

SUPERINTENDENT'S REPORT AND AGENDA

Regular Meeting of the Board of Education
Independent School District No. 280, Richfield, Minnesota

Richfield Public Schools *inspires* and *empowers* each individual to learn, grow and *excel*

Monday, February 1, 2021
7:00 p.m. School Board Meeting

- I. CALL TO ORDER
- II. REVIEW AND APPROVAL OF THE AGENDA
- III. INFORMATION AND PROPOSALS -- NON-ACTION ITEMS
 - A. Superintendent Update
 - 1. Superintendent Goals
 - 2. Sheridan Hills Presentation
 - 3. Safe Routes to Schools Report
 - B. Commendation
- IV. CONSENT AGENDA
 - A. Routine Matters
 - 1. Minutes of the regular meeting held January 19, 2021
 - 2. General Disbursements as of 1/26/21 in the amount of \$2,567,309.99
 - 3. Investment Holdings
 - B. Personnel Items
- V. OLD BUSINESS
 - A. Policy 115 - Title IX
 - B. Policy 581 – Protection and Privacy of Pupil Records & Administrative Guidelines 581.1 & 581.2
- VI. NEW BUSINESS
 - A. Policy 703 - Student Activity Fund and Other Organizations & Administrative Guideline 703.1
 - B. Boost Grant Authorization – Bicycle Fleet
 - C. Nutrition Services Contract

D. Donations

VII. ADVANCE PLANNING

A. Legislative Update

B. Information and Questions from Board

C. Future Meeting Dates

Tuesday 2-16-2020 7:00 p.m. Regular Board Meeting - Public Comment

3-1-2021 7:00 p.m. Regular Board Meeting

D. Suggested/Future Agenda Items

VIII. CLOSED SESSION AS ALLOWED BY MINNESOTA STATUTE 13D.03 FOR
LABOR NEGOTIATIONS STRATEGY

IX. REOPEN MEETING

X. ADJOURN REGULAR MEETING

**INFORMATION AND PROPOSALS –
NON-ACTION ITEMS**

Agenda Item III.A.

Board of Education
Independent School District 280
Richfield, Minnesota

Regular Meeting, February 1, 2021

Subject: Superintendent Update

(Superintendent Unowsky presents on Superintendent goals for the 2020-2021 school year. Sheridan Hills Principal Nancy Stachel shares a video. Safe Routes to Schools Coordinator Will Wlizlo presents.)

Attached:

Superintendent Goals presentation
Safe Routes to School presentation

Enriching and accelerating learning



Superintendent Goals 2020-2021

February 1, 2021

First Draft

Enriqueciendo y acelerando el aprendizaje

Student Achievement (35%): Specific data based on gains and performance of students

Process Goals (35%): Strategic Plan strategies and activities designed to improve our district

Individual Performance (30%): Board evaluation of superintendent

Student Achievement Goals – Past Measurement



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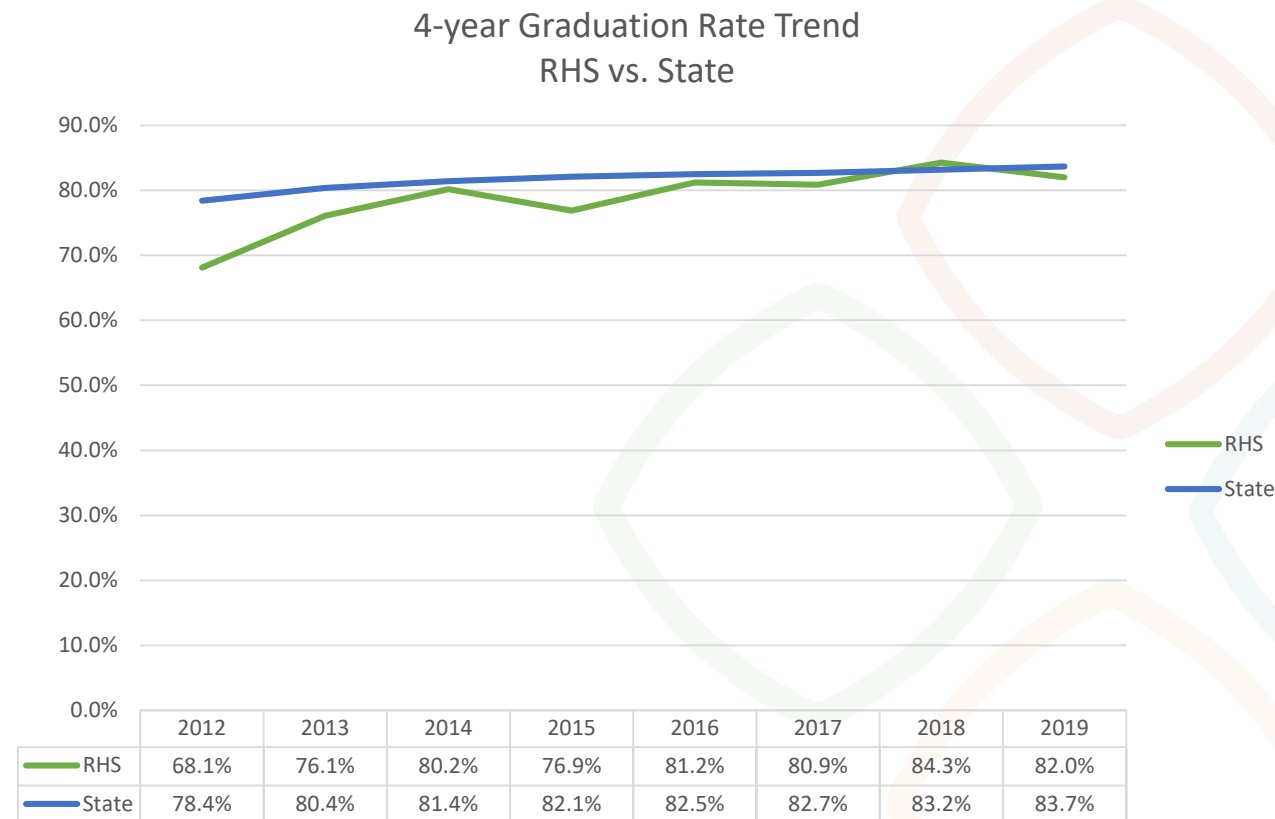
- MCA Reading and Math Achievement (not applicable)
- MCA Reading and Math Growth (not applicable)
- NWEA MAP Reading and Math Achievement (not applicable)
- NWEA MAP Reading and Math Growth (not applicable)
- Suspendable Incident Reduction (not applicable)
- TS Gold Proficiency and Growth (not applicable)

Possible Achievement Measure: Graduation Rate Improvement



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- Data could be impacted by COVID credit waivers/grading adjustments



Possible Achievement Measure: Course Pass Rate Improvement



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- Measured from mid-grading period to end

RMS	19-20 End Quarter 1	20-21 Mid-Point Quarter 1	20-21 End Quarter 1	20-21 Mid-Point Quarter 2	20-21 End Quarter 2
1 or More Fs	21%	53%	37%	58%	?
3 or More Fs	4%	24%	16%	25%	?

RHS	19-20 End Semester 1	20-21 Mid-Point Semester 1	20-21 End Semester 1
1 or More Fs	24%	57%	?
3 or More Fs	5%	33%	?

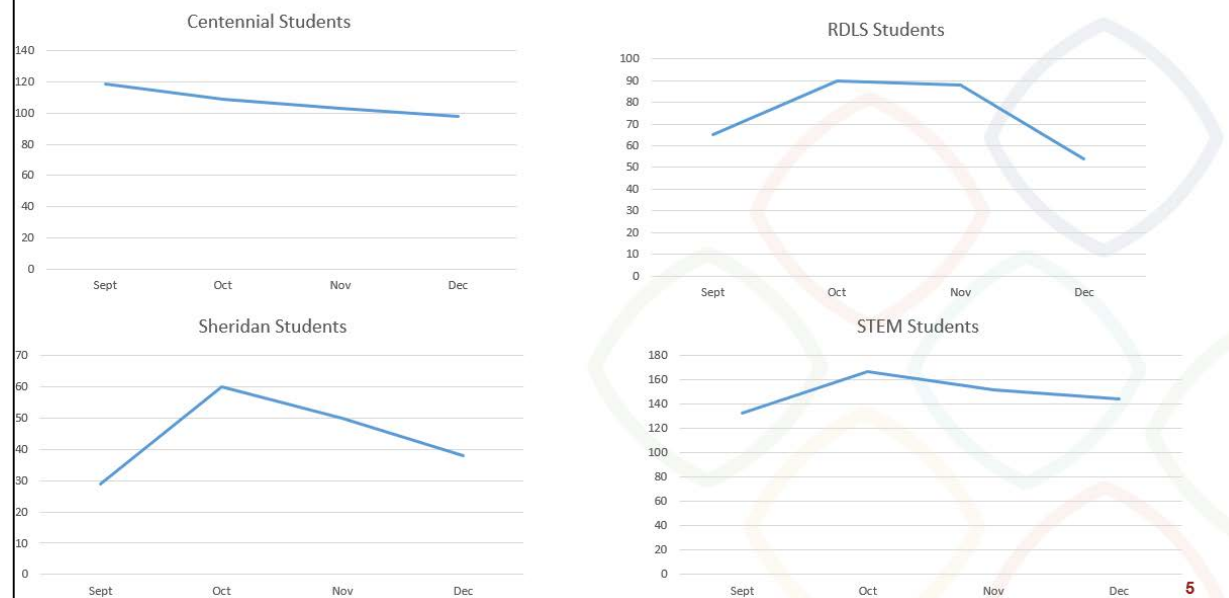
Possible Achievement Measure: Student Attendance and Engagement Improvements



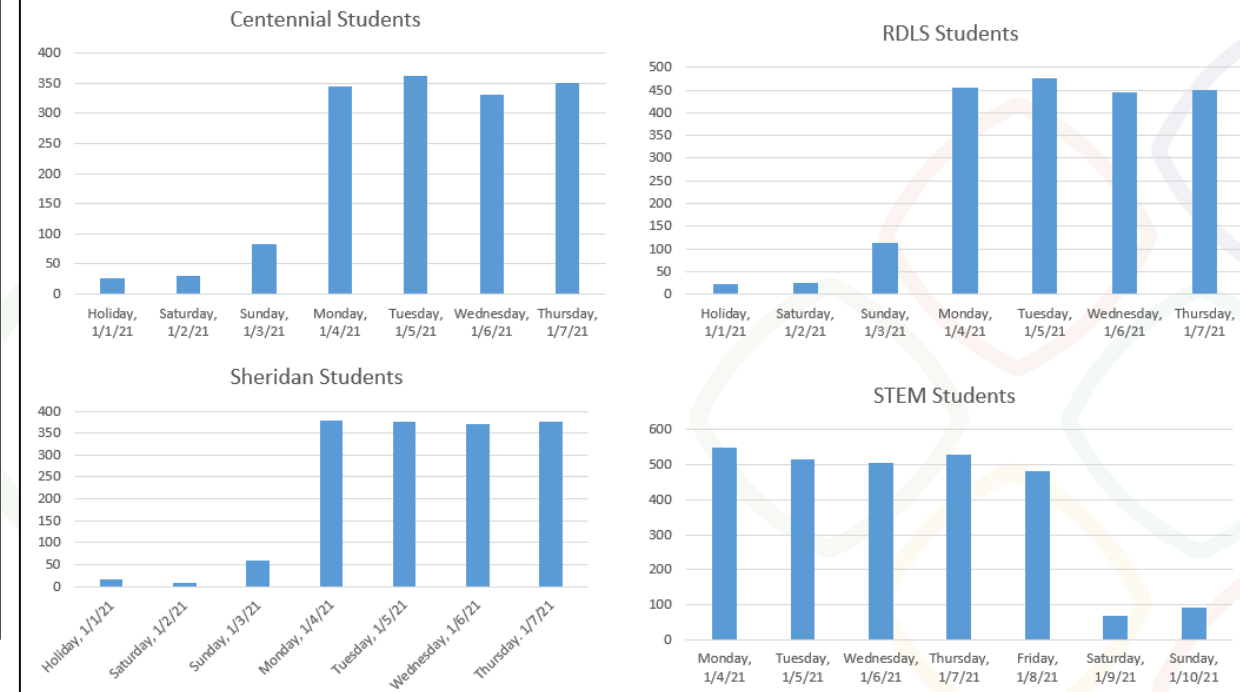
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- Elementary Measures: Unexcused Absences & Seesaw Snapshot Data

Number of Students (Per Month) with 1 or More Unexcused Absences



Number of Students Engaged in Seesaw Each Day (One Week Snapshot)



Possible Achievement Measure: Student Attendance and Engagement Improvements

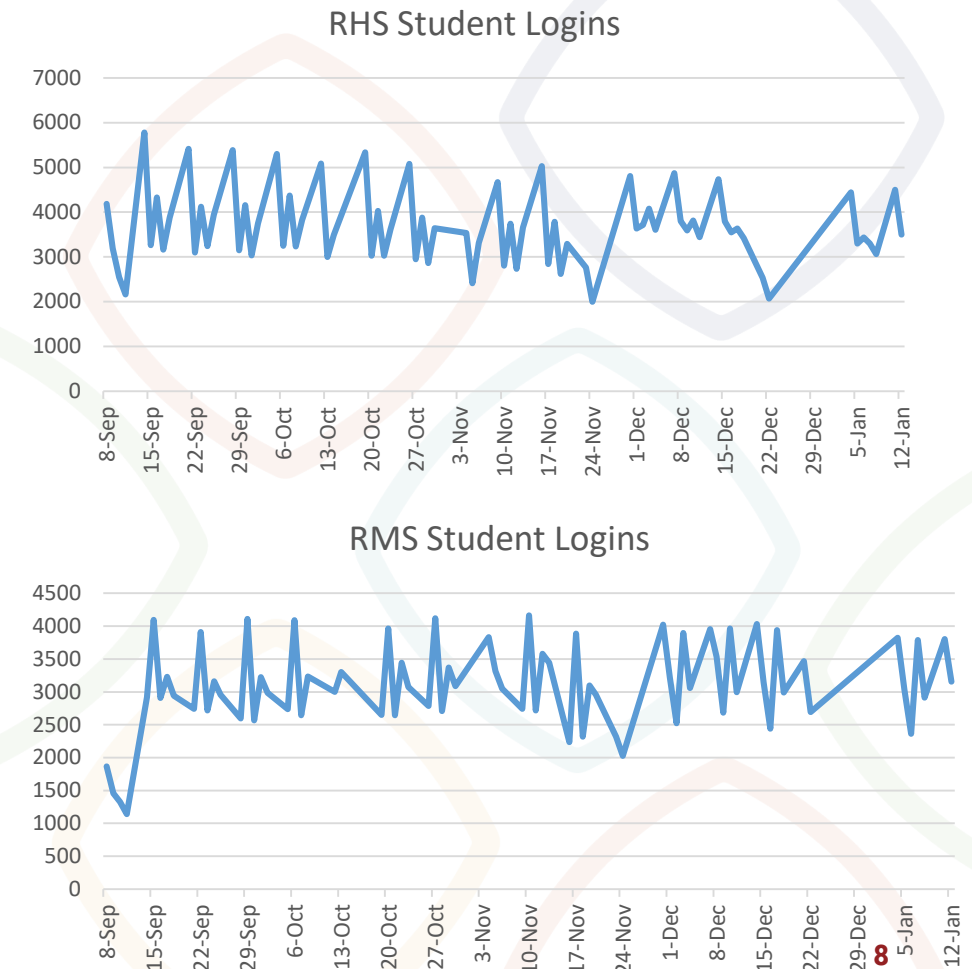


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- Secondary Measures: Unexcused Absences & Schoology Engagement

Number of Unexcused Absences 12/16 – 1/13	Number of RHS Students	Percentage of Total RHS Population
1	158	14%
2	93	8%
3	36	3%
4	27	2%
5	18	1%
6	13	1%
7+	26	2%
Total	371	33%

Number of Unexcused Absences 12/15 – 1/12	Number of RMS Students	Percentage of Total RMS Population
1	81	9%
2	22	2%
3	14	2%
4	5	1%
5	2	<1%
6+	3	<1%
Total	127	16%



Possible Achievement Measure: College Credit Attainment

- Students Enrollment in Honors, College Preparatory, College in the Schools, and Advanced Placement Courses*

Year	Enrollment
2016-17	772
2017-18	1305
2018-19	1199
2019-20	1860
2020-21	2032

- *duplicated numbers (e.g. a student enrolled in 5 such courses is counted 5 times)

Process Goals

- Goal: Effectively Lead RPS Schools Through the Pandemic
- Goal: Complete, Publish and Launch Strategic Planning Process
- Goal: Draft, Create and Communicate Vision Cards
- Goal: Oversee Construction Project Remaining on Time and On Budget
- Goal: Complete, Launch and Communicate District Equity Policy
- Goal: Train all Staff in Policy Updates and Policy Compliance

Process Goal: Effectively Lead RPS Schools Through the Pandemic

Measurement: ?

Progress:

- Worked through summer to create distance, hybrid, and in-person learning model plans
- Distributed technology to all students (August/September 2020)
- Launched distance and hybrid programming (September 2020)
- Transitioned hybrid to distance while following guidelines (November 2020)
- Transitioned back to hybrid (January 2021 and ongoing)
- Vaccine prioritization and rollout in process (January 2021 distributed to all serving students in person who requested and began distance staff distribution, which eventually allow a return of secondary students to in person)
- Free meals served to children and adults throughout Richfield

Process Goal: Complete, Publish and Launch Strategic Plan

Measurement: Published and Communicated Strategic Plan

Progress:

- Reviewed draft plan for equity alignment
- Continued to gather input and make revisions
- Presented draft to board (12/7/20)
- Final plan approval (1/19/21)
- Final formatting and translation in progress

Process Goal: Draft, Create and Communicate Vision Cards

Measurement: Published Draft Vision Cards

Progress:

- Reviewed vision cards 2015-2020
- Strategic Plan 2021-2026 published
- Strategic goals 2021-2026 identified

Goal: Oversee Construction Project Remaining on Time and On Budget



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Measurement: Substantial Completion of Projects According to Timeline and Budget

Progress:

- Board Construction and Finance Updates (7/13/20, 1/4/21)
- Twice per month Facilities Project Oversight Committee meetings
- Progressed to Punchlist Only at RDLS, Centennial, STEM
- Completion anticipated this summer at RHS, RMS, Sheridan Hills
- Bids completed for Central
- Currently on time and on budget

Goal: Complete, Launch and Communicate District Equity Policy

Measurement: Board Approval of Completed Equity Policy

Progress:

- Multiple district equity policies studied
- First draft of proposed RPS Equity Policy created
- First read completed by RPS Board of Education (10/5/20)
- Feedback and input gathered on Equity Policy from advisories, committees, students, and staff (End of October through mid-November 2020)
- Second read completed by RPS Board of Education (12/7/20)

Goal: Train Staff in Policy Updates and Policy Compliance



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Measurement: Dates of Required HR Policy Training and Assessment

Progress:

- Training scheduled and implemented during opening week
- Policy review professional development created and implemented
- Assessment of understanding and completion maintained by HR

Evaluation occurs yearly in spring:

- Data from Survey?
- Direct Reports feedback
- Board Members feedback
- Board Member closed session and evaluative process

Enriching and accelerating learning



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Questions/Comments

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One Year of Safe Routes to School at RPS

**Will Wlizlo, Safe Routes to School
Coordinator**

william.wlizlo@rpsmn.org

(612) 798-6055

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What is Safe Routes to School?



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MINNESOTA

SAFE

ROUTES

TO SCHOOL



The 6Es

- Encouragement
- Education
- Equity
- Engineering
- Enforcement
- Evaluation



What is Safe Routes to School?



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Richfield Middle School



Project: Safe Routes to School Committee



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Public Health
Prevent. Promote. Protect.

