,937,622</u>	<u>-</u>	
Fund Balances, June 30	<u>\$ 6,003,176</u>	<u>\$ 6,102,049</u>	<u>\$ 98,873</u>	

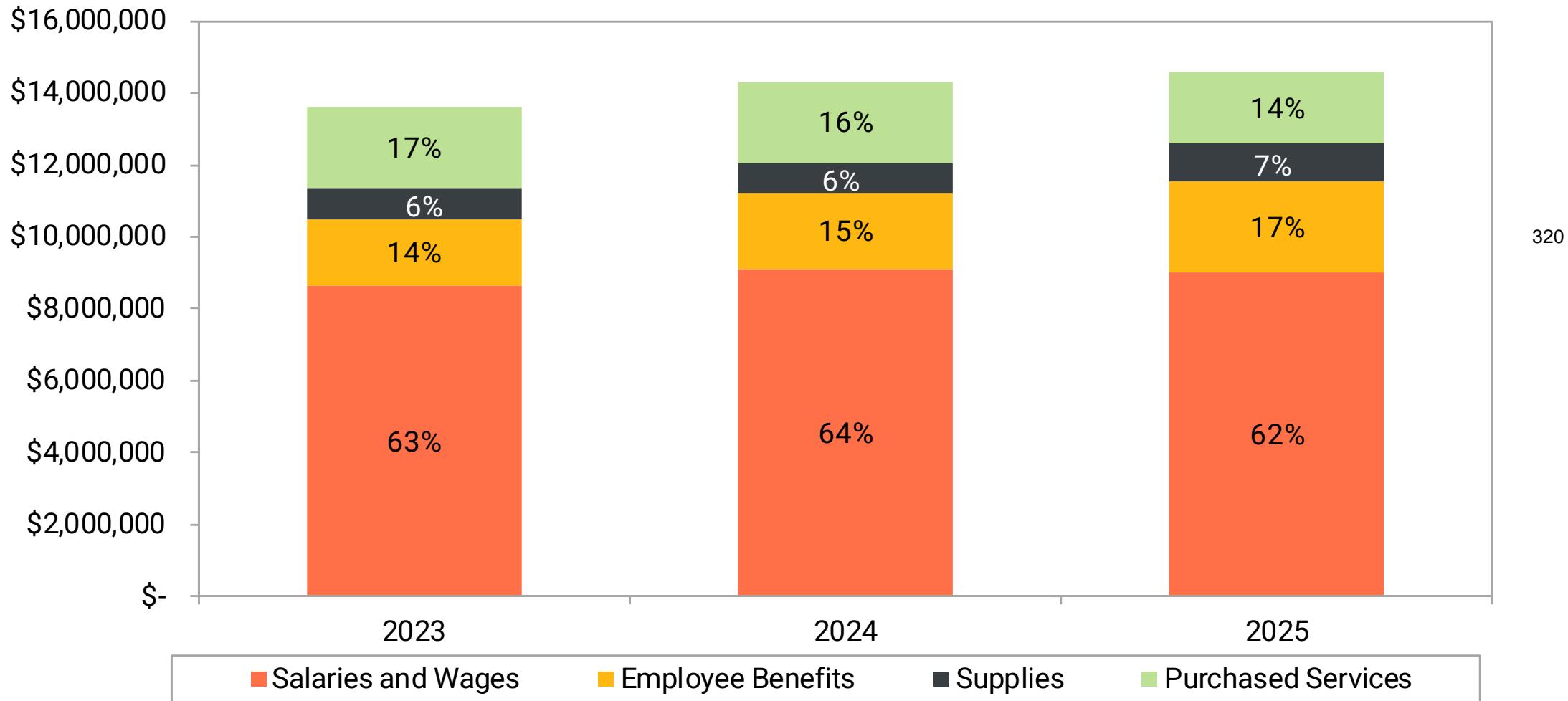
General Fund Revenues per ADM



General Fund Expenditures per ADM



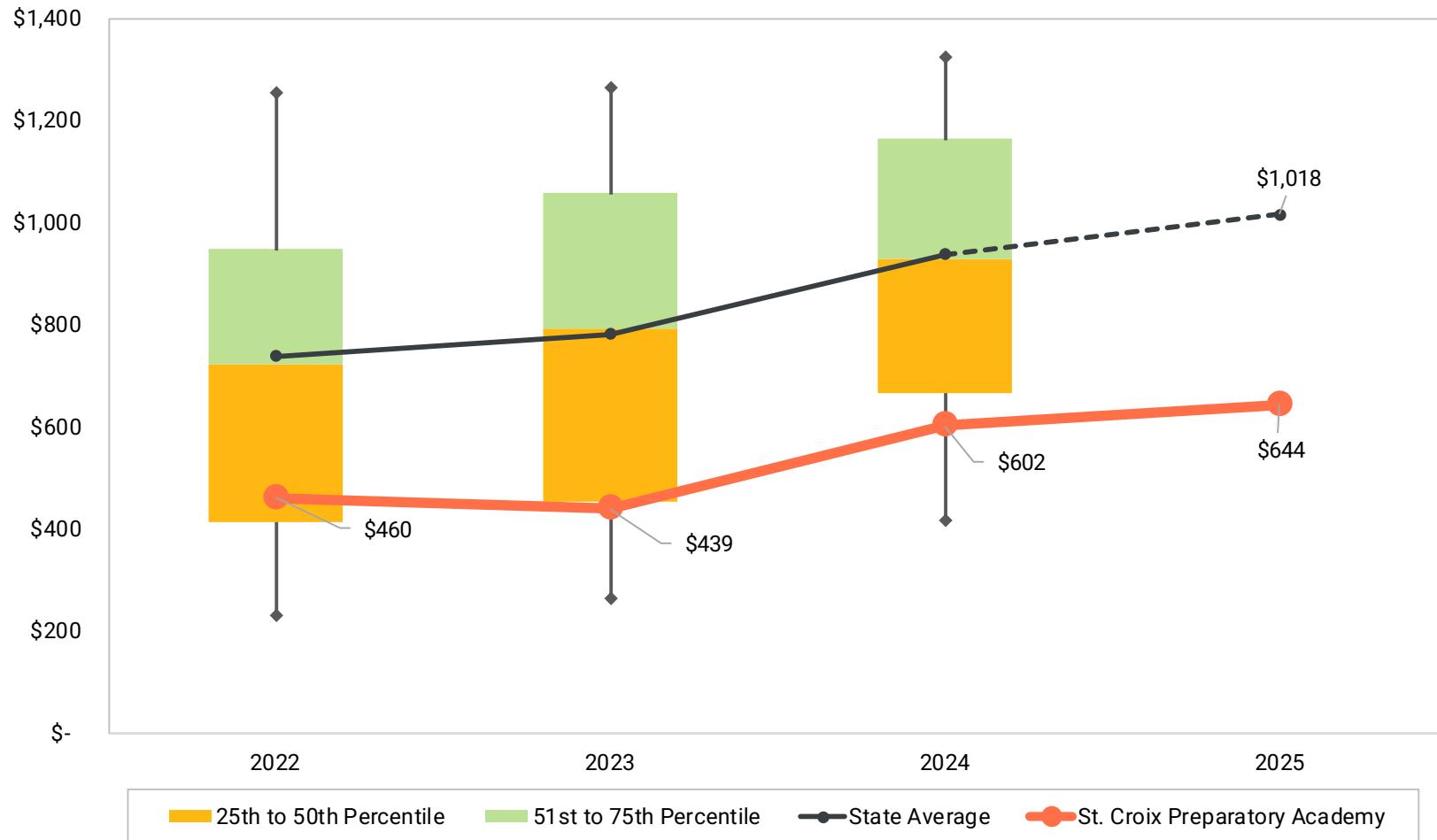
General Fund Expenditures by Object Code



