

MINNETONKA SCHOOL BOARD STUDY SESSION AND SPECIAL MEETING
District Service Center
August 17, 2023
6:00 p.m.
AGENDA

STUDY SESSION

- 6:00 1. Discussion regarding possible Capital Projects Referendum Election
- 6:30 2. Policy Review
- a. #424: License Status
 - b. #515: Protection and Privacy of Pupil Records
 - c. #534: Equal Educational Opportunity
 - d. #509: Enrollment of Nonresident Students
 - e. #516.1: Overdose Medication
 - f. #419: Tobacco-Free Environment
 - g. #418: Drug-Free Workplace/Drug-Free School
- 7:00 3. MTSS/SEL Update

SPECIAL MEETING

- 7:30 I. Call to Order and Pledge to the Flag
- II. Adoption of Agenda
- 7:30 III. Approval of Resolution Calling a Capital Projects Referendum Election
- 7:40 IV. Approval of Reestablishment of Partnership with District #287
- 7:45 V. Adjournment

CITIZEN INPUT

6:30 p.m. Citizen Input is an opportunity for the public to address the School Board on any topic in accordance with the guidelines printed below.

GUIDELINES FOR CITIZEN INPUT

Welcome to the Minnetonka School Board's Study Session! In the interest of open communications, the Minnetonka School District wishes to provide an opportunity for the public to address the School Board. That opportunity is provided at every Study Session during *Citizen Input*.

1. Anyone indicating a desire to speak to any item about educational services—except for information that personally identifies or violates the privacy rights of an individual—during *Citizen Input* will be acknowledged by the Board Chair. When called upon to speak, please state your name, connection to the district, and topic. All remarks shall be addressed to the Board as a whole, not to any specific member(s) or to any person who is not a member of the Board.
2. If there are a number of individuals present to speak on the same topic, please designate a spokesperson who can summarize the issue.
3. Please limit your comments to three minutes. Longer time may be granted at the discretion of the Board Chair. If you have written comments, the Board would like to have a copy, which will help them better understand, investigate and respond to your concern.
4. During *Citizen Input* the Board and administration listen to comments. Board members or the Superintendent may ask clarifying questions of you in order to gain a thorough understanding of your concern, suggestion or request. If there is any response or follow-up to your comment or suggestion, you will be contacted via email or phone by a member of the Board or administration in a timely manner.
5. Please be aware that disrespectful comments or comments of a personal nature, directed at an individual either by name or inference, will not be allowed. Personnel concerns should be directed first to a principal or executive director of the department, then to the Executive Director of Human Resources, then to the Superintendent and finally in writing to the Board.

**Minnetonka I.S.D. 276
5621 County Road 101
Minnetonka, Minnesota**

Study Session Agenda Item #1

**Title: Discussion regarding possible Capital Projects
Referendum Election**

Date: August 17, 2023

EXECUTIVE SUMMARY:

On November 3, 2015, the voters of the District approved an extension of the existing Capital Projects Referendum at the existing 6.569% of Net Tax Capacity of the District for 10 years. The 10 years approved included the 2015 Pay 2016 Levy to fund Fiscal Year 2017 through the 2024 Pay 2025 Levy to fund Fiscal Year 2026. The extension of the Capital Projects Referendum was approved by a vote of 4,770 Yes to 1,780 No or 72.49% Yes.

The 2015 approval occurred in the eight year of the Capital Projects Referendum that was approved on November 6, 2007 at the same 6.569% of Net Tax Capacity of the District.

It is prudent to request renewal of the Capital Projects Referendum in its 8th year of authorization because if the renewal would be turned down by the voters, it allows for two additional opportunities to request renewal before the Capital Projects Referendum would drop off of the District Levy.

The Capital Projects Referendum is a key funding component that contributes to the success of all students and the operations of the District. Revenue from the Capital Projects Referendum pays for the following key expenditures each year:

- All instructional technology equipment, including iPads and instructional computers
- All instructional textbooks inclusive of all instructional software and traditional textbooks
- All instructional staff training on instructional software
- All instructional technology support personnel
- All administrative software including but not limited to student accounting and grading software, financial software and internet firewall software
- All network hardware and software, including but not limited to network data storage devices and wide area network fiber optic cable
- All technology network security
- All administrative technology support personnel
- Classroom equipment that is not technology hardware and software
- Security barriers of all types including but not limited to physical barriers built into the facilities, electronic barriers, and security monitoring equipment

At this time, it is prudent for the School Board to consider a renewal referendum for the Capital Projects Referendum at the same 6.569% of Net Tax Capacity to be placed on the November 7, 2023 ballot. Approval of this Capital Projects Referendum would authorize

this important levy for the 2023 Pay 2024 Levy for Fiscal Year 2025 through the 2032 Pay 2033 Levy for Fiscal Year 2034 and secure long-term stability for this important funding source.

For the 2023 Pay 2024 Levy for Fiscal Year 2025, under the authority approved in 2015, the Capital Projects Referendum at 6.569% of Net Tax Capacity will generate \$9,240,493.94.

Approval by the voters of the District of the extension of the Capital Projects Referendum through the 2032 Pay 2033 Levy for Fiscal Year 2034 at the same 6.569% of Net Tax Capacity will not increase that amount. It will remain the same.

The Capital Projects Technology Referendum Packet has been developed by Attorneys Stephen Knutson and Katharine Saphar of the law firm Knutson, Flynn & Deans, PA for the School Board's review.

ATTACHMENTS:

Capital Projects Referendum Packet

RECOMMENDATION/FUTURE DIRECTION:

This information is presented for the School Board's review.

Submitted by: 
Paul Bourgeois, Executive Director of Finance & Operations

Concurrence: 
David Law, Superintendent

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EXTRACT OF MINUTES OF MEETING
OF SCHOOL BOARD
OF INDEPENDENT SCHOOL DISTRICT NO. 276
(MINNETONKA PUBLIC SCHOOLS)
STATE OF MINNESOTA

Pursuant to due call and notice thereof, a regular meeting of the School Board of Independent School District No. 276 (Minnetonka Public Schools), State of Minnesota, was held in said school district on _____, at ____ o'clock p.m.

The following members were present:

and the following were absent:

Member _____ introduced the following resolution and moved its adoption:

**RESOLUTION RELATING TO REVOKING THE EXISTING CAPITAL
PROJECT LEVY, APPROVING A NEW CAPITAL PROJECT LEVY
AUTHORIZATION,
AND CALLING AN ELECTION THEREON**

BE IT RESOLVED by the School Board of Independent School District No. 276, State of Minnesota, as follows:

1. The Board hereby determines and declares that it is necessary and expedient for the school district to revoke its existing capital project levy authorization of 6.569% times the net tax capacity of the school district and to replace that authorization with a new authorization of 6.569% times the net tax capacity of the school district. The proposed authorization will raise approximately \$9,240,000 for taxes payable in 2024, the first year it is to be levied, and would be authorized for ten (10) years. The estimated total cost of the projects to be funded by the proposed capital project levy authorization during that time period is approximately \$92,400,000. The money raised by the capital project levy authorization will provide funds for the purchase and installation of software and technology equipment; costs related to the support and maintenance of technology; costs related to training staff in the use of technology; the purchase of classroom equipment and instructional texts; and installation of classroom and building security equipment. The program will be

commenced prior to November 1, 2028, which date is not more than five (5) years from the date of the special election authorizing the approval of the capital project levy. The question on the approval of the capital project levy authorization shall be School District Question 1 on the school district ballot at the special election held to approve said authorization.

The actions of the administration in consulting with the Minnesota Department of Education, causing a proposal to be prepared for submission on behalf of the Board to the Commissioner of Education for the Commissioner's Review and Comment and taking such other actions as necessary to comply with the provisions of Minnesota Statutes, Section 123B.71, as amended, are hereby ratified and approved in all respects. The actual holding of the special election on School District Question 1 above shall be contingent on the receipt of a positive Review and Comment from the Commissioner on the projects included in that question.

The clerk is hereby authorized and directed to cause the Commissioner's Review and Comment to be published in the legal newspaper at least forty-eight (48) but not more than sixty (60) days before the election.

2. The ballot question specified above shall be submitted to the qualified voters of the school district at a special election, which is hereby called and directed to be held on Tuesday, November 7, 2023, between the hours of 7:00 o'clock a.m. and 8:00 o'clock p.m.

3. Pursuant to Minnesota Statutes, Section 205A.11, the school district combined polling places and the precincts served by those polling places, as previously established and designated by school board resolution for school district elections not held on the day of a statewide election, are hereby designated for this special election. However, because the City of Minnetonka will be holding its municipal elections on November 7, 2023, the polling places for voters residing in the precincts in that city shall be the polling places designated by that city.

4. The clerk is hereby authorized and directed to cause written notice of said special election to be provided to the county auditor of each county in which the school district is located, in whole or in part, and to the Commissioner of Education, at least seventy-four (74) days before the date of said election. The notice shall specify the date of said special election and the title and language for each ballot question to be voted on at said special election. Any notice given prior to the date of the adoption of this resolution is ratified and confirmed in all respects.

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

The clerk is hereby authorized and directed to cause a sample ballot to be posted at the administrative offices of the school district at least four (4) days before the date of said special election and to cause two sample ballots to be posted in each combined

polling place on election day. The sample ballot shall not be printed on the same color paper as the official ballot.

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

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

The clerk is hereby authorized and directed to cause the rules and instructions for use of the optical scan voting system to be posted in each combined polling place on election day.

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

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

[Form of Ballot on next page.]

Special Election Ballot

Independent School District No. 276 (Minnetonka Public Schools)

November 7, 2023

Instructions to Voters:

To vote, completely fill in the oval(s) next to your choice(s) like this: 

To vote for a question, fill in the oval next to the word “Yes” on that question.
To vote against a question, fill in the oval next to the word “No” on that question.

School District Question 1 Revoking Existing Capital Project Levy Authorization; Approving New Authorization

The board of Independent School District No. 276 (Minnetonka) has proposed to revoke its existing capital project levy authorization of 6.569% times the net tax capacity of the school district and to replace that authorization with a new authorization of 6.569% times the net tax capacity of the school district.

The proposed new authorization will raise approximately \$9,240,000 for taxes payable in 2024, the first year it is to be levied, and would be applicable for ten years. The estimated total cost of the projects to be funded over that time period is approximately \$92,400,000.

The money raised by the proposed authorization will be used to provide funds for the following: The purchase and installation of software and technology equipment; costs related to the support and maintenance of technology; costs related to training staff in the use of technology; the purchase of classroom equipment and instructional texts; and building security equipment. The projects to be funded have received a positive review and comment from the Commissioner of Education.

Yes

Shall the school district’s existing capital project levy authorization be revoked and the new capital project levy authorization proposed by the board of Independent School District No. 276 be approved?

No

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

Optical scan ballots must be printed in black ink on white colored material, except that marks to be read by the automatic tabulating equipment may be printed in another color ink. The name of the precinct and machine-readable identification must be printed on

each ballot. Voting instructions must be printed at the top of the ballot on each side that includes ballot information. The instructions must include an illustration of the proper mark to be used to indicate a vote. Lines for initials of at least two election judges must be printed on one side of the ballot so that the judges' initials are visible when the ballots are enclosed in a secrecy sleeve.

6. If the school district will be contracting to print the ballots for this election, the clerk is hereby authorized and directed to prepare instructions to the printer for layout of the ballot. Before a contract exceeding \$1,000 is awarded for printing ballots, the printer, at the request of the election official, shall furnish, in accordance with Minnesota Statutes, Section 204D.04, a sufficient bond, letter of credit, or certified check acceptable to the clerk in an amount not less than \$1,000 conditioned on printing the ballots in conformity with the Minnesota election law and the instructions delivered. The clerk shall set the amount of the bond, letter of credit, or certified check in an amount equal to the value of the purchase.

7. The clerk is hereby authorized and directed to provide for testing of the optical scan voting system within fourteen (14) days prior to the election date. The clerk shall cause notice of the time and place of the test to be given at least two (2) days in advance by publishing the Notice of Testing once in the official newspaper and by causing the notice to be posted in the administrative offices of the school district, the office of the County Auditor and the office of any other local election official conducting the test.

8. The clerk is hereby authorized and directed to cause notice of the location of the counting center or the places where the ballots will be counted to be published in the official newspaper at least once during the week preceding the week of the election and in the newspaper of widest circulation once on the day preceding the election, or once the week preceding the election if the newspaper is a weekly.

9. As required by Minnesota Statutes, Section 203B.121, the Board hereby establishes a ballot board to process, accept and reject absentee ballots at school district elections not held in conjunction with the state primary or state general election or that are conducted by a municipality on behalf of the school district and generally to carry out the duties of a ballot board as provided by Minnesota Statutes, Section 203B.121 and other applicable laws. The ballot board must consist of a sufficient number of election judges trained in the handling of absentee ballots. The ballot board must consist of a sufficient number of election judges and may include deputy county auditors and deputy city clerks who have received training in the processing and counting of absentee ballots. Each member of the ballot board must be provided adequate training on the processing and counting of absentee ballots, including but not limited to instruction on accepting and rejecting absentee ballots, storage of absentee ballots, timelines and deadlines, the role of the ballot board, procedures for opening absentee ballot envelopes, procedures for counting absentee ballots, and procedures for reporting absentee ballot totals. The clerk or the clerk's designee is hereby authorized and directed to appoint the members of the ballot board. The clerk or the clerk's designee shall establish, maintain and update a roster of members appointed to and currently serving on the ballot board and shall report to the Board from time to time as

to its status. Each member of the ballot board shall be paid reasonable compensation for services rendered during an election at the same rate as other election judges; provided, however, if a staff member is already being compensated for regular duties, additional compensation shall not be paid for ballot board duties performed during that staff member's duty day.

10. The clerk is hereby authorized and directed to begin assembling names of trained election judges to serve at the combined polling places during the November 7, 2023 special election. The election judges shall act as clerks of election, count the ballots cast, and submit the results to the school board for canvass in the manner provided for other school district elections. The election must be canvassed between the third and the tenth day following the election.

11. If the capital project levy authorization proposed in School District Question 1 is approved, a capital project referendum account shall be created as a separate account in the general fund of the school district. All proceeds from the capital project levy must be deposited in the capital project referendum account. Interest income attributable to the capital project referendum account must be credited to the capital project referendum account. Money in the capital project referendum account may be used only for the costs of acquisition and betterment of the approved projects. The funds in the capital project referendum account may be accumulated and not be expended until sufficient funds are available, may be accumulated and not be expended until additional funds from a bond issue are available, or may be expended on an ongoing basis for approved project costs. Any funds remaining in the capital project referendum account that are not applied to the payment of the costs of the approved projects before their final completion shall be transferred to the school district's debt redemption fund.