Bloomington Public Health Division

R
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I  Richfield

Richfield
The Urban Hometown



Project: Winter Walk to School Day



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Centennial Elementary School

Sheridan Hills Elementary



Project: SRTS Parent Survey



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- 250 responses – better but not perfect
- Top 3 safety concerns: distance, weather/climate, safety of intersections and crossings
- Disaggregated data for Latino families and female students



Project: School Safety Patrol



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Richfield STEM Elementary

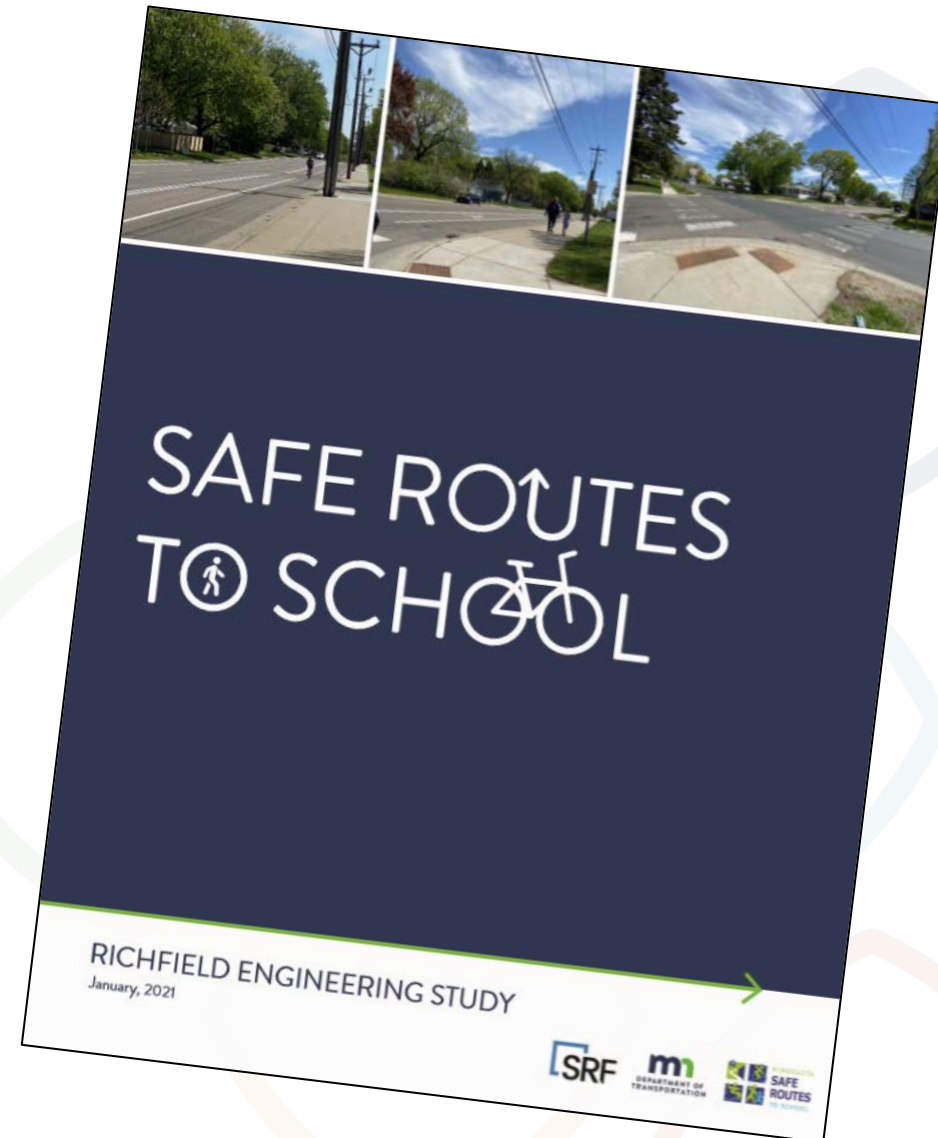


Project: Engineering Study



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- Study of the entire traffic environment near the Richfield STEM and Richfield Dual Language School
- Looking for opportunities to increase safety for everyone, especially those walking and rolling
- Suggests improvements to Richfield infrastructure and RPS facilities

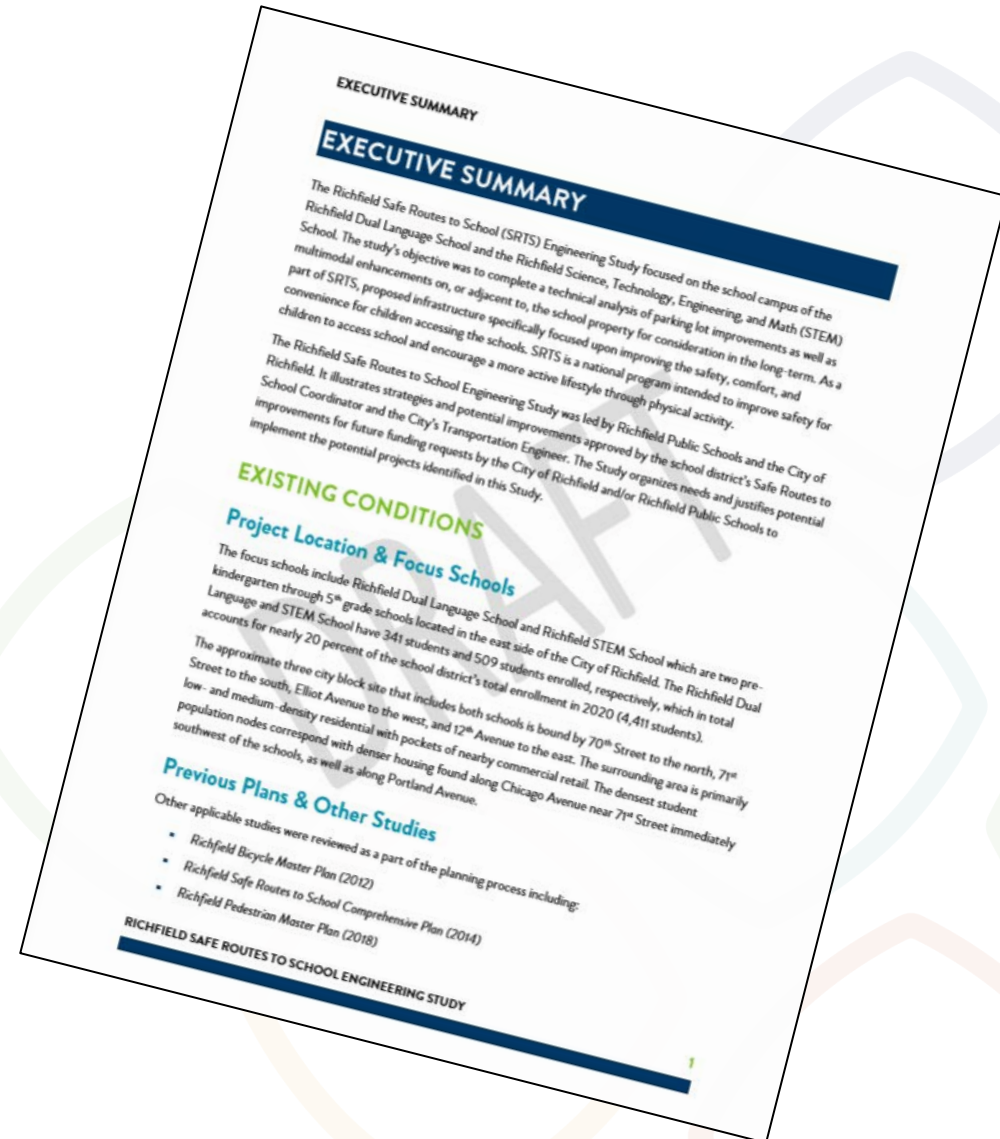


Project: Engineering Study



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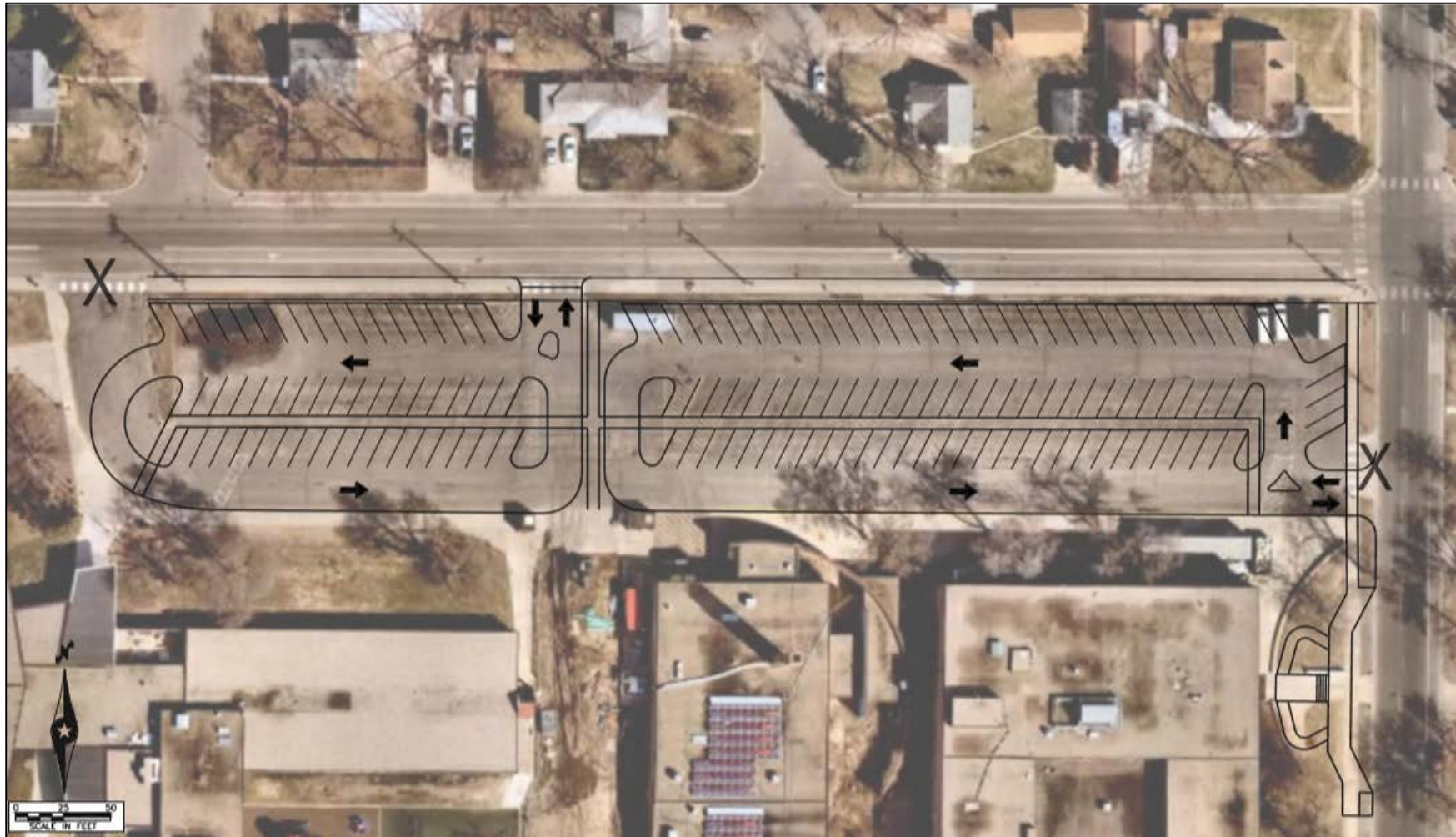
Not finalized yet!



Project: Engineering Study



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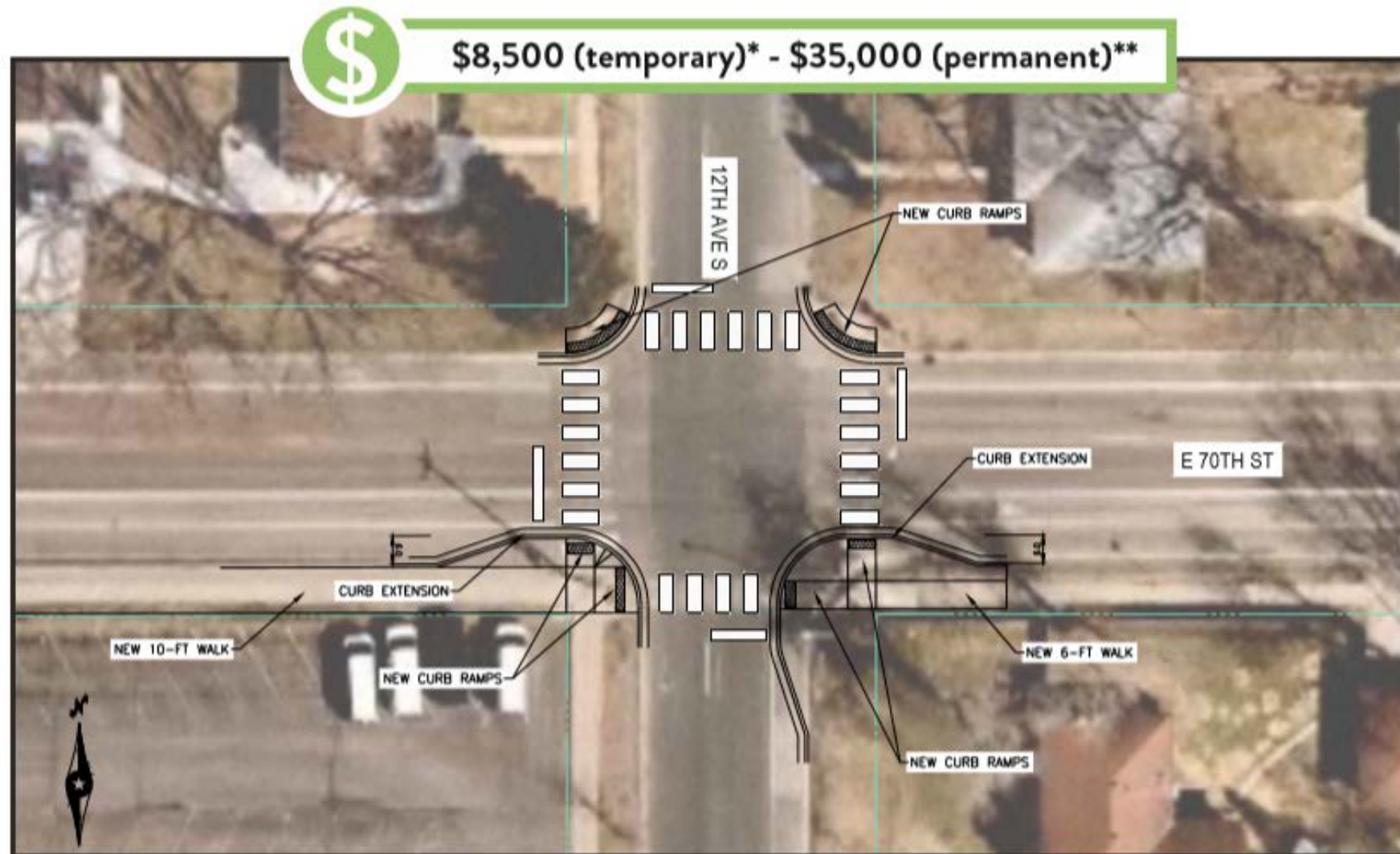
Reimagined parking lot layout at STEM and RDLS campus



Project: Engineering Study



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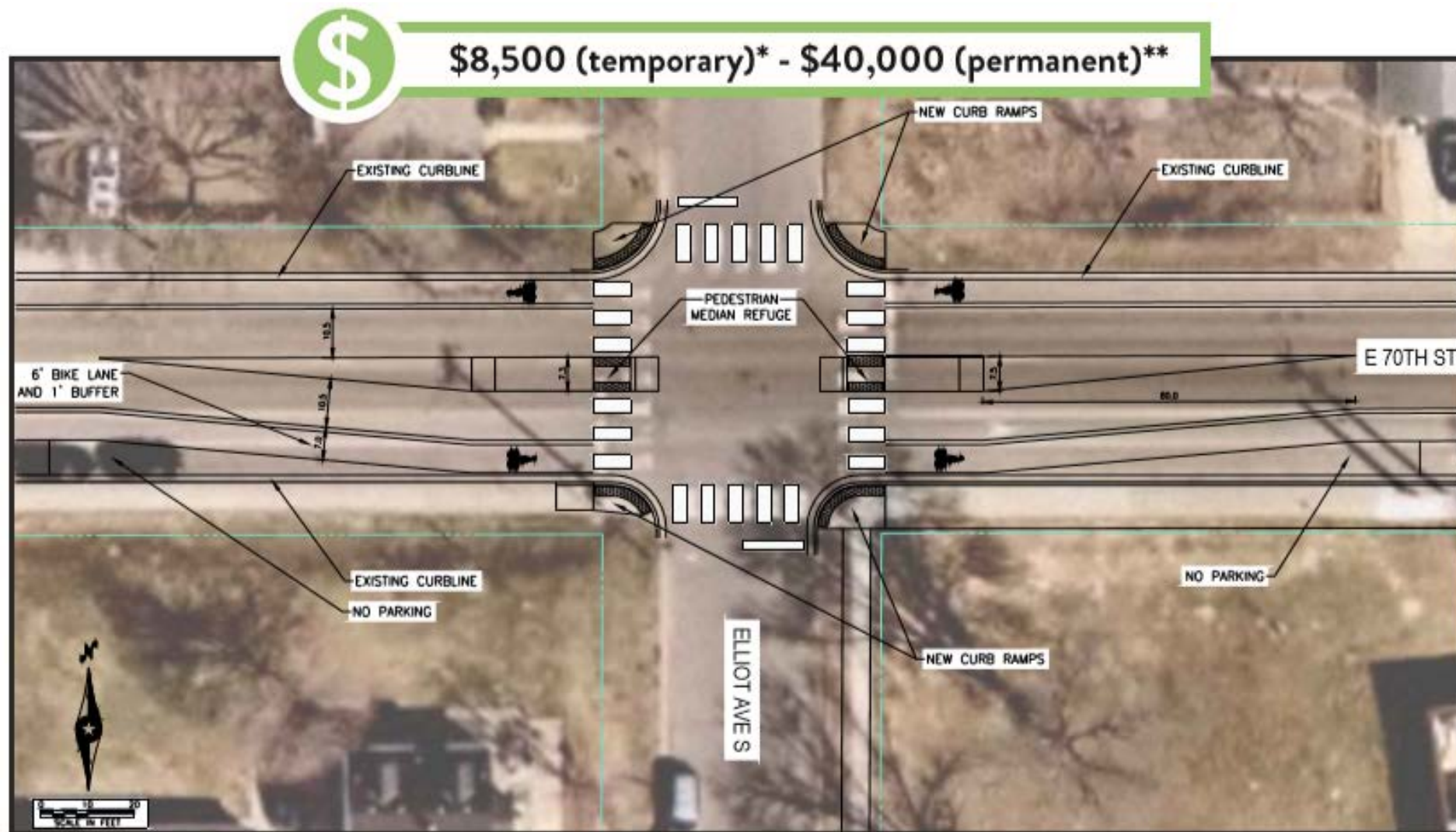
Refreshed intersection of 70th Street and 12th Avenue



Project: Engineering Study



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Refreshed intersection of 70th Street and Elliot Avenue