Food Service Fund Budget to Actual

	Final Budgeted Amount	Actual Amount	Variance with Final Budget	
Revenues	\$ 813,183	\$ 811,659	\$ (1,524)	321
Expenditures	<u>749,853</u>	<u>767,497</u>	<u>(17,644)</u>	
Net Change in Fund Balances	63,330	44,162	(19,168)	
Fund Balances, July 1	<u>526,426</u>	<u>526,426</u>	<u>-</u>	
Fund Balances, June 30	<u>\$ 589,756</u>	<u>\$ 570,588</u>	<u>\$ (19,168)</u>	

Food Service Fund *Expenditures per ADM Comparison*



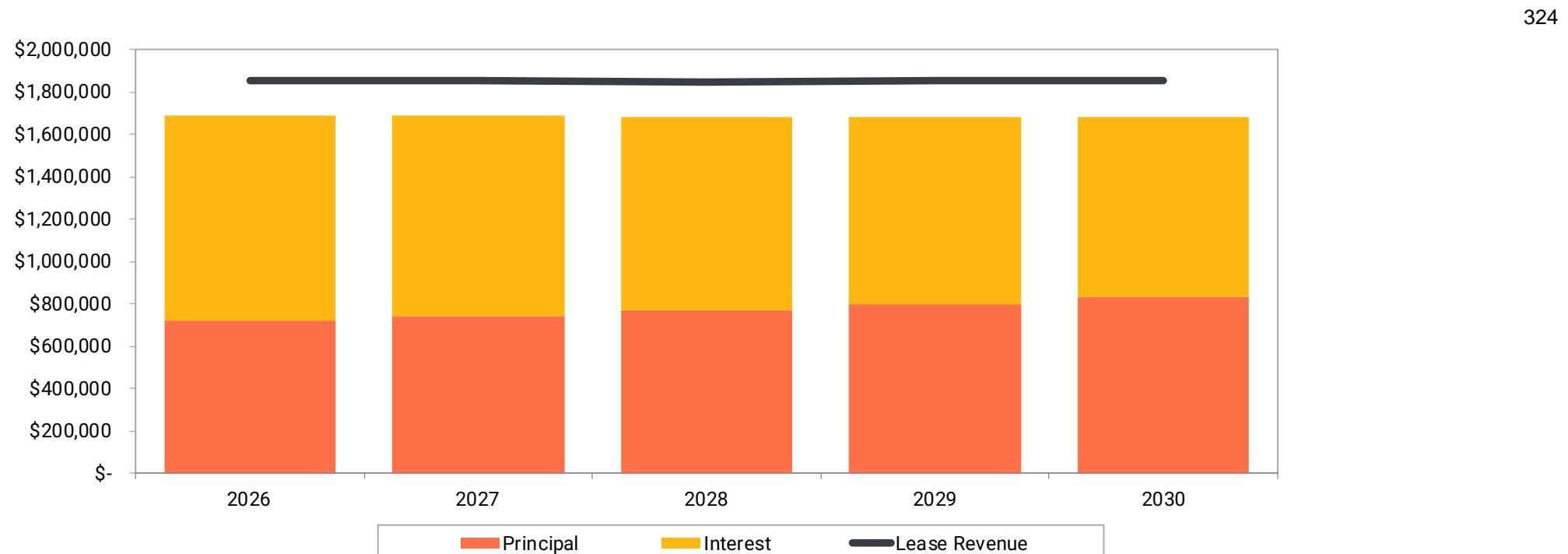
* Percentile data and state average obtained from School District Profile reports published by the MDE

Community Service Fund Budget to Actual

	Final Budgeted Amount	Actual Amount	Variance with Final Budget	
Revenues	\$ 181,325	\$ 207,289	\$ 25,964	
Expenditures	<u>207,000</u>	<u>218,438</u>	<u>(11,438)</u>	323
Excess (Deficiency) of Revenues Over (Under) Expenditures	(25,675)	(11,149)	14,526	
Other Financing Sources (Uses)				
Sale of capital assets	<u>175</u>	<u>200</u>	<u>25</u>	
Net Change in Fund Balances	(25,500)	(10,949)	14,551	
Fund Balances, July 1	<u>80,077</u>	<u>80,077</u>	<u>-</u>	
Fund Balances, June 30	<u>\$ 54,577</u>	<u>\$ 69,128</u>	<u>\$ 14,551</u>	

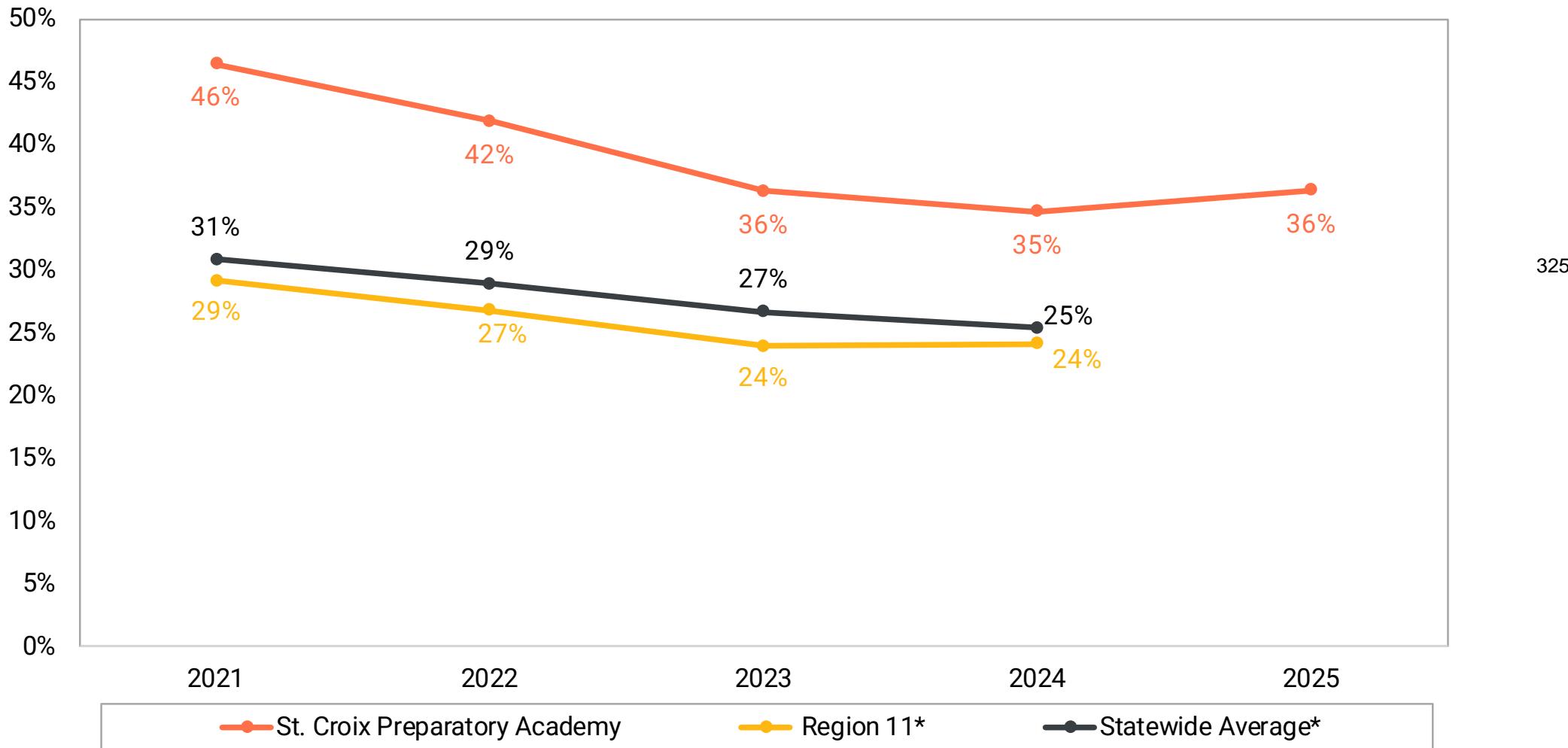
Building Company Fund Balance and Bonds Compared to Lease Revenue