12. The School District clerk shall make all Campaign Financial Reports required to be filed with the school district under Minnesota Statutes, Section 211A.02, available on the school district's website. The clerk must post the report on the school district's website as soon as possible, but no later than thirty (30) days after the date of the receipt of the report. The school district must make a report available on the school district's website for four years from the date the report was posted to the website. The clerk must also provide the Campaign Finance and Public Disclosure Board with a link to the section of the website where reports are made available.

The motion for the adoption of the foregoing resolution was duly seconded by _____ and upon vote being taken thereon the following voted in favor thereof:

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

School Board
Minnetonka I.S.D. # 276
5621 County Road 101
Minnetonka, Minnesota

Study Session Agenda Item 2

Title: Policy Review

DATE: August 17, 2023

OVERVIEW:

Administration is making recommendations for policies due to recent legislative changes.

Policies recommended for creation/revision are:

- 418 - Drug Free Workplace – New
 - 419 - Tobacco Free Environment – Revised
 - 424 - Teacher Licensure – Revised
 - 509 - Enrollment of Nonresident Students – Revised
 - 515 - Student Directory – Revised
 - 516.1 - Overdose Medication – New
 - 534 - Equal Education Opportunity - Revised
-

RECOMMENDATION/FUTURE DIRECTION:

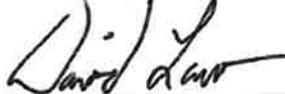
That the School Board approve the recommended policy changes at the Regular Board meeting on September 7, 2023.

Submitted by:



Anjie Flowers, Executive Director of Human Resources

Concurrence:



David Law, Superintendent

MINNETONKA PUBLIC SCHOOLS

Policy 424: LICENSE STATUS

I. PURPOSE

The purpose of this policy is to ensure that qualified teachers and administrators are employed by the District and that the District fulfill its duty to ascertain the licensure status of its teachers and administrators. A school board that employs a teacher or administrator who does not hold a valid teaching license or permit places itself at risk for a reduction in state aid. This policy does not negate a teacher or administrator's duty and responsibility to maintain a current and valid license.

II. GENERAL STATEMENT OF POLICY

- A. A qualified teacher or administrator is one holding a valid license to perform the particular service for which the teacher or administrator is employed by the District.
- B. No person shall be a qualified teacher or administrator until that person has filed for record with the Superintendent or designee, a license, or a copy thereof, authorizing that person to teach or be an administrator in the District and perform the particular service for which the teacher or administrator is employed by the District, or otherwise meets the requirements of Minnesota law.
- C. The District has a duty to ascertain the licensure status of its teachers and administrators and ensure that the District's teacher and administrator license files are up to date. The District shall establish a procedure for annually reviewing its teacher and administration license files to verify that every teacher or administrator's license is current and appropriate to the particular service for which the teacher or administrator is employed by the District.
- ~~C~~D. The school district must annually report to the Professional Educator Licensing and Standards Board: (1) all new teacher hires and terminations, including layoffs, by race and ethnicity; and (2) the reasons for all teacher resignations and requested leaves of absence. The report must not include data that would personally identify individuals.

Legal References:

Minn. Stat. § 122A.16 (Qualified Teacher Defined)

Minn. Stat. § 122A.22 (District Verification of Teacher Licenses)

Minn. Stat. § 122A.40 (Employment; Contracts; Termination – Immediate Discharge)
Minn. Stat. § 127A.42 (Reduction of Aid for Violation of Law)
Vettleson v. Special Sch. Dist. No. 1, 361 N.W.2d 425 (Minn. App. 1985)
Lucio v. School Bd. of Independent Sch. Dist. No. 625, 574 N.W.2d 737 (Minn. App. 1998)
In the Matter of the Proposed Discharge of John R. Statz (Christine D. VerPloeg), June 8, 1992, affirmed, 1993 WL 129639 (Minn. App. 1993)

Approved: March 4, 2004

Reviewed: August 17, 2023

MINNETONKA PUBLIC SCHOOLS

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

Minn. Stat. § 127A.42 (Reduction of Aid for Violation of Law)

Approved: March 4, 2004

Reviewed: August 17, 2023

MINNETONKA PUBLIC SCHOOLS

Policy 515: PROTECTION AND PRIVACY OF PUPIL RECORDS

I. POLICY STATEMENT

The School District 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 School District, pursuant to the requirements of 20 U.S.C. § 1232g, et Seq., (Family Educational Rights and Privacy Act) 34 C.F.R. Part 99 and consistent with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13 and Minn. Rules Pts. 1205.0100 to 1205.2000.

III. DEFINITIONS

- A. **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 School District. The term does not include specific daily records of a student's attendance at a school or schools in the School District.
- B. **Student** Student includes any individual who is or has been in attendance, enrolled or registered at the School District and regarding whom the School District maintains education records. Student also includes applicants for enrollment or registration at the School District, and individuals who receive shared time educational services from the School District.
- C. **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; (e) a list of personal characteristics that would make the student's identity easily traceable; or other information that would make the student's identity easily traceable.
- D. **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.
- E. **Directory Information** Directory information means information contained in an

education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the student's name, address, ~~telephone listing~~, photograph, date 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. It also includes the name, ~~address and telephone number of the~~ of the student's parent(s) as defined in this policy. Directory information does not include personally identifiable data which references religion, race, color, social position or nationality.

F. **Responsible Authority** Responsible authority means the Superintendent of Schools.

G. **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 consultant, a secretary, a clerk, as 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.

H. **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.

I. **Education Records**

1. Education records means those records which: (1) are directly related to a student; and (2) are maintained by the School District or by a party acting for the School District.

2. Education records do not include:

a. Records of instructional personnel which: (1) are in the sole possession of the maker of the record; and (2) are not accessible or revealed to any other individual except a substitute teacher; and (3) are destroyed at the end of the year.

b. Records of a law enforcement unit of the School District, provided educational records maintained by the School District 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 School District 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, these provisions shall not apply to records relating to an individual in attendance at the School District who is employed as a result of his or her status as a student.

- d. Records relating to an eligible student, or a student attending an institution of postsecondary education, which 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 School District.
- e. Records that only contain information about an individual after he or she is no longer a student at the School District.

J. **Eligible Student** Eligible student means a student who has attained eighteen (18) years of age or is attending an institution of post-secondary education.

K. **Juvenile Justice System** Juvenile justice system includes criminal justice agencies and the judiciary when involved in juvenile justice activities.

L. **Legitimate Educational Interest** Legitimate educational interest includes 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; or
- 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.
- 4. Perform a task directly related to responding to a request for data.

M. **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 School District 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.

- N. **Dependent Student** A dependent student is an individual who during each of five (5) calendar months during the calendar year in which the taxable year of the parent begins is a full-time student at a school or an educational institution or is pursuing a full-time course of instructional on farm training under the supervision of an accredited agent of an educational institution or of a state or political subdivision of the state.

IV. GENERAL CLASSIFICATION

State law provides that all data collected, created, received or maintained by a School District is 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 School District 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 20 U.S.C. § 1232g 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 11th and 12th grade students' names, addresses, and home telephone numbers to military recruiting officers;
 5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School District 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 the COPIES OF POLICY section of this policy.
- B. All rights and protections given parents under this policy transfer to the student when he or she reaches eighteen (18) years of age or enrolls in an institution of post

secondary 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 educational records of such student without first obtaining the consent of the student.

VI. DISCLOSURE OF EDUCATION RECORDS

A. Consent Required for Disclosure

1. The School District shall obtain a signed and dated written 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 must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:
 - 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; and
 - d. if appropriate, a termination date for the consent.
3. When a disclosure is made under this subdivision and:
 - a. if the parent or eligible student so requests, the School District 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 School District shall provide the student with a copy of the records disclosed.
4. 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 authorizing 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 life insurance or non-cancellable or guaranteed renewable health insurance and identified as such, two years after the date of the policy.

5. **Eligible Student Consent** Whenever a student has attained eighteen (18) years of age or is attending an institution of post-secondary 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 the STATEMENT OF RIGHTS section of this policy.

B. **Prior Consent for Disclosure Not Required** The School District 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 School District whom the School District determines have a legitimate educational interest in such records;
- 2. To officials of other schools or School Districts in which the student seeks or intends to enroll. 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. The records also shall include a copy of any probable cause notice or any disposition or court order under

Minn. Stat. § 260B. 171, unless the data are required to be destroyed under Minn. Stat. § 120A.22, Subd. 7 © or § 121A.75. Upon request, the School District will provide the parent or eligible student with a copy of the education records which have been transferred and provide an opportunity for a hearing to challenge the content of those records in accordance with the REQUEST TO AMEND RECORDS; PROCEDURES TO CHALLENGE DATA section of this policy;

- 3. To parents of a dependent student;
- 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 Children, Families and Learning 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, and 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 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 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 School District 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 School District 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 and the information is destroyed when no longer needed for the purposes for which the study was conducted. 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 Children, Families and Learning determines that a third party outside of the School District to whom information is disclosed violates this provision, the School District may not allow that third party access to personally identifiable information from education records for at

- least five years;
8. To accrediting organizations in order to carry out their accrediting functions;
 9. To comply with a judicial order or lawfully issued subpoena, provided, however, that the School District 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. In addition, if the School District 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 School District to proceed with the legal action as plaintiff. Also, if a parent or eligible student initiates a legal action against the School District, the School District may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the School District to defend itself;
 10. To appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. In addition, an educational agency or institution may include in the educational 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 School District and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student;
 11. 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.
 12. Information the School District has designated as "directory information" pursuant to the RELEASE OF DIRECTORY INFORMATION section of this policy;
 13. To military recruiting officers pursuant to the MILITARY RECRUITMENT section of this policy;
 14. To the parent of a student who is not an eligible student or to the student himself or herself;
 15. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner 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;

16. 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; or
17. To the juvenile justice system, upon 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, attendance record, and photographs, if any; 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 educational 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
 - c. The student's parents or guardian by certified mail of the request to disclose information.
 - d. If the student's parent or guardian notifies the school official of an objection to the disclosure within ten 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 14 days, the school official must respond to the request for information.

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

- e. 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 a superintendent under Minn. Stat. § 260B.171, Subd. 3. The principal must notify the counselor immediately and must place the disposition

order in the student's permanent educational 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 district 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.

- f. To the principal where the student attends, if it is information from a peace officer record of children received by a superintendent under Minn. Stat. § 260B.171, Subd. 5. The principal must place the information in the student's educational 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 district 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 notice. Peace officer 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 report and notice from the student's educational record and destroy the data and make reasonable efforts to notify the teacher, counselor, staff member, administrator, substitute or volunteer who received the data from the peace officer notice 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 superintendent of such action.

VII. RELEASE OF DIRECTORY INFORMATION

- A. **Classification Directory** information is public except as provided herein.
- B. **Former Students** The School District may disclose directory information from the education records generated by it regarding an individual who is no longer in attendance within the School District without meeting the requirements set forth in 7.3
- C. **Present Students and Parents** The School District 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. Prior to such disclosure the School District shall:
 - 1. Annually give public 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 School District has designated as directory information;
 - b. The parent's or eligible student's right to refuse to let the School District designate any or all of those types of information about the student and/or the parent as directory information; and a. The period of time in which a parent or eligible student has to notify the School District 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.
 - 2. Allow a reasonable period of time after such notice has been given for a parent or eligible student to inform the School District, 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 the DISCLOSURE OF EDUCATION RECORDS section of this policy.
- 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 School District may not disclose private records or their contents except as summary data, or except as provided in the DISCLOSURE OF EDUCATION RECORDS section of this policy, without the prior written consent of the parent or the eligible student.
- 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 School District 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 Minn. Stat. §§ 144.341 to 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.

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 Minn. Stat. § 626.556, 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 School District. 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 Minn. Stat. § 626.556, Subd. 11.
- C. **Investigative Data** Data collected by the School District as part of an active investigation undertaken for the purpose of the commencement or defense of pending civil legal action, or which 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 School District 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 School District 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 School District.
 - 3. 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 School District, or by the chief attorney for the School District, not to pursue the civil legal action. However, such investigation may subsequently become active if the School District 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.
4. A "pending civil legal action" for purposes of this subdivision is defined as including, but not limited to, judicial, administrative or arbitration proceedings.

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 School District records pertaining to the student, including any tests or reports upon which the action proposed by the School District may be based, pursuant to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. § 121A.40, et seq.

XI. DISCLOSURE OF DATA TO MILITARY RECRUITMENT OFFICERS

- A. The School District must release, without parent or student consent, the names, addresses, and home telephone numbers of students enrolled in grades 11 and 12 to military recruiting officers within 60 days after the date of the request.
- 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; and
 2. cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces.
 3. A parent or eligible student has the right to refuse the release of the above information to military recruiting officers. To refuse the release of the above information to military recruiting officers, a parent or eligible student must notify the responsible authority, the Minnetonka High School Principal, in writing, by October 1 each year. The written request must include the following information:

- a. Name of student and parent, as appropriate;
 - b. Home address;
 - c. Student's grade level;
 - d. School presently attended by student;
 - e. Parent's legal relationship to student, if applicable; and
 - f. Specific category or categories of information which are to be released to military recruiters;
 - g. Specific category or categories of directory information which are not to be released to the public, including military recruiters.
4. Annually, the School District will provide public notification through the district and school newsletters to inform the parents and eligible students of the parent's or eligible student's right to refuse to release the names, addresses, and home phone numbers of students enrolled in the 11th and 12th grades.
 5. A parent or eligible student's refusal to release the above information to military recruiting officers does not affect the School District's release of directory information to the public, which includes military recruiting officers.

In order to make any directory information about a student private, the procedures contained in the RELEASE OF DIRECTORY INFORMATION section of this policy also must be followed. Accordingly, to the extent the School District has designated the name, address, 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 military recruiting officers as well as other members of the public.

XII. LIMITS ON REDISCLOSURE

- A. **Redisclosure** Consistent with the requirements herein, the School District 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. The School District may disclose personally identifiable information under the DISCLOSURE OF EDUCATION RECORDS section of this policy with the understanding that the party receiving the information may make further disclosures of the information on behalf of the School District provided that:
 - a. The disclosures meet the requirements of the DISCLOSURE

OF EDUCATION RECORDS section of this policy;

- b. and The School District has complied with the record-keeping requirements of the RESPONSIBLE AUTHORITY; RECORD SECURITY; AND RECORD KEEPING section of this policy.
- 2. Requirements of this section do 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.
- 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 School District.
- D. **Notification** The School District shall, except for disclosures made pursuant to court orders or lawfully issued subpoenas, disclosure of directory information under the RELEASE OF DIRECTORY INFORMATION section of this policy, or disclosures to a parent or student, inform the party to whom a disclosure is made of the requirements set forth in this Section. In the event that a third party improperly rediscloses personally identifiable information from education records, the educational agency or institution may not allow that third party access to personally identifiable information from education records for at least five 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. The responsible authority for Minnetonka Schools is the Superintendent of Schools.
- 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 this section for compliance with the law, this policy, and the various administrative policies of the School District. The responsible authority shall then update the administrative procedures as 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 which indicates:

- a. The parties who have requested or received personally identifiable information from the education records of the student; and
- b. The legitimate interests these parties had in requesting or obtaining the information;

2. In the event the School District discloses personally identifiable information from an education record of a student pursuant to the LIMITS ON REDISCLOSURE section 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 of behalf of the School District; and
- b. the legitimate interests under the DISCLOSURE OF EDUCATION RECORDS section of this policy which each of the additional parties has in requesting or obtaining the information.