Project: Engineering Study



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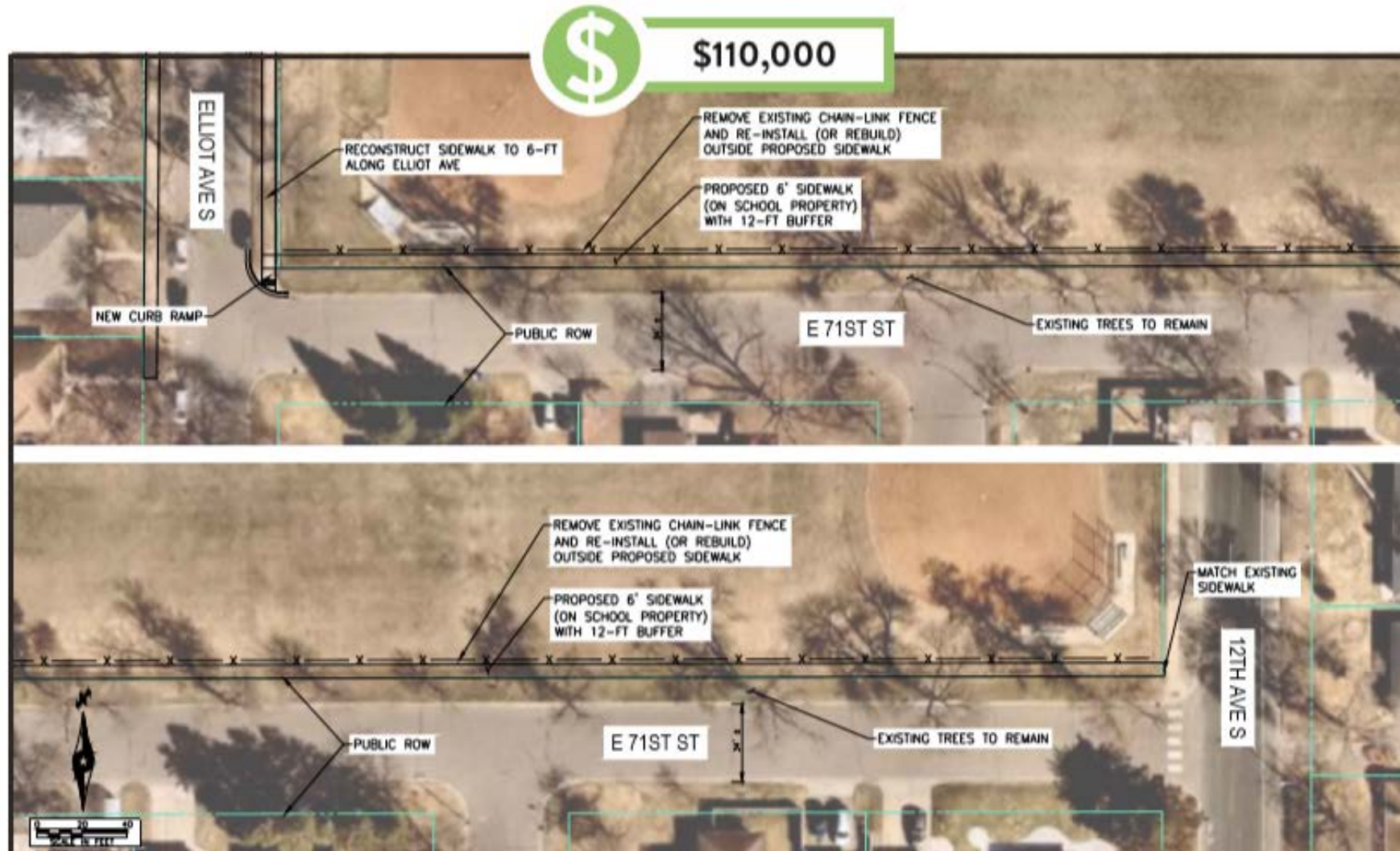
Rebuilt intersection of 71st Street and Elliot Avenue



Project: Engineering Study



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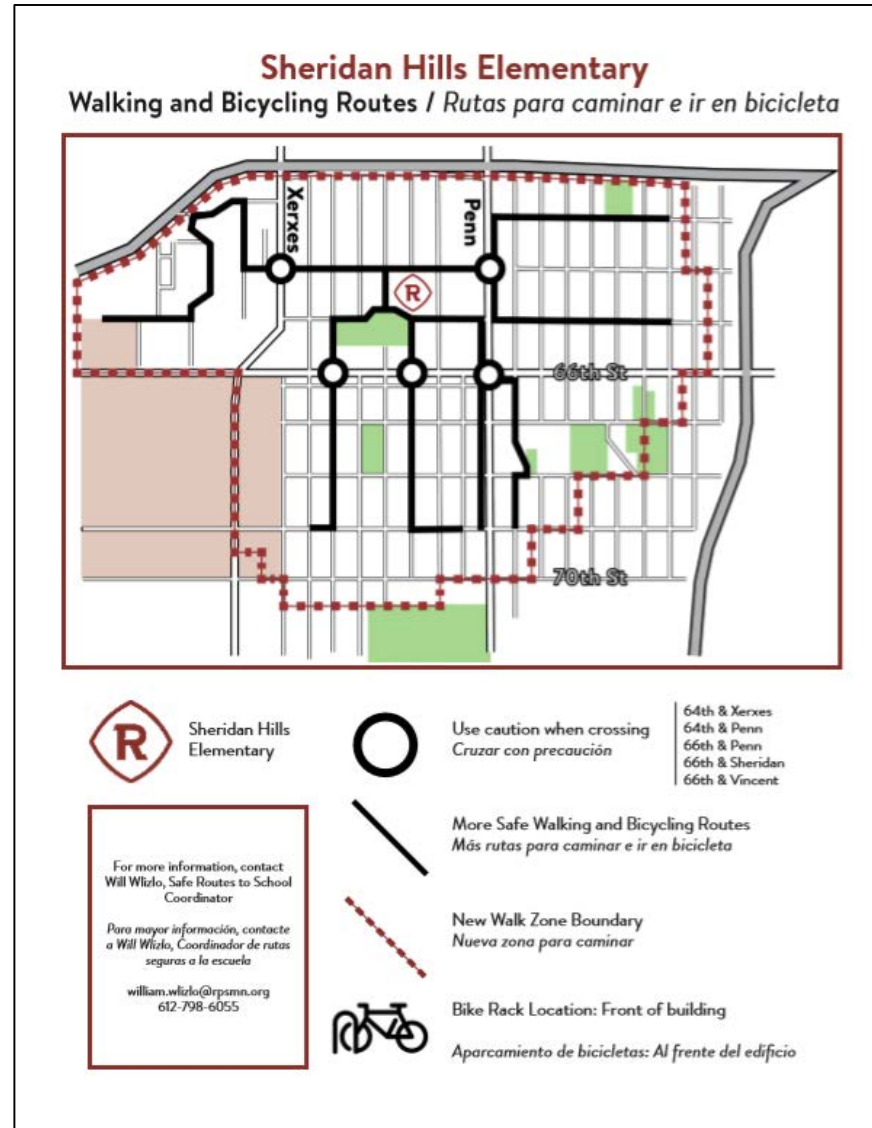
Construction of a sidewalk on the south side of the STEM and RDLs site



Project: A Most Unusual Back to School



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Crossing Guard Eric M. helped ensure a safe arrival and dismissal at Centennial



Project: Walking School Bus Pilot Program



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A walking school bus headed to Centennial Elementary



Project: (Winter) Bicycle Education Pilot



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RMS students learned bike safety skills and even rode to Richfield Lake and back!



Looking Ahead: Richfield Community Bicycle Fleet



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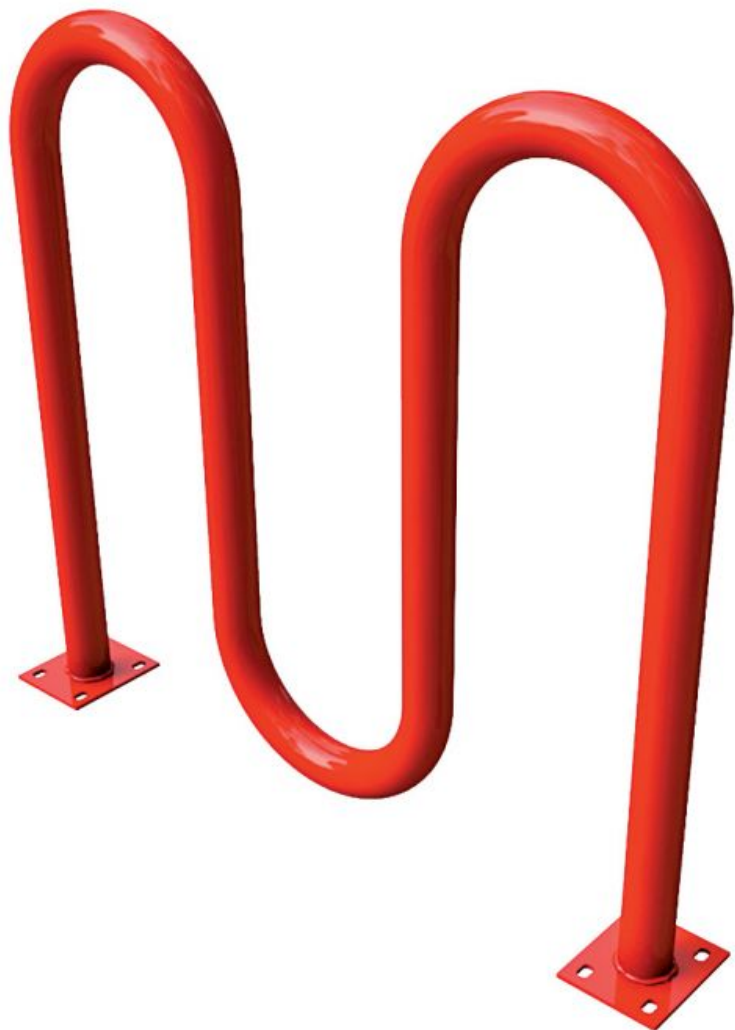
Dr. Hines joined RMS students in bicycle safety education.



Looking Ahead: Better Bike Facilities at Secondary



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Questions?

Will Wlizlo, SRTS Coordinator

William.Wlizlo@rpsmn.org

(612) 798-6055

Enriqueciendo y acelerando el aprendizaje



**INFORMATION AND PROPOSALS –
NON-ACTION ITEMS**

Agenda Item III.C.

Board of Education
Independent School District 280
Richfield, Minnesota

Regular Meeting, February 1, 2021

Subject: Commendation for Paula Cole

Richfield Public Schools would like to commend board Vice Chair Paula Cole for completing the MSBA School Board Workshop Series. This entailed attending 12+ hours of professional learning on topics that are critical to school district leadership. Thank you, Paula, for your dedication to being an exemplary school board member! Paula will also be recognized for this achievement at the virtual 2021 MSBA Leadership Awards ceremony at noon on Saturday, January 30, 2021.

FUND	CHECK	DATE	VENDOR	TYPE	AMOUNT
01	V2100796	01/04/2021	P-CARD KRETSINGER DAN	R	2,820.00
01	V2100797	01/04/2021	P-CARD MCGINN DAN	R	990.00
01	V2100798	01/04/2021	P-CARD BAIRD LISA	R	1,241.09
01	V2100799	01/04/2021	P-CARD BROWN MATTHEW	R	615.00
01	V2100800	01/04/2021	P-CARD BRUNNER PATTI	R	3,124.67
01	V2100801	01/04/2021	P-CARD BURT EMILY	R	245.64
01	V2100802	01/04/2021	P-CARD DINGMAN KRISTI	R	1,883.53
01	V2100803	01/04/2021	P-CARD FINDLEY LAMPKIN MELISSA	R	264.59
01	V2100804	01/04/2021	P-CARD FINKE RYAN	R	9.99
01	V2100805	01/04/2021	P-CARD GEURINK AREND	R	684.67
01	V2100806	01/04/2021	P-CARD HINES CARLONDREA	R	2,400.00
01	V2100807	01/04/2021	P-CARD KRETSINGER DAN	R	102.60
01	V2100808	01/04/2021	P-CARD LEWIS JENNIFER	R	35.99
01	V2100809	01/04/2021	P-CARD MACE CHRISTI JO	R	656.51
01	V2100810	01/04/2021	P-CARD MAHONEY COLLEEN	R	74.99
01	V2100811	01/04/2021	P-CARD MANNING MICHAEL	R	12.00
01	V2100812	01/04/2021	P-CARD MARYN ANGELA	R	2,464.96
01	V2100813	01/04/2021	P-CARD MCGINN DAN	R	443.32
01	V2100814	01/04/2021	P-CARD MCNAUGHTON COMMERS CAROLE	R	1,190.00
01	V2100815	01/04/2021	P-CARD POMERLEAU DORIS	R	39.10
01	V2100816	01/04/2021	P-CARD SHAHSAVAND MARTA	R	55.62
01	V2100817	01/04/2021	P-CARD STACHEL NANCY	R	402.90
01	V2100818	01/04/2021	P-CARD VALLEY JENNIFER	R	277.19
01	V2100819	01/04/2021	P-CARD WILLHITE KASYA	R	377.47
01	V2100820	01/04/2021	P-CARD WINTER AMY	R	779.36
01	299961	01/07/2021	DICK BLICK COMPANY	R	67.48
01	299962	01/07/2021	INNOVATIVE OFFICE SOLUTIONS LLC	R	19,130.24
01	299963	01/07/2021	ALLIED PROFESSIONALS, INC.	R	952.00
01	299964	01/07/2021	ALLSTATE LEASING	R	942.75
01	299965	01/07/2021	ARVIG ENTERPRISES INC	R	1,107.90
01	299966	01/07/2021	BRAEMAR MAILING SERVICE INC	R	148.80
01	299967	01/07/2021	BRAMBILLA'S LEASE SYSTEMS, INC	R	2,161.00
01	299968	01/07/2021	CAPTIVATE MEDIA & CONSULTING	R	1,240.00
01	299969	01/07/2021	CEL PUBLIC RELATIONS, INC.	R	1,650.00
01	299970	01/07/2021	CHESS & STRATEGY GAME ASSOCIATION	R	261.12
01	299971	01/07/2021	COMCAST	R	270.12
01	299972	01/07/2021	COMCAST BUSINESS	R	244.74
01	299973	01/07/2021	DARK KNIGHT SOLUTIONS, LLC	R	350.00
01	299974	01/07/2021	ECM PUBLISHERS INC	R	119.00
01	299975	01/07/2021	FIREFLY COMPUTERS, LLC	R	285.00
01	299976	01/07/2021	HENNEPIN COUNTY TREASURER	R	3,110.20
01	299977	01/07/2021	HILLYARD	R	7,765.00
01	299978	01/07/2021	JAMES E MARSHALL JR	R	20.00
01	299979	01/07/2021	KINECT ENERGY INC	R	515.00
01	299980	01/07/2021	LOFFLER COMPANIES	R	9,879.54
01	299981	01/07/2021	MSOPA	R	50.00
01	299982	01/07/2021	MULTILINGUAL WORD INC	R	3,366.75
01	299983	01/07/2021	NORTH DAKOTA CHILD SUPPORT PYMT CNT	R	39.60
01	299984	01/07/2021	REALITYWORKS, INC.	R	3,689.35

01	299985	01/07/2021	RYAN JEANNIE M	R	642.91
01	299986	01/07/2021	SFM	R	1,105.00
01	299987	01/07/2021	TAFFE SARAH ANN	R	8,165.60
01	299988	01/07/2021	THE RETROFIT COMPANIES, INC.	R	6,262.50
01	299989	01/07/2021	TWIN CITY TRANSPORTATION	R	284,853.51
01	299990	01/07/2021	VERIZON WIRELESS	R	508.21
01	299991	01/07/2021	VISUALZ	R	6,704.50
01	299992	01/07/2021	WINONA STATE UNIVERSITY	R	3,000.00
01	299993	01/07/2021	WOODBURN PRESS	R	70.40
01	299994	01/07/2021	XCEL ENERGY	R	5,132.33
01	V610482	01/07/2021	PHOEBE L ANDERSON	R	24.21
01	V610483	01/07/2021	SUE D BESSER	R	8.05
01	V610484	01/07/2021	MIRIAM A CASTRO SANJUAN	R	40.00
01	V610485	01/07/2021	PHIL N CEDER	R	40.00
01	V610486	01/07/2021	MARY L CLARKSON	R	70.00
01	V610487	01/07/2021	LATANYA R DANIELS	R	3,132.15
01	V610488	01/07/2021	GEORGE A DENNIS	R	35.00
01	V610489	01/07/2021	WM NATHAN EDWARDS	R	173.38
01	V610490	01/07/2021	SARAH M EGBERG	R	200.00
01	V610491	01/07/2021	JARED ELLERSON	R	70.00
01	V610492	01/07/2021	JUAN R FIGUEROA GARCIA	R	45.00
01	V610493	01/07/2021	RYAN D FINKE	R	70.00
01	V610494	01/07/2021	PETER J FITZPATRICK	R	40.00
01	V610495	01/07/2021	STEVEN T FLUCAS	R	70.00
01	V610496	01/07/2021	MICHAEL L FRANKENBERG	R	70.00
01	V610497	01/07/2021	RACHEL GENS	R	70.00
01	V610498	01/07/2021	AREND J GEURINK	R	70.00
01	V610499	01/07/2021	JAMES A GILLIGAN	R	70.00
01	V610500	01/07/2021	CHRISTINA M GONZALEZ	R	70.00
01	V610501	01/07/2021	KYLE L GUSTAFSON	R	40.00
01	V610502	01/07/2021	KEVIN D HARRIS	R	40.00
01	V610503	01/07/2021	JAMES L HILL	R	40.00
01	V610504	01/07/2021	CARLONDREA D HINES	R	70.00
01	V610505	01/07/2021	JESSICA M HOFFMAN	R	40.00
01	V610506	01/07/2021	CRAIG D HOLJE	R	70.00
01	V610507	01/07/2021	JANICE JORENBY	R	70.00
01	V610508	01/07/2021	CORY J KLINGE	R	70.00
01	V610509	01/07/2021	DANIEL E KRETSINGER	R	70.00
01	V610510	01/07/2021	ANOOP KUMAR	R	40.00
01	V610511	01/07/2021	RACHAEL G LENMARK	R	10.50
01	V610512	01/07/2021	COLLEEN M MAHONEY	R	70.00
01	V610513	01/07/2021	MICHAEL A MANNING	R	70.00
01	V610514	01/07/2021	DANIEL P MCGINN	R	40.00
01	V610515	01/07/2021	DOUG R MCMEEKIN	R	70.00
01	V610516	01/07/2021	CAROLE R MCNAUGHTON-COMMERS	R	70.00
01	V610517	01/07/2021	KENT D MEYER	R	70.00
01	V610518	01/07/2021	ALECIA M MOBLEY	R	70.00
01	V610519	01/07/2021	CHRISTINE M MUSCO	R	51.00
01	V610520	01/07/2021	LISA M NEGUS	R	70.00
01	V610521	01/07/2021	ERIN H NEILON	R	40.00

01	V610522	01/07/2021	DANA A NELSON	R	10.93
01	V610523	01/07/2021	ROBERT G OLSON	R	40.00
01	V610524	01/07/2021	LAURA B OTTERNESS	R	70.00
01	V610525	01/07/2021	MARK S PEDERSEN	R	40.00
01	V610526	01/07/2021	DENNIS E PETERSON	R	35.00
01	V610527	01/07/2021	CASSANDRA QUAM	R	70.00
01	V610528	01/07/2021	RENEE C REED-KARSTENS	R	40.00
01	V610529	01/07/2021	KEITH D RIEF	R	40.00
01	V610530	01/07/2021	TERESA L ROSEN	R	70.00
01	V610531	01/07/2021	MAUREEN E RUHLAND	R	40.00
01	V610532	01/07/2021	TIMECKA MARIE SANCHEZ-MICHAELS	R	70.00
01	V610533	01/07/2021	AMBER M SCHAUER	R	490.00
01	V610534	01/07/2021	MARTA I SHAHSAVAND	R	70.00
01	V610535	01/07/2021	DANE A SMITH	R	20.59
01	V610536	01/07/2021	NANCY J STACHEL	R	70.00
01	V610537	01/07/2021	MORGAN L STEELE	R	59.88
01	V610538	01/07/2021	PATRICK M SURE	R	40.00
01	V610539	01/07/2021	STACY THEIEN-COLLINS	R	70.00
01	V610540	01/07/2021	VLADIMIR S TOLEDO	R	40.00
01	V610541	01/07/2021	IAN D TOLENTINO	R	40.00
01	V610542	01/07/2021	STEVEN P UNOWSKY	R	270.00
01	V610543	01/07/2021	STEPHEN C URBANSKI	R	40.00
01	V610544	01/07/2021	CARRIE A VALA	R	70.00
01	V610545	01/07/2021	JENNIFER K VALLEY	R	70.00
01	V610546	01/07/2021	RYAN WAGNER	R	40.00
01	V610547	01/07/2021	REBECCA S WALD	R	40.00
01	V610548	01/07/2021	KASYA L WILLHITE	R	70.00
01	V610549	01/07/2021	AMY J WINTER AHSENMACHER	R	70.00
01	299995	01/12/2021	BLUE CROSS BLUE SHIELD OF MINNESOTA	R	1,760.50
01	299996	01/12/2021	CAPITAL ONE COMMERCIAL	R	112.90
01	299997	01/12/2021	CENTURYLINK	R	42.03
01	299998	01/12/2021	MUSIC IS ELEMENTARY	R	102.59

TOTAL CHECK, E-PAY & PCARD REGISTER

404,665.45

CHECK & E-PAY RUNS FOR 01/19/2021 BOARD REPORTS

BANK 05	DATE	AMOUNT
P-CARDS, DECEMBER 2020	1/4/2021	21,191.19
CHECKS	1/7/2021	354,612.83
CHECKS-Federal CARES Funding	1/7/2021	19,197.72
	1/12/2021	2,018.02
E-PAY	1/7/2021	7,645.69

CHECK REGISTER BANK 05 TOTAL =	404,665.45
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BREAKDOWN	
01-206-00	100,168.54
02-206-00	7,791.72
03-206-00	285,324.70
04-206-00	11,310.49
06-206-00	70.00
07-206-00	-
08-206-00	-
20-206-00	-
21-206-00	-
47-206-00	-
50-206-00	-
BANK TOTAL =	404,665.45

SUPERINTENDENT'S REPORT AND AGENDA

Regular Meeting of the Board of Education
Independent School District No. 280, Richfield, Minnesota

Richfield Public Schools *inspires* and *empowers* each individual to learn, grow and *excel*

**Tuesday, January 19, 2021
7:00 p.m. School Board Meeting**

I. CALL TO ORDER

The regular meeting of the Board of Education of ISD 280, Hennepin County, Richfield, Minnesota was held on Tuesday, January 19, 2021 in the boardroom at the Richfield Public Schools district office, with an option for joining virtually due to the current federal and state emergency declarations and guidance about limiting person-to-person contact because of the COVID-19 (coronavirus) pandemic. Chair Timothy Pollis called the Regular Board Meeting to order at 7:04 pm with the following school board members in attendance: Brakke (virtually), Cole (virtually), Maleck, Smisek, and Toensing.