	Fund Balance		
	2025	2024	Change
Building Company	\$ 3,763,009	\$ 3,694,154	\$ 68,855



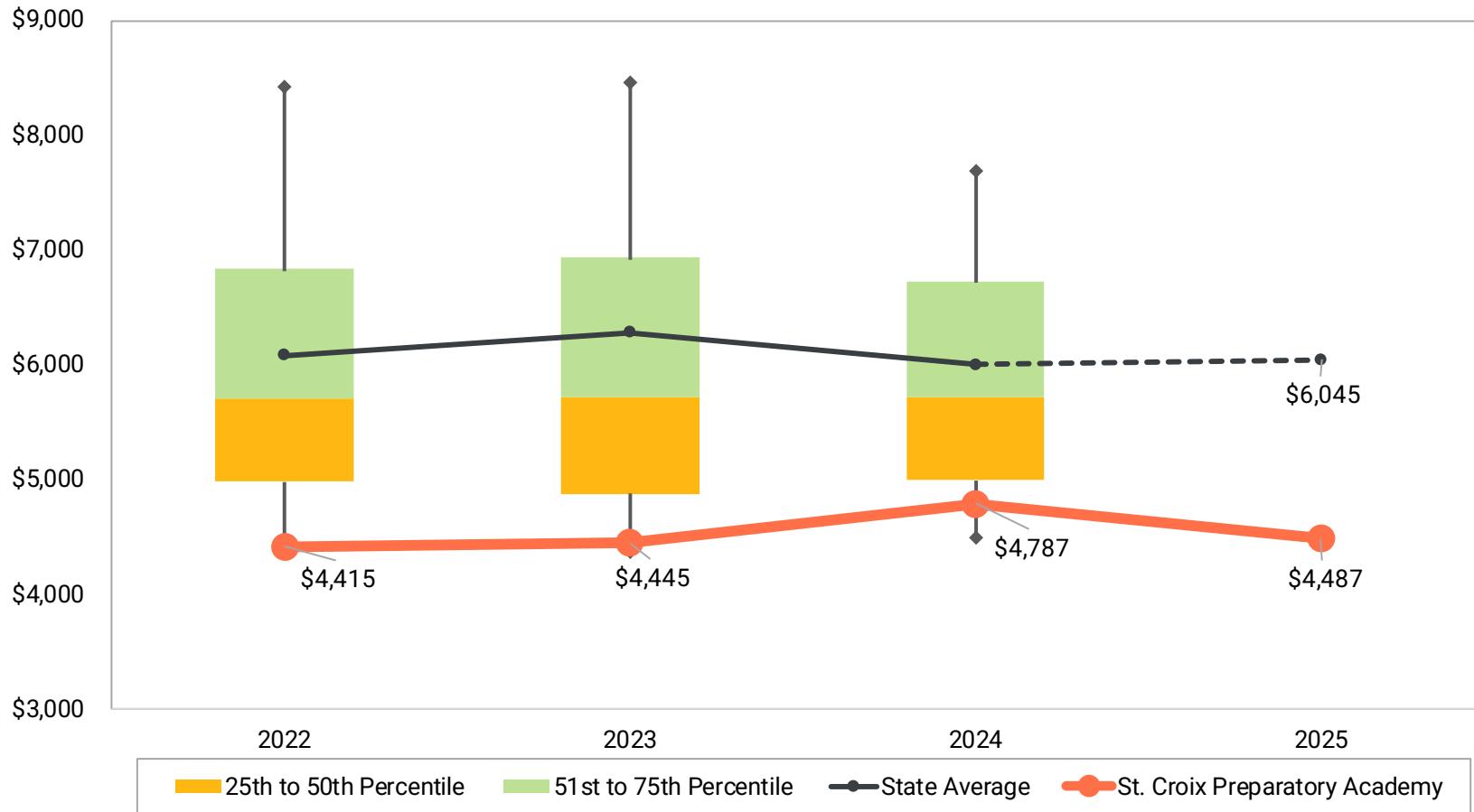
KEY PERFORMANCE INDICATORS

General Fund Balances as a Percentage of Expenditures



KEY PERFORMANCE INDICATORS

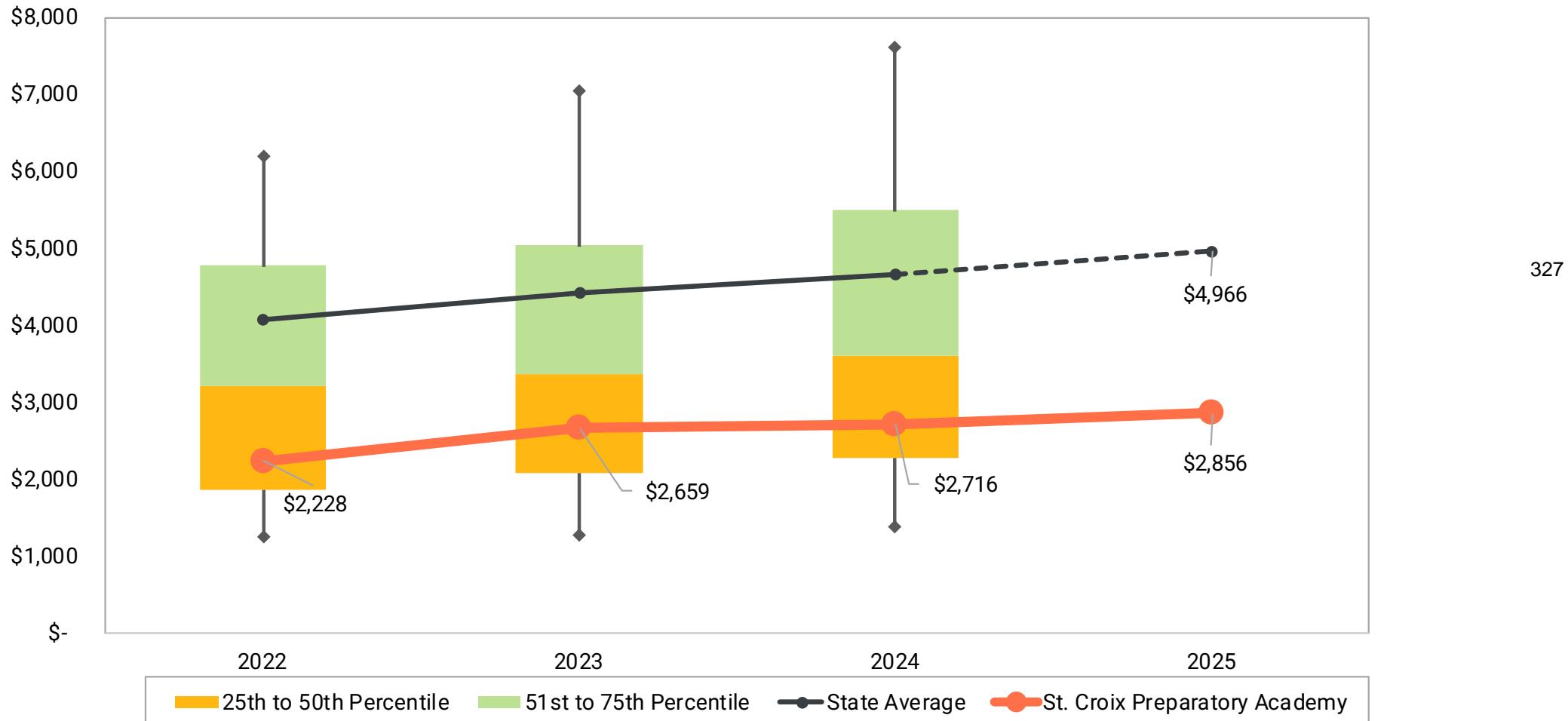
Elementary and Secondary Regular Instruction per ADM