3. 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 School District.

4. The record of requests and disclosures shall be maintained with the education records of the student as long as the School District maintains the student's education records.

5. The above paragraphs of Record Keeping 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 the DISCLOSURE OF EDUCATION RECORDS section of this policy, to requests for disclosures of directory information under the RELEASE OF DIRECTORY INFORMATION section 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.

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 School District 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 School District 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 the DISCLOSURE OF PRIVATE RECORDS section of this policy.
- B. Response to Request for Access** The School District shall respond to any request pursuant to Section 14.1 of this policy, 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 includes:
1. The right to a response from the School District 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 School District 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.
- D. Form of Request** Parents or eligible students shall submit to the School District 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 School District 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 School District may presume that either parent of the student has authority to inspect or review the education records of a student unless the School District 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 School District 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 School District 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 School District in its normal course of operations;
 - d. any special costs necessary to produce such copies from machine based recordkeeping systems, including but not limited to computers and microfilm systems; and
 - e. mailing costs.
2. The cost of providing copies shall be borne by the parent or eligible student.
3. 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 the parent or eligible student from exercising their right to inspect or review the student's education records.
4. The School District reserves the right to make a charge for copies such as transcripts it forwards to potential employers or post-secondary institutions for employment or admissions purposes. The fee for such copies and other copies forwarded to third parties with prior consent as a convenience will be actual search/retrieval and copying costs, plus postage if that is involved.

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 or other rights of the student

may request that the School District 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 School District to make. The request shall be signed and dated by the requestor.
2. The School District shall decide whether to amend the education records of the student in accordance with the request within a reasonable period of time after receiving the request.
3. If the School District 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.

B. Right to a Hearing If the School District refuses to amend the education records of a students, the School District, 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.

1. If, as a result of the hearing, the School District 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 School District 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 School District, or both.
3. Any statement placed in the education records of the student shall:
 - a. Be maintained by the School District as part of the education records of the student so long as the record or contested portion thereof is maintained by the School District; and
 - b. If the education records of the student or the contested portion thereof is disclosed by the School District to any party, the explanation shall also be disclosed by the School District to any party.

C. Conduct of Hearing

1. The hearing shall be held within a reasonable period of time after the School District 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 School District, 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 and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney.
4. The School District 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 the Minn. Stat. Ch. 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 ~~Assistant Superintendent of Administration and Accountability~~ Executive Director of Human Resources.

XVII. COMPLAINTS FOR NONCOMPLIANCE

A. Where to File Complaints Complaints can be filed with the Commissioner of Administration, State of Minnesota, 50 Sherburne Avenue, St. Paul, MN 55155.

Complaints regarding alleged violations of rights accorded parents and eligible students by 20 U.S.C. §1232g, and the rules promulgated thereunder, shall be submitted in writing to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S. W., Washington, D.C. 20202-4605.

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 20 U.S.C. § 123 2g 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 20 U.S.C. §1232g. A waiver shall not be valid unless in writing and signed by the parent or eligible student. The School District may not require such a waiver.

XIX. ANNUAL NOTIFICATION OF RIGHTS

A. **Contents of Notice** The School District 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 School District to comply with the requirements of 20 U.S.C. § 1232g, 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 School District has determined to have legitimate educational interests; and
6. That the School District forwards education records on request to a school in which a student seeks or intends to enroll.

B. **Notification to Parents of Students Having a Primary Home Language Other Than English** The School District 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~~ have a disability** The School District 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 School District shall be controlled by state and federal law, as follows:

- A. The District shall comply with the records retention schedule approved by the Minnesota Department of Administration.
- B. For data not listed under the retention schedule approved by the Minnesota Department of Administration, the School District shall comply with the authority of the proper state or federal agency.
- C. The administration shall develop procedures to assure compliance with state and federal authority on data retention and destruction of records.

XXI. COPIES OF POLICY Copies of this policy may be obtained by parents and eligible students at the Office of the Superintendent.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act) Minn. Stat. § 120A.22 (Compulsory Instruction)

Minn. Stat. § 121A.75 (Sharing Disposition Order and Peace Officer Records) Minn. Stat. § 121A.40 to 121A.56 (The Pupil Fair Dismissal Act) Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)

Minn. Stat. § 260 B.171, 3 Subds. 3 and 5 (Delinquent Juvenile and Peace Officer Records of Children)

Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors) Minn. Rules Pts. 1205.0100-1205.2000

20 U.S.C. Sec. 1232g et. seq. (Family Educational Rights and Privacy Act) 26 U.S.C. Secs. 151 and 152 (Internal Revenue Code)

34 C.F.R. Secs. 99.1-99.67

Policy Adopted: 5/1/08

Reviewed: August 17, 2023

MINNETONKA PUBLIC SCHOOLS

Policy 515: PROTECTION AND PRIVACY OF PUPIL RECORDS

I. POLICY STATEMENT

The School District 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 School District, pursuant to the requirements of 20 U.S.C. § 1232g, et Seq., (Family Educational Rights and Privacy Act) 34 C.F.R. Part 99 and consistent with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13 and Minn. Rules Pts. 1205.0100 to 1205.2000.

III. DEFINITIONS

- A. **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 School District. The term does not include specific daily records of a student's attendance at a school or schools in the School District.
- B. **Student** Student includes any individual who is or has been in attendance, enrolled or registered at the School District and regarding whom the School District maintains education records. Student also includes applicants for enrollment or registration at the School District, and individuals who receive shared time educational services from the School District.
- C. **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; (e) a list of personal characteristics that would make the student's identity easily traceable; or other information that would make the student's identity easily traceable.
- D. **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.
- E. **Directory Information** Directory information means information contained in an

education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the student's name, , , photograph, date of birth, major field of study, , 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. It also includes the name, student's parent(s) as defined in this policy. Directory information does not include personally identifiable data which references religion, race, color, social position or nationality.

F. **Responsible Authority** Responsible authority means the Superintendent of Schools.

G. **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 consultant, a secretary, a clerk, as 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.

H. **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.

I. **Education Records**

1. Education records means those records which: (1) are directly related to a student; and (2) are maintained by the School District or by a party acting for the School District.

2. Education records do not include:

a. Records of instructional personnel which: (1) are in the sole possession of the maker of the record; and (2) are not accessible or revealed to any other individual except a substitute teacher; and (3) are destroyed at the end of the year.

b. Records of a law enforcement unit of the School District, provided educational records maintained by the School District 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 School District 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, these provisions shall not apply to records relating to an individual in attendance at the School District who is employed as a result of his or her status as a student.

- d. Records relating to an eligible student, or a student attending an institution of postsecondary education, which 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 School District.
- e. Records that only contain information about an individual after he or she is no longer a student at the School District.

J. **Eligible Student** Eligible student means a student who has attained eighteen (18) years of age or is attending an institution of post-secondary education.

K. **Juvenile Justice System** Juvenile justice system includes criminal justice agencies and the judiciary when involved in juvenile justice activities.

L. **Legitimate Educational Interest** Legitimate educational interest includes 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; or
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.
4. Perform a task directly related to responding to a request for data.

M. **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 School District 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.

- N. **Dependent Student** A dependent student is an individual who during each of five (5) calendar months during the calendar year in which the taxable year of the parent begins is a full-time student at a school or an educational institution or is pursuing a full-time course of instructional on farm training under the supervision of an accredited agent of an educational institution or of a state or political subdivision of the state.

IV. GENERAL CLASSIFICATION

State law provides that all data collected, created, received or maintained by a School District is 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 School District 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 20 U.S.C. § 1232g 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 11th and 12th grade students' names, addresses, and home telephone numbers to military recruiting officers;
 5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School District 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 the COPIES OF POLICY section of this policy.

- B. All rights and protections given parents under this policy transfer to the student when he or she reaches eighteen (18) years of age or enrolls in an institution of post secondary 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 educational records of such student without first obtaining the consent of the student.

VI. DISCLOSURE OF EDUCATION RECORDS

A. Consent Required for Disclosure

1. The School District shall obtain a signed and dated written 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 must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:
 - 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; and
 - d. if appropriate, a termination date for the consent.
3. When a disclosure is made under this subdivision and:
 - a. if the parent or eligible student so requests, the School District 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 School District shall provide the student with a copy of the records disclosed.
4. 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 authorizing 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 life insurance or non-cancellable or guaranteed renewable health insurance and identified as such, two years after the date of the policy.

5. **Eligible Student Consent** Whenever a student has attained eighteen (18) years of age or is attending an institution of post-secondary 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 the STATEMENT OF RIGHTS section of this policy.

B. Prior Consent for Disclosure Not Required The School District 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 School District whom the School District determines have a legitimate educational interest in such records;
- 2. To officials of other schools or School Districts in which the student seeks or intends to enroll. 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. The records also shall include a copy of any probable cause notice or any disposition or court order under

Minn. Stat. § 260B. 171, unless the data are required to be destroyed under Minn. Stat. § 120A.22, Subd. 7 © or § 121A.75. Upon request, the School District will provide the parent or eligible student with a copy of the education records which have been transferred and provide an opportunity for a hearing to challenge the content of those records in accordance with the REQUEST TO AMEND RECORDS; PROCEDURES TO CHALLENGE DATA section of this policy;

- 3. To parents of a dependent student;
- 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 Children, Families and Learning 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, and 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 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 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 School District 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 School District 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 and the information is destroyed when no longer needed for the purposes for which the study was conducted. 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 Children, Families and Learning determines that

a third party outside of the School District to whom information is disclosed violates this provision, the School District may not allow that third party access to personally identifiable information from education records for at least five years;

8. To accrediting organizations in order to carry out their accrediting functions;
9. To comply with a judicial order or lawfully issued subpoena, provided, however, that the School District 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. In addition, if the School District 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 School District to proceed with the legal action as plaintiff. Also, if a parent or eligible student initiates a legal action against the School District, the School District may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the School District to defend itself;
10. To appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. In addition, an educational agency or institution may include in the educational 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 School District and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student;
11. 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.
12. Information the School District has designated as "directory information" pursuant to the RELEASE OF DIRECTORY INFORMATION section of this policy;
13. To military recruiting officers pursuant to the MILITARY RECRUITMENT section of this policy;
14. To the parent of a student who is not an eligible student or to the student himself or herself;

15. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner 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;
16. 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; or
17. To the juvenile justice system, upon 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, attendance record, and photographs, if any; 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 educational 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
 - c. The student's parents or guardian by certified mail of the request to disclose information.
 - d. If the student's parent or guardian notifies the school official of an objection to the disclosure within ten 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 14 days, the school official must respond to the request for information.

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

- e. 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 a superintendent under Minn. Stat. § 260B.171, Subd. 3. The principal must notify the counselor immediately and must place the disposition order in the student's permanent educational 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 district 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.

- f. To the principal where the student attends, if it is information from a peace officer record of children received by a superintendent under Minn. Stat. § 260B.171, Subd. 5. The principal must place the information in the student's educational 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 district 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 notice. Peace officer 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 report and notice from the student's educational record and destroy the data and make reasonable efforts to notify the teacher, counselor, staff member, administrator, substitute or volunteer who received the data from the peace officer notice 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 superintendent of such action.

VII. RELEASE OF DIRECTORY INFORMATION

- A. **Classification Directory** information is public except as provided herein.
- B. **Former Students** The School District may disclose directory information from the education records generated by it regarding an individual who is no longer in attendance within the School District without meeting the requirements set forth in 7.3
- C. **Present Students and Parents** The School District 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. Prior to such disclosure the School District shall:
 - 1. Annually give public 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 School District has designated as directory information;
 - b. The parent's or eligible student's right to refuse to let the School District designate any or all of those types of information about the student and/or the parent as directory information; and a. The period of time in which a parent or eligible student has to notify the School District 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.
 - 2. Allow a reasonable period of time after such notice has been given for a parent or eligible student to inform the School District, 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 the DISCLOSURE OF EDUCATION RECORDS section of this policy.

- 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 School District may not disclose private records or their contents except as summary data, or except as provided in the DISCLOSURE OF EDUCATION RECORDS section of this policy, without the prior written consent of the parent or the eligible student.
- 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 School District 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 Minn. Stat. §§ 144.341 to 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.

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 Minn. Stat. § 626.556, 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 School District. 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 Minn. Stat. § 626.556, Subd. 11.
- C. **Investigative Data** Data collected by the School District as part of an active investigation undertaken for the purpose of the commencement or defense of pending civil legal action, or which 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 School District 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 School District 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 School District.

3. 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 School District, or by the chief attorney for the School District, not to pursue the civil legal action. However, such investigation may subsequently become active if the School District 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.
4. A "pending civil legal action" for purposes of this subdivision is defined as including, but not limited to, judicial, administrative or arbitration proceedings.

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 School District records pertaining to the student, including any tests or reports upon which the action proposed by the School District may be based, pursuant to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. § 121A.40, et seq.

XI. DISCLOSURE OF DATA TO MILITARY RECRUITMENT OFFICERS

- A. The School District must release, without parent or student consent, the names, addresses, and home telephone numbers of students enrolled in grades 11 and 12 to military recruiting officers within 60 days after the date of the request.
- 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; and
 2. cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces.
 3. A parent or eligible student has the right to refuse the release of the above information to military recruiting officers. To refuse the release of the above information to military recruiting officers, a parent or eligible student must

notify the responsible authority, the Minnetonka High School Principal, in writing, by October 1 each year. The written request must include the following information:

- a. Name of student and parent, as appropriate;
 - b. Home address;
 - c. Student's grade level;
 - d. School presently attended by student;
 - e. Parent's legal relationship to student, if applicable; and
 - f. Specific category or categories of information which are to be released to military recruiters;
 - g. Specific category or categories of directory information which are not to be released to the public, including military recruiters.
4. Annually, the School District will provide public notification through the district and school newsletters to inform the parents and eligible students of the parent's or eligible student's right to refuse to release the names, addresses, and home phone numbers of students enrolled in the 11th and 12th grades.
5. A parent or eligible student's refusal to release the above information to military recruiting officers does not affect the School District's release of directory information to the public, which includes military recruiting officers.