Administrators present were Superintendent Unowsky, Executive Director Clarkson (virtually), Asst. Superintendent Daniels (virtually), and Chief HR & Admin Officer Holje (virtually).

II. REVIEW AND APPROVAL OF THE AGENDA

Motion by Maleck, seconded by Toensing, and unanimously carried, the Board of Education approved the amended agenda.

III. INFORMATION AND PROPOSALS -- NON-ACTION ITEMS

- A. Public Comment
- B. Superintendent Update
 - 1. Pandemic & Learning Model Update
 - 2. Strategic Plan 2021-2026 Richfield Realized
 - 3. Year-to-Date Finance Update

IV. CONSENT AGENDA

Motion by Brakke, seconded by Smisek, and unanimously carried, the Board of Education approved the consent agenda.

- A. Routine Matters
 - 1. Minutes of the organizational meeting held January 4, 2021
 - 2. General Disbursements as of 1/12/21 in the amount of \$404,665.45
- B. Personnel Items

Certified Full Time Request for Leave of Absence
Elizabeth Zehnpfennig – German Teacher – RHS

Certified Full Time Request for Retirement
Ruth Jamieson – MLL/ESL Teacher – Centennial

Mary Supple – Grade 6 – RMS

Classified Part Time Position For Employment – Nutrition Services

Lili Cuate Pliego – 5.5 hr/day Kitchen Assistant – RDLS

Classified Full Time Position for Employment – Nutrition Services

Sherri Medvec – 8 hr/day, Kitchen Manager – Sheridan Hills Elementary

Classified Part Time Resignation – Paraprofessional

Rebeka Holmberg – 6.5 hr/day – Sped Para

V. OLD BUSINESS

A. Policy 113 - Bullying Prohibition

Motion by Smisek, seconded by Toensing, and unanimously carried, the Board of Education approved the policy.

B. Policy 103 - Harassment Prohibition & Administrative Guideline 103.2

Motion by Brakke, seconded by Cole, and unanimously carried, the Board of Education approved the policy.

C. Policy 115 - Title IX - second read

VI. NEW BUSINESS

A. Policy 581 - Protection and Privacy of Pupil Records & Administrative Guidelines 581.1 & 581.2 - first read

B. 2021 Represent a School Assignments

Motion by Toensing, seconded by Maleck, and unanimously carried, the Board of Education approved the assignments.

C. 2021 Board Liaison Assignments

Motion by Maleck, seconded by Toensing, and unanimously carried, the Board of Education approved the assignments.

D. Amended Resolution Designating Polling Places for 2021

Motion by Maleck, seconded by Smisek, and unanimously carried, the Board of Education approved the amended resolution.

E. Donations

Motion by Smisek, seconded by Toensing, and unanimously carried, the Board of Education accepts the donations with gratitude.

VII. ADVANCE PLANNING

A. Legislative Update

B. Information and Questions from Board

C. Future Meeting Dates

2-1-2021

7:00 p.m.

Regular Board Meeting

Tuesday

2-16-2021

7:00 p.m.

Regular Board Meeting - Public Comment

D. Suggested/Future Agenda Items

~~VIII. CLOSED SESSION AS ALLOWED BY MINNESOTA STATUTE 13D.03 FOR LABOR
NEGOTIATIONS STRATEGY~~

~~IX. REOPEN MEETING~~

X. ADJOURN REGULAR MEETING

Chair Pollis adjourned the meeting at 8:26 pm.

FUND	CHECK	DATE	VENDOR	TYPE	AMOUNT
01	299999	01/13/2021	NEW PRAGUE DANCE TEAM	R	300.00
01	300000	01/14/2021	BLUE CROSS BLUE SHIELD OF MINNESOTA	R	8,360.00
01	300001	01/14/2021	CENTURYLINK	R	71.00
01	300002	01/14/2021	CHENG & TSUI COMPANY INC	R	755.90
01	300003	01/14/2021	CITY OF RICHFIELD	R	5,409.39
01	300004	01/14/2021	COMCAST BUSINESS	R	529.74
01	300005	01/14/2021	DICKS LAKEVILLE SANITATION INC	R	7,045.91
01	300006	01/14/2021	FATH CUTTER, NOELLA	R	4,500.00
01	300007	01/14/2021	H BROOKS AND COMPANY LLC	R	2,063.89
01	300008	01/14/2021	HOME DEPOT U.S.A.	R	1,313.45
01	300009	01/14/2021	LAJ CONSULTING, LLC	R	600.00
01	300010	01/14/2021	LARSON ENGINEERING	R	2,000.00
01	300011	01/14/2021	LOFFLER COMPANIES	R	151.00
01	300012	01/14/2021	MACKIN BOOK COMPANY	R	270.75
01	300013	01/14/2021	MATRIX COMMUNICATIONS INC	R	1,345.50
01	300014	01/14/2021	MINNESOTA STATE HIGH SCHOOL LEAGUE	R	70.00
01	300015	01/14/2021	MULTILINGUAL WORD INC	R	725.00
01	300016	01/14/2021	NCS PEARSON INC	R	340.97
01	300017	01/14/2021	PAN O GOLD BAKING CO	R	229.40
01	300018	01/14/2021	PLAINVIEW MILK PRODUCTS COOPERATIVE	R	3,256.81
01	300019	01/14/2021	RICHFIELD CHAMBER OF COMMERCE	R	1,420.00
01	300020	01/14/2021	RUPP ANDERSON SQUIRES & WALDSPURGER	R	4,809.31
01	300021	01/14/2021	STRATEGIC STAFFING SOLUTIONS	R	5,880.00
01	300022	01/14/2021	TRIO SUPPLY COMPANY	R	359.06
01	300023	01/14/2021	UPPER LAKES FOODS	R	5,444.30
01	300024	01/14/2021	XCEL ENERGY	R	44.97
01	300025	01/21/2021	ALLIED PROFESSIONALS, INC.	R	952.00
01	300026	01/21/2021	ARAMARK	R	71.93
01	300027	01/21/2021	ASPEN EQUIPMENT CO	R	1,579.32
01	300028	01/21/2021	BEN FRANKLIN ELECTRIC INC	R	642.00
01	300029	01/21/2021	BLUETARP FINANCIAL	R	29.98
01	300030	01/21/2021	CARQUEST AUTO PARTS	R	337.16
01	300031	01/21/2021	CATALYST BUYING GROUP LLC	R	914.99
01	300032	01/21/2021	CINTAS CORPORATION NO 2	R	539.80
01	300033	01/21/2021	CITY OF RICHFIELD	R	200.00
01	300034	01/21/2021	CONTINENTAL RESEARCH CORP	R	1,125.45
01	300035	01/21/2021	CULLIGAN SOFT WATER	R	9.50
01	300036	01/21/2021	DIGITAL INSURANCE LLC	R	3,537.00
01	300037	01/21/2021	DOOR SERVICE COMPANY OF THE TWIN CI	R	686.00
01	300038	01/21/2021	ECM PUBLISHERS INC	R	130.90
01	300039	01/21/2021	EDUCATORS BENEFIT CONSULTANTS LLC	R	432.97
01	300040	01/21/2021	FUN AND FUNCTION LLC	R	33.44
01	300041	01/21/2021	GROUP MEDICAREBLUE RX	R	6,493.00
01	300042	01/21/2021	GSSC-GENERAL SECURITY SERVICE	R	701.70
01	300043	01/21/2021	H BROOKS AND COMPANY LLC	R	241.43
01	300044	01/21/2021	HILDI INC.	R	2,745.00
01	300045	01/21/2021	HILLYARD	R	9,880.37
01	300046	01/21/2021	HOGLUND BUS CO INC	R	825.95
01	300047	01/21/2021	HOPE CHURCH	R	14,062.22

01	300048	01/21/2021	IDEAL ENERGIES LLC	R	992.09
01	300049	01/21/2021	IIX INSURANCE INFORMATION EXCHANGE	R	65.20
01	300050	01/21/2021	INTEGRATED FIRE & SECURITY INC	R	793.20
01	300051	01/21/2021	INTERMEDIATE DISTRICT 287	R	105,010.24
01	300052	01/21/2021	KINECT ENERGY INC	R	39,946.48
01	300053	01/21/2021	KREMER SERVICES LLC	R	1,437.80
01	300054	01/21/2021	LEROY'S GREAT BEAR	R	29.99
01	300055	01/21/2021	LOFFLER	R	1,225.09
01	300056	01/21/2021	MADISON NATIONAL LIFE INS CO INC	R	19,157.16
01	300057	01/21/2021	MASBO	R	110.00
01	300058	01/21/2021	MATRIX COMMUNICATIONS INC	R	2,775.00
01	300059	01/21/2021	METROPOLITAN MECHANICAL CONTRACTORS	R	2,668.00
01	300060	01/21/2021	MN DEPT OF LABOR AND INDUSTRY	R	130.00
01	300061	01/21/2021	NOKOMIS SHOE SHOP	R	125.00
01	300062	01/21/2021	NORTH DAKOTA CHILD SUPPORT PYMT CNT	R	39.60
01	300063	01/21/2021	PAN O GOLD BAKING CO	R	119.60
01	300064	01/21/2021	PREMIUM WATERS INC	R	28.00
01	300065	01/21/2021	QUALITY FLOW SYSTEMS, INC.	R	864.00
01	300066	01/21/2021	RIVERSIDE INSIGHTS	R	660.00
01	300067	01/21/2021	SCHOOL SERVICE EMPLOYEES UNION	R	7,839.24
01	300068	01/21/2021	SHERWIN WILLIAMS CO	R	521.09
01	300069	01/21/2021	SPOTIFY USA INC.	R	488.50
01	300070	01/21/2021	PARK ADAM TRANSPORTATION	R	27,303.47
01	300071	01/21/2021	SUBURBAN TIRE WHOLESALE	R	839.30
01	300072	01/21/2021	SUMMIT COMPANIES	R	2,834.00
01	300073	01/21/2021	SUPER DUPER PUBLICATIONS	R	124.00
01	300074	01/21/2021	TOLL COMPANY	R	44.77
01	300075	01/21/2021	TRIO SUPPLY COMPANY	R	287.08
01	300076	01/21/2021	TWIN CITY FILTER SERVICE INC	R	519.75
01	300077	01/21/2021	UNITED HEALTHCARE	R	159.60
01	300078	01/21/2021	UNITED HEALTHCARE INSURANCE CO	R	479.54
01	300079	01/21/2021	UNITED STATES TREASURER	R	430.00
01	300080	01/21/2021	UNIVERSITY OF MINNESOTA	R	10,440.00
01	300081	01/21/2021	UPPER LAKES FOODS	R	5,707.90
01	300082	01/21/2021	VOSS ELECTRIC CO	R	256.50
01	300083	01/21/2021	XCEL ENERGY	R	90.74
01	300084	01/21/2021	ZAYO GROUP HOLDINGS	R	8,612.68
01	300085	01/25/2021	ABSOLUTE COMMERCIAL FLOORING, INC.	R	768.00
01	300086	01/25/2021	ALL FURNITURE INC	R	3,146.23
01	300087	01/25/2021	AMERICAN DRAPERY SYSTEMS, INC.	R	20,150.00
01	300088	01/25/2021	BRAUN INTERTEC CORP	R	2,483.50
01	300089	01/25/2021	CORVAL CONSTRUCTION	R	81,699.21
01	300090	01/25/2021	EBERT CONSTRUCTION	R	347,277.97
01	300091	01/25/2021	ICS CONSULTING, INC.	R	77,833.93
01	300092	01/25/2021	INSTITUTE FOR ENVIROMENTAL	R	8,024.12
01	300093	01/25/2021	LS BLACK CONSTRUCTORS, INC.	R	720,602.39
01	300094	01/25/2021	MCDONOUGH'S SEWER SERVICES, INC.	R	502.00
01	300095	01/25/2021	PHILLIP HUCH	R	1,520.00
01	300096	01/25/2021	SHAW-LUNDQUIST ASSOCIATES, INC.	R	921,897.16
01	300097	01/25/2021	WASCHE COMMERCIAL FINISHES, INC.	R	850.00

01	300098	01/25/2021	WOLD ARCHITECTS AND ENGINEERS	R	27,959.23
01	300100	01/26/2021	AMAZON.COM SYNCB/AMAZON	R	3,762.91
01	300101	01/26/2021	LANGUAGE LINE SERVICE	R	2,210.27
TOTAL CHECK REGISTER					2,567,309.99

CHECK & E-PAY RUNS FOR 02/01/2021 BOARD REPORTS

BANK 05	DATE	AMOUNT
CHECKS	1/13/2021	300.00
	1/14/2021	56,996.35
	1/21/2021	289,326.72
	1/26/2021	5,973.18
CONSTRUCTION CHECKS	1/25/2021	2,214,713.74

CHECK REGISTER BANK 05 TOTAL =	2,567,309.99
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BREAKDOWN	
01-206-00	284,711.95
02-206-00	23,393.01
03-206-00	33,222.53
04-206-00	9,500.26
06-206-00	2,214,713.74
07-206-00	-
08-206-00	-
20-206-00	1,202.58
21-206-00	565.92
47-206-00	-
50-206-00	-
BANK TOTAL =	2,567,309.99

RICHFIELD PUBLIC SCHOOLS

Investment Holdings as of
January 25, 2021

Description	Matures	Rate	Cost	General Operating	Custodial (Scholarships)	2018A Bond	2018B Bond	OPEB Bond
FORESIGHT BANK	01/27/21	2.56%	237,500.00	237,500.00	-	-	-	-
ASSOCIATED BANK, NA - C	01/27/21	2.61%	1,000,000.00	1,000,000.00	-	-	-	-
MECHANICS SAVINGS, A DIVISION OF	01/27/21	2.56%	237,500.00	237,500.00	-	-	-	-
FIRST INTERNET BANK OF INDIANA	02/04/21	1.85%	243,300.00	243,300.00	-	-	-	-
TBK BANK, SSB / THE NATIONAL BANK	02/04/21	1.75%	243,600.00	243,600.00	-	-	-	-
CITADEL FCU	02/18/21	1.63%	245,900.00	245,900.00	-	-	-	-
GRANITE COMMUNITY BANK / FIRST N	02/18/21	1.53%	246,200.00	246,200.00	-	-	-	-
FIELDPOINT PRIVATE BANK & TRUST	02/18/21	1.55%	246,100.00	246,100.00	-	-	-	-
CITY NATL BK - BEV HILLS	02/25/21	1.55%	245,241.26	245,241.26	-	-	-	-
TEXAS CAPITAL BANK	06/28/21	0.30%	248,700.00	248,700.00	-	-	-	-
BANK OF CHINA	08/20/21	0.34%	248,100.00	248,100.00	-	-	-	-
CIBM BANK	10/19/21	0.10%	249,600.00	249,600.00	-	-	-	-
SERVISFIRST BANK	10/19/21	0.70%	247,700.00	247,700.00	-	-	-	-
BMO HARRIS BANK, NA	01/26/22	0.28%	4,000,000.00	4,000,000.00	-	-	-	-
Capital One, National Association Cert	08/16/21	2.10%	160,000.00	-	160,000.00	-	-	-
ASSOCIATED BANK, NA - C	01/25/21	2.66%	500,000.00	-	-	500,000.00	-	-
County of El Paso TX	02/15/21	2.37%	794,768.00	-	-	794,768.00	-	-
COLLIN CO-B-REF-TXBL	02/15/21	2.43%	260,982.50	-	-	260,982.50	-	-
FINANCIAL FEDERAL BANK	02/25/21	2.65%	237,100.00	-	-	237,100.00	-	-
ASSOCIATED BANK, NA (N)	02/25/21	2.67%	237,100.00	-	-	237,100.00	-	-
ASSOCIATED BANK, NA - C	02/25/21	2.50%	1,000,000.00	-	-	1,000,000.00	-	-
HOUSTON-B-TXBL	03/01/21	2.43%	555,861.60	-	-	555,861.60	-	-
State of Maryland	03/15/21	2.38%	501,430.00	-	-	501,430.00	-	-
ASSOCIATED BANK, NA - C	04/23/21	2.67%	500,000.00	-	-	500,000.00	-	-
US TREASURY N/B	05/15/21	2.36%	1,023,164.05	-	-	1,023,164.05	-	-
State of Arkansas	06/01/21	2.43%	1,520,460.00	-	-	1,520,460.00	-	-
MEMPHIS-C-BABS	07/01/21	2.68%	312,489.00	-	-	312,489.00	-	-
FEDERAL HOME LOAN BANK	07/14/21	2.40%	959,446.61	-	-	959,446.61	-	-
FEDERAL HOME LOAN BANK	07/14/21	2.40%	479,723.30	-	-	479,723.30	-	-
State of Hawaii	08/01/21	2.45%	357,371.00	-	-	357,371.00	-	-
US TREASURY N/B	08/31/21	2.40%	493,398.44	-	-	493,398.44	-	-

RICHFIELD PUBLIC SCHOOLS

Investment Holdings as of
January 25, 2021

Description	Matures	Rate	Cost	General Operating	Custodial (Scholarships)	2018A Bond	2018B Bond	OPEB Bond
FANNIE MAE	10/07/21	2.45%	481,788.31	-	-	481,788.31	-	-
City & County of Honolulu HI	11/01/21	2.55%	497,605.00	-	-	497,605.00	-	-
MN TRUST TERM SERIES	01/25/21	0.07%	2,000,000.00	-	-	-	2,000,000.00	-
PACIFIC WESTERN BANK	04/23/21	3.19%	233,400.00	-	-	-	233,400.00	-
CIBC BANK USA / PRIVATE BANK - MI	08/25/21	2.69%	234,000.00	-	-	-	234,000.00	-
FIRST NATIONAL BANK	08/25/21	2.78%	233,500.00	-	-	-	233,500.00	-
GREAT MIDWEST BANK	08/25/21	2.68%	120,000.00	-	-	-	120,000.00	-
CFG BANK	04/01/21	1.74%	243,500.00	-	-	-	-	243,500.00
IOWA VLY IA CMNTY CLG	06/01/21	1.55%	587,258.10	-	-	-	-	587,258.10
LANDMARK COMMUNITY BANK	06/30/21	0.07%	249,800.00	-	-	-	-	249,800.00
OXFORD-C-REF	08/01/21	1.70%	300,516.00	-	-	-	-	300,516.00
FIRST CAPITAL BANK	10/07/21	0.10%	249,400.00	-	-	-	-	249,400.00
T BANK, NA	10/12/21	1.51%	100,000.00	-	-	-	-	100,000.00
VERITEX COMMUNITY BANK	01/20/22	0.09%	249,700.00	-	-	-	-	249,700.00
GBC INTERNATIONAL BANK	01/20/22	0.09%	249,700.00	-	-	-	-	249,700.00
Bank OZK	02/28/22	2.65%	230,100.00	-	-	-	-	230,100.00
TULSA CO ISD #3-TXBL	04/01/22	2.58%	693,178.90	-	-	-	-	693,178.90
HONOLULU CITY and CNTY	10/01/22	1.58%	965,371.30	-	-	-	-	965,371.30
TEXAS ST-C-REF-TXBL	10/01/22	1.61%	784,606.90	-	-	-	-	784,606.90
HONOLULU-E-TXBL	10/01/22	1.61%	282,931.00	-	-	-	-	282,931.00
ROBBINSDALE ISD-B-REF	02/01/23	0.13%	2,716,236.55	-	-	-	-	2,716,236.55
HAWAII-FA-TXBL	10/01/23	1.62%	882,359.50	-	-	-	-	882,359.50
Total Investments Held			30,417,687.32	7,939,441.26	160,000.00	10,712,687.81	2,820,900.00	8,784,658.25

Agenda Item IV.B

Board of Education
Independent School District 280
Richfield, Minnesota

Regular Meeting, February 1, 2021

Subject: PERSONNEL ITEMS
(Recommended by Superintendent)

That the Board of Education approve the following personnel items:

Certified Full Time Position for Employment – Temp Contract
Brenna Peterson – Science Teacher - RHS

Classified Part Time Position For Employment – Paraprofessional
Sara Acevedo – 7 hr/day, Paraprofessional Health Assistant, Centennial
Kimberly Hernandez Xochipiltécalt – 6.5 hr/day, Special Ed Paraprofessional, STEM

Classified Full Time Position For Employment – Paraprofessional
Jason Boie – 8 hr/day, Instructional Paraprofessional, Centennial Elementary
Jada Gardner – 8 hr/day, Instructional Paraprofessional, RMS

Classified Part Time Position for Employment – Facilities/Transportation
John Ashmead – 2 hr/day, Bus Driver

Classified Part Time Position For Employment – Nutrition Services
Carmen Sarmiento – 5.5 hr/day, Kitchen Assistant Sheridan Hills

Classified Part Time Resignation – Facilities/Transportation
Manisha Sephus – Bus driver

Board of Education
Independent School District 280
Richfield, Minnesota

Regular Meeting, February 1, 2021

Subject: Title IX Policy

(Recommended by the Superintendent)

Passage upon a third read of the new policy.