* Percentile data and state average obtained from School District Profile reports published by the MDE

KEY PERFORMANCE INDICATORS

Special Education Expenditures per ADM



* Percentile data and state average obtained from School District Profile reports published by the MDE

Your Abdo Team



Justin
NILSON

CPA - Partner



John
STACHEL

Supervisor



Kayley
O'LEARY

Associate



December 9, 2025 @ 2:30 PM - 4:15 PM, West Wing Room

Members Present:

Guests Present:

- A. [Investment Report](#) (Jeff S)
- B. Finance Committee Budget Checklist
- C. Proposed FC Calendar

Request for Proposals

Daily Home-to-School, Field Trip, and Other Transportation Services for Saint Croix Preparatory Academy

Request for Proposal (“RFP”) forms may be obtained by email from jennfuchs@stcroixprep.org. Proposals shall be submitted via email in MS Word or PDF form and shall include the subject line: “Response to RFP– [OFFEROR NAME]”

Proposals will be received at the above email address until 10:30 AM PM, Friday, January 16, 2026
Proposals received after **10:30 AM, Friday, January 16, 2026** will be rejected. Faxed or hard-copy mailed proposals will be rejected and not considered.

SCPA’s official contact for all correspondence, inquiries, and submissions related to this RFP is Jenn Fuchs. Her email is jennfuchs@stcroixprep.org. **ALL QUESTIONS ARE DUE BY 10:30 AM, January 5, 2026**
Questions will be answered and all questions shared via email with all prospective offerors and any amendments will be issued no later than **January 6, 2026**.

Each Offeror is invited to submit a single technical proposal (containing all required forms outlined herein) & pricing sheet to SCPA that addresses transportation services for the charter school. Multiple pricing sheets may be submitted if pricing proposals are contingent on award of one or more of the services in combination.

All proposal respondents will be responsible for the costs associated with the preparation of the requested proposals. Neither The Schools nor SCPA will be held liable for these costs. SCPA is the sole judge of the value and merit of the proposals and reserves the right to reject any or all proposals.

Under no circumstances shall SCPA be liable to any Offeror for any direct or indirect expenses, costs, or damages incurred by the Offeror in respect to its proposal or the rejection of the same for any reason. All decisions made by SCPA regarding the RFP process, including the final award(s), shall be made within their sole discretion and shall be final. Successful offeror(s) will enter into a contract with SCPA in its capacity as transportation manager for SCPA or in some cases, at the schools’ discretion, a vendor contract may be directly with a school.

All proposals must be submitted with the enclosed form, signed felony conviction notice, conflict of interest questionnaire, and any other requested documents/information as set forth in this RFP. Any proposal submitted that is incomplete may be disqualified. Offers submitted on other than authorized forms or with different terms or provisions may be considered to be non-responsive.

Request for Proposals

**Daily Home-to-School, Field Trip, and Other Transportation Services
for Saint Croix Preparatory Academy**

OVERVIEW

Saint Croix Preparatory Academy (SCPA) of Stillwater, Minnesota, by and through their authorized contractor and transportation manager, are requesting sealed proposals from interested and qualified yellow school bus and small vehicle service providers (“Offerors”) to contract with SCPA to “Provide Student Transportation Services (the “Services”) for the school for the coming THREE (3) school years, 2026-2027, 2027-2028, and 2028-2029. We are currently soliciting TWO (2) other schools to participate in this contract. Students from these schools would be routed onto current buses. Enrollment at these schools is significantly lower.

The successful Offeror(s) will operate certain parts of the school’s student transportation under the direction and management of SCPA, all in accordance with the specifications, terms and conditions contained in the RFP and Contract documents.

CURRENT TRANSPORTATION SERVICES AT SCPA

Currently, SCPA uses resident district 834 services. The school’s respective addresses, required AM arrival times and PM bus arrival times (min and max acceptable), along with estimated number (a range that may vary depending on available school budgets and which will be finalized by **June 2026**) of full (≥ 71 pax Type C) buses required for **SY2025-26** are listed in the table below.

School Data Summary Table

School	Address	# of Buses	AM Drop	PM Pick up / Early Release
St. Croix Preparatory Academy	4260 Stagecoach Trail Stillwater, MN 55082	17	9:45	4:15

The 2026-2027 school year will have an estimated 165 days of service, with school starting at the end of August and concluding at the beginning of June 2027. A full school year calendar for all schools will be shared once it has been finalized. **SCPA’s calendars MAY NOT align in terms of days off for professional development or school breaks, and SCPA may make independent decisions about calendars, or cancellations due to weather, COVID-19 or other outbreaks or extraordinary events.**

RFP PROCESS AND AWARD SCHEDULE

Event: Dates:

RFP Documents Released: December 3, 2025

RFP Proposals Due Date: January 16, 2026

Contract Award(s): **February 18, 2026**

Post-Award Timeline: The Contractor shall have all vehicles, routes, materials, & labor in place by August 1, 2026 for the 2026-2027 school year, beginning as early as August 17th, 2026.

Practice runs (“Dry runs”) shall occur a minimum of one time for each route at no cost to SCPA, no later than August 10th, 2026. All dates here are subject to change.

RFP SUBMISSION INSTRUCTIONS

Proposals shall be submitted in person via sealed envelope by **10:30 AM, January 16, 2026**. Proposals received after **10:30 AM, January 16, 2026** will be rejected.

All proposal respondents will be responsible for the costs associated with the preparation of the requested proposals. SCPA will not be held liable for these costs. SCPA is the sole judge of the value and merit of the proposals and reserves the right to reject any or all proposals.

Under no circumstances shall SCPA be liable to any Offeror for any direct or indirect expenses, costs, or damages incurred by the Offeror in respect to its proposal or the rejection of the same for any reason. All decisions made by SCPA regarding the RFP process, including the final award(s), shall be made within their sole discretion and shall be final. Successful offeror(s) will enter into a contract with SCPA in its capacity as transportation manager for the school.