In order to make any directory information about a student private, the procedures contained in the RELEASE OF DIRECTORY INFORMATION section of this policy also must be followed. Accordingly, to the extent the School District has designated the name, address, 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 military recruiting officers as well as other members of the public.

XII. LIMITS ON REDISCLOSURE

A. **Redisclosure** Consistent with the requirements herein, the School District 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. The School District may disclose personally identifiable information under the DISCLOSURE OF EDUCATION RECORDS section of this policy with

the understanding that the party receiving the information may make further disclosures of the information on behalf of the School District provided that:

- a. The disclosures meet the requirements of the DISCLOSURE OF EDUCATION RECORDS section of this policy;
 - b. and The School District has complied with the record-keeping requirements of the RESPONSIBLE AUTHORITY; RECORD SECURITY; AND RECORD KEEPING section of this policy.
2. Requirements of this section do 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.
- 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 School District.
- D. **Notification** The School District shall, except for disclosures made pursuant to court orders or lawfully issued subpoenas, disclosure of directory information under the RELEASE OF DIRECTORY INFORMATION section of this policy, or disclosures to a parent or student, inform the party to whom a disclosure is made of the requirements set forth in this Section. In the event that a third party improperly rediscloses personally identifiable information from education records, the educational agency or institution may not allow that third party access to personally identifiable information from education records for at least five 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. The responsible authority for Minnetonka Schools is the Superintendent of Schools.
- 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 this section for compliance with the law, this policy, and the various administrative policies of the School District. The responsible authority shall then update the administrative procedures as 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 which indicates:
 - a. The parties who have requested or received personally identifiable information from the education records of the student; and
 - b. The legitimate interests these parties had in requesting or obtaining the information;
 2. In the event the School District discloses personally identifiable information from an education record of a student pursuant to the LIMITS ON REDISCLOSURE section 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 of behalf of the School District; and
 - b. the legitimate interests under the DISCLOSURE OF EDUCATION RECORDS section of this policy which each of the additional parties has in requesting or obtaining the information.
 3. 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 School District.
 4. The record of requests and disclosures shall be maintained with the education records of the student as long as the School District maintains the student's education records.

5. The above paragraphs of Record Keeping 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 the DISCLOSURE OF EDUCATION RECORDS section of this policy, to requests for disclosures of directory information under the RELEASE OF DIRECTORY INFORMATION section 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.

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 School District 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 School District 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 the DISCLOSURE OF PRIVATE RECORDS section of this policy.
- B. **Response to Request for Access** The School District shall respond to any request pursuant to Section 14.1 of this policy, 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 includes:
 1. The right to a response from the School District 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 School District 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.
- D. **Form of Request** Parents or eligible students shall submit to the School District 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 School District 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 School District may presume that either parent of the student has authority to inspect or review the education records of a student unless the School District 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 School District 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 School District 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 School District in its normal course of operations;
 - d. any special costs necessary to produce such copies from machine based recordkeeping systems, including but not limited to computers and microfilm systems; and
 - e. mailing costs.
2. The cost of providing copies shall be borne by the parent or eligible student.
3. 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 the parent or eligible student from exercising their right to inspect or review the student's education records.
4. The School District reserves the right to make a charge for copies such as transcripts it forwards to potential employers or post-secondary institutions for employment or admissions purposes. The fee for such copies and other copies forwarded to third parties with prior consent as a convenience will be actual search/retrieval and copying costs, plus postage if that is involved.

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 or other rights of the student may request that the School District 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 School District to make. The request shall be signed and dated by the requestor.
2. The School District shall decide whether to amend the education records of the student in accordance with the request within a reasonable period of time after receiving the request.
3. If the School District 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.

B. **Right to a Hearing** If the School District refuses to amend the education records of a students, the School District, 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.

1. If, as a result of the hearing, the School District 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 School District 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 School District, or both.
3. Any statement placed in the education records of the student shall:
 - a. Be maintained by the School District as part of the education records of the student so long as the record or contested portion thereof is maintained by the School District; and

- b. If the education records of the student or the contested portion thereof is disclosed by the School District to any party, the explanation shall also be disclosed by the School District to any party.

C. Conduct of Hearing

- 1. The hearing shall be held within a reasonable period of time after the School District 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 School District, 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 and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney.
- 4. The School District 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 the Minn. Stat. Ch. 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 Executive Director of Human Resources.

XVII. COMPLAINTS FOR NONCOMPLIANCE

- A. **Where to File Complaints** Complaints can be filed with the Commissioner of Administration, State of Minnesota, 50 Sherburne Avenue, St. Paul, MN 55155.

Complaints regarding alleged violations of rights accorded parents and eligible students by 20 U.S.C. §1232g, and the rules promulgated thereunder, shall be submitted in writing to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S. W., Washington, D.C. 20202-4605.

- 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 20 U.S.C. § 1232g 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 20 U.S.C. § 1232g. A waiver shall not be valid unless in writing and signed by the parent or eligible student. The School District may not require such a waiver.

XIX. ANNUAL NOTIFICATION OF RIGHTS

- A. **Contents of Notice** The School District 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 School District to comply with the requirements of 20 U.S.C. § 1232g, 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 School District has determined to have legitimate educational interests; and
6. That the School District forwards education records on request to a school in which a student seeks or intends to enroll.

- B. **Notification to Parents of Students Having a Primary Home Language Other Than English** The School District 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 have a disability** The School District 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 School District shall be controlled by state and federal law, as follows:

- A. The District shall comply with the records retention schedule approved by the Minnesota Department of Administration.
- B. For data not listed under the retention schedule approved by the Minnesota Department of Administration, the School District shall comply with the authority of the proper state or federal agency.
- C. The administration shall develop procedures to assure compliance with state and federal authority on data retention and destruction of records.

XXI. COPIES OF POLICY Copies of this policy may be obtained by parents and eligible students at the Office of the Superintendent.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act) Minn. Stat. § 120A.22 (Compulsory Instruction)

Minn. Stat. § 121A.75 (Sharing Disposition Order and Peace Officer Records) Minn. Stat. § 121A.40 to 121A.56 (The Pupil Fair Dismissal Act) Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)

Minn. Stat. § 260 B.171, 3 Subds. 3 and 5 (Delinquent Juvenile and Peace Officer Records of Children)

Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors) Minn. Rules Pts. 1205.0100-1205.2000

20 U.S.C. Sec. 1232g et. seq. (Family Educational Rights and Privacy Act) 26 U.S.C. Secs. 151 and 152 (Internal Revenue Code)

34 C.F.R. Secs. 99.1-99.67

Policy Adopted: 5/1/08

Reviewed: August 17, 2023

MINNETONKA PUBLIC SCHOOLS

Policy 534: EQUAL EDUCATIONAL OPPORTUNITY

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. It is the District's policy to provide equal educational opportunity for all students. The District does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, gender, age, marital status, familial status, parental status, status with regard to public assistance, sexual orientation, or disability. The District also makes reasonable accommodations for students with disabilities.

[Note: Part of the definition of "sexual orientation" within the Minnesota Human Rights Act (MHRA) is "having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness," which is how gender identity and expression gain protection under the MHRA. Minn. Stat. § 363A.03, Subd. 44.]

- B. The District prohibits the harassment of any individual for any of the categories listed above. For information about the types of conduct that constitute violation of the District's policy on harassment and violence and the District's procedures for addressing such complaints, refer to the District's policy on harassment and violence.
- C. This policy applies to all areas of education including academics, coursework, counseling, co-curricular and extracurricular activities, or other rights or privileges of enrollment.
- D. It is the responsibility of every District employee and other personnel to comply with this policy. conseientiously.
- E. The school district shall provide equal opportunity for members of each sex and to members of all races and ethnicities to participate in its athletic program. In determining whether equal opportunity to participate in athletic programs is available for the purposes of this law, at least the following factors shall be

considered to the extent that they are applicable to a given situation: whether the opportunity for males and females to participate in the athletic program reflects the demonstrated interest in athletics of the males and females in the student body of the educational institution; whether the opportunity for members of all races and ethnicities to participate in the athletic program reflects the demonstrated interest in athletics of members of all races and ethnicities in the student body of the educational institution; whether the variety and selection of sports and levels of competition effectively accommodate the demonstrated interests of members of each sex; whether the variety and selection of sports and levels of competition effectively accommodate the demonstrated interests of members of all races and ethnicities; the provision of equipment and supplies; scheduling of games and practice times; assignment of coaches; provision of locker rooms; practice and competitive facilities; and the provision of necessary funds for teams of one sex.

D.F. Any student, parent or guardian having any questions regarding this policy should contact Executive Director of Human Resources Anjie Flowers (952-401-5015) – anjie.flowers@minnetonkaschools.org). The reporting party or complainant may also utilize the “Let’s Talk” reporting tool on the District website.

Legal References:

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

Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)

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

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

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

Cross References:

Policy 427: Harassment and Violence

Policy 521: Student Disability Nondiscrimination

Approved: September 2, 2010

Reviewed: September 17, 2020

Reviewed: October 22, 2020

Reviewed: November 19, 2020

Reviewed: December 17, 2020

Approved: January 7, 2021

Reviewed: August 17, 2023

MINNETONKA PUBLIC SCHOOLS

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[Note: Part of the definition of "sexual orientation" within the Minnesota Human Rights Act (MHRA) is "having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness," which is how gender identity and expression gain protection under the MHRA. Minn. Stat. § 363A.03, Subd. 44.]

- B. The District prohibits the harassment of any individual for any of the categories listed above. For information about the types of conduct that constitute violation of the District's policy on harassment and violence and the District's procedures for addressing such complaints, refer to the District's policy on harassment and violence.
- C. This policy applies to all areas of education including academics, coursework, counseling, co-curricular and extracurricular activities, or other rights or privileges of enrollment.
- D. It is the responsibility of every District employee and other personnel to comply with this policy. .
- E. The school district shall provide equal opportunity for members of each sex and to members of all races and ethnicities to participate in its athletic program. In determining whether equal opportunity to participate in athletic programs is available for the purposes of this law, at least the following factors shall be

considered to the extent that they are applicable to a given situation: whether the opportunity for males and females to participate in the athletic program reflects the demonstrated interest in athletics of the males and females in the student body of the educational institution; whether the opportunity for members of all races and ethnicities to participate in the athletic program reflects the demonstrated interest in athletics of members of all races and ethnicities in the student body of the educational institution; whether the variety and selection of sports and levels of competition effectively accommodate the demonstrated interests of members of each sex; whether the variety and selection of sports and levels of competition effectively accommodate the demonstrated interests of members of all races and ethnicities; the provision of equipment and supplies; scheduling of games and practice times; assignment of coaches; provision of locker rooms; practice and competitive facilities; and the provision of necessary funds for teams of one sex.

- F. Any student, parent or guardian having any questions regarding this policy should contact Executive Director of Human Resources Anjie Flowers (952-401-5015) – anjie.flowers@minnetonkaschools.org. The reporting party or complainant may also utilize the “Let’s Talk” reporting tool on the District website.

Legal References:

Minn. Stat. Ch. 363 (Minnesota Human Rights Act)
Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)
Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)
42 U.S.C. § 12101 et seq. (Americans with Disabilities Act)
20 U.S.C. § 1681 et seq. (Title IX of the Education Amendments of 1972)

Cross References:

Policy 427: Harassment and Violence
Policy 521: Student Disability Nondiscrimination

Approved: September 2, 2010
Reviewed: September 17, 2020
Reviewed: October 22, 2020
Reviewed: November 19, 2020
Reviewed: December 17, 2020
Approved: January 7, 2021
Reviewed: August 17, 2023

MINNETONKA SCHOOL DISTRICT

Policy 509: ENROLLMENT OF NONRESIDENT STUDENTS

I. PURPOSE

The Minnetonka School District desires to participate in the Enrollment Options Program established by Minn. Stat. § 124D.03. It is the purpose of this policy to set forth the application and exclusion procedures used by the school district in making said determination.

II. GENERAL STATEMENT OF POLICY

- A. Eligibility. Applications for enrollment under the Enrollment Options (Open Enrollment) Law will be approved provided that acceptance of the application will not exceed the capacity of a program, class, grade level, or school building.
1. The Superintendent, or designee, shall develop guidelines which specify the circumstances under which this may take place and the procedures to be followed in such circumstances.
 2. In considering the capacity of a grade level, the District may only limit enrollment of nonresident students in accordance with state statute.
 3. An applicant is not otherwise excluded by action of the District because of previous conduct in another school district.
- B. Standards that may be used for rejection of application. In addition to the provisions of Paragraph IIA, the District may refuse to allow a pupil who is expelled under Section 121A.45 to enroll during the term of the expulsion if the student was expelled for:
1. Possessing a dangerous weapon, including a weapon, device, instruments, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, ~~with the~~ ~~except that such term does not include~~ ~~ion of~~ a pocket knife with a blade less than two and one-half inches in length, at school or a school function;
 2. Possessing or using an illegal drug at school or a school function;
 3. Selling or soliciting the sale of a controlled substance while at school or a school function; or

4. Committing a “third-degree assault” involving the assaulting of another person and inflicting substantial bodily harm.
- C. Standards that may not be used for rejection of application. The District may not use the following standards in determining whether to accept or reject an application for open enrollment;
1. Previous academic achievement of a student;
 2. Athletic or extracurricular ability of a student;
 3. Disabling conditions of a student;
 4. A student’s proficiency in the English language;
 5. The student’s district of residence; or
 6. Previous disciplinary proceedings involving the student. This shall not preclude the District from proceeding with exclusion as set out in Section E of this policy.

D. Application. The student and parent or guardian must complete and submit an Application for Enrollment School District Enrollment Options Program developed by the Minnesota Department of Education the General Statewide Enrollment Options Application for K-12 and Early Childhood Special Education (or the Statewide Enrollment Options Application for State-funded Voluntary Prekindergarten (VPK) or School Readiness Plus (SRP) Application if applicable) developed by MDE and available on its website.

The school district may require a nonresident student enrolled in a program under Minnesota Statutes, section 125A.13, or in a preschool program, except for a program under Minnesota Statutes, section 124D.151 or Laws 2017, First Special Session chapter 5, article 8, section 9, to follow the application procedures under this subdivision to enroll in kindergarten. A district must allow a nonresident student enrolled in a program under Minnesota Statutes, section 124D.151 or Laws 2017, First Special Session chapter 5, article 8, section 9, to remain enrolled in the district when the student enters kindergarten without submitting annual or periodic applications, unless the district terminates the student's enrollment under subdivision 12.