While this policy is mainly concerned with regulations and how issues are handled, RPS engages in a number of proactive steps to promote and support a harassment-free environment. RPS provides K-12 sexual harassment reduction teaching and curriculum integrated into the health curriculum. The district provides gender inclusion training and sex trafficking prevention training to staff. Additionally, RPS partners with the city and county to train and educate students and staff.

Attachments:

Policy 115: Title IX - redlined

Harassment, Violence, and Bullying Report Form

MSBA Model Policy 522: Title IX Sex Nondiscrimination Policy, Grievance Procedure and Process

MSBA Model Harassment and Violence Report Form

RICHFIELD PUBLIC SCHOOLS

TITLE IX POLICY

I. GENERAL STATEMENT OF POLICY

A. The school district does not discriminate on the basis of sex in its education programs or activities, and it is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The school district is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

B. The school district prohibits sexual harassment that occurs within its education programs and activities. When the school district has actual knowledge of sexual harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.

C. This policy applies to sexual harassment that occurs within the school district's education programs and activities and that is committed by a school district employee, student, or other members of the school community. This policy does not apply to sexual harassment that occurs off school grounds, in a private setting, and outside the scope of the school district's education programs and activities. This policy does not apply to sexual harassment that occurs outside the geographic boundaries of the United States, even if the sexual harassment occurs in the school district's education programs or activities.

D. Nothing in this policy shall prevent an individual from reporting harassment that does not fall under the category of sexual harassment as defined by Title IX. Other forms of harassment are prohibited by Policy 103 – Harassment Prohibition, which provides a separate reporting and investigation process from that which is defined in this policy.

E. Any student, parent, or guardian having questions regarding the application of Title IX and its regulations and/or this policy and grievance process should discuss them with the Title IX Coordinator. The school district's Title IX Coordinator is:

**CRAIG HOLJE, CHIEF HUMAN RESOURCES &
ADMINISTRATIVE OFFICER, 612-798-6031, 7001 HARRIET AVE
S, RICHFIELD MN.**

The Title IX coordinator also serves as the district human rights officer, and it is ultimately the responsibility of this individual to determine whether any allegations of sexual harassment fall under the purview of this policy or under Policy 103: Harassment Prohibition and to proceed according to the correct policy. If the complaint involves the human rights officer, the complaint shall be filed directly with the superintendent, and the superintendent shall then assume that responsibility.

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

- F. This policy applies to alleged violations of this policy occurring on or after August 14, 2020.

II. DEFINITIONS

- A. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the school district's Title IX Coordinator or to any employee of the school district. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the school district with actual knowledge is the respondent.
- B. "Complainant" means a person who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. A Title IX Coordinator who signs a formal complaint is not a complainant unless the Title IX Coordinator is alleged to be the victim of the conduct described in the formal complaint.
- C. "Day" or "days" means, unless expressly stated otherwise, business days (i.e. day(s) that the school district office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).
- A. "Deliberately indifferent" means clearly unreasonable in light of the known circumstances. The school district is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.
- B. "Education program or activity" means locations, events, or circumstances for which the school district exercises substantial control over both the respondent and the context in which the sexual harassment occurs and includes school district education programs or activities that occur on or off of school district property.
- C. "Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment

against a respondent and requesting that the school district investigate the allegation of sexual harassment.

1. A formal complaint filed by a complainant must be a physical document or an electronic submission. The formal complaint must contain the complainant's physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint, and must be submitted to the Title IX Coordinator in person, by mail, or by email.

2. A formal complaint shall state that, at the time of filing the formal complaint, the complainant was participating in, or attempting to participate in, an education program or activity of the school district with which the formal complaint is filed.

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

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

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

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

H. "Sexual harassment" means any of three types of misconduct on the basis of sex that occurs in a school district education program or activity and is committed against a person in the United States:

1. *Quid pro quo* harassment by a school district employee (conditioning the provision of an aid, benefit, or service of

the school district on an individual's participation in unwelcome sexual conduct);

2. Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or

3. Any instance of sexual assault (as defined in the Clery Act, 20 U.S.C. §1092(f)(6)A(v)), dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act, 34 U.S.C. §12291).

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

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

1. "Title IX Coordinator" means an employee of the school district that coordinates the school district's efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator is responsible for acting as the primary contact for the parties and ensuring that the parties are provided with all notices, evidence, reports, and written determinations to which they are entitled under this policy and grievance process. The Title IX Coordinator is also responsible for effective implementation of any supportive measures or remedies. The Title IX Coordinator must be free from conflicts of interest and bias when administering the grievance process.

2. "Investigator" means a person who investigates a formal complaint. The investigator of a formal complaint may not be the same person as the Decision-maker or the Appellate Decision-maker. The Investigator may be a school district employee, school district official, or a third party designated

by the school district.

3. “Decision-maker” means a person who makes a determination regarding responsibility after the investigation has concluded. The Decision-maker cannot be the same person as the Title IX Coordinator, the Investigator, or the Appellate Decision-maker.
4. “Appellate Decision-maker” means a person who considers and decides appeals of determinations regarding responsibility and dismissals of formal complaints. The Appellate Decision-maker cannot be the same person as the Title IX Coordinator, Investigator, or Decision-maker. The Appellate Decision-maker may be a school district employee, or a third party designated by the school district.
5. The superintendent of the school district may delegate functions assigned to a specific school district employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, Investigator, Decision-maker, Appellate Decision-maker, and facilitator of informal resolution processes, to any suitably qualified individual and such delegation may be rescinded by the superintendent at any time. The school district may also, in its discretion, appoint suitably qualified persons who are not school district employees to fulfill any function under this policy, including, but not limited to, Investigator, Decision-maker, Appellate Decision-maker, and facilitator of informal resolution processes.

III. BASIC REQUIREMENTS FOR GRIEVANCE PROCESS

A. Equitable Treatment

1. The school district shall treat complainants and respondents equitably. However, equality or parity with respect to supportive measures provided to complainants and respondents is not required. The district must make reasonable accommodations to the grievance process as necessary for individuals with disabilities.
2. The school district will not impose any disciplinary sanctions or take any other actions against a respondent that do not constitute supportive measures until it has completed this grievance process and the respondent has been found responsible.
3. The school district will provide appropriate remedies to the complainant any time a respondent is found responsible.

B. Objective and Unbiased Evaluation of Complaints

1. Title IX Personnel, including the Title IX Coordinator, Investigator, Decision-maker, and Appellate Decision-maker, shall be free from conflicts of interest or bias for or against complainants or respondents generally or a specific complainant or respondent. As appropriate, the Title IX Coordinator may retain legal counsel to serve as unbiased Title IX Personnel.

2. Throughout the grievance process, Title IX Personnel will objectively evaluate all relevant evidence, inculpatory and exculpatory, and shall avoid credibility determinations based solely on a person's status as a complainant, respondent, or witness.

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

D. Confidentiality

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

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

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

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

F. Notice

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

G. Consolidation

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

H. Evidence

1. During the grievance process, the school district will not require, allow, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

2. The school district shall not access, consider, disclose, or otherwise use a party's medical, psychological, and similar treatment records unless the school district obtains the party's voluntary, written consent.

I. Burden of Proof

1. The burden of gathering evidence and the burden of proof shall remain upon the school district and not upon the parties.

2. The grievance process shall use a preponderance of the evidence standard (i.e. whether it is more likely than not that

the respondent engaged in sexual harassment) for all formal complaints of sexual harassment, including when school district employees are respondents.

J. Timelines

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

K. Potential Remedies and Disciplinary Sanctions

1. The following is the range of possible remedies that the school district may provide a complainant and disciplinary sanctions that the school district might impose upon a respondent, following determination of responsibility: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual or unilateral restrictions on contact between the parties, changes in work locations, leaves of absence, monitoring of certain areas of the school district buildings or property, warning, suspension, exclusion, expulsion,

transfer, remediation, termination, or discharge.

- 2.
- If the Decision-maker determines a student-respondent is responsible for violating this policy, the Decision-maker will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the superintendent of the recommended remedies, such that an authorized administrator can consider the recommendation(s) and implement appropriate remedies in compliance with MSBA Model Policy 506 – Student Discipline. The discipline of a student-respondent must comply with the applicable provisions of Minnesota Pupil Fair Dismissal Act, the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

IV. REPORTING PROHIBITED CONDUCT

- A. Any student who believes they have been the victim of unlawful sex discrimination or sexual harassment, or any person (including the parent of a student) with actual knowledge of conduct which may constitute unlawful sex discrimination or sexual harassment toward a student should report the alleged acts as soon as possible to the Title IX Coordinator.
- B. Any employee of the school district who has experienced, has actual knowledge of, or has witnessed unlawful sex discrimination, including sexual harassment, or who otherwise becomes aware of unlawful sex discrimination, including sexual harassment, must promptly report the allegations to the Title IX Coordinator without screening or investigating the report or allegations.
- C. A report of unlawful sex discrimination or sexual harassment may be made at any time, including during non-business hours, and may be made in person, by mail, by telephone, or by e-mail using the Title IX Coordinator's contact information. A report may also be made by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.
- D. Sexual harassment may constitute both a violation of this policy and criminal law. To the extent the alleged conduct may constitute a crime, the School District may report the alleged conduct to law enforcement authorities. The school district encourages complainants to report criminal behavior to the police immediately.

V. INITIAL RESPONSE AND ASSESSMENT BY THE TITLE IX COORDINATOR

- A. When the Title IX Coordinator receives a report, the Title IX

Coordinator shall promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filling a formal complaint .

B. The school district will offer supportive measures to the complainant whether or not the complainant decides to make a formal complaint. The school district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the school district's ability to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

C. If the complainant does not wish to file a formal complaint, the allegations will not be investigated by the school district unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the complainant's wishes is not clearly unreasonable in light of the known circumstances.

D. Upon receipt of a formal complaint, the school district must provide written notice of the formal complaint to the known parties with sufficient time to prepare a response before any initial interview. This written notice must contain:

1. The allegations of sexual harassment, including sufficient details known at the time, the identities of the parties involved in the incident (if known), the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
2. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
3. A statement explaining that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
4. A statement that the parties may inspect and review evidence gathered pursuant to this policy;
5. A statement informing the parties of any code of conduct provision that prohibits knowingly making false statements or knowingly submitting false information; and
6. A copy of this policy.

VI. STATUS OF RESPONDENT DURING PENDENCY OF FORMAL COMPLAINT

A. Emergency Removal of a Student

1. The school district may remove a student-respondent from an education program or activity of the school district on an emergency basis before a determination regarding responsibility is made if:

a. The school district undertakes an individualized safety and risk analysis;

b. The school district determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal of the student-respondent; and

c. The school district determines the student-respondent poses such a threat, it will so notify the student-respondent and the student-respondent will have an opportunity to challenge the decision immediately following the removal. In determining whether to impose emergency removal measures, the Title IX Coordinator shall consult related school district policies, including Policy 541 – Student Behavior. The school district must take into consideration applicable requirements of the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973, prior to removing a special education student or Section 504 student on an emergency basis.

B. Employee Administrative Leave

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

VII. INFORMAL RESOLUTION OF A FORMAL COMPLAINT

A. At any time prior to reaching a determination of responsibility, informal resolution may be offered and facilitated by the school

district at the school district's discretion, but only after a formal complaint has been received by the school district.

B. The school district may not require as a condition of enrollment or continued enrollment, or of employment or continued employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment.

C. The informal resolution process may not be used to resolve allegations that a school district employee sexually harassed a student.

D. The school district will not facilitate an informal resolution process without both parties' agreement, and will obtain their voluntary, written consent. The school district will provide to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, the parties' right to withdraw from the informal resolution process, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

E. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

VIII. DISMISSAL OF A FORMAL COMPLAINT

A. Under federal law, the school district must dismiss a Title IX complaint, or a portion thereof, if the conduct alleged in a formal complaint or a portion thereof:

1. Would not meet the definition of sexual harassment, even if proven;
2. Did not occur in the school district's education program or activity; or
3. Did not occur against a person in the United States.

B. The school district may, in its discretion, dismiss a formal complaint or allegations therein if:

1. The complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein;
2. The respondent is no longer enrolled or employed by the

school district; or

3. Specific circumstances prevent the school district from gathering sufficient evidence to reach a determination.

C. The school district shall provide written notice to both parties of a dismissal. The notice must include the reasons for the dismissal.

D. Dismissal of a formal complaint or a portion thereof does not preclude the school district from addressing the underlying conduct in any manner that the school district deems appropriate.

IX. INVESTIGATION OF A FORMAL COMPLAINT

A. If a formal complaint is received by the School District, the school district will assign or designate an Investigator to investigate the allegations set forth in the formal complaint.

B. If during the course of the investigation the school district decides to investigate any allegations about the complainant or respondent that were not included in the written notice of a formal complaint provided to the parties, the school district must provide notice of the additional allegations to the known parties.

C. When a party's participation is invited or expected in an investigative interview, the Investigator will coordinate with the Title IX Coordinator to provide written notice to the party of the date, time, location, participants, and purposes of the investigative interview with sufficient time for the party to prepare.

D. During the investigation, the Investigator must provide the parties with an equal opportunity to present witnesses for interviews, including fact witnesses and expert witnesses, and other inculpatory and exculpatory evidence.

E. Prior to the completion of the investigative report, the Investigator, through the Title IX Coordinator, will provide the parties and their advisors (if any) with an equal opportunity to inspect and review any evidence directly related to the allegations. The evidence shall be provided in electronic format or hard copy and shall include all relevant evidence, evidence upon which the school district does not intend to rely in reaching a determination regarding responsibility, and any inculpatory or exculpatory evidence whether obtained from a party or another source. The parties will have ten (10) days to submit a written response, which the Investigator will consider prior to completion of the investigative report.

F. The Investigator will prepare a written investigative report that fairly summarizes the relevant evidence. The investigative report may include credibility determinations that are not based on a person's

status as a complainant, respondent or witness. The school district will send the parties and their advisors (if any) a copy of the report in electronic format or hard copy, for their review and written response at least ten (10) days prior to a determination of responsibility.

X. DETERMINATION REGARDING RESPONSIBILITY

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

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

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

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

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

complainant; and

6. The school district's procedures and permissible bases for the complainant and respondent to appeal and the date by which an appeal must be made.

E. In determining appropriate disciplinary sanctions, the Decision-maker should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incident occurred.

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

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

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

XI. APPEALS

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

1. A procedural irregularity that affected the outcome of the matter (e.g., a material deviation from established procedures);

2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

3. The Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

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

- 1 C. After reviewing the parties' written statements, the Appellate
2 Decision-maker must issue a written decision describing the result
3 of the appeal and the rationale for the result.
4
- 5 D. The written decision describing the result of the appeal must be
6 provided simultaneously to the parties.
7
- 8 E. The decision of the Appellate Decision-maker is final. No further
9 review beyond the appeal is permitted.
10

11 **XII. RETALIATION PROHIBITED**

- 12
- 13 A. Neither the school district nor any other person may intimidate,
14 threaten, coerce, or discriminate against any individual for the
15 purpose of interfering with any right or privilege secured by Title IX,
16 its implementing regulations, or this policy, or because the
17 individual made a report or complaint, testified, assisted, or
18 participated or refused to participate in any manner in an
19 investigation, proceeding, or hearing under this policy. Intimidation,
20 threats, coercion, or discrimination, including charges against an
21 individual for code of conduct violations that do not involve sex
22 discrimination or sexual harassment, but arise out of the same
23 facts or circumstances as a report or complaint of sex
24 discrimination, or a report or formal complaint of sexual
25 harassment, for the purpose of interfering with any right or privilege
26 secured by Title IX, its implementing regulations, or this policy,
27 constitutes retaliation. Retaliation against a person for making a
28 report of sexual harassment, filing a formal complaint, or
29 participating in an investigation, constitutes a violation of this policy
30 that can result in the imposition of disciplinary
31 sanctions/consequences and/or other appropriate remedies.
32
- 33 B. Any person may submit a report or formal complaint alleging
34 retaliation in the manner described in this policy and it will be
35 addressed in the same manner as other complaints of sexual
36 harassment or sex discrimination.
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- 38 C. Charging an individual with violation of school district policies for
39 making a materially false statement in bad faith in the course of a
40 grievance proceeding under this policy shall not constitute
41 retaliation, provided, however, that a determination regarding
42 responsibility, alone, is not sufficient to conclude that any party
43 made a materially false statement in bad faith.
44

45 **XIII. TRAINING**

- 46
- 47 A. The school district shall ensure that Title IX Personnel
48 receive appropriate training. The training shall include instruction
49 on:
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1. The Title IX definition of sexual harassment;
2. The scope of the school district's education program or activity;
3. How to conduct an investigation and grievance process, appeals, and informal resolution processes, as applicable;
4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
5. For Decision-makers, training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's prior sexual behavior are not relevant; and
6. For Investigators, training on issues of relevance, including the creation of an investigative report that fairly summarizes relevant evidence.

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

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

XIV. DISSEMINATION OF POLICY

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

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

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

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator;
2. Notice that the school district does not discriminate on the basis of sex in the education program or activity that it

operates, and that it is required by Title IX not to discriminate in such a manner;

3. A statement that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the United States Department of Education, or both; and

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

XV. RECORDKEEPING

A. The school district must create, and maintain for a period of seven calendar years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the school district must document:

1. The basis for the school district's conclusion that its response to the report or formal complaint was not deliberately indifferent;
2. The measures the school district has taken that are designed to restore or preserve equal access to the school district's education program or activity; and
3. If the school district does not provide a complainant with supportive measures, then it must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. Such a record must be maintained for a period of seven years.
4. The documentation of certain bases or measures does not limit the recipient in the future from providing additional explanations or detailing additional measures taken.

B. The school district must also maintain for a period of seven calendar years records of:

1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity;

2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. All materials used to train Title IX Personnel.