RFP EVALUATION & CONTRACT AWARD

SCPA reserves the right to reject any and all proposals, or to waive any informalities, irregularities or technicalities in any proposal, should it deem to be in the best interest of SCPA to do so. Proposals should be submitted on the premise that the proposal must be acceptable to SCPA and the School Board under the proposed contract. While the financial responsibility of the Offeror is a significant concern, SCPA is equally concerned with the proven ability of the Offeror to satisfactorily perform the contract so that the service will be provided in accordance with proposed contract documents. After determining that a proposal satisfies the mandatory minimum requirements stated in the Request for Proposal, the comparative assessment of the relative benefits and deficiencies of the technical proposals in relation to the published evaluation criteria shall be made by using subjective judgment of a committee of evaluators representing SCPA.

SCPA reserves the right to award separate contracts and accept one proposal of an Offeror while rejecting the other(s) of the same Offeror, unless the proposals are expressly conditioned to the contrary. Conditioning one or more proposals can be a basis for SCPA not accepting the proposal(s) if SCPA determines, in its absolute discretion, that the condition is not the most advantageous. SCPA will award Contract(s) to the Offeror(s) offering the most advantageous proposal(s), taking into consideration all proposal elements, in addition to price.

Offerors are encouraged in all sections of their proposal to elaborate on ways they will enhance services beyond the minimum requirements of the RFP, specifically in the areas of safety, operational performance, technology, data, communications, and customer service.

Contracts may be awarded for a number of yellow bus or daily small vehicle routes for SCPA; but no contract award shall be construed as a minimum quantity of work guaranteed exclusively to the successful Offeror. During the life of the contract, SCPA reserves the right to cancel individual routes if written or emailed notice is given to the contractor of one or more serious service failures on a particular route (including but not limited to, excessive³³² lateness, repetitive or habitual lateness, serious

safety concerns, unaddressed complaints, chronic driver absenteeism or lack of coverage, etc.). After written notice, the Contractor shall be given a reasonable period of time at the sole discretion of SCPA, but no less than two weeks, to correct the service failure, after which time a route may be canceled or awarded to another contractor. Conversely, Contractors that are high performing may be awarded additional routes or work during the life of the Contract. Additionally, as the enrolled and transported student body profile changes over the course of the school year, routes are subject to elimination or consolidation at the direction of SCPA with no less than two weeks' notice, in order to maintain maximum efficiency for SCPA.

Offerors must satisfy themselves, upon examination of these specifications, as to the intent of the specifications. After submission of the Proposal, no complaint or claim that there was any misunderstanding in regard to items listed for bidding will be entertained from either party.

All proposals submitted shall be deemed final, conclusive and irrevocable and no proposal shall be subject to correction or amendment for any error or miscalculation.

DETAILED SUBMISSION REQUIREMENTS

1. Technical Proposal. Each submission shall include a technical proposal indicating which option(s) are being addressed in the proposal. The technical proposal should indicate how the offeror will meet the minimum requirements of this RFP (see also General Terms & Conditions to Offerors) and should also include details of any service elements the offeror wishes to highlight that go over and above the minimum requirements, especially in the areas of safety, operational performance, technology, data, communications, and customer service.

Required Sections:

- **Executive Summary**
- **Implementation Plan**
 - Please provide a plan and schedule for implementation, should your firm be selected as the successful offeror. It is expected that your organization's leaders will be present during any initial implementation phase with SCPA and be able to meet regularly with SCPA staff from July 2026 through the first 3 months of operation. A regular meeting and communications cadence will be established later. The schedule and plan should address:
 - Inspection of vehicles, facility, and equipment;
 - Acquisition of required vehicles;
 - Occupation of terminal facility;
 - Recruitment/relocation, if necessary, of management and supervisory personnel;
 - Selection, any necessary training, and employment of drivers;
 - Employee orientation, especially to routes and schedules;
 - Technical system configuration;
 - Routing and data processes;
 - Dry runs; and
 - Initial service launch.

- **Experience & Financial Stability**

- Offerors shall provide a statement of its qualifications to provide the specific services requested herein and indications of financial stability.

- **Staffing Plan**

- Offerors shall submit a staffing plan that clearly shows how the daily operations of the local compound(s) will be managed during the normal hours of operation, plus during any emergency or after-hours situation that may arise. This plan must include both operations and vehicle maintenance functions. SCPA requires emails and textable phone numbers for operations staff, especially for dispatch and brand/yard managers. Please also include additional administration, safety/insurance, IT/routing/data, and finance/invoicing/AP/AR email & phone contacts.

- **Maintenance, Fleet & Licensing**

- Offerors shall provide a description of its proposed vehicle maintenance program and how it will be administered. The maintenance program shall include the description of the maintenance schedule.
- Offerors must be licensed by the USDOT and MNDOT certificate. A copy of the MNDOT registration and Federal Motor Carrier Safety Administration registration and safety rating information should be included with the responses to this proposal.

- **Safety and Training Program**

- Offerors shall provide an overall description of its training process for drivers and other key staff, safety initiatives, safety-related technologies, and any student-facing programming.

- **Communications & Customer Service**

- Offerors shall explain key emergency, service-related, and management communications channels and its approach to maintaining excellent service to SCPA's students and families. SCPA shall be the lead communicator with families, but requires excellent and prompt communications with vendors at all times.

2. Pricing Proposal. Each submission should contain one or more pricing worksheets providing pricing detail for each of the service options being proposed. Pricing shall include prices for three (3) Years and proposed escalators for the three (3) Years. There are spaces for offerors to indicate pricing for home-to-school bus service (including if/how tiering is incorporated), van services, field trips, or the services of a bus aide or monitor. Offeror will charge no additional fees beyond that which are outlined in the pricing proposal of their bid submission.

3. Additional Required Attachments. In addition to the technical and pricing proposals, offerors are required to include the following in their submissions:

- **References – Form A**
- **RFP Response Signature Form (with ATTACHED w9) – Form B**
- **Deviation/Compliance Form – Form C**
- **Non-Collusion Statement – Form D**
- **Criminal Background Check and Felony Conviction Notice – Form E**
- **Nonresident Bidder's Certification – Form F** 334
- **Debarment or Suspension Certification – Form G**

- **Conflict of Interest Questionnaire – Form H**
- **Vehicle Operator Screening Information – Form I**
- **Child Support Certification – Form J**

GENERAL TERMS & CONDITIONS TO OFFERORS

1. Offerors understand and agree that the RFP response will become a legally binding contract upon acceptance in writing by SCPA. These proposal specifications and all general terms and conditions shall be affixed to the final contract entered into with the Contractor (the “Contract”) and shall be considered an integral part thereof. Should there be determined that there is contradiction between the proposal specifications or general terms here and the final negotiated Contract, terms and conditions as stated in the Contract shall prevail. However, Offers should understand that these general terms and conditions are not negotiable but are considered a specification of the RFP that will be binding upon the successful Offeror.
2. This RFP, and its resulting contract, shall be governed first by the laws of the state of Minnesota, and venue for any disputes arising thereunder shall be in Washington County, Minnesota and secondarily by the Uniform Commercial Code as adopted in the State of Minnesota and in force on the date of this RFP. The Contractor must adhere to all laws and policies of Minnesota and SCPA and shall observe and comply with all laws and regulations pertaining to Equal Employment Opportunity and Fair Employment Practices.
3. The Offeror shall at all times observe and comply with all laws, ordinances, regulations and codes of the federal, state, county and other local government agencies, which may in any manner affect the performance of the Contract, and in particular, such laws pertaining to safety. The Contractor, in performing under the Contract shall not discriminate against any worker, employee or applicant, or any member of the public because of race, creed, color, age, sex, sexual/gender orientation, or national origin, nor otherwise commit an unfair employment practice.
4. No contract shall be assigned or any part of the same subcontract without written consent of SCPA but in no case shall such consent relieve the Contractor from his obligations or change the terms of the Contract.