The school district shall notify the parent or guardian in writing by February 15 or within ninety (90) days for applications submitted after January 15 in the case of achievement and integration district transfers whether the application has been accepted or rejected. If an application is rejected, the district must state in the notification the reason for rejection. The parent or guardian must notify the

nonresident district by March 1 or within ten (10) business days whether the pupil intends to enroll in the nonresident district.

D.E. Exclusion

1. Administrator's initial determination. If a Minnetonka District administrator knows or has reason to believe that an applicant has engaged in conduct that has or could subject the applicant to expulsion or exclusion under law or District policy, the administrator will transmit the application to the Superintendent with a recommendation regarding whether exclusion proceedings should be initiated.
2. Superintendent's review. The Superintendent may make further inquiries. If the Superintendent determines that the applicant should be admitted, the applicant and the Board Chair will be notified. If the Superintendent determines that the applicant should be excluded, the Superintendent will notify the applicant and determine whether the applicant wishes to continue the application process. Although an application may not be rejected based on previous disciplinary proceedings, the District reserves the right to initiate exclusion procedures pursuant to the Minnesota Pupil Fair Dismissal Act as warranted on a case-by-case basis.
3. If the school district limits enrollment of nonresident students pursuant to this section, the district shall report to the Commissioner of the Minnesota Department of Education (MDE) by July 15 on the number of nonresident pupils denied admission due to the limitations on the enrollment of nonresident pupils.

E.F. Termination of Enrollment

1. The District may terminate the enrollment of a nonresident student enrolled under an enrollment options program pursuant to Minn. Stat. § 124D.03 or 124D.08 at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy under Minn. Ch. 260A, and the student's case has been referred to juvenile court. A "habitual truant" is a child under 16 years of age who is absent from attendance at school without lawful excuse for seven school days if the child is in elementary school or for one or more class periods on seven school days if the child is in middle school or high school, or a child who is 16 or 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days and who has not lawfully withdrawn from school under Minn. Stat. § 120A.22, Subd. 8.
2. The District may also terminate the enrollment of a nonresident student over 16 years of age if the student is absent without lawful excuse for one or more periods on 15 school days and has not lawfully withdrawn from school under Minn. Stat. § 120A.22, Subd. 8.

3. A student who has not applied for and been accepted for open enrollment pursuant to this policy and does not otherwise meet the residency requirements for enrollment may be terminated from enrollment and removed from school. Prior to removal from school, the District will send to the student's parents a written notice of the District's belief that the student is not a resident of the District. The notice shall include the facts upon which the belief is based and notice to the parents of their opportunity to provide documentary evidence, in person or in writing, of residency to the Superintendent or the Superintendent's designee. The Superintendent or the Superintendent's designee will make the final determination as to the residency status of the student.

Legal Reference:

Minn. Stat. §120.A22, Subd. 3(e) (Residency Determined) Minn. Stat.

§120A.22, Subd. 8 (Withdrawal from School)

Minn. Stat. § 121A.40 to 121A.56 (The Pupil Fair Dismissal Act of 1974) Minn. Stat. § 124D.03, (Enrollment Options Program)

Minn. Stat. § 124D.08, (Agreement Between Schools)

Minn. Stat. § 124D.68 (High School Graduation Incentives Program) Minn. Ch. 260A (Truancy)

Minn. Stat. § 260C.007, Subd. 19 (Habitual Truant Defined)

18 U.S.C. 930, para. (g)(2) (Definition of weapon)

-Op. Minn. Atty. Gen. No. 169-f (August 13, 1986)

Reviewed: November 18, 2010

Approved: December 2, 2010

Reviewed: August 17, 2023

MINNETONKA SCHOOL DISTRICT

Policy 509: ENROLLMENT OF NONRESIDENT STUDENTS

I. PURPOSE

The Minnetonka School District desires to participate in the Enrollment Options Program established by Minn. Stat. § 124D.03. It is the purpose of this policy to set forth the application and exclusion procedures used by the school district in making said determination.

II. GENERAL STATEMENT OF POLICY

- A. Eligibility. Applications for enrollment under the Enrollment Options (Open Enrollment) Law will be approved provided that acceptance of the application will not exceed the capacity of a program, class, grade level, or school building.
1. The Superintendent, or designee, shall develop guidelines which specify the circumstances under which this may take place and the procedures to be followed in such circumstances.
 2. In considering the capacity of a grade level, the District may only limit enrollment of nonresident students in accordance with state statute.
 3. An applicant is not otherwise excluded by action of the District because of previous conduct in another school district.
- B. Standards that may be used for rejection of application. In addition to the provisions of Paragraph IIA, the District may refuse to allow a pupil who is expelled under Section 121A.45 to enroll during the term of the expulsion if the student was expelled for:
1. Possessing a dangerous weapon, including a weapon, device, instruments, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade less than two and one-half inches in length, at school or a school function;
 2. Possessing or using an illegal drug at school or a school function;
 3. Selling or soliciting the sale of a controlled substance while at school or a school function; or

4. Committing a “third-degree assault” involving the assaulting of another person and inflicting substantial bodily harm.
- C. Standards that may not be used for rejection of application. The District may not use the following standards in determining whether to accept or reject an application for open enrollment;
1. Previous academic achievement of a student;
 2. Athletic or extracurricular ability of a student;
 3. Disabling conditions of a student;
 4. A student’s proficiency in the English language;
 5. The student’s district of residence; or
 6. Previous disciplinary proceedings involving the student. This shall not preclude the District from proceeding with exclusion as set out in Section E of this policy.
- D. Application. The student and parent or guardian must complete and submit the General Statewide Enrollment Options Application for K-12 and Early Childhood Special Education (or the Statewide Enrollment Options Application for State-funded Voluntary Prekindergarten (VPK) or School Readiness Plus (SRP) Application if applicable) developed by MDE and available on its website.

The school district may require a nonresident student enrolled in a program under Minnesota Statutes, section 125A.13, or in a preschool program, except for a program under Minnesota Statutes, section 124D.151 or Laws 2017, First Special Session chapter 5, article 8, section 9, to follow the application procedures under this subdivision to enroll in kindergarten. A district must allow a nonresident student enrolled in a program under Minnesota Statutes, section 124D.151 or Laws 2017, First Special Session chapter 5, article 8, section 9, to remain enrolled in the district when the student enters kindergarten without submitting annual or periodic applications, unless the district terminates the student's enrollment under subdivision 12.

The school district shall notify the parent or guardian in writing by February 15 or within ninety (90) days for applications submitted after January 15 in the case of achievement and integration district transfers whether the application has been accepted or rejected. If an application is rejected, the district must state in the notification the reason for rejection. The parent or guardian must notify the nonresident district by March 1 or within ten (10) business days whether the pupil intends to enroll in the nonresident district.

E. Exclusion

1. Administrator's initial determination. If a Minnetonka District administrator knows or has reason to believe that an applicant has engaged in conduct that has or could subject the applicant to expulsion or exclusion under law or District policy, the administrator will transmit the application to the Superintendent with a recommendation regarding whether exclusion proceedings should be initiated.
2. Superintendent's review. The Superintendent may make further inquiries. If the Superintendent determines that the applicant should be admitted, the applicant and the Board Chair will be notified. If the Superintendent determines that the applicant should be excluded, the Superintendent will notify the applicant and determine whether the applicant wishes to continue the application process. Although an application may not be rejected based on previous disciplinary proceedings, the District reserves the right to initiate exclusion procedures pursuant to the Minnesota Pupil Fair Dismissal Act as warranted on a case-by-case basis.
3. If the school district limits enrollment of nonresident students pursuant to this section, the district shall report to the Commissioner of the Minnesota Department of Education (MDE) by July 15 on the number of nonresident pupils denied admission due to the limitations on the enrollment of nonresident pupils.

F. Termination of Enrollment

1. The District may terminate the enrollment of a nonresident student enrolled under an enrollment options program pursuant to Minn. Stat. § 124D.03 or 124D.08 at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy under Minn. Ch. 260A, and the student's case has been referred to juvenile court. A "habitual truant" is a child under 16 years of age who is absent from attendance at school without lawful excuse for seven school days if the child is in elementary school or for one or more class periods on seven school days if the child is in middle school or high school, or a child who is 16 or 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days and who has not lawfully withdrawn from school under Minn. Stat. § 120A.22, Subd. 8.
2. The District may also terminate the enrollment of a nonresident student over 16 years of age if the student is absent without lawful excuse for one or more periods on 15 school days and has not lawfully withdrawn from school under Minn. Stat. § 120A.22, Subd. 8.
3. A student who has not applied for and been accepted for open enrollment pursuant to this policy and does not otherwise meet the residency

requirements for enrollment may be terminated from enrollment and removed from school. Prior to removal from school, the District will send to the student's parents a written notice of the District's belief that the student is not a resident of the District. The notice shall include the facts upon which the belief is based and notice to the parents of their opportunity to provide documentary evidence, in person or in writing, of residency to the Superintendent or the Superintendent's designee. The Superintendent or the Superintendent's designee will make the final determination as to the residency status of the student.

Legal Reference:

Minn. Stat. §120.A22, Subd. 3(e) (Residency Determined) Minn. Stat.

§120A.22, Subd. 8 (Withdrawal from School)

Minn. Stat. § 121A.40 to 121A.56 (The Pupil Fair Dismissal Act of 1974) Minn. Stat. § 124D.03, (Enrollment Options Program)

Minn. Stat. § 124D.08, (Agreement Between Schools)

Minn. Stat. § 124D.68 (High School Graduation Incentives Program) Minn. Ch. 260A (Truancy)

Minn. Stat. § 260C.007, Subd. 19 (Habitual Truant Defined)

18 U.S.C. 930, para. (g)(2) (Definition of weapon)

Op. Minn. Atty. Gen. No. 169-f (August 13, 1986)

Reviewed: November 18, 2010

Approved: December 2, 2010

Reviewed: August 17, 2023

MINNETONKA PUBLIC SCHOOLS

Policy 516.1: OVERDOSE MEDICATION

I. PURPOSE

As a means of enhancing the health and safety of its students, staff and visitors, Minnetonka Public Schools will obtain, possess and administer doses of an opiate antagonist (naloxone and/or Narcan) and administration devices or kits for emergency use to assist a student, staff member, or other individual believed or suspected to be experiencing an opioid overdose on school district property during the school day or at school district activities.

II. GENERAL STATEMENT

It is the intent of the Minnetonka School District to provide assistance to any person(s) who may be suffering from an opioid overdose following protocols and procedures of the school district if the staff member determines in good faith that the person to whom the medication is administered is experiencing an opioid overdose. Authorization for obtaining, possessing and administering Naloxone or similar permissible medications under this policy are contingent upon: 1) the continued validity of state and federal law that permit a person who is not a healthcare professional to dispense an opiate antagonist; 2) that the school district and its staff are immune from criminal prosecution and not otherwise liable for civil damages for administering the opiate antagonist to another person who the staff member believes in good faith to be suffering from a drug overdose. Staff members trained in accordance with the procedure shall make every reasonable effort to include the use of naloxone combined with rescue breaths to revive the victim of any apparent opioid overdose.

III. DEFINITIONS

- A. **“Good Samaritan”** Minnesota Statute (604A.04) “Good Samaritan Overdose Protection” allows for “A person who is not a healthcare professional who acts in good faith in administering an opiate antagonist to another person whom the person believes in good faith to be suffering an opioid overdose is immune from criminal prosecution for the act and is not liable for any civil damages for acts or omissions resulting from the act.”
- B. **“Drug-related overdose”** means an acute condition, including mania, hysteria, extreme physical illness, respiratory depression or coma, resulting from the consumption or use of a controlled substance, or another substance with which a controlled substance was combined, and that a layperson would reasonably believe to be a drug overdose that requires immediate medical assistance.

- C. **“Opiate”** means any dangerous substance having an addiction forming or addiction sustaining liability similar to morphine or being capable of conversion into a drug having such addiction forming or addiction sustaining liability.
- D. **“Opiate Antagonist”** means naloxone hydrochloride (“Naloxone”) or any similarly acting drug approved by the federal Food and Drug Administration for the treatment of a drug overdose.
- E. **“Standing Order”** means directions from the school district’s medical provider that sets forth how to house and administer Naloxone or other Opiate Antagonist medications to students, staff members or other individuals believed or suspected to be experiencing an opioid overdose. This Standing Order should include the following information:
 - 1. Administration type
 - 2. Dosage
 - 3. Date of issuance
 - 4. Signature of the authorized provider

IV. REQUIREMENTS

- A. The District will obtain a standing order for naloxone by a licensed medical prescriber and update as needed.
- B. Stock naloxone will be clearly labeled and stored in a secured location that is accessible by trained staff.
- C. The Director of Health Services and/or School Administration will identify appropriate staff to be trained annually at each school site.
 - 1. Regardless of the service delivery model, the licensed school nurse is always the lead of the school health services team and may determine which school personnel are to be given the responsibility of administering naloxone.
- D. Training for designated school staff will be conducted annually and will include:
 - 1. Signs and symptoms of opioid overdose
 - 2. Appropriate administration of naloxone
 - 3. Activation of emergency personnel
 - 4. Notification procedures

V. GENERAL STATEMENT OF RESPONSIBILITIES

- A. The school district must maintain a supply of opiate antagonists at each school site to be administered in compliance with Minnesota law. Each school building must have two doses of nasal naloxone available on-site.

- B. A licensed physician, a licensed advanced practice registered nurse authorized to prescribe drugs pursuant to Minnesota Statutes, section 148.235, or a licensed physician assistant may authorize a nurse or other personnel employed by, or under contract with, a public school may be authorized to administer opiate antagonists as defined under Minnesota Statutes, section 604A.04, subdivision 1.
- C. A licensed practical nurse is authorized to possess and administer an opiate antagonist in a school setting notwithstanding Minnesota Statutes, 148.235, subdivisions 8 and 9.

VI. NOTIFICATION PROCEDURES

In the event of naloxone administration and emergency response activation, the following people must be notified:

- A. Superintendent
- B. Associate Superintendent
- C. Executive Director of Communication
- D. Director of Health Services
- E. Building Principal
- F. School Counselor, Psychologist, and/or Social Worker
- G. Licensed School Nurse
- H. Licensed Alcohol and Drug Counselor
- I. School Resource Officer(s)
- J. Parents/guardians

VII. STORAGE/ACCESS

- A. Stock naloxone will be clearly labeled and stored in a secure location accessible by trained personnel.
- B. Stock naloxone will only be available at the schools during typical school hours. It will not be sent on field trips and will not be available for activities that occur outside of the typical school day.
- C. The selected storage locations of Naloxone will be classified as non-public "security information". The identity of the storage locations will be shared only with those school district staff members whom District administration have determined need access to this information to aid public health and safety as determined in the procedures and guidelines.