Legal References:

Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)
Minn. Stat. § 121A.40 – 121A.575 (Minnesota Pupil Fair Dismissal Act)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)
34 C.F.R. Part 106 (Implementing Regulations of Title IX)
20 U.S.C. § 1400, *et seq.* (Individuals with Disabilities Education Improvement Act of 2004)
29 U.S.C. § 794 (Section 504 of the Rehabilitation Act of 1973)
42 U.S.C. § 12101, *et seq.* (Americans with Disabilities Act of 1990, as amended)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act of 1974)
20 U.S.C. § 1092 *et seq.* (Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (“Clery Act”))

Cross References:

Policy 102 (Equal Educational Opportunity)
Policy 103 (Harassment Prohibition Policy)
Policy 113 (Bullying Prohibition Policy)
Policy 402 (Equal Employment Opportunity)
Policy 506 (Student Sex Nondiscrimination)
Policy 541 (Student Behavior)
Policy 586 (Gender Inclusion)

RATIFIED BY THE BOARD OF EDUCATION:

ATTENTION

**DISTRICT 280 ~~POLICY~~ POLICIES AGAINST
HARASSMENT, VIOLENCE AND BULLYING**

1. Everyone at District 280 has a right to feel respected and safe. Consequently, we want you to know about our ~~policy~~ policies to prevent harassment, violence and bullying based upon any kind of legally protected classification.
2. A harasser may be a student or an adult. Harassment may include the following when related to race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, gender identity or expression, disability, or any class protected under the law. ~~race, religion, sex, gender, marital status, disability, sexual orientation, or any other class protected under the law.~~
 - a. name calling, jokes or rumors;
 - b. pulling on clothing
 - c. graffiti;
 - d. notes or cartoons;
 - e. unwelcome touching of a person or clothing
 - f. offensive or graphic posters or book covers; or
 - g. any words or actions that make you feel uncomfortable, embarrass you, hurt your feelings or make you feel bad.
3. If any words or actions make you feel uncomfortable or fearful, you need to tell a teacher, counselor, the principal or the Human Rights Officer and Title IX Coordinator, Craig Holje.
4. You may also make a written report. It should be given to a teacher, counselor, the principal or the Human Rights Officer Title IX Coordinator.
5. Your right to privacy will be respected as much as possible.
6. We take seriously all reports of harassment or violence and will take all appropriate actions based on your report.
7. The School District will also take action if anyone tries to intimidate you or take action to harm you because you have reported.
8. This is a summary of the ~~School-school District-district policy-policies~~ against harassment, violence and bullying. Complete policies are available in the ~~Personnel-district~~ office upon request, or on the ~~District-district~~ website www.richfield.k12.mn.us.

**HARASSMENT, VIOLENCE- AND BULLYING AGAINST A PROTECTED CLASS ARE
AGAINST THE LAW.
DISCRIMINATION IS AGAINST THE LAW.**

CONTACT: CRAIG HOLJE
HUMAN RIGHTS OFFICER/TITLE IX COORDINATOR
7001 HARRIET AVENUE SOUTH
RICHFIELD, MN 55423
PHONE: 612-798-6031

RICHFIELD PUBLIC SCHOOL – I.S.D. #280
HARASSMENT, VIOLENCE AND BULLYING REPORT FORM

General Statement of Policy Prohibiting Harassment, Violence, and Bullying

Richfield Public Schools prohibits harassment, violence, discrimination and bullying in all forms, including but not limited to that which occurs on the basis of a person's actual or perceived race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, gender identity or expression, disability, or any class protected under the law. ~~race, religion, national origin, sex/gender (including harassment based on gender identity and expression), marital status, disability, status with regard to public assistance, sexual orientation, age, family care leave status, veteran status, or any other status protected under the law.~~ If you or someone you know has experienced harassment, violence, discrimination, or bullying at school or at any school-related event for any reason, please complete this reporting form to have the incident(s) investigated by the District. Any student, parent/guardian, or district employee may complete this form and return it to any administrator.

Retaliation against any individual who makes a report or who participates or assists in an investigation of harassment, violence, discrimination, or bullying is strictly prohibited.

1. Preliminary Information

Date of Report: _____
Name of Person Making Report: _____
Daytime Phone _____ Email _____

2. Description of Incident:

Date of Alleged Incident(s) _____

Please provide the name(s) of all persons (including yourself, if applicable) who were the target of the harassment, discrimination, violence or bullying: _____

Please provide the name(s) and/or descriptions of all individuals (students, school employees, school visitors, or others) who engaged or participated in the alleged discrimination, harassment, or bullying (if known): _____

Where and when did the incident(s) occur (please be specific)? _____

List any witnesses who were present. _____

Detailed Description of Incident (Attach additional pages if necessary.) _____

By signing below, I am stating that all of the information I have provided is true, accurate, and complete to the best of my knowledge:

Complaint Signature

Date

Received by _____

Date _____

RICHFIELD PUBLIC SCHOOL - I.S.D. #280
HARASSMENT, VIOLENCE AND BULLYING
INVESTIGATION INTAKE AND REPORT FORM
(To be completed by appropriate administrator)

1. Investigation Summary

Date of Intake Review _____

Person Conducting Review: _____

2. Initial Category of Claim

_____ Harassment (Non-sexual) _____ School Related

_____ Violence _____ Outside of School Only

_____ Discrimination (Not on the basis of sex) _____ Electronic

Communication

_____ Bullying

_____ Other: _____ Sexual Harassment or Sex
Discrimination

3. Action(s) Recommended (check all that apply)

_____ Formal Investigation _____ Refer to Outside Agency

_____ Refer to Student Services _____ Agency Name: _____

_____ Monitor

_____ Report to District Human Rights Officer Title IX Coordinator

_____ Contact Parent/Guardian

_____ Other: _____

Reason for determination of action recommended: _____

4. Formal Investigation Summary:

Please provide the name(s) of all persons interviewed as part of the investigation _____

Detailed Description of Incident (Attach additional pages if necessary.) _____

Final Action Taken (Attach additional pages if necessary.) _____

| _____
Received by

Date

Adopted: _____

MSBA/MASA Model Policy 522

Orig. 1995

Revised: _____

Rev. 2020

522 TITLE IX SEX NONDISCRIMINATION POLICY, GRIEVANCE PROCEDURE AND PROCESS

[Note: On May 6, 2020, the U.S. Department of Education, Office for Civil Rights (OCR), released the long-awaited final rule amending Title IX regulations at 34 C.F.R. Part 106. These regulations, which go into effect on August 14, 2020, are the first Title IX regulations applicable to sexual harassment and are applicable to complaints by both school district students and employees. The extensive regulations will require districts to revise their policies and procedures with respect to sexual harassment and ensure that administration and staff are trained on the new requirements.]

The final rule requires school districts to provide notice of its nondiscrimination policy and grievance procedures, including how to file or report sexual harassment and how the school district will respond to the following groups: applicants for admission and employment; students; parents or legal guardians; and unions or professional organizations holding agreements with the school district. 34 C.F.R. § 106.8(b). The provisions of this policy generally conform to the requirements of the new regulations].

I. GENERAL STATEMENT OF POLICY

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

- D. Any student, parent, or guardian having questions regarding the application of Title IX and its regulations and/or this policy and grievance process should discuss them with the Title IX Coordinator. The school district's Title IX Coordinator(s) is/are:

[INSERT: NAME(S) TITLE(S) PHONE NUMBER(S) OFFICE ADDRESS(ES) EMAIL ADDRESS(ES)]

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

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

II. DEFINITIONS

- A. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the school district's Title IX Coordinator or to any employee of the school district. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the school district with actual knowledge is the respondent.
- B. "Complainant" means a person who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. A Title IX Coordinator who signs a formal complaint is not a complainant unless the Title IX Coordinator is alleged to be the victim of the conduct described in the formal complaint.
- C. "Day" or "days" means, unless expressly stated otherwise, business days (i.e. day(s) that the school district office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).
- A. "Deliberately indifferent" means clearly unreasonable in light of the known circumstances. The school district is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.
- B. "Education program or activity" means locations, events, or circumstances for which the school district exercises substantial control over both the respondent and the context in which the sexual harassment occurs and includes school district education programs or activities that occur on or off of school district property.
- C. "Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school district investigate the allegation of sexual harassment.

1. A formal complaint filed by a complainant must be a physical document or an electronic submission. The formal complaint must contain the complainant's physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint, and must be submitted to the Title IX Coordinator in person, by mail, or by email.
 2. A formal complaint shall state that, at the time of filing the formal complaint, the complainant was participating in, or attempting to participate in, an education program or activity of the school district with which the formal complaint is filed.
- D. "Informal resolution" means options for resolving a formal complaint that do not involve a full investigation and adjudication. Informal resolution may encompass a broad range of conflict resolution strategies, including mediation or restorative justice.
- E. "Relevant questions" and "relevant evidence" are questions, documents, statements, or information that are related to the allegations raised in a formal complaint. Relevant evidence includes evidence that is both inculpatory and exculpatory. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- F. "Remedies" means actions designed to restore or preserve the complainant's equal access to education after a respondent is found responsible. Remedies may include the same individualized services that constitute supportive measures, but need not be non-punitive or non-disciplinary, nor must they avoid burdening the respondent.
- G. "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under Title IX.
- H. "Sexual harassment" means any of three types of misconduct on the basis of sex that occurs in a school district education program or activity and is committed against a person in the United States:
1. *Quid pro quo* harassment by a school district employee (conditioning the provision of an aid, benefit, or service of the school district on an individual's participation in unwelcome sexual conduct);
 2. Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or

3. Any instance of sexual assault (as defined in the Clery Act, 20 U.S.C. §1092(f)(6)A(v)), dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act, 34 U.S.C. §12291).
- I. “Supportive measures” means individualized services provided to the complainant or respondent without fee or charge that are reasonably available, non-punitive, non-disciplinary, not unreasonably burdensome to the other party, and designed to ensure equal educational access, protect safety, and deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, alternative educational services as defined under Minn. Stat. § 121A.41, as amended, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the school district buildings or property, and other similar measures.
 - J. “Title IX Personnel” means any person who addresses, works on, or assists with the school district’s response to a report of sexual harassment or formal complaint, and includes persons who facilitate informal resolutions. The following are considered Title IX Personnel:
 1. “Title IX Coordinator” means an employee of the school district that coordinates the school district’s efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator is responsible for acting as the primary contact for the parties and ensuring that the parties are provided with all notices, evidence, reports, and written determinations to which they are entitled under this policy and grievance process. The Title IX Coordinator is also responsible for effective implementation of any supportive measures or remedies. The Title IX Coordinator must be free from conflicts of interest and bias when administering the grievance process.
 2. “Investigator” means a person who investigates a formal complaint. The investigator of a formal complaint may not be the same person as the Decision-maker or the Appellate Decision-maker. The Investigator may be a school district employee, school district official, or a third party designated by the school district.
 3. “Decision-maker” means a person who makes a determination regarding responsibility after the investigation has concluded. The Decision-maker cannot be the same person as the Title IX Coordinator, the Investigator, or the Appellate Decision-maker.
 4. “Appellate Decision-maker” means a person who considers and decides appeals of determinations regarding responsibility and dismissals of formal complaints. The Appellate Decision-maker cannot be the same person as

the Title IX Coordinator, Investigator, or Decision-maker. The Appellate Decision-maker may be a school district employee, or a third party designated by the school district.

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

[NOTE: It is recommended that school districts designate a primary Title IX Coordinator and at least one alternate Title IX Coordinator so that the alternate can undertake Title IX Coordinator responsibilities in the event the primary Title IX Coordinator is a party to a complaint, or is otherwise not qualified under this policy to serve in that role in a particular case.]

III. BASIC REQUIREMENTS FOR GRIEVANCE PROCESS

A. Equitable Treatment

1. The school district shall treat complainants and respondents equitably. However, equality or parity with respect to supportive measures provided to complainants and respondents is not required.
2. The school district will not impose any disciplinary sanctions or take any other actions against a respondent that do not constitute supportive measures until it has completed this grievance process and the respondent has been found responsible.
3. The school district will provide appropriate remedies to the complainant any time a respondent is found responsible.

B. Objective and Unbiased Evaluation of Complaints

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

credibility determinations based solely on a person's status as a complainant, respondent, or witness.

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

- D. Confidentiality

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

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

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

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

- F. Notice

The school district will send written notice of any investigative interviews or meetings to any party whose participation is invited or expected. The written notice

will include the date, time, location, participants, and purpose of the meeting or interview, and will be provided to allow sufficient time for the party to prepare to participate.

G. Consolidation

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

H. Evidence

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

I. Burden of Proof

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

J. Timelines

[NOTE: The Title IX regulations require reasonably prompt timeframes for conclusion of the grievance process, but do not specify any particular timeframes. The time periods below are suggested. School districts may establish their own district-specific timeline, although it is recommended that legal counsel be consulted before adjusting time periods.]

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

formal complaint must be received by the school district within five (5) days of the date the determination of responsibility or dismissal was provided to the parties.

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

K. Potential Remedies and Disciplinary Sanctions

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

IV. REPORTING PROHIBITED CONDUCT

- A. Any student who believes they have been the victim of unlawful sex discrimination or sexual harassment, or any person (including the parent of a student) with actual knowledge of conduct which may constitute unlawful sex discrimination or sexual harassment toward a student should report the alleged acts as soon as possible to the Title IX Coordinator.
- B. Any employee of the school district who has experienced, has actual knowledge of, or has witnessed unlawful sex discrimination, including sexual harassment, or who otherwise becomes aware of unlawful sex discrimination, including sexual harassment, must promptly report the allegations to the Title IX Coordinator without screening or investigating the report or allegations.
- C. A report of unlawful sex discrimination or sexual harassment may be made at any time, including during non-business hours, and may be made in person, by mail, by telephone, or by e-mail using the Title IX Coordinator's contact information. A report may also be made by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.
- D. Sexual harassment may constitute both a violation of this policy and criminal law. To the extent the alleged conduct may constitute a crime, the School District may report the alleged conduct to law enforcement authorities. The school district encourages complainants to report criminal behavior to the police immediately.

V. INITIAL RESPONSE AND ASSESSMENT BY THE TITLE IX COORDINATOR

- A. When the Title IX Coordinator receives a report, the Title IX Coordinator shall promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
- B. The school district will offer supportive measures to the complainant whether or not the complainant decides to make a formal complaint. The school district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the school district's ability to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.
- C. If the complainant does not wish to file a formal complaint, the allegations will not be investigated by the school district unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the complainant's

wishes is not clearly unreasonable in light of the known circumstances.

- D. Upon receipt of a formal complaint, the school district must provide written notice of the formal complaint to the known parties with sufficient time to prepare a response before any initial interview. This written notice must contain:
1. The allegations of sexual harassment, including sufficient details known at the time, the identities of the parties involved in the incident (if known), the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
 2. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
 3. A statement explaining that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
 4. A statement that the parties may inspect and review evidence gathered pursuant to this policy;
 5. A statement informing the parties of any code of conduct provision that prohibits knowingly making false statements or knowingly submitting false information; and
 6. A copy of this policy.

VI. STATUS OF RESPONDENT DURING PENDENCY OF FORMAL COMPLAINT

A. Emergency Removal of a Student

1. The school district may remove a student-respondent from an education program or activity of the school district on an emergency basis before a determination regarding responsibility is made if:
 - a. The school district undertakes an individualized safety and risk analysis;
 - b. The school district determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal of the student-respondent; and
 - c. The school district determines the student-respondent poses such a threat, it will so notify the student-respondent and the student-respondent will have an opportunity to challenge the decision

immediately following the removal. In determining whether to impose emergency removal measures, the Title IX Coordinator shall consult related school district policies, including MSBA Model Policy 506 – Student Discipline. The school district must take into consideration applicable requirements of the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973, prior to removing a special education student or Section 504 student on an emergency basis.

[NOTE: The interrelationship between the Title IX regulations authorizing the emergency removal of student and the Minnesota Pupil Fair Dismissal Act (MPFDA) is unclear at this time. School districts should consult with legal counsel regarding the emergency removal of a student. At a minimum, it is recommended that school districts provide alternative educational services, as defined in the MPFDA, to any student so removed under the Title IX regulations.]

B. Employee Administrative Leave

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

VII. INFORMAL RESOLUTION OF A FORMAL COMPLAINT

- A. At any time prior to reaching a determination of responsibility, informal resolution may be offered and facilitated by the school district at the school district's discretion, but only after a formal complaint has been received by the school district.
- B. The school district may not require as a condition of enrollment or continued enrollment, or of employment or continued employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment.
- C. The informal resolution process may not be used to resolve allegations that a school district employee sexually harassed a student.
- D. The school district will not facilitate an informal resolution process without both parties' agreement, and will obtain their voluntary, written consent. The school district will provide to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under

which it precludes the parties from resuming a formal complaint arising from the same allegations, the parties' right to withdraw from the informal resolution process, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

- E. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

VIII. DISMISSAL OF A FORMAL COMPLAINT

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

[NOTE: For example, school districts are reminded of the obligation under Minn. Stat. § 122A.20, subd. 2, to make a mandatory report to PELSB concerning any teacher who resigns during the course of an investigation of misconduct.]

IX. INVESTIGATION OF A FORMAL COMPLAINT

- A. If a formal complaint is received by the School District, the school district will

assign or designate an Investigator to investigate the allegations set forth in the formal complaint.

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

X. DETERMINATION REGARDING RESPONSIBILITY

[NOTE: The Title IX regulations do not require school districts to conduct live hearings as part of the decision-making phase of the grievance process. Accordingly, this Policy does not include procedures for a live hearing. If a school district desires to create such procedures, legal counsel should be consulted.]

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

- B. The Decision-maker must provide the relevant questions submitted by the parties to the other parties or witnesses to whom the questions are offered, and then provide each party with the answers, and allow for additional, limited follow-up questions from each party.
- C. The Decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant.
- D. When the exchange of questions and answers has concluded, the Decision-maker must issue a written determination regarding responsibility that applies the preponderance of the evidence standard to the facts and circumstances of the formal complaint. The written determination of responsibility must include the following:
 - 1. Identification of the allegations potentially constituting sexual harassment;
 - 2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
 - 3. Findings of fact supporting the determination;
 - 4. Conclusions regarding the application of the school district's code of conduct to the facts;
 - 5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the school district to the complainant; and
 - 6. The school district's procedures and permissible bases for the complainant and respondent to appeal and the date by which an appeal must be made.
- E. In determining appropriate disciplinary sanctions, the Decision-maker should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incident occurred.
- F. The written determination of responsibility must be provided to the parties simultaneously.
- G. The Title IX Coordinator is responsible for the effective implementation of any remedies.
- H. The determination regarding responsibility becomes final either on the date that the

school district provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

XI. APPEALS

- A. The school district shall offer the parties an opportunity to appeal a determination regarding responsibility or the school district's dismissal of a formal complaint or any allegations therein, on the following bases:
 - 1. A procedural irregularity that affected the outcome of the matter (e.g., a material deviation from established procedures);
 - 2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
 - 3. The Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
- B. If notice of an appeal is timely received by the school district, the school district will notify the parties in writing of the receipt of the appeal, assign or designate the Appellate Decision-maker, and give the parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.
- C. After reviewing the parties' written statements, the Appellate Decision-maker must issue a written decision describing the result of the appeal and the rationale for the result.
- D. The written decision describing the result of the appeal must be provided simultaneously to the parties.
- E. The decision of the Appellate Decision-maker is final. No further review beyond the appeal is permitted.

XII. RETALIATION PROHIBITED

- A. Neither the school district nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex

discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of sexual harassment, filing a formal complaint, or participating in an investigation, constitutes a violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

- B. Any person may submit a report or formal complaint alleging retaliation in the manner described in this policy and it will be addressed in the same manner as other complaints of sexual harassment or sex discrimination.
- C. Charging an individual with violation of school district policies for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

XIII. TRAINING

- A. The school district shall ensure that Title IX Personnel receive appropriate training. The training shall include instruction on:
 - 1. The Title IX definition of sexual harassment;
 - 2. The scope of the school district's education program or activity;
 - 3. How to conduct an investigation and grievance process, appeals, and informal resolution processes, as applicable;
 - 4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
 - 5. For Decision-makers, training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's prior sexual behavior are not relevant; and
 - 6. For Investigators, training on issues of relevance, including the creation of an investigative report that fairly summarizes relevant evidence.
- B. The training materials will not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints.
- C. Materials used to train Title IX Personnel must be posted on the school district's website. If the school district does not have a website, it must make the training

materials available for public inspection upon request.

XIV. DISSEMINATION OF POLICY

- A. This policy shall be made available to all students, parents/guardians of students, school district employee, and employee unions.
- B. The school district shall conspicuously post the name of the Title IX Coordinator, including office address, telephone number, and work e-mail address on its website and in each handbook that it makes available to parents, employees, students, unions, or applicants.
- C. The school district must provide applicants for admission and employment, students, parents or legal guardians of secondary school students, employees, and all unions holding collective bargaining agreements with the school district, with the following:
 - 1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator;
 - 2. Notice that the school district does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner;
 - 3. A statement that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the United States Department of Education, or both; and
 - 4. Notice of the school district's grievance procedures and grievance process contained in this policy, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the school district will respond.