5. COLLUSIVE BIDDING

The Offeror certifies that its proposal is made without any previous understanding, agreement or connection with any person, firm, or corporation making a proposal for the same project, and is in all respects fair, without outside control, collusion, fraud, or otherwise illegal action.

6. RECORDS AND REPORTS, ROUTING

Contractor shall provide those reports, data and records, which may be reasonably requested from time to time by the SCPA and necessary for proper payment, for evaluation of Contractor’s performance or for state and District reporting hereunder. SCPA requires direct access to live GPS data feeds from contractor fleet monitoring systems by way of a dedicated SCPA access account and an API key provided by the Contractor.

Provision of routing services is required as part of a Proposal.

Data & Reports may include, but are not limited to:

- Daily vehicle and driver assignments to routes
- Live GPS location data feeds
- Student attendance / taps from electronic student attendance system
- Periodic Manual or Electronic Ridership Reports for each route
- Snippets of audio and video feeds over requested time windows
- Accident/Crash/Incident Reports
- Student Discipline/Behavior Reports
- Bus Inspection records
- Monthly or Yearly Mileage, Hour or Route Reports
- Driver Qualification Reports
- Insurance Certificates

The contractor agrees to maintain and make available to SCPA, during regular business hours, accurate books and accounting records relating to its Services. Contractor will permit SCPA to audit, examine and make excerpts and transcripts from such books and records, and to make audits of all invoices, materials, payrolls, records or personnel and other data related to all other matters covered by this Agreement, whether funded in whole or in part under this Agreement.

The Contractor agrees to maintain all data books, records, accounts and reports required under this Agreement for a period of not less than three years after the date of termination or expiration of this Agreement, except in the event of litigation or settlement of claims arising from the performance of this Agreement, in which case Contractor agrees to maintain same until the School or any of its duly authorized representatives, have disposed of all such litigation, appeals, claims or exceptions related thereto.

7. STATUS OF CONTRACTOR

In the interpretation of this Agreement and the relations between Contractor and SCPA, Contractor shall be construed as being an independent contractor hired to provide pupil transportation services only. Neither Contractor nor any of its employees shall be held or deemed in any way to be an employee or official of SCPA. The contractor shall be responsible for and hold SCPA harmless from any liability for unemployment taxes or contributions, payroll taxes or other federal or state employment taxes.

8. INSURANCE

Contractor shall, at its expense, procure and keep in force during the entire term of this Agreement, public liability and property damage liability insurance protecting SCPA, their boards, officers, employees and agents, and Contractor, its drivers and other personnel. Contractor shall provide and maintain insurance with fiscally sound firms (at least an AM Best rating of A-VII) authorized to do business in Minnesota. Contractor must provide the above referenced insurance with the following minimum limits:

Automobile Liability Insurance \$1,000,000 Combined Single Limit Commercial
General Liability Insurance \$1,000,000 Per Occurrence
General Liability (General Aggregate) \$2,000,000³³⁶

Worker's Compensation Statutory
Umbrella / Excess Liability \$1,000,000

Contractor agrees to provide SCPA a certificate of insurance evidencing such coverage and designating SCPA as an additional insured with respect to Automobile Liability. Worker's compensation insurance shall be maintained as required by law. All insurance policies shall provide that no coverage shall be canceled except by thirty (30) days written notice to SCPA. Deductibles, of any type, are the responsibility of the Contractor.

The Contractor shall agree to waive all right of subrogation against SCPA, their officials, employees and volunteers for losses from work or services performed by Contractor for SCPA.

9. INDEMNIFICATION

Contractor shall fully indemnify, defend and hold harmless SCPA, their governing boards, officers and employees from and against every claim or demand of any kind or nature which may be made by any person, firm or corporation, or other entity arising from or caused by any willful or negligent act or omission, breach of contract or violation or any law or regulation, in the performance of the services or otherwise by Contractor or any of its agents, employees, or subcontractors or their agents employees or subcontractors, except to the extent that such claim or demand arises from or is caused solely by the negligence or willful misconduct of SCPA, its agents or employees. The Contractor also agrees to indemnify, defend and hold harmless SCPA from any claims involving personal injury or property damage arising out of, or in the course of, Contractor's acts in providing transportation of assigned pupils.

10. EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENT (E.E.O.)

The contractor must be able to certify that it is an Equal Opportunity/Affirmative Action employer. Contractor must show evidence of a non-discriminatory equal employment opportunity program in the selection of employees. Such programs must provide E.E.O. opportunities regardless of a person's race, creed, sex, national origin, and sexual orientation, or any other characteristic protected under state or federal law. Contractor shall be committed to equal employment opportunity and will maintain an environment of both social and business responsibility that responds to the needs of its employees, and Subcontractors. The Contractor shall have a policy that states recruitment, selection, placement, promotion, training, compensation, participation in employment, social and recreation programs and continued employment shall be based on a person's ability as related to valid job requirements, without regard to race, color, religion, age, gender, national origin, sexual orientation, ancestry, or veteran status.

The Contractor's policy shall also prohibit discrimination based on disabilities as pertains to the American with Disabilities Act (ADA) of 1990 or any other criterion that could be found discriminatory. Both parties recognize that affirmative action and equal employment opportunity are essential and support diversity in the workplace and public accommodations. ADA Access, Access Requirements of Individuals with Disabilities: The Contractor shall comply with all applicable requirements of the Americans with Disabilities Act of 1990 (ADA), as amended, 42 U.S.C. Subsection 12101 et seq.; Section 504 of the Rehabilitation Act of 1973, as amended; 29 U.S.C. Section 794; 49 U.S.C. Section 5301(d).

11. STUDENT DATA PRIVACY PROTECTION

Contractor drivers and staff will maintain confidentiality of personal student information for all students including student name, sibling name, address, parent name, phone numbers, or bus stop locations. All records relating to any student shall be subject to applicable student data privacy laws. The federal Family Educational Rights and Privacy Act (FERPA) generally provides that information contained in students' education records are private and that parents largely control the access to that information. The contractor shall have a policy and practice in place at all times to fully comply with all student record and data privacy rights under FERPA. Contractor shall maintain the confidentiality of any information or data in its possession or control regarding a student and not disclose or disseminate the information or data without the prior written consent of a parent or guardian and without first contacting SCPA. Any penalty for a violation by Contractor or any agent, employee or subcontractor of Contract, of FERPA, or any other applicable federal or state law, including common law rights, relating to student data privacy shall be the sole responsibility of Contractor.