VIII. MAINTENANCE

The Licensed School Nurse and/or Director of Health Services will monitor and track expiration dates of the naloxone and will be replaced as needed.

IX. PRIVACY PROTECTIONS

The school district will maintain the privacy of students and staff related to the administration of Naloxone as required by law.

Legal References

Minn. Stat. § 13.32 (Educational Data)
Minn. Stat. § 13.43 (Personnel Data)
Minn. Stat. § 13.37 (General Nonpublic Data)
Minn. Stat. § 121A.21 (School Health Services)
Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)
Minn. Stat. § 121A.224 (Opiate Antagonists)
Minn. Stat. § 144.344 (Emergency Treatment)
Minn. Stat. § 148.235 (Prescribing Drugs and Therapeutic Devices)
Minn. Stat. § 151.37 (Legend Drugs; Who May Prescribe, Possess)
Minn. Stat. § 152.01 (Definitions)
Minn. Stat. § 152.02 (Schedules of Controlled Substances)
Minn. Stat. § 604A.01 (Good Samaritan Law)
Minn. Stat. § 604A.015 (School Bus Driver Immunity from Liability)
Minn. Stat. § 604A.04 (Good Samaritan Overdose Prevention)
Minn. Stat. § 604A.05 (Good Samaritan Overdose Medical Assistance)
Minn. R. Pt. 6800.4220 (Schedule II Controlled Substances)
20 U.S.C. § 1232g (Family Educational and Privacy Rights)

Reviewed: August 17, 2023

MINNETONKA SCHOOL DISTRICT

Policy 419: TOBACCO-FREE ENVIRONMENT; POSSESSION AND USE OF TOBACCO, TOBACCO-RELATED DEVICES, AND ELECTRONIC DELIVERY DEVICES; VAPING AWARENESS AND PREVENTION INSTRUCTION

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. A violation of this policy occurs when any student, teacher, administrator, other school personnel of the school district, or person smokes or uses tobacco, tobacco-related devices, or carries or uses an activated electronic delivery device in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls. In addition, this prohibition includes vehicles used, in whole or in part, for work purposes, during hours of school operation, if more than one person is present. This prohibition includes all school district property and all off-campus events sponsored by the school district.
- B. A violation of this policy occurs when any elementary school, middle school, or secondary school student possesses any type of tobacco, tobacco-related devices, or electronic delivery devices in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls and includes vehicles used, in whole or in part, for school purposes, during hours of school operation, if more than one person is present. This prohibition includes all school district property and all off-campus events sponsored by the school district.
- C. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or person who is found to have violated this policy.
- D. The school district will not solicit or accept any contributions or gifts of money, curricula, materials, or equipment from companies that directly manufacture and are identified with tobacco products, tobacco-related devices, or electronic delivery devices. The school district will not promote or allow promotion of tobacco products or electronic delivery devices on school property or at school-sponsored events.

III. DEFINITIONS

- A. “Electronic delivery device” means any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of aerosol or vapor from the product. Electronic delivery devices includes but is not limited to devices manufactured, marketed, or sold as electronic cigarettes, electronic cigars, electronic pipe, vape pens, modes, tank systems, or under any other product name or descriptor. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device excludes drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.
- B. “Heated tobacco product” means a tobacco product that produces aerosols containing nicotine and other chemicals which are inhaled by users through the mouth.
- C. “Tobacco” means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including, but not limited to, cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes any drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.
- D. “Tobacco-related devices” means cigarette papers or pipes for smoking or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors aerosol or vapor of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.
- E. “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. Smoking includes carrying or using an activated electronic delivery device.
- F. “Vaping” means using an activated electronic delivery device or heated tobacco product.

IV. EXCEPTIONS

- A. A violation of this policy does not occur when an Indian adult lights tobacco on school district property as a part of a traditional Indian spiritual or cultural ceremony. An American Indian student may carry a medicine pouch containing loose tobacco intended as observance of traditional spiritual or cultural practices. An Indian is a person who is a member of an Indian tribe as defined under Minnesota law.
- B. A violation of this policy does not occur when an adult nonstudent possesses a tobacco or nicotine product that has been approved by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose. Nothing in this exception authorizes smoking or use of tobacco, tobacco-related devices, or electronic delivery devices on school property or at off- campus events sponsored by the school district.

V. VAPING PREVENTION INSTRUCTION

- A. The school district must provide vaping prevention instruction at least once to students in grades 6 through 8.
- B. The school district may use instructional materials based upon the Minnesota Department of Health's school e-cigarette toolkit or may use other smoking prevention instructional materials with a focus on vaping and the use of electronic delivery devices and heated tobacco products. The instruction may be provided as part of the school district's locally developed health standards.

VI. ENFORCEMENT

- A. All individuals on school premises shall adhere to this policy.
- B. Students who violate this tobacco-free policy shall be subject to school district discipline procedures.
- C. School district administrators and other school personnel who violate this tobacco-free policy shall be subject to school district discipline procedures.
- D. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota or federal law, and school district policies.
- E. Persons who violate this tobacco-free policy may be referred to the building administration or other school district supervisory personnel responsible for the area or program at which the violation occurred.
- F. School administrators may call the local law enforcement agency to assist with

enforcement of this policy. Smoking or use of any tobacco product in a public school is a violation of the Minnesota Clean Indoor Air Act and/or the Freedom to Breathe Act of 2007 and is a petty misdemeanor. A court injunction may be instituted against a repeated violator.

G. No persons shall be discharged, refused to be hired, penalized, discriminated against, or in any manner retaliated against for exercising any right to a smoke-free environment provided by the Freedom to Breathe Act of 2007 or other law.

VII. DISSEMINATION OF POLICY

A. This policy shall appear in the student handbook.

B. The school district will develop a method of discussing this policy with students and employees.

Legal References:

Minn. Stat. § 120B.238 (Vaping Awareness and Prevention)

Minn. Stat. §§ 144.411-144.417 (Minnesota Clean Indoor Air Act)

Minn. Stat. § 609.685 (Sale of Tobacco to Persons Under Age 21)

Cross References:

Policy 417 (Chemical Use)

Policy 506 (Student Discipline)

MINNETONKA SCHOOL DISTRICT

Policy #419: ~~Tobacco-free Environment~~

~~I. PURPOSE~~

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

~~1.0 PHILOSOPHY: The School Board believes a tobacco-free school environment should be provided for all students, employees, and patrons. A five point rationale underlies this tobacco-free policy. See Addendum "A" for more detail:~~

- ~~1.1 Health Rationale: The District is committed to the promotion of good health for all students and employees.~~
- ~~1.2 Productivity Rationale: The District is committed to a more effective, economical operating organization.~~
- ~~1.3 Educational Rationale: The District is committed to a more consistent united health education program for students.~~
- ~~1.4 Community Rationale: The District is committed to community wellness and accepts a shared responsibility as a public institution. This commitment follows the lead taken by the State of Minnesota in two laws: 1975 Minnesota Clean Indoor Air Act and 1985 Omnibus Non-Smoking and Disease Prevention Act. It also is consistent with statements by the United States Surgeon General.~~
- ~~1.5 General Wellness Rationale: The District 276 is committed to personal wellness and personal life management.~~
- ~~2.0 BASIC PHILOSOPHY: The Minnetonka School District shall provide a tobacco-free environment for all students, employees, and patrons.~~
- ~~2.1 A tobacco-free environment is defined as "no use of any tobacco products in any form."~~
- ~~2.2 The definition of tobacco-free is inclusive of facsimile tobacco products. The possession, distribution, or use of facsimile tobacco products will be addressed in the same manner as actual tobacco products.~~
- ~~2.3 The tobacco-free environment in the Minnetonka School District shall apply in all school-owned buildings and grounds, leased or owned, and within all School-District owned, leased, or contracted vehicles. Moreover, District sponsored activities such as field trips, wherever they occur, are encompassed within the tobacco-free policy.~~

~~II. GENERAL STATEMENT OF POLICY~~

- ~~A. It shall be a violation of this policy for any student, teacher, administrator, other school personnel of the School District or person to use tobacco or tobacco-related devices in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a School District owns, leases, rents, contracts for, or controls. This prohibition includes all School District property and all off-campus events sponsored by the School District.~~
- ~~B. It shall be a violation of this policy for any elementary school, middle school, or secondary school student to possess any type of tobacco or tobacco-related device in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a School District owns, leases, rents, contracts for, or~~

~~controls. This prohibition includes all School District property and all off-campus events sponsored by the School District.~~

- ~~C. The School District will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or person who is found to have violated this policy.~~

~~III. TOBACCO AND TOBACCO RELATED DEVICES DEFINED~~

~~A. "Tobacco" means cigarettes; cigars; cheroots; stogies; perique; granulated, plug cut, erimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobacco; shorts; refuse scraps; clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco; prepared in such manner as to be suitable for chewing or smoking in a pipe or other tobacco related devices.~~

~~B. "Tobacco related devices" means cigarette papers or pipes for smoking.~~

~~C. "Smoking" includes carrying a lighted cigar, cigarette, pipe, or any other lighted smoking equipment.~~

~~IV. EXCEPTION~~

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

~~V. ENFORCEMENT~~

~~A. All individuals on District premises shall adhere to this policy.~~

~~B. Students who violate this tobacco free policy shall be subject to School District discipline procedures.~~

~~C. School District administrators and other school personnel who violate this tobacco free policy shall be subject to School District discipline procedures.~~

~~D. School District action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota or federal law, and School District policies.~~

~~E. Persons who violate this tobacco free policy may be referred to the building administration or other School District supervisory personnel responsible for the area or program at which the violation occurred.~~

~~F. School administrators may call the local law enforcement agency to assist with~~

~~enforcement of this policy. Smoking or use of any tobacco product in a public school is a violation of the Minnesota Clean Indoor Air Act and is a petty misdemeanor. A court injunction may be instituted against a repeated violator.~~

~~VI. HELP PROGRAMS:~~

~~The District shall maintain a list of tobacco-free help programs which are available in the metropolitan area. Criteria by which such programs can be evaluated are found in Addendum "B". Furthermore, the Minnetonka School District will be proactive in help programs. More than one avenue of help will be made available for the convenience and preference of the employee. Also, following reinforcement theory, the District will provide some financial assistance up front for costs associated with tobacco-free programs and will provide additional reimbursement for said charges following six months of tobacco-free living.~~

~~VII. DISSEMINATION OF POLICY~~

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

~~VIII. FOLLOW THROUGH:~~

- ~~A. The Administration is responsible for the development and implementation of a Communication Plan so this policy might become known to employees and all others who use school buildings, grounds, and vehicles.~~
- ~~B. Further, the Administration shall adopt procedures to ensure follow-through compliance with the intent of the policy, using progressive disciplinary sanctions that are consistent with Minnesota Statutes, Master Agreement Contracts, and Board Policies.~~

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

~~*Cross References:*—Policy #417: Chemical Use Policy
Policy #506: Student Discipline
MSBA Service Manual, Chapter 2, Students; Rights, Responsibilities and Behavior~~

~~*Adopted: May 4, 2006*
Reviewed: August 17, 2023~~

MINNETONKA SCHOOL DISTRICT

Policy 419: TOBACCO-FREE ENVIRONMENT; POSSESSION AND USE OF TOBACCO, TOBACCO-RELATED DEVICES, AND ELECTRONIC DELIVERY DEVICES; VAPING AWARENESS AND PREVENTION INSTRUCTION

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. A violation of this policy occurs when any student, teacher, administrator, other school personnel of the school district, or person smokes or uses tobacco, tobacco-related devices, or carries or uses an activated electronic delivery device in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls. In addition, this prohibition includes vehicles used, in whole or in part, for work purposes, during hours of school operation, if more than one person is present. This prohibition includes all school district property and all off-campus events sponsored by the school district.
- B. A violation of this policy occurs when any elementary school, middle school, or secondary school student possesses any type of tobacco, tobacco-related devices, or electronic delivery devices in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls and includes vehicles used, in whole or in part, for school purposes, during hours of school operation, if more than one person is present. This prohibition includes all school district property and all off-campus events sponsored by the school district.
- C. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or person who is found to have violated this policy.
- D. The school district will not solicit or accept any contributions or gifts of money, curricula, materials, or equipment from companies that directly manufacture and are identified with tobacco products, tobacco-related devices, or electronic delivery devices. The school district will not promote or allow promotion of tobacco products or electronic delivery devices on school property or at school-sponsored events.

III. DEFINITIONS

- A. “Electronic delivery device” means any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of aerosol or vapor from the product. Electronic delivery devices includes but is not limited to devices manufactured, marketed, or sold as electronic cigarettes, electronic cigars, electronic pipe, vape pens, modes, tank systems, or under any other product name or descriptor. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device excludes drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.
- B. “Heated tobacco product” means a tobacco product that produces aerosols containing nicotine and other chemicals which are inhaled by users through the mouth.
- C. “Tobacco” means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including, but not limited to, cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes any drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.
- D. “Tobacco-related devices” means cigarette papers or pipes for smoking or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors aerosol or vapor of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.
- E. “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. Smoking includes carrying or using an activated electronic delivery device.
- F. “Vaping” means using an activated electronic delivery device or heated tobacco product.

IV. EXCEPTIONS

- A. A violation of this policy does not occur when an Indian adult lights tobacco on school district property as a part of a traditional Indian spiritual or cultural ceremony. An American Indian student may carry a medicine pouch containing loose tobacco intended as observance of traditional spiritual or cultural practices. An Indian is a person who is a member of an Indian tribe as defined under Minnesota law.
- B. A violation of this policy does not occur when an adult nonstudent possesses a tobacco or nicotine product that has been approved by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose. Nothing in this exception authorizes smoking or use of tobacco, tobacco-related devices, or electronic delivery devices on school property or at off- campus events sponsored by the school district.

V. VAPING PREVENTION INSTRUCTION

- A. The school district must provide vaping prevention instruction at least once to students in grades 6 through 8.
- B. The school district may use instructional materials based upon the Minnesota Department of Health's school e-cigarette toolkit or may use other smoking prevention instructional materials with a focus on vaping and the use of electronic delivery devices and heated tobacco products. The instruction may be provided as part of the school district's locally developed health standards.

VI. ENFORCEMENT

- A. All individuals on school premises shall adhere to this policy.
- B. Students who violate this tobacco-free policy shall be subject to school district discipline procedures.
- C. School district administrators and other school personnel who violate this tobacco-free policy shall be subject to school district discipline procedures.
- D. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota or federal law, and school district policies.
- E. Persons who violate this tobacco-free policy may be referred to the building administration or other school district supervisory personnel responsible for the area or program at which the violation occurred.
- F. School administrators may call the local law enforcement agency to assist with

enforcement of this policy. Smoking or use of any tobacco product in a public school is a violation of the Minnesota Clean Indoor Air Act and/or the Freedom to Breathe Act of 2007 and is a petty misdemeanor. A court injunction may be instituted against a repeated violator.