XV. RECORDKEEPING

[NOTE: School districts should consider amending their respective retention schedules to reflect the recordkeeping requirements discussed below].

- A. The school district must create, and maintain for a period of seven calendar years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the school district must document:
 - 1. The basis for the school district's conclusion that its response to the report

or formal complaint was not deliberately indifferent;

2. The measures the school district has taken that are designed to restore or preserve equal access to the school district's education program or activity; and
3. If the school district does not provide a complainant with supportive measures, then it must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. Such a record must be maintained for a period of seven years.
4. The documentation of certain bases or measures does not limit the recipient in the future from providing additional explanations or detailing additional measures taken.

B. The school district must also maintain for a period of seven calendar years records of:

1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. All materials used to train Title IX Personnel.

Legal References: Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)
Minn. Stat. § 121A.40 – 121A.575 (Minnesota Pupil Fair Dismissal Act)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)
34 C.F.R. Part 106 (Implementing Regulations of Title IX)
20 U.S.C. § 1400, *et seq.* (Individuals with Disabilities Education Improvement Act of 2004)
29 U.S.C. § 794 (Section 504 of the Rehabilitation Act of 1973)
42 U.S.C. § 12101, *et seq.* (Americans with Disabilities Act of 1990, as amended)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act of 1974)
20 U.S.C. § 1092 *et seq.* (Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act ("Clery Act"))

Cross References: MSBA/MASA Model Policy 102 (Equal Educational Opportunity)
MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital
Status Nondiscrimination)

INDEPENDENT SCHOOL DISTRICT NO. _____
HARASSMENT AND VIOLENCE REPORT FORM

General Statement of Policy Prohibiting Harassment and Violence

Independent School District No. ____ maintains a firm policy prohibiting all forms of discrimination. Harassment or violence against students or employees or groups of students or employees on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity and expression, or disability is strictly prohibited. All persons are to be treated with respect and dignity. Harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity and expression, or disability by any pupil, teacher, administrator, or other school personnel, which create an intimidating, hostile, or offensive environment will not be tolerated under any circumstances.

Complainant _____
Home Address _____
Work Address _____
Home Phone _____ Work Phone _____

Date of Alleged Incident(s) _____

Basis of Alleged Harassment/Violence - circle as appropriate: race \ color \ creed \ religion \ national origin \ sex \ age \ marital status \ familial status \ status with regard to public assistance \ sexual orientation, including gender identity and expression \ disability

Name of person you believe harassed or was violent toward you or another person or group.

If the alleged harassment or violence was toward another person or group, identify that person or group. _____

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

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

List any witnesses that were present _____

This complaint is filed based on my honest belief that _____ has harassed or has been violent to me or to another person or group. I hereby certify that the information I have provided in this complaint is true, correct, and complete to the best of my knowledge and belief.

(Complainant Signature)

(Date)

Received by _____

(Date)

Board of Education
Independent School District 280
Richfield, Minnesota

Regular Meeting, February 1, 2021

Subject: Protection & Privacy of Pupil Records

(Recommended by the Superintendent)

A second read of Policy 581: Protection and Privacy of Pupil Records and the accompanying guidelines. This redlined draft incorporates feedback from our legal team as well as updates to language that is consistent across our policies.

Attachments:

Policy 581: Protection and Privacy of Pupil Records - redlined
Administrative Guideline 581.1 - redlined
Administrative Guideline 581.2 - redlined
Administrative Guideline 581.2 Appendix - redlined
MSBA Model Policy 515: Protection and Privacy of Pupil Records

RICHFIELD PUBLIC SCHOOLS
PROTECTION AND PRIVACY OF PUPIL RECORDS

I. PURPOSE

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

Date 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, including attendance in person or by paper correspondence, satellite, internet or other electronic communication technologies for students who are not in the classroom, and including the period during which a student is working under a work-study program.— The term does not include specific daily records of a student's attendance at a school or schools in the school district.

Commented [FEL1]: This is the language from MSBA's model policy. In light of distance learning, it seems helpful to clarify that this term includes distance learning attendance.

B. Dependent student.

For purposes of this policy, a dependent student is the dependent of a taxpayer, who:

1. has the same principal place of abode as the taxpayer for more than half of the taxable year; and
2. has not provided over one half of his/her own support for the calendar year; and
3. has not attained the age of 24.

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C. 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, name of school attended, dates of attendance, grade level, date of graduation, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees and awards received, as well as photos/videotape (excluding security camera videos in schools and/or in school buses) for school approved publications, school news purposes, school video productions or local cable casts. It also includes name, address, and telephone number of the student's parent(s). Directory information does not include:

1. a student's social security number;

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2. a student's identification number (ID), user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems if the identifier may be used to access education records without use of one or more factors that authenticate the student's identity such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user;

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3. a student ID or other unique personal identifier that is displayed on a student ID badge if the identifier can be used to gain access to educational records when used in conjunction with one or more factors that authenticate the student's identity, such as a PIN, password, or other factor known or possessed only by the student;

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4. personally identifiable data which references religion, race, color, social position, or nationality; or

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5. data collected from nonpublic school students, other than those who receive shared time educational services, unless written consent is given by the student's parent or guardian.

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D. Education records.

1. What constitutes "education records." 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. What does not constitute an education record. The term "education records" does not include:

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- a. Records of instructional personnel which:
- (1) are in the sole possession of the maker thereof; and
 - (2) are not accessible or revealed to any other individual except a temporary substitute for the maker of the record; and
 - (3) are destroyed at the end of the school year.
- b. Records of a law enforcement unit located at the school provided the law enforcement records are:
- (1) maintained separately from education records;
 - (2) maintained solely for law enforcement purposes; and
 - (3) created by the law enforcement unit; and
 - (4) 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 post-secondary 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~~ they is-are no longer a student at the school district and that are not directly related to the individual's attendance as a student.

Commented [FEL2]: This language is in the model policy. Item (3) is not. However, I would recommend leaving item 3 because it makes clear that the law enforcement unit is sharing only records it creates with other law enforcement officials.

E. Eligible student.

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

F. Juvenile justice system.

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

G. Legitimate educational interest.

Legitimate educational interest includes interest directly related to classroom instruction, teaching, student achievement and progress, discipline of a student ~~and~~ 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; ~~or~~
4. Perform a task directly related to responding to a request for data.

H. 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.

I. 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 biometric record, if applicable; (e) a list of personal characteristics that would make the student's identity easily traceable; ~~or~~ (f) other information that, alone or in

combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or (g) information requested by a person who the school district reasonably believes knows the identity of the student to whom the education record relates other information that would make the student's identity easily traceable.

J. Record.

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

K. Responsible authority.

Responsible authority: Craig Holje, ~~Director of Personnel and Administrative Services~~ Chief HR and Administrative Officer (612-798-6031)

L. 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.

M. School official.

School official includes: (a) a person duly elected to the school board; (b) a person employed by the school board in an administrative, supervisory, instructional or other professional position; (c) a person employed by the school board as a temporary substitute in a professional position for the period of his or her performance as a substitute; and (d) a person employed by, or under contract to, the school board to perform a special task such as a secretary, a clerk, an attorney or an auditor for the period of his or her performance as an employee or contractor; (e) application service provider in performance of necessary functions of data collection, maintenance and storage.

N. 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.

O. Other terms and phrases.

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

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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. Note: A subpoena does not suffice for release of educational data. The requesting party must produce a valid court order.

V. STATEMENT OF RIGHTS

A. Rights of parents and eligible students.

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

1. The right to inspect and review the student's education records;
2. The right to request the amendment of the student's education records to ensure that they are not inaccurate, misleading or otherwise in violation of the student's privacy or other rights;
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that such consent is not required for disclosure pursuant to this policy, state or federal law, or the regulations promulgated thereunder.
- [4. The right to refuse release of names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions;](#)
- [45.](#) 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;
- [56.](#) The right to be informed about rights under the federal law; and
- [67.](#) The right to obtain a copy of this policy at the location set forth in the COPIES OF POLICY section of this policy.

B. Eligible students.

All rights and protections given parents under this policy transfer to the student when ~~he or she~~ they 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. In addition, parents of an eligible student may be given access to education records in connection with a health or safety emergency if the disclosure meets the conditions of any provision set forth in 34 C.F.R. § 99.31(a).

C. Students with Disabilities

The school district shall follow 34 C.F.R. §§ 300.610-.617 with regard to the confidentiality of information related to students with a disability.

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VI. DISCLOSURE OF EDUCATION RECORDS

A. Consent required for disclosure.

1. The school district shall obtain a signed and dated written informed consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of the student, except as provided herein.
2. The written consent required by this subdivision must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:
 - a. a specification of the records to be disclosed;
 - b. the purpose or purposes of the disclosure;
 - c. the party or class of parties to whom the disclosure may be made;
and
 - d. the consequences of giving informed consent; and
- de. if appropriate, a termination date for the consent.
3. When a disclosure is made under this subdivision:
 - a. if the parent or eligible student so requests, the school district shall provide ~~him or her~~ them 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, 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:
 1. life insurance or non-cancelable or guaranteed renewable health insurance and identified as such, two years after the date of the policy, or
 2. medical assistance under Minn. Stat. Ch. 256B or Minnesota Care under Minn. Stat. Ch. 256L, which shall be ongoing during all terms of eligibility, for individualized education program health-related services provided by a school district that are subject to third party reimbursement..
5. A signed and dated written consent may include a record and signature in electronic format that (a) identifies and authenticates a particular person as the source of the electronic consent; and (b) indicates such person's approval of the information contained in the electronic consent.
6. 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.

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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, as long as the disclosure is for purposes related to the student's enrollment or transfer. The records shall include information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon and with proper annual notice (see the ANNUAL NOTIFICATION OF RIGHTS SECTION OF THIS POLICY), suspension and expulsion information pursuant to section 7917 of the federal Every Student Succeeds Act and, if applicable, data regarding a student's history of violent behavior. The records also shall include a copy of any probable cause notice or any disposition or court order under Minn. Stat. § 260B.171, unless the data are required to be destroyed under Minn. Stat. § 120A.22, Subd. 7(c) 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 authorized representatives of the Comptroller General of the United States, the Secretary of the U.S. Department of Education, or an official or employee of the Department of Education acting for the Secretary under a delegation of authority, or the Commissioner of the State Department of Education or his or her representative, subject to the conditions relative to such disclosure provided under federal law;
4. In connection with financial aid for which a student has applied or has received, if the information is necessary for such purposes as to:
 - a. determine eligibility for the aid;
 - b. determine the amount of the aid;
 - c. determine conditions for the aid; or
 - d. enforce the terms and conditions of the aid.

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

5. To state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute adopted:
 - a. before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system's ability to effectively serve the student whose records are released; or
 - b. after November 19, 1974, if the reporting or disclosure allowed by state statute concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released, provided the officials and authorities to whom the records are disclosed certify in writing to the 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.
6. To organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating or administering predictive tests, administering student aid programs or improving instruction; provided that the studies are conducted in a manner which does not permit the personal identification of parents or students by individuals other than representatives of the organization who have a legitimate interest in the information, and the information is destroyed when no longer needed for the purposes for which the study was conducted, and the school district enters into a written agreement with the organization that: (a) specifies the purpose, scope, and duration of the study or studies and the information to be disclosed; (b) requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement; (c) requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and (d) requires the organization to destroy all personally identifiable information when information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed. For purposes of this provision, the term "organizations" includes, but is not limited to, federal, state and local agencies and independent organizations. In the event the Department of Education determines that a third party outside of the 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.

7. To accrediting organizations in order to carry out their accrediting functions;
8. To parents of a dependent student or to the student themselves;
9. To comply with a judicial order provided, however, that the school district makes a reasonable effort to notify the parent or eligible student of the order in advance of compliance therewith so that the parent or eligible student may seek protective action. In addition, if the school district initiates legal action against a parent or student and has made a reasonable effort to notify the parent or eligible student in advance of its use, it may disclose the student's education records that are relevant to the action to the court without a court order. 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, including the mental health, or safety of the student or other individuals. The decision is to be based upon information available at the time the threat occurs that indicates that there is an articulable and significant threat to the health or safety of a student or other individuals. In making a determination whether to disclose information under this section, the school district may take into account the totality of the circumstances pertaining to a threat and may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other students. A record of this disclosure must be maintained pursuant to the RECORD KEEPING section of this policy. 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. Information the school district has designated as "directory information" pursuant to the RELEASE OF DIRECTORY INFORMATION section of this policy.
12. To the parent of a student who is not an eligible student or to the student himself or herself.
13. 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.

14. 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.
15. 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.
16. To military recruiting officers, under the following circumstances. The school district shall release to military recruiting officers the names, addresses, and home telephone numbers of students in grades 11 and 12, within 60 days after the date of request for such data.

The school district shall give parents and students notice of the right to refuse release of this data to military recruiting officers, by publishing the notice in the Richfield Public Schools calendar and handbook, or by other means reasonably likely to inform the parents and students of the right. If a parent or eligible student objects to the release of this data to military recruiting officers, the data shall not be disclosed.

Parents or eligible students wishing to prevent the release of data to military recruiters must provide written notice to the school district that they do not want the school district to release the student's name, address, and/or home telephone number. Such notice must be provided to the school district within 30 days after the district disseminates its annual data practices notice, or by October 1 of each school year, whichever is later.

Data released to military recruiting officers under this subdivision 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 shall not be further disseminated to any other person except personnel of the recruiting services of the armed forces.

A parent or eligible student's refusal to release the above information to military recruiting officers and post-secondary educational institutions does not affect the school district's release of directory information to the rest of the public, which includes military recruiting officers and post-secondary educational institutions. 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 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

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accessible to members of the public, including military recruiting officers and post-secondary educational institutions.

17. To the juvenile justice system, on written request that certifies that the information will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student:

- a. the following information about a student must be disclosed: a student's full name, home address, telephone number, date of birth; a student's school schedule, attendance record, and photographs, if any; and any parents' names, home addresses, and telephone numbers;
- b. the existence of the following information about a student, not the actual data or other information contained in the student's 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 the student's parent or guardian by certified mail of the request to disclose information. If the student's parent or guardian notifies the school official of an objection to the disclosure within ten (10) days of receiving certified notice, the school official must not disclose the information and instead must inform the requesting member of the juvenile justice system of the objection. If no objection from the parent or guardian is received within fourteen (14) days, the school official must respond to the request for information.

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

18. 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 education record. The principal also must notify immediately any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless

vulnerability. The principal may also notify other school 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 described 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.

19. To the principal where the student attends if it is information from a peace officer's 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's notice. Peace officer's record information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information must not be further disseminated by the counselor, teacher, administrator, staff member, substitute, or volunteer except to communicate with the student or the student's parent or guardian as necessary to serve the student, to protect students and staff, or as otherwise required by law.

The principal must delete the peace officer's record from the student's educational record, destroy the data, and make reasonable efforts to notify any teacher, counselor, staff member, administrator, substitute, or volunteer who received information from the peace officer's record if the county attorney determines not to proceed with a petition or directs the student into a diversion

or mediation program or if a juvenile court makes a decision on a petition and the county attorney or juvenile court notifies the superintendent of such action.

20. To the Secretary of Agriculture, or authorized representative from the Food and Nutrition Service or contractors acting on behalf of the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of state and local educational and other agencies and institutions receiving funding or providing benefits of one or more programs authorized under the National School Lunch Act or the Child Nutrition Act of 1966 for which the results will be reported in an aggregate form that does not identify any individual, on the conditions that: (a) any data collected shall be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the Secretary; and (b) any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements.

21. To an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in 25 U.S.C. § 5304), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records.

22. To a contractor, consultant, volunteer, or other party to whom the school district has outsourced institutional services or functions provided that the outside party:

- a. performs an institutional service or function for which the school district would otherwise use employees;
- b. is under the direct control of the school district with respect to the use and maintenance of education records; and
- c. will not disclose the information to any other party without the prior consent of the parent or eligible student and uses the information only for the purposes for which the disclosure was made.

C. Nonpublic School Students

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

1. Pursuant to a valid court order;
2. Pursuant to a statute specifically authorizing access to the private data; or
3. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiological investigations which the commissioner of 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.

VII. RELEASE OF DIRECTORY INFORMATION

A. Classification.

Directory information is public except as provided herein.

B. Former students.

Unless a former student validly opted out of the release of directory information while the student was in attendance and has not rescinded the opt out request at any time, tThe 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 of Paragraph C of this Section. In addition, under an explicit exclusion from the definition of an "education record," the school district may release records that only contain information about an individual obtained after he or she is no longer a student at the school district and that are not directly related to the individual's attendance as a student (e.g., a student's activities as an alumnus of the school district)

C. Present ~~students~~ 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
 - c. the period of time in which a parent or eligible student has to notify the school district in writing that ~~he or she~~they 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.
3. A parent or eligible student may not opt out of the directory information disclosures to:
 - a. prevent the school district from disclosing or requiring the student to disclose the student's name, ID, or school district e-mail address in a class in which the student is enrolled; or
 - b. prevent the school district from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information and that has been properly designated by the school district as directory information.
 4. The school district shall not disclose or confirm directory information without meeting the written consent requirements contained in the DISCLOSURE OF EDUCATION RECORDS section of this policy if a student's social security number or other nondirectory information is used alone or in combination with other data elements to identify or help identify the student or the student's records.
- D. Procedure for obtaining nondisclosure of directory information.
- The parent's or eligible student's written notice shall be directed to the responsible authority and shall include the following:
1. Name of the student and/or parent, as appropriate;
 2. Home address;
 3. School presently attended by student;

4. Parent's legal relationship to student, if applicable; and
5. Specific categories of directory information to be made not public without the parent's or eligible student's prior written consent, which shall only be applicable for that school year.

E. Duration.

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

VIII. DISCLOSURE OF PRIVATE RECORDS

A. Private records.

For the purposes herein, education records are records which are classified as private data on individuals by state law and which are accessible only to the student 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. The school district will use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other party to whom personally identifiable information from education records is disclosed.

B. Certain health records not accessible to parent.

In certain cases state law intends, and clearly provides, that certain health data 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 an eligible student.

B. Reports under the Maltreatment of Minors Reporting Act.

Pursuant to Minn. Stat. § ~~260E.356~~~~26.556~~, written copies of reports pertaining to a neglected and/or physically and/or sexually abused child shall be accessible only to the appropriate welfare and law enforcement agencies. In respect to other parties, such data shall be confidential and will not be made available to the parent or the subject individual by the school district. The data subject, 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~~260E.35, Subd. ~~443(a)~~.

Regardless of whether a written report is made under Minn. Stat. § 626.556, Subd. 7, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

C. Investigative data.

Data collected by the 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 provided by the complainant to the school district.

3. Parents or eligible students may have access to investigative data of which the student is the subject, but only to the extent the data is not inextricably intertwined with data about other school district students, school district employees, and/or attorney data as defined in Minn. Stat. § 13.393

34. 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.

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

D. Chemical Abuse Records

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

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

At a reasonable time prior to any exclusion or expulsion hearing the student, 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. 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. Subdivision-Paragraph A of this Section does not preclude the school district from disclosing 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:
 - a. The disclosures meet the requirements of the DISCLOSURE OF EDUCATION RECORDS section of this policy; and
 - b. The school district has complied with the recordkeeping requirements of the RESPONSIBLE AUTHORITY; RECORD SECURITY; AND RECORD KEEPING section of this policy.
2. Subdivision-Paragraph A of this section does not apply to disclosures made pursuant to court orders, to disclosures of directory information, or

to disclosures to a parent or student or to parents of dependent students, or to disclosures concerning sex offenders and other individuals required to register under 42 U.S.C. § 14071. However, the school district must provide the notification required in Paragraph D of this section if a redisclosure is made based upon a court order.

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, 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 the Family Policy Compliance Office determines that a third party improperly rediscloses personally identifiable information from education records, the educational agency or institution school district may not allow that third party access to personally identifiable information from education records for at least five years.

XII. RESPONSIBLE AUTHORITY, RECORD SECURITY; AND RECORD KEEPING

A. Responsible authority.

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

B. Record security.

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

C. Plan for securing student records.

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

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

4. Means of securing student records; and

5. Procedures for access and disclosure.

D. Review of written plan for securing student records.

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

E. Recordkeeping.

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; and

c. the names of the state and local educational authorities and federal officials and agencies listed in the DISCLOSURE OF EDUCATION RECORDS section of this policy that may make further disclosures of personally identifiable information from the student's education records without consent.