12. STUDENT BEHAVIOR & SAFETY

The ultimate responsibility and authority to suspend or expel any student from transportation services shall rest with SCPA. Contractor's drivers are responsible only for such discipline as is required to safely and properly operate Contractor's buses. Each driver shall handle all disciplinary matters in strict accordance with SCPA's policy. In no case will a driver eject a student from a bus without authorization. All discipline problems shall be reported in writing within 24 hours of completion of the route. Procedures and regulations for the administration of discipline shall be established cooperatively among SCPA and the Contractor, with SCPA having the final determination.

All students with riding privileges must receive school bus safety training. Upon request, during the first month of school, the Contractor will provide school bus safety training seminars for parents and students. The Contractor will also perform A, B or C type emergency evacuation drills a minimum one (1) time annually in cooperation with SCPA.

Drivers will complete Incident Report Forms in a manner prescribed by SCPA to assist in this process of behavior management. The applicable School Administrator will institute corrective procedures up to and including removal or suspension of bus riding privileges as needed. A copy of SCPA's consequence policy and behavior guidelines concerning transportation will be provided by SCPA at the time of signing of the Contract. Student discipline information is classified as restricted data under state and federal regulations, and may not be discussed with other parents, students, or staff of the Schools or co-workers within the transportation company. Only personnel of SCPA can remove or eject a student or suspend bus transportation privileges of students.

Vandalism damages to Contractor's equipment or facilities shall be the sole responsibility of Contractor. However, SCPA may give Contractor reasonable assistance in obtaining restitution for damaged equipment or facilities.

Students with IEPs requiring door-to-door/curb-to-curb transportation and students in grades K-5 shall not be dropped off unless an authorized parent or guardian is present at the stop to receive the student(s) and can make "eye-to-eye" contact with the driver to confirm a safe handoff. Students may be dropped off also with an older sibling (grades 6+) without a parent or guardian present. If no

parent or guardian is present to make the “eye-to-eye” handoff, the driver will wait a maximum of 10 minutes while they call in to dispatch and the SCPA team will communicate with the school and cooperate on efforts to reach parents. If a parent or guardian does not appear or SCPA cannot otherwise make contact by phone or text, we will instruct the driver to move along the route, keeping the student in their safe custody, until receiving further instruction from SCPA and the Contractor, as shall be determined in the best interest of each situation between SCPA, and the Contractor.

SCPA will provide additional operational protocols in to ensure students safety that the Contractor will endeavor to follow, including but not limited to:

- Identification of parents for daily drop off at bus stops;
- Additional requirements or instances by grade level when some students may be eligible for unattended dropped off;
- Handling of “undeliverable students” wherein a responsible parent is not present at the stop to pick up a student;
- Instances of children inadvertently boarding the wrong vehicle or unknown students being on a contractor vehicle;
- Detailed communications protocols - including what communications will be managed by SCPA with vendors, and where SCPA may be engaging with vendors directly and via what specific channels.

13. FORCE MAJEURE

In the event Contractor is unable to provide the transportation services herein specified because of any act of nature, disease outbreak, pandemic, civil disturbance, fire, large-scale flooding, war, governmental action, labor dispute involving the school’s personnel, picketing, strike, or lockout, or any condition or cause beyond Contractor’s control, SCPA may excuse Contractor from performance under this Agreement. However, no compensation shall be due or payable to Contractor for services not rendered, regardless of the cause, excepting only of select instances of COVID-19 closures as indicated below.

14. FAILURE TO DELIVER & PENALTIES

If by any reason of any acts of nature, pandemics, fires, strikes, present or future laws, ordinances, government orders, rules or regulations, the Contractor shall be prevented from carrying out the terms of this Agreement, SCPA shall have the right to hire others to continue service, and operating expenses incurred will be deducted from payments owed to the Contractor.

15. INCLEMENT WEATHER / SCHOOL CLOSINGS

Emergency School closings may occur due to inclement weather conditions or situations of concern. SCPA will make independent decisions about closing due to weather on a case-by-case basis. Payment will not be made for school closings due to inclement weather conditions, holidays, special events or ordinary disruptions of the normal schedule, where notice is provided by 10 PM the night before.

In the case of any emergency closures of a duration more than 1 day due to the COVID-19 or other disease outbreaks where days lost are NOT ³³⁹made up, non-service days may be billed by the Contractor at a rate of 80% of the average daily rate the Contractor was paid for services in the

month of services prior to any such closure.

16. MANAGEMENT PERSONNEL

The Contractor shall designate a permanent regular, full-time manager/supervisor to be directly responsible for the provision of all services required in SCPA's contract. The manager/supervisor will be responsible for providing safe and efficient transportation services required by this Agreement and will supervise necessary support staff required for on-site management. This person shall work with SCPA and Designee(s) for purposes of service coordination. SCPA expects that the manager/supervisor is an experienced person who has demonstrated skills for fulfilling the responsibilities of the Contract. The contractor shall inform SCPA of the name(s) and business address(s) of such management personnel. SCPA has the right to approve, disapprove and require Contractor to replace any manager/supervisor who SCPA believes, in its sole discretion, is not performing to its satisfaction.

The Contractor shall have at a minimum one (1) dispatcher on duty at all times service is running. At a minimum, a dispatcher should be on site daily from 5-9AM and 2PM until all vehicles are clear, returned to the garage, and confirmed cleared of students. Dispatchers are responsible for communication with drivers and SCPA staff via SCPA's dedicated vendor ops text groups and must also be available for voice communications with SCPA staff.

17. OPERATIONS PERSONNEL/DRIVER QUALIFICATIONS

The contractor shall employ a sufficient number of qualified drivers and support personnel to assure SCPA of continuous and reliable service. The contractor shall provide qualified drivers, trained and licensed in accordance with the laws of this State and the rules and regulations of SCPA. Accordingly, Contractor agrees that each driver shall:

- a. Possess a valid license issued by this State (or a reciprocal state) authorizing such person to operate the vehicle they are assigned.
- b. Be certified by a duly licensed medical practitioner as medically qualified and free of medical or physical conditions, which, absent reasonable accommodation, would limit safe operation of a school bus or van qualified without reasonable accommodation, to safely operate a school bus or van. The physical examination shall be conducted prior to employment and periodically thereafter as required by State law.
- c. Successfully completed a course of training, including instruction in school bus safety, student discipline, human relations, behind-the-wheel school bus or van driving instruction, defensive driving, first aid, use of fire extinguisher, traffic laws, and applicable The Schools policies and regulations.
- d. Possess a satisfactory driving record and criminal history record, after review of such records prior to employment and periodically thereafter to the extent permitted or available by law. e. Satisfy all applicable requirements of the U.S. Department of Transportation, Federal Highway Administration in rendering transportation services regulated by that agency.

Contractor shall hold each driver responsible for:

- a. Supervising the safe loading and unloading of his or her bus at every pick-up and delivery point.
- b. Keeping informed of all rules and regulations affecting the safe operation of school buses or vans and standards of conduct.

- c. Complying with all federal, state and local traffic laws while operating buses or vans under this agreement.
- d. Carrying appropriate identification at all times while on duty.
- e. Carrying a timepiece while on duty so that the driver can maintain established schedule times.
- f. Communicating to dispatch any issues or needs related to the route assignment and all passengers transported.
- g. Implementing changes to routes as directed, including new stops, deleted stops, or alternative driving directions.