- G. No persons shall be discharged, refused to be hired, penalized, discriminated against, or in any manner retaliated against for exercising any right to a smoke-free environment provided by the Freedom to Breathe Act of 2007 or other law.

VII. DISSEMINATION OF POLICY

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

Legal References:

Minn. Stat. § 120B.238 (Vaping Awareness and Prevention)
Minn. Stat. §§ 144.411-144.417 (Minnesota Clean Indoor Air Act)
Minn. Stat. § 609.685 (Sale of Tobacco to Persons Under Age 21)

Cross References:

Policy 417 (Chemical Use)
Policy 506 (Student Discipline)

Adopted: May 4, 2006
Reviewed: August 17, 2023

MINNETONKA PUBLIC SCHOOLS

Policy 418: DRUG-FREE WORKPLACE/DRUG-FREE SCHOOL

I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment for employees, students, and visitors by prohibiting the use of alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products, and controlled substances without a physician's prescription.

II. GENERAL STATEMENT OF POLICY

- A. Use or possession of alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products, and controlled substances before, during, or after school hours, within the school district is prohibited as general policy. Paraphernalia associated with controlled substances is prohibited. School district is defined as any school owned or leased building, school grounds (including school bus stops), school authorized vehicles used to transport students to or from school or school activities or off school property during any school sponsored or school approved activity, event, or function, such as a field trip, or co-curricular activity.
- B. A violation of this policy occurs when any student, visitor, employee, contractor, volunteer or other school district personnel, uses or possesses alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products, or controlled substances in any school location.
- C. An individual may not use or possess cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public school, as defined in Minnesota Statutes, section 120A.05, subdivisions 9, 11, and 13, including all facilities, whether owned, rented, or leased, and all vehicles that the school district owns, leases, rents, contracts for, or controls.
- D. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or member of the public who violates this policy.

III. DEFINITIONS

- A. "Alcohol" includes any alcoholic beverage containing more than one-half of one percent alcohol by volume.

- B. “Controlled substances” include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 United States Code section 812, including analogues and look-alike drugs.
- C. “Edible cannabinoid product” means any product that is intended to be eaten or consumed as a beverage by humans, contains a cannabinoid in combination with food ingredients, and is not a drug.
- D. “Nonintoxicating cannabinoid” means substances extracted from certified hemp plants that do not produce intoxicating effects when consumed by injection, inhalation, ingestion, or by any other immediate means.
- E. “Medical cannabis” means any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins, and is delivered in the form of: (1) liquid, including, but not limited to, oil; (2) pill; (3) vaporized delivery method with use of liquid or oil but which does not require the use of dried leaves or plant form; (4) combustion with use of dried raw cannabis; or (5) any other method approved by the Commissioner of the Minnesota Department of Health (“Commissioner”).
- F. “Possess” means to have on one’s person, in one’s effects, or in an area subject to one’s control.
- G. “School location” includes any school building or on any school premises; in any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district; or during any period of time such employee is supervising students on behalf of the school district or otherwise engaged in school district business.
- H. “Sell” means to sell, give away, barter, deliver, exchange, distribute or dispose of to another, or to manufacture; or to offer or agree to perform such an act, or to possess with intent to perform such an act.
- I. “Toxic substances” includes: (1) glue, cement, aerosol paint, containing toluene, benzene, xylene, amyl nitrate, butyl nitrate, nitrous oxide, or containing other aromatic hydrocarbon solvents, but does not include glue, cement, or paint contained in a packaged kit for the construction of a model automobile, airplane, or similar item; (2) butane or a butane lighter; or (3) any similar substance declared to be toxic to the central nervous system and to have a potential for abuse, by a rule adopted by the Commissioner.
- I. “Use” means to sell, buy, manufacture, distribute, dispense, be under the influence of, or consume in any manner, including, but not limited to, consumption by injection, inhalation, ingestion, or by any other immediate means.

IV. EXCEPTIONS

- A. A violation of this policy does not occur when a person brings within the school district and/or property, for such person's own use, a controlled substance,(not including medical cannabis nonintoxicating cannabinoids, or edible cannabinoid products), which has a currently accepted medical use in treatment in the United States and the person has a physician's prescription for the substance. Students and parent(s)/guardian(s) shall comply with the relevant procedures of this policy and the student medication policy. Employees must notify and obtain approval from their supervisor and human resources in advance. The employee may be required to provide a copy of the prescription. Employees are expected to perform the duties of their job without impairment.
- B. A violation of this policy does not occur when a person possesses an alcoholic beverage in a school location when the possession is within the exceptions of Minnesota Statutes, section 624.701, subdivision 1a (experiments in laboratories; pursuant to a temporary license to sell liquor issued under Minnesota laws or possession after the purchase from such a temporary license holder) pursuant to the procedures in this policy.

V. PROCEDURES

- A. Students who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products, must comply with the school district's student medication policy.
- B. Employees who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products, are permitted to possess such controlled substance and associated necessary paraphernalia. The employee must inform his or her supervisor. The employee may be required to provide a copy of the prescription.
- C. Each employee shall be provided with annual notice of this Drug-Free Workplace/Drug-Free School policy.
- D. Employees are subject to the school district's drug and alcohol testing policies and procedures.
- E. No person is permitted to possess or use medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products on a school bus or van; or on the grounds of any preschool or primary or secondary school; or on the grounds of any child care facility. This prohibition includes (1) vaporizing or combusting medical cannabis on any form of public transportation where the vapor or smoke could be inhaled by a minor child or in any public place, including indoor or outdoor areas used by or open to the general public or place of employment; and (2) operating,

navigating, or being in actual physical control of any motor vehicle or working on transportation property, equipment or facilities while under the influence of medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products.

- G. Possession of alcohol on school grounds pursuant to the exceptions of Minnesota Statutes section 624.701, subdivision 1a, shall be by permission of the school board or Superintendent only. The applicant shall apply for permission in writing and shall follow the school board procedures for placing an item on the agenda.

VI. SCHOOL PROGRAMS

- A. During the 2026-2027 school year, the school district must implement a comprehensive education program on cannabis use and substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl, for students in middle school and high school. The program must include instruction on the topics listed in Minnesota Statutes, section 120B.215, subdivision 1 and must:
 - 1. respect community values and encourage students to communicate with parents, guardians, and other trusted adults about cannabis use and substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl; and
 - 2. refer students to local resources where students may obtain medically accurate information about cannabis use and substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl, and treatment for a substance use disorder.
- B. Notwithstanding any law to the contrary, the school district shall have a procedure for a parent, a guardian, or an adult student 18 years of age or older to review the content of the instructional materials to be provided to a minor child or to an adult student pursuant to this article. The district must allow a parent or adult student to opt out of instruction under this article with no academic or other penalty for the student and must inform parents and adult students of this right to opt out.

VI. ENFORCEMENT

- A. **Students**
 - 1. Students may be required to participate in programs and activities that provide education against the use of alcohol, tobacco, marijuana, smokeless tobacco products, electronic cigarettes, and nonintoxicating cannabinoids, and edible cannabinoid products.
 - 2. Students may be referred to drug or alcohol assistance or rehabilitation programs; school based mental health services, mentoring and counseling, including early identification of mental health symptoms, drug use and violence and appropriate referral to direct individual or group counselling

service. which may be provided by school based mental health services providers; and/or referral to law enforcement officials when appropriate.

3. A student who violates the terms of this policy shall be subject to discipline in accordance with the school district's discipline policy. Such discipline may include suspension or expulsion from school.

B. Employees

1. As a condition of employment in any federal grant, each employee who is engaged either directly or indirectly in performance of a federal grant shall abide by the terms of this policy and shall notify his or her supervisor in writing of his or her conviction of any criminal drug statute for a violation occurring in any of the places listed above on which work on a school district federal grant is performed, no later than five (5) calendar days after such conviction. Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
2. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, termination, or discharge as deemed appropriate by the school board.
3. In addition, any employee who violates the terms of this policy may be required to satisfactorily participate in a drug and/or alcohol abuse assistance or rehabilitation program approved by the school district. Any employee who fails to satisfactorily participate in and complete such a program is subject to nonrenewal, suspension, or termination as deemed appropriate by the school board.
4. Sanctions against employees, including nonrenewal, suspension, termination, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and school district policies.

C. The Public

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

Legal References:

Minn. Stat. § 120B.215 (Education on Cannabis Use and Substance Use)

Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)

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

Minn. Stat. § 151.72 (Sale of Certain Cannabinoid Products)
Minn. Stat. § 152.01, Subd. 15a (Definitions)
Minn. Stat. § 152.0264 (Cannabis Sale Crimes)
Minn. Stat. § 152.22, Subd. 6 (Definitions; Medical Cannabis)
Minn. Stat. § 152.23 (Limitations; Medical Cannabis)
Minn. Stat. § 169A.31 (Alcohol-Related School Bus or Head Start Bus Driving)
Minn. Stat. § 340A.101 (Definitions; Alcoholic Beverage)
Minn. Stat. § 340A.403 (3.2 Percent Malt Liquor Licenses)
Minn. Stat. § 340A.404 (Intoxicating Liquor; On-Sale Licenses)
Minn. Stat. § 342.09 (Personal Adult Use of Cannabis)
Minn. Stat. § 342.56 (Limitations)
Minn. Stat. § 609.684 (Abuse of Toxic Substances)
Minn. Stat. § 624.701 (Alcohol in Certain Buildings or Grounds)
20 U.S.C. § 7101-7122 (Student Support and Academic Enrichment Grants)
21 U.S.C. § 812 (Schedules of Controlled Substances)
41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)
21 C.F.R. §§ 1308.11-1308.15 (Controlled Substances)
34 C.F.R. Part 84 (Government-Wide Requirements for Drug-Free Workplace)

Cross References:

Policy 417 (Chemical Use and Abuse)
Policy 419 (Tobacco-Free Environment; Possession and use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices; Vaping Awareness and Prevention Instruction)
Policy 506 (Student Discipline)
Policy 516 (Student Medication)

Reviewed: August 17, 2023

**Minnetonka I.S.D 276
5621 County Road 101
Minnetonka, Minnesota**

Study Session Agenda Item #3

Title: MTSS - SEL Update

Date: August 17, 2023

EXECUTIVE SUMMARY:

Minnetonka Schools have committed to implementing a Multi-tiered System of Support Framework with fidelity across all grade levels and programs. MTSS is a framework focused on delivering high quality instruction in the area of academics and social and emotional learning.

The most important aspect of an MTSS Framework is that it creates an aligned system to ensure high quality core instruction in the areas of academics and social and emotional development for all students. Core instruction in these areas includes the learning all students engage in through district curriculum and programs to achieve Minnetonka essential learnings, State standards and District goals. In addition, the framework provides a system for consistent Tier 2 and Tier 3 instruction in academics, social and emotional learning, and behavioral supports.

Significant progress was made to deepen the implementation of a Multi-Tiered System of Supports (MTSS) Framework with fidelity across all programs in the area of social and emotional learning this past spring.

Well-implemented SEL programs positively affect students' success in school. Studies show that social-emotional skills—such as problem-solving, self-regulation, impulse control, and empathy—help improve academics, reduce negative social behaviors like bullying, and create positive classroom climates.

The purpose of this report is to provide an update on the District's progress with the MTSS implementation plan specifically focused on Tier 1 universal instruction for all students in the area of social and emotional learning and student well-being, including mental health. This report will include an update on priorities for student learning in this area, the process for identification of resources, and plans for a middle school pilot during the 2023-24 school year.

Identifying Social and Emotional Learning (SEL) Priorities

During the 2022-2023 school year, the District sought to identify social and emotional learning (SEL) priorities to meet the current needs of students through Tier I instruction.

Multiple inputs were used to identify these priorities. The data from the 2022 MN Student Survey was reviewed with key stakeholders throughout the district and feedback and insights were gathered. The Mental Health Advisory and the Student Teaching and Learning Advisory committee also provided input. Additionally, results from the SAEBRS and mySAEBRS screener, data from the schools, and best practice guidance from CAREI informed this process.

Primary and secondary groups of SEL leaders representing each school level were convened. These groups included department chairs, counselors, psychologists, teachers, and instructional coaches. These groups met to review the information gathered and to align these themes to the Minnesota and CASTEL standards for social and emotional learning. Additionally, these teams were tasked with using the identified priorities to make recommendations for a Tier 1 resource for both the primary (K-5 level) and secondary (6-12) level.

These groups determined the scope and frequency of Tier 1 lessons at both the primary and secondary level. This will provide an aligned sequence of lessons from the elementary to the secondary level with a consistent delivery structure. As the work progressed, one of the main considerations was to ensure that the resource would complement the existing programming, practices, and structures within Minnetonka Public Schools.

The following key factors were taken into consideration when identifying priority areas for selecting SEL resources:

- Skill focus
 - Improved emotional/behavioral regulation (*elementary*)
 - Improved perspective-taking (*secondary*)
 - Improved self-efficacy (*secondary*)
 - Improved conflict resolution/social problem-solving (*all levels*)
 - Improved executive functioning skills (*all levels*)
 - Improved empathy/perspective-taking (*all levels*)
 - Improved understanding of social cues (*all levels*)
 - Improved inhibitory control (*all levels*)
 - Improved positive social behavior (*all levels*)
 - Reduced problem behavior (*all levels*)
 - Improved identification of feelings/agency (*all levels*)
 - Improved school connectedness (*all levels*)
- Instructional methods
- Program components
- Implementation considerations
- Equitable SEL

At the elementary level, over 45 resources were reviewed using the identified criteria to evaluate them. These programs were categorized as “meets criteria,” “partially meets criteria,” or “does not meet criteria.” Of the 45 vendors reviewed, 11 met the criteria and

were invited to present to the SEL leadership team in order to gather more information and provide the opportunities to ask questions about the resources.

At the secondary level, over 30 resources were reviewed using the same criteria. Five vendors presented to the secondary leadership team to allow the team to gain a better understanding of the resource and to gather more information.

After robust and thorough discussion and analysis of the resources, taking into consideration all of the factors indicated above, an elementary resource and a secondary resource were identified to be recommended for each level.

Next Steps:

Using the preferred resource for the elementary level, the District SEL team will partner with the elementary health chairs to evaluate, align, and incorporate this resource into the health curriculum review and adoption process during the upcoming school year.

At the secondary level, *Be Good People* was recommended by the planning team as the resource most aligned to district priorities. This resource will be piloted as a part of the “Chart Your Course” program at MME and MMW, which will incorporate social and emotional lessons into core content areas.

The overarching focus areas for each grade are as follows:

6th grade

- Executive functioning
- Responsible decision-making
- Problem-solving

7th grade

- Relationships
- Communication
- Teamwork

8th grade

- Self-awareness
- Navigating stress
- Perspective

Further work to evaluate the effectiveness of this pilot will be completed this year. This will be accomplished through establishing and communicating a shared vision, assessing, and expanding the foundational knowledge of SEL, completing a needs assessment with staff, and continuing to strengthen adult/staff SEL competencies. Additionally, student

data, survey results and teacher feedback will be used to make recommendations for resource adoptions at the secondary level.

RECOMMENDATION/FUTURE DIRECTION:

This report is submitted for the School Board's information.

Submitted by: Annie Lumbar Bendson
Annie Lumbar Bendson, Director of Health Services

Submitted by: Amy LaDue
Amy LaDue, Associate Superintendent for Instruction

Concurrence: David Law
David Law, Superintendent

**Minnetonka I.S.D. 276
5621 County Road 101
Minnetonka, Minnesota**

Board Agenda Item III.

**Title: Resolution Calling A Capital Projects
Referendum Election**

Date: August 17, 2023

EXECUTIVE SUMMARY:

On November 3, 2015, the voters of the District approved an extension of the existing Capital Projects Referendum at the existing 6.569% of Net Tax Capacity of the District for 10 years. The 10 years approved included the 2015 Pay 2016 Levy to fund Fiscal Year 2017 through the 2024 Pay 2025 Levy to fund Fiscal Year 2026. The extension of the Capital Projects Referendum was approved by a vote of 4,770 Yes to 1,780 No or 72.49% Yes.

The 2015 approval occurred in the eight year of the Capital Projects Referendum that was approved on November 6, 2007 at the same 6.569% of Net Tax Capacity of the District.

It is prudent to request renewal of the Capital Projects Referendum in its 8th year of authorization because if the renewal would be turned down by the voters, it allows for two additional opportunities to request renewal before the Capital Projects Referendum would drop off of the District Levy.

The Capital Projects Referendum is a key funding component that contributes to the success of all students and the operations of the District. Revenue from the Capital Projects Referendum pays for the following key expenditures each year:

- All instructional technology equipment, including iPads and instructional computers
- All instructional textbooks inclusive of all instructional software and traditional textbooks
- All instructional staff training on instructional software
- All instructional technology support personnel
- All administrative software including but not limited to student accounting and grading software, financial software and internet firewall software
- All network hardware and software, including but not limited to network data storage devices and wide area network fiber optic cable
- All technology network security
- All administrative technology support personnel
- Classroom equipment that is not technology hardware and software
- Security barriers of all types including but not limited to physical barriers built into the facilities, electronic barriers, and security monitoring equipment

At this time, it is prudent for the School Board to consider a renewal referendum for the Capital Projects Referendum at the same 6.569% of Net Tax Capacity to be placed on the November 7, 2023 ballot. Approval of this Capital Projects Referendum would authorize this important levy for the 2023 Pay 2024 Levy for Fiscal Year 2025 through the 2032 Pay

2033 Levy for Fiscal Year 2034 and secure long-term stability for this important funding source.

For the 2023 Pay 2024 Levy for Fiscal Year 2025, under the authority approved in 2015, the Capital Projects Referendum at 6.569% of Net Tax Capacity will generate \$9,240,493.94.

Approval by the voters of the District of the extension of the Capital Projects Referendum through the 2032 Pay 2033 Levy for Fiscal Year 2034 at the same 6.569% of Net Tax Capacity will not increase that amount. It will remain the same.

The Capital Projects Technology Referendum Packet has been developed by Attorneys Stephen Knutson and Katharine Saphar of the law firm Knutson, Flynn & Deans, PA for the School Board's review.

ATTACHMENTS:

Capital Projects Referendum Packet

RECOMMENDATION/FUTURE DIRECTION:

It is recommended the School Board call a Capital Projects Referendum Election for the November 7, 2023 Election.

Submitted by: 
Paul Bourgeois, Executive Director of Finance & Operations

Concurrence: 
David Law, Superintendent

RECOMMENDED MOTION

EXTRACT OF MINUTES OF MEETING
OF SCHOOL BOARD
OF INDEPENDENT SCHOOL DISTRICT NO. 276
(MINNETONKA PUBLIC SCHOOLS)
STATE OF MINNESOTA

Pursuant to due call and notice thereof, a regular meeting of the School Board of Independent School District No. 276 (Minnetonka Public Schools), State of Minnesota, was held in said school district on _____, at ____ o'clock p.m.

The following members were present:

and the following were absent:

Member _____ introduced the following resolution and moved its adoption:

**RESOLUTION RELATING TO REVOKING THE EXISTING CAPITAL
PROJECT LEVY, APPROVING A NEW CAPITAL PROJECT LEVY
AUTHORIZATION,
AND CALLING AN ELECTION THEREON**

BE IT RESOLVED by the School Board of Independent School District No. 276, State of Minnesota, as follows:

1. The Board hereby determines and declares that it is necessary and expedient for the school district to revoke its existing capital project levy authorization of 6.569% times the net tax capacity of the school district and to replace that authorization with a new authorization of 6.569% times the net tax capacity of the school district. The proposed authorization will raise approximately \$9,240,000 for taxes payable in 2024, the first year it is to be levied, and would be authorized for ten (10) years. The estimated total cost of the projects to be funded by the proposed capital project levy authorization during that time period is approximately \$92,400,000. The money raised by the capital project levy authorization will provide funds for the purchase and installation of software and technology equipment; costs related to the support and maintenance of technology; costs related to training staff in the use of

technology; the purchase of classroom equipment and instructional texts; and installation of classroom and building security equipment. The program will be commenced prior to November 1, 2028, which date is not more than five (5) years from the date of the special election authorizing the approval of the capital project levy. The question on the approval of the capital project levy authorization shall be School District Question 1 on the school district ballot at the special election held to approve said authorization.

The actions of the administration in consulting with the Minnesota Department of Education, causing a proposal to be prepared for submission on behalf of the Board to the Commissioner of Education for the Commissioner's Review and Comment and taking such other actions as necessary to comply with the provisions of Minnesota Statutes, Section 123B.71, as amended, are hereby ratified and approved in all respects. The actual holding of the special election on School District Question 1 above shall be contingent on the receipt of a positive Review and Comment from the Commissioner on the projects included in that question.

The clerk is hereby authorized and directed to cause the Commissioner's Review and Comment to be published in the legal newspaper at least forty-eight (48) but not more than sixty (60) days before the election.

2. The ballot question specified above shall be submitted to the qualified voters of the school district at a special election, which is hereby called and directed to be held on Tuesday, November 7, 2023, between the hours of 7:00 o'clock a.m. and 8:00 o'clock p.m.

3. Pursuant to Minnesota Statutes, Section 205A.11, the school district combined polling places and the precincts served by those polling places, as previously established and designated by school board resolution for school district elections not held on the day of a statewide election, are hereby designated for this special election. However, because the City of Minnetonka will be holding its municipal elections on November 7, 2023, the polling places for voters residing in the precincts in that city shall be the polling places designated by that city.

4. The clerk is hereby authorized and directed to cause written notice of said special election to be provided to the county auditor of each county in which the school district is located, in whole or in part, and to the Commissioner of Education, at least seventy-four (74) days before the date of said election. The notice shall specify the date of said special election and the title and language for each ballot question to be voted on at said special election. Any notice given prior to the date of the adoption of this resolution is ratified and confirmed in all respects.

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

The clerk is hereby authorized and directed to cause a sample ballot to be posted at the administrative offices of the school district at least four (4) days before the date

of said special election and to cause two sample ballots to be posted in each combined polling place on election day. The sample ballot shall not be printed on the same color paper as the official ballot.

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

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

The clerk is hereby authorized and directed to cause the rules and instructions for use of the optical scan voting system to be posted in each combined polling place on election day.

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

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

[Form of Ballot on next page.]

Special Election Ballot

Independent School District No. 276 (Minnetonka Public Schools)

November 7, 2023

Instructions to Voters:

To vote, completely fill in the oval(s) next to your choice(s) like this:



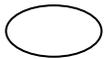
To vote for a question, fill in the oval next to the word “Yes” on that question.
To vote against a question, fill in the oval next to the word “No” on that question.

School District Question 1 Revoking Existing Capital Project Levy Authorization; Approving New Authorization

The board of Independent School District No. 276 (Minnetonka) has proposed to revoke its existing capital project levy authorization of 6.569% times the net tax capacity of the school district and to replace that authorization with a new authorization of 6.569% times the net tax capacity of the school district.

The proposed new authorization will raise approximately \$9,240,000 for taxes payable in 2024, the first year it is to be levied, and would be applicable for ten years. The estimated total cost of the projects to be funded over that time period is approximately \$92,400,000.

The money raised by the proposed authorization will be used to provide funds for the following: The purchase and installation of software and technology equipment; costs related to the support and maintenance of technology; costs related to training staff in the use of technology; the purchase of classroom equipment and instructional texts; and building security equipment. The projects to be funded have received a positive review and comment from the Commissioner of Education.



Yes

Shall the school district’s existing capital project levy authorization be revoked and the new capital project levy authorization proposed by the board of Independent School District No. 276 be approved?



No

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

Optical scan ballots must be printed in black ink on white colored material, except that marks to be read by the automatic tabulating equipment may be printed in another color ink. The name of the precinct and machine-readable identification must be printed on

each ballot. Voting instructions must be printed at the top of the ballot on each side that includes ballot information. The instructions must include an illustration of the proper mark to be used to indicate a vote. Lines for initials of at least two election judges must be printed on one side of the ballot so that the judges' initials are visible when the ballots are enclosed in a secrecy sleeve.

6. If the school district will be contracting to print the ballots for this election, the clerk is hereby authorized and directed to prepare instructions to the printer for layout of the ballot. Before a contract exceeding \$1,000 is awarded for printing ballots, the printer, at the request of the election official, shall furnish, in accordance with Minnesota Statutes, Section 204D.04, a sufficient bond, letter of credit, or certified check acceptable to the clerk in an amount not less than \$1,000 conditioned on printing the ballots in conformity with the Minnesota election law and the instructions delivered. The clerk shall set the amount of the bond, letter of credit, or certified check in an amount equal to the value of the purchase.

7. The clerk is hereby authorized and directed to provide for testing of the optical scan voting system within fourteen (14) days prior to the election date. The clerk shall cause notice of the time and place of the test to be given at least two (2) days in advance by publishing the Notice of Testing once in the official newspaper and by causing the notice to be posted in the administrative offices of the school district, the office of the County Auditor and the office of any other local election official conducting the test.

8. The clerk is hereby authorized and directed to cause notice of the location of the counting center or the places where the ballots will be counted to be published in the official newspaper at least once during the week preceding the week of the election and in the newspaper of widest circulation once on the day preceding the election, or once the week preceding the election if the newspaper is a weekly.

9. As required by Minnesota Statutes, Section 203B.121, the Board hereby establishes a ballot board to process, accept and reject absentee ballots at school district elections not held in conjunction with the state primary or state general election or that are conducted by a municipality on behalf of the school district and generally to carry out the duties of a ballot board as provided by Minnesota Statutes, Section 203B.121 and other applicable laws. The ballot board must consist of a sufficient number of election judges trained in the handling of absentee ballots. The ballot board must consist of a sufficient number of election judges and may include deputy county auditors and deputy city clerks who have received training in the processing and counting of absentee ballots. Each member of the ballot board must be provided adequate training on the processing and counting of absentee ballots, including but not limited to instruction on accepting and rejecting absentee ballots, storage of absentee ballots, timelines and deadlines, the role of the ballot board, procedures for opening absentee ballot envelopes, procedures for counting absentee ballots, and procedures for reporting absentee ballot totals. The clerk or the clerk's designee is hereby authorized and directed to appoint the members of the ballot board. The clerk or the clerk's designee shall establish, maintain and update a roster of members appointed to and currently serving on the ballot board and shall report to the Board from time to time as

to its status. Each member of the ballot board shall be paid reasonable compensation for services rendered during an election at the same rate as other election judges; provided, however, if a staff member is already being compensated for regular duties, additional compensation shall not be paid for ballot board duties performed during that staff member's duty day.

10. The clerk is hereby authorized and directed to begin assembling names of trained election judges to serve at the combined polling places during the November 7, 2023 special election. The election judges shall act as clerks of election, count the ballots cast, and submit the results to the school board for canvass in the manner provided for other school district elections. The election must be canvassed between the third and the tenth day following the election.

11. If the capital project levy authorization proposed in School District Question 1 is approved, a capital project referendum account shall be created as a separate account in the general fund of the school district. All proceeds from the capital project levy must be deposited in the capital project referendum account. Interest income attributable to the capital project referendum account must be credited to the capital project referendum account. Money in the capital project referendum account may be used only for the costs of acquisition and betterment of the approved projects. The funds in the capital project referendum account may be accumulated and not be expended until sufficient funds are available, may be accumulated and not be expended until additional funds from a bond issue are available, or may be expended on an ongoing basis for approved project costs. Any funds remaining in the capital project referendum account that are not applied to the payment of the costs of the approved projects before their final completion shall be transferred to the school district's debt redemption fund.

12. The School District clerk shall make all Campaign Financial Reports required to be filed with the school district under Minnesota Statutes, Section 211A.02, available on the school district's website. The clerk must post the report on the school district's website as soon as possible, but no later than thirty (30) days after the date of the receipt of the report. The school district must make a report available on the school district's website for four years from the date the report was posted to the website. The clerk must also provide the Campaign Finance and Public Disclosure Board with a link to the section of the website where reports are made available.

The motion for the adoption of the foregoing resolution was duly seconded by _____ and upon vote being taken thereon the following voted in favor thereof:

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

**Minnetonka I.S.D #276
5621 County Road 101
Minnetonka, Minnesota**

Board Agenda Item IV.

**Title: Approval of Reestablishment of Partnership
With Intermediate District #287**

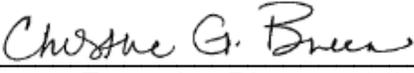
Date: August 17, 2023

EXECUTIVE SUMMARY:

The Minnetonka School District was previously a member of Intermediate District 287. In 2016, Minnetonka made the decision to withdraw its membership. From 2016 to present, the district has been working within current structures and staffing models to meet the needs of all students. Throughout this time, student needs have changed for a small population of our students, and it is the belief of District administration that reestablishing a partnership with Intermediate District 287 is in the best interest of students, families and the school district.

RECOMMENDATION/FUTURE DIRECTION:

This report is submitted for the School Board's approval.

Submitted by: 
Christine Breen, Executive Director of Special Education

Concurrence: 
David Law, Superintendent