2. In the event the school district discloses personally identifiable information from an education record of a student pursuant to Paragraph B of 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 on 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.

c. a copy of the record of further disclosures maintained by a state or local educational authority or federal official or agency listed in the DISCLOSURE OF EDUCATION RECORDS section of this policy in accordance with 34 C.F.R. § 99.32 and to whom the school district disclosed information from an education record. The school district shall request a copy of the record of further

disclosures from a state or local educational authority or federal official or agency to whom education records were disclosed upon a request from a parent or eligible student to review the record of requests for disclosure.

3. Paragraph (1) of Recordkeeping 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 Paragraph B1 of 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.

4. The record of requests of disclosures may be inspected by:

- a. the parent of the student or the eligible student;
- b. the school official or ~~his or her~~their assistants who are responsible for the custody of the records; and
- c. the parties authorized by law to audit the recordkeeping procedures of the school district.

5. The school district shall record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception:

- a. the articulable and significant threat to the health or safety of a student or other individual that formed the basis for the disclosure; and
- b. the parties to whom the school district disclosed the information.

~~56.~~ 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.

XIII. 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 [Subdivision Paragraph A](#) of this Section immediately, if possible, or within ten (10) days of the date of the request, excluding Saturdays, Sundays and legal holidays.

C. Right to inspect and review.

The right to inspect and review education records under [Subdivision Paragraph A](#) of this Section 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.
3. Nothing in this policy shall be construed as limiting the frequency of inspection of the educational records [of a student with a disability by the student's parent or guardian or by the student upon the student reaching the age of majority which identify as precisely as possible the record or records he or she wishes to inspect.](#)

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 they](#) 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. If 100 or fewer pages of black and white, letter or legal size paper copies are requested, actual costs shall not be used, and instead, the charge shall be no more than 25 cents for each page copied.
3. The cost of providing copies shall be borne by the parent or eligible student.
4. The responsible authority, however, may not impose a fee for a copy of an education record made for a parent or eligible student if doing so would effectively prevent the parent or eligible student from exercising their right to inspect or review the student's education records.
5. 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 the actual search/retrieval and copying costs, as permitted by law, plus postage, if that is involved.

XIV. 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 requester 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 requester wishes the school district to make. The request shall be signed and dated by the requester.
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 of receipt of 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 so inform the parent of the student or the eligible student of the refusal and advise the parent or eligible student of the right to a hearing under [Subdivision Paragraph B](#) of this Section.

B. Right to a hearing.

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

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, 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~~[they](#) disagrees with the decision of the school district, or both.
3. Any statement placed in the education records of the student under [Subdivision Paragraph B](#) of this Section 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 to that 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 under Subdivisions-Paragraphs A and B of this Section 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.

XV. 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 [designate title and actual name of individual].
- C. Any request by an individual with a disability for reasonable modifications of the school district's policies or procedures for purposes of accessing records shall be made to the data practices compliance official.

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XVI. COMPLAINTS FOR NONCOMPLIANCE

A. Where to file complaints.

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.

XVII. 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.

XVIII. 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 or is already enrolled as long as the disclosure is for purposes related to the student's enrollment or transfer and that such records may include suspension and expulsion records pursuant to the federal Every Student Succeeds Act and, if applicable, a student's history of violent behavior.
- B. Notification to parents of students having a primary home language other than English.
- The 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.
- The school district shall provide for the need to effectively notify parents or eligible students identified as disabled.

~~XVIII~~**XIX.** **DESTRUCTION AND RETENTION OF RECORDS**

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

XIX. 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 Dismissal Act)
Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)
Minn. Stat. [Ch. § 626.556-260E](#) (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. Sec. 1152 (Internal Revenue Code)
34 C.F.R. Secs. 99.1-99.67

Cross-References:

MSBA Service Manual, Chapter 13, School Law Bulletin "I" (School Records-Privacy-Access to Data)
Board Policy ~~Guidelines 541~~ ~~Guidelines for 541~~: Student Behavior [and Administrative Guideline 541.1](#)

~~ADOPTED-RATIFIED~~ BY THE BOARD OF EDUCATION: March 5, 2001

REVISED BY THE BOARD OF EDUCATION: November 19, 2001;³⁷ December 20, 2004;³⁷ July 17, 2006; [February 16, 2021](#)

RICHFIELD PUBLIC SCHOOLS

ADMINISTRATIVE GUIDELINES

ACCESS TO PUPIL RECORDS BY SCHOOL VOLUNTEERS

I. PURPOSE

The purpose of these administrative guidelines is to provide guidance regarding the access to private educational data by volunteers to facilitate their volunteer activities.

II. POLICY REFERENCE

Board Policy 581, Protection and Privacy of Pupil Records, provides in Section VI.B., paragraphs 14 and 22, that the school district may disclose personally identifiable information from student education records without consent of the parent or student if the disclosure is:

To volunteers who are determined to have a legitimate education 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

To a contractor, consultant, volunteer, or other party to whom the school district has outsourced institutional services or functions provided that the outside party:

- a. performs an institutional service or function for which the school district would otherwise use employees;
- b. is under the direct control of the school district with respect to the use and maintenance of education records; and
- c. will not disclose the information to any other party without the prior consent of the parent or eligible student and uses the information only for the purposes for which the disclosure was made.

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III. DETERMINATION OF LEGITIMATE EDUCATIONAL INTEREST

- 1 A. The ~~Director of Personnel and Administrative Services~~ Chief HR
2 and Administrative Officer is designated to determine which
3 volunteers have a legitimate education interest in the data.
4
- 5 B. In making the determination, the following factors will be
6 considered:
7
- 8 1. The interest must be a legitimate educational interest, based
9 on the nature of the organization and the nature of the
10 particular volunteer activity.
11
- 12 a. The following volunteer organizations and individuals
13 are deemed to have an educational interest:
14
- 15 • School parent organizations (e.g. PTO, PAG,
16 PSE)
 - 17 • Booster groups (e.g. Band Boosters,
18 interscholastic sports team booster groups)
 - 19 • RHS Senior Party Committee
 - 20 • Elementary room parents
 - 21 • Volunteers for other school-sponsored activities
- 22
- 23 b. Activities that support the school program or provide
24 assistance to the school administration, teachers,
25 coaches, and activity supervisors in carrying out
26 school-related programs and activities are deemed to
27 have an educational interest.
- 28 c. Activities such as assembling a directory for the
29 purpose of parent or student networking are not
30 deemed to have an educational interest.
31
- 32 2. The volunteers must need the private data to assist them in
33 conducting activities and events that are sponsored by or
34 endorsed by the school district.
35
- 36 a. Following are examples of activities involving
37 volunteer organizations and individuals that are
38 sponsored or endorsed by the school district:
39
- 40 • School or classroom field trips
 - 41 • School-wide events such as fun fairs and family nights
 - 42 • Vision and hearing screening
 - 43 • Kindergarten orientation
 - 44 • Curriculum nights, open houses, and parent / student
45 orientations
 - 46 • School-wide testing
 - 47 • Trip to environmental learning center
 - 48 • End-of-season athletic team banquet
- 49

- b. Following are examples of activities that are not sponsored or endorsed by the school district. In some cases, the district does not sponsor or endorse such activities for liability reasons.
 - Competition cheerleading
 - Booster-organized activities such as a spring break trip to Florida to play in a baseball tournament
 - Booster-organized parties other than the end-of-season athletic team banquet
 - Global language trips
 - Band / choir tours
 - c. Requests for private data by a volunteer organization should be determined on a case by case basis so that the district is able to consider whether the activity is one that is either sponsored or endorsed by the school district.
3. The volunteers must have a legitimate need for the information sought.
 - a. The private data sought must be directly relevant and necessary to perform the volunteer activity that has a legitimate educational interest
 - b. As an example, a volunteer may be granted access to student health and emergency information in order to help an activity supervisor check and organize student permission slips and health forms in preparation for a student trip.
 - c. By contrast, it would be inappropriate to provide health information to an athletic booster club for an unrelated purpose such as ordering athletic jerseys.

IV. RESPONSIBILITIES OF VOLUNTEERS

- A. Volunteers who have access to private data ~~are expected to~~ shall use the data only for the purpose for which it was requested.
- B. The data ~~should~~ must not be discussed with or shown to others unless the other individual also has a legitimate educational interest in the data, or as otherwise permitted or required by law.
- C. Wherever possible, private data ~~should~~ must remain on school premises.

Section 500
Students

Administrative Guidelines 581.1
Page 4

- 1 Dated: May 7, 2001
- 2 Reviewed: December 20, 2004;~~i~~ July 17, 2006
- 3 Revised: November 19, 2001; February 16, 2021

RICHFIELD PUBLIC SCHOOLS
ADMINISTRATIVE GUIDELINES
RELEASE OF STUDENT RECORDS

I. PURPOSE

The purpose of these administrative guidelines is to provide general guidance regarding the release of student records in a variety of circumstances, consistent with Board Policy 581. These guidelines are based on the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g (FERPA) and the Minnesota Government Data Practices Act ("MGDPA"), Minn. Stat. Chapter Ch. 13.

II. STUDENT RECORDS: WHAT TO RELEASE AND TO WHOM?

- A. Appended is a table outlining a variety of situations in which the release of student records may be requested, along with the appropriate response.
- B. The situations listed in the table are often fact dependent and the law changes frequently. Further, both FERPA and ~~Chapter 13~~the MGDPA contain numerous exceptions. Accordingly, questions regarding the application of these guidelines should be directed to the Director of Personnel and Administrative Services, who serves as the district records officer.
- C. The ~~Director of Personnel and Administrative Services~~Chief HR and Administrative Officer may consult with legal counsel prior to taking action on a data request.

Dated: May 7, 2001
Reviewed: December 20, 2004; July 17, 2006
Revised: February 16, 2021

**Independent School District 280
Richfield, Minnesota**

STUDENT RECORDS: WHAT TO RELEASE AND TO WHOM?

The Family Educational Rights and Privacy Act, 20 U.S.C. 1232g ("FERPA") and the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13, govern collection, storage, maintenance and dissemination of student data. Overlapping and sometimes supplementary legal protections include the constitutional right of privacy and the state common law right of privacy.

FERPA prohibits the disclosure of personally identifiable information that is contained in the student's record and assures access for the parent or the student. Both FERPA and its Minnesota counterpart, Chapter 13, contain many exceptions. Below are some general guidelines to follow in managing educational records. However, each situation is often fact dependent and the law changes frequently. Please consult with the Director of Personnel and Administrative Services prior to taking action on a data request. The Director may consult with legal counsel prior to determining an appropriate response.

SITUATION RELEASE OF DATA REQUESTED	DATA RELEASE - YES OR NO?
<ul style="list-style-type: none">• To organizations conducting educational studies?	<ul style="list-style-type: none">• Yes, if the purpose of the study is to develop, validate, or administer predictive tests, or to improve instruction. The information must be kept confidential or released only in summary form.
<ul style="list-style-type: none">• To appropriate parties in connection with a health or safety emergency?	<ul style="list-style-type: none">• Yes, if the information is necessary to protect the health or safety of the student or other individuals. This exception is intended to apply to crisis situations only and is very strictly construed.
<ul style="list-style-type: none">• Release of "directory information" to the general public?	<ul style="list-style-type: none">• Yes, if the district has duly designated this information as directory information.
<ul style="list-style-type: none">• To authorized representatives of the Comptroller General of the United States, the U.S. Attorney General, the Secretary of U.S. Department of Education, or the Commissioner of the State Department of Children, Families & Learning?	<ul style="list-style-type: none">• Yes, however, who and what is authorized depends upon the circumstances of the disclosure, such as Mandatory Reporting requirements.

<ul style="list-style-type: none"> To the juvenile justice system? 	<ul style="list-style-type: none"> Yes, specific minimal data may be released prior to adjudication, if the data concern the juvenile justice system and the ability of the system to effectively serve the student. In addition, data on a student who is on probation may be released to the juvenile justice system if the data relates to the student's use of a controlled substance, alcohol, or tobacco; assaultive or threatening conduct that could result in dismissal from schools; possession or use of weapons or look-alike weapons; participation in gang activity; theft; or vandalism or damage to property. In addition, a school district must release to law enforcement the fact that a student brought a firearm to school, although it cannot release details about the incident, such as the school's disciplinary response.
<ul style="list-style-type: none"> To comply with a judicial order or lawfully issued subpoena? 	<ul style="list-style-type: none"> Yes<u>Judicial order yes, subpoena no. Under,</u>under federal law, <u>a school district may disclose data</u> to comply with a subpoena if the district first makes a reasonable effort to notify the parent or eligible student in advance of compliance with the subpoena, or restrictions are placed on re-disclosure. Contrast this with<u>However, under</u> Minnesota state law, under which a school district must release data only pursuant to a court order, not a subpoena. The more stringent state requirement must be followed in Minnesota.
<ul style="list-style-type: none"> To the attorney, insurance representative, or other third parties working for or on behalf of the school district? 	<ul style="list-style-type: none"> Yes, if needed in the course of his or her representation of the district and the person has a legitimate need to know the data to perform his/her function for the district.
<ul style="list-style-type: none"> To the attorney or advocate for the parent'? 	<ul style="list-style-type: none"> No, unless the parent or adult student has signed a prior written consent authorizing release of the data to their attorney or advocate.
<ul style="list-style-type: none"> To accrediting organizations? 	<ul style="list-style-type: none"> Yes, as necessary to carry out accrediting functions.

Dated: May 7, 2001
Revised: February 16, 2021
Reviewed: December 20, 2004

Adopted: _____

MSBA/MASA Model Policy 515

Orig. 1995

Revised: _____

Rev. 2013

515 PROTECTION AND PRIVACY OF PUPIL RECORDS

[Note: School districts are required by statute to have a policy addressing these issues.]

I. PURPOSE

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 (FERPA)) 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 Parts 1205.0100-1205.2000.

III. DEFINITIONS

A. Authorized Representative

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

B. Biometric Record

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

C. Dates of Attendance

“Dates of attendance,” as referred to in “Directory Information,” means the period of time during which a student attends or attended a school or schools in the school district, including attendance in person or by paper correspondence, satellite, internet or other electronic communication technologies for students who

are not in the classroom, and including the period during which a student is working under a work-study program. The term does not include specific daily records of a student's attendance at a school or schools in the school district.

D. 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, electronic mail address, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status (i.e., full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended. It also includes the name, address, and telephone number of the student's parent(s). Directory information does not include:

1. a student's social security number;
2. a student's identification number (ID), user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems if the identifier may be used to access education records without use of one or more factors that authenticate the student's identity such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user;
3. a student ID or other unique personal identifier that is displayed on a student ID badge if the identifier can be used to gain access to educational records when used in conjunction with one or more factors that authenticate the student's identity, such as a PIN, password, or other factor known or possessed only by the student;
4. personally identifiable data which references religion, race, color, social position, or nationality; or
5. data collected from nonpublic school students, other than those who receive shared time educational services, unless written consent is given by the student's parent or guardian.

[Note: This definition includes all of the types of information specifically referenced by state and federal law as directory information. A school district may choose not to designate some or all of the enumerated information as directory information. A school district also may add to the list of directory information, as long as the added data is not information that generally would be deemed as an invasion of privacy or information that references the student's religion, race, color, social position, or nationality. Federal law now allows a school district to specify that the disclosure of directory information will be limited to specific parties, for specific purposes, or both. The identity of

those parties and/or purposes should be identified. To the extent a school district adds these restrictions, it must then limit its directory information disclosures to those individuals and/or purposes specified in this public notice. Procedures to address how these restrictions will be enforced by the school district are advised. Designation of directory information is an important policy decision for the local school board which must balance not only the privacy interests of the student against public disclosure but also the additional administrative requirements such restrictions on disclosures will place on the school district.]

E. Education Records

1. What constitutes “education records.” 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. What does not constitute an education record. The term, “education records,” does 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 school year.
 - b. Records of a law enforcement unit of the school district, provided education 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 post-secondary 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 and that are not directly related to the individual's attendance as a student.

F. Eligible Student

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

G. Juvenile Justice System

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

H. 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.

I. 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.

J. Personally Identifiable

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

K. 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.

L. Responsible Authority

"Responsible authority" means *[designate title and actual name of individual]*.

M. 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.

N. School Official

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

[Note: School districts may wish to reference police liaison officers in the definition of a “school official.” Depending on the circumstances of the relationship, this may be added in subpart (d) of the definition or in a new subpart (e). Caution should be used to ensure that police liaison officers are considered “school officials” only when performing duties as a police liaison officer. Consultation with the school district’s legal counsel is recommended.]

O. 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.

P. Other Terms and Phrases

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

IV. GENERAL CLASSIFICATION

State law provides that all data collected, created, received, or maintained by a school district are public unless classified by state or federal law as not public or private or confidential. State law classifies all data on individuals maintained by a 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 FERPA and the regulations promulgated thereunder.

V. STATEMENT OF RIGHTS

A. Rights of Parents and Eligible Students

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

1. The right to inspect and review the student's education records;
2. The right to request the amendment of the student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that such consent is not required for disclosure pursuant to this policy, state or federal law, or the regulations promulgated thereunder;
4. The right to refuse release of names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions;
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 Section XXI. of this policy.

B. Eligible Students

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 education records of such student without first obtaining the consent of the student. In addition, parents of an eligible student may be given access to education records in connection with a health or safety emergency if the disclosure meets the conditions of any provision set forth in 34 C.F.R. § 99.31(a).

C. Disabled Students

The school district shall follow 34 C.F.R. §§ 300.610-300.617 with regard to the confidentiality of information related to students with a disability.

VI. **DISCLOSURE OF EDUCATION RECORDS**

A. Consent Required for Disclosure

1. The school district shall obtain a signed and dated written informed consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of the

student, except as provided herein.

2. The written consent required by this subdivision must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:
 - a. a specification of the records to be disclosed;
 - b. the purpose or purposes of the disclosure;
 - c. the party or class of parties to whom the disclosure may be made;
 - d. the consequences of giving informed consent; and
 - e. if appropriate, a termination date for the consent.
3. When a disclosure is made under this subdivision:
 - a. if the parent or eligible student so requests, the 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. A signed and dated written consent may include a record and signature in electronic form that:
 - a. identifies and authenticates a particular person as the source of the electronic consent; and
 - b. indicates such person's approval of the information contained in the electronic consent.
5. If the responsible authority seeks an individual's informed consent to the release of private data to an insurer or the authorized representative of an insurer, informed consent shall not be deemed to have been given unless the statement is:
 - a. in plain language;
 - b. dated;
 - c. specific in designating the particular persons or agencies the data subject is 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: (i) life insurance or noncancellable or guaranteed renewable health insurance and identified as such, two years after the date of the policy, or (ii) medical assistance under Minn. Stat. Ch. 256B or Minnesota Care under Minn. Stat. Ch. 256L, which shall be ongoing during all terms of eligibility, for individualized education program health-related services provided by a school district that are subject to third party reimbursement.

6. Eligible Student Consent

Whenever a student has attained eighteen (18) years of age or is attending an institution of 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 Section V. 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 a contractor, consultant, volunteer, or other party to whom the school district has outsourced institutional services or functions provided that the outside party:
 - a. performs an institutional service or function for which the school district would otherwise use employees;
 - b. is under the direct control of the school district with respect to the use and maintenance of education records; and

- c. will not disclose the information to any other party without the prior consent of the parent or eligible student and uses the information only for the purposes for which the disclosure was made.
3. To officials of other schools, school districts, or post-secondary educational institutions in which the student seeks or intends to enroll, or is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer. The records shall include information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, and with proper annual notice (see Section XIX.), suspension and expulsion information pursuant to section 7917 of the federal Every Student Succeeds Act *[insert the following if the school district has a policy regarding Staff Notification of Violent Behavior by Students]* and, if applicable, data regarding a student's history of violent behavior. The records also shall include a copy of any probable cause notice or any disposition or court order under Minn. Stat. § 260B.171, unless the data are required to be destroyed under Minn. Stat. § 120A.22, Subd. 7(c) or § 121A.75. On 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 Section XV. of this policy;
4. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or the Commissioner of the State Department of Education or his or her representative, subject to the conditions relative to such disclosure provided under federal law;
5. In connection with financial aid for