The Contractor must provide a driver orientation and instruction program before a driver is allowed to drive while students are on board. Training must include:

- a. Enough to safely operate the type of school bus or van the driver will be driving
- b. Emergency procedures
- c. Student Management procedures, including issues relating to students with disabilities
- d. Knowledge of relevant laws, rules of the road, and local school bus safety policies
- e. Knowledge of student loading and unloading procedures

Ongoing driver performance monitoring and trainings must include:

- a. Random drug testing
- b. Daily observance of employees to detect violations of drug & alcohol policy
- c. Advance knowledge of routes, including for substitutes
- d. Route accuracy including proper stops and updated paperwork
- e. Demonstrated driver-passenger professionalism & customer service to schools & families
- f. Competence in reporting student behavior incidents, other incidents and accidents

The contractor shall enforce all The Schools' Rules and Regulations in place.

Contractor shall be responsible for hiring and discharging personnel employed by the Contractor to perform its obligations hereunder; provided, however, that SCPA shall have the right to direct Contractor to remove from service under the Contract any employee or subcontractor driver who, in SCPA's sole discretion, is deemed unsuitable for the performance of transportation services for SCPA. SCPA shall make any such direction in writing with the reasons therefore.

18. ADDITIONAL OPERATIONAL REQUIREMENTS

In addition to the foregoing, and without limitation as to what SCPA may otherwise operationally require of the Contractor, the Contractor shall be required to strictly adhere to the following operational requirements:

- a. Contractor shall provide, inclusive in its cost for services, adequate back-up capacity to retrieve missed pick-ups in the AM and PM in cases where the cause of such failure or missed pick-up is clearly the fault of the Contractor or cannot be determined. If SCPA must contract with another vendor to provide backup service, said costs will be billed back to the contractor in addition to any liquidated damages charged as outlined below.
- b. Contractor shall agree to implement all route changes that they are notified of on Thursdays and will implement on the following Tuesday ^{AM}₃₄ route. New route sheets will be sent to SCPA. On occasion, emergency changes will be requested to be implemented on shorter notice.

- c. Contractor shall perform “dry runs” of all scheduled routes no later than the day before new routes begin at no charge to SCPA.
- d. Contractor shall provide a daily and ever-current listing of what physical assets/buses/bus numbers and drivers are performing which scheduled routes and shall notify SCPA immediately when changes are made each day.
- e. Contractor shall have functioning GPS hardware on every bus and shall provide SCPA with an API key and log-in credentials for said GPS system.
- f. Contractor shall have functioning cameras on 20% of buses with audio and video recording capability and shall be able to retrieve recordings and share them with SCPA and school personnel upon request in writing (by email is sufficient) within 24 hours or less.
- g. The Contractor shall provide a minimum of two (2) responsive and textable mobile phone numbers for texting via SCPA’s operations text group during operating hours and at least one (1) after-hours contact number for emergencies.

19. PAYMENTS

The contractor will be responsible for invoicing SCPA for the prior month by the 5th of each subsequent month following service. SCPA will pay the contractor without delay and without discount or deduction from the agreed-upon prices between the parties. Each party will be responsible for any contractual performance penalties that may be imposed by The School(s) caused by its respective acts or omissions.

20. DISINCENTIVES (LIQUIDATED DAMAGES)

SCPA shall have the right to assess liquidated damages for each failure by the Contractor to perform the services required under the contract.

SCPA must inform the Contractor within 30 days of a listed violation of its intent to assess liquidated damages for such an event and must bill for such liquidated damages within 31 days of its assessment. Failure to either timely notify or bill the Contractor shall relieve the Contractor of its obligation to pay liquidated damages for the particular event.

In the event the Contractor agrees to an increase in service levels, and at the start of the school year or after start date of any new route, the Contractor shall be afforded a period of thirty (30) days following implementation of such changes during which time no liquidated damages may be assessed with respect to scheduled drop-off times or availability of buses on routes while the Contractor makes operational adjustments to meet SCPA’s requirements.

Payment will not be made for routes that did not operate. Routes that are folded into other routes / combined to temporarily provide service (split or doubled) will not constitute an operating route.

In an event of extenuating circumstances (accident, trains, weather, etc.) or for any other reason, SCPA reserves the right to waive any liquidated damage. Such waiver will not constitute a change to the contract or a waiver of future claims for liquidated damages.

The below table of Liquidated Damages, without limitation of SCPA’s legal and equitable remedies for breach of contract, may be imposed by SCPA as specified here.

Criteria	Standard	Penalty
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Unexcused late arrival in the AM or PM	Any route that is 45-59 minutes late will be assessed a \$45 fine per route.	\$45
Unexcused extremely late arrival in the AM or PM	For each unexcused occurrence of a route arriving at school <i>more than</i> 60 minutes after its scheduled arrival time in the MA or PM	Half the daily rate (e.g. non-payment of the amount of the one-way AM or PM trip leg) for that route.
Unexcused abject failure to provide a scheduled service.	Abject failure to provide service is defined as failure to pick up or complete a trip without good and reasonable cause.	\$200 each incident <i>or</i> the cost of any back-up service required, (whichever is greater), <i>in addition to</i> assessment of the unexcused extremely late arrival penalty of non-payment of the amount of the one-way AM or PM trip leg

Failure to notify of an accident or other safety related incidents where police or EMS are called.	Failure to notify responsible personnel of SCPA within 1 hour of an accident or an incident when police or EMS are called.	\$200
Unexcused failure to produce a requested video	For each occurrence of a request for video which cannot be fulfilled due to an inoperable camera or lack of a camera installed on a vehicle	\$50 for first occurrence; \$100 for each occurrence thereafter
Unexcused failure of GPS tracking	For each occurrence of a GPS unit being inoperable or lack of a GPS unit installed on a vehicle after notice of detection by SCPA and a 72 hour grace period for the contractor to replace or	\$10 per unit per day following notice and a 72 hour grace period

	repair the unit	
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21. EQUIPMENT

All vehicles supplied by Contractor pursuant to this Agreement shall meet or exceed the standards established by the laws and regulations of the State and the United States. The contractor shall maintain the vehicles used to provide pupil transportation services under this Agreement in accordance with law and accepted industry maintenance standards. SCPA reserves the right to request maintenance and inspection records at any time during the Agreement.

The contractor shall provide vehicles in sufficient numbers to efficiently transport all students for whom SCPA orders services, including an adequate number of spares.

Vehicles shall be of sufficient capacity to permit every student transported to be seated in conformance with State laws at all times. Vehicles must be clean, neat-appearing and display appropriate exterior and interior markings as required by state law.

22. ASSIGNMENT

The Contractor shall not assign or transfer any part of the obligation and responsibility in the Contract without the prior written approval of SCPA.

PROPOSAL OPTIONS & PRICING PAGE

Please provide proposed pricing & comments below for which you are proposing to provide service. If pricing for one or more options is contingent on multiple specific options being awarded together, please fill out multiple pricing pages to show pricing with or without awards being made in combination. Leave blank or type N/A where you are not proposing services.

	School(s) & Route(s) Proposed To Serve (indicate whether TIERED or UNTIERED)	Proposed Types and Quantity of Vehicles	Pricing	Pricing Comments (indicate proposed tiering if any)
1. Yellow School Bus				
2. Van/Sedan Service (4/6 pax)				
3. Van/Sedan Service (9 pax)				
4. Field Trip Service				
5. Bus Aide / Monitor				
Additional Comments or Explanation				

Year 2 Escalation % _____ Year 3 Escalation % _____

SIGNED _____

DATE: _____

BY: _____

NAME & TITLE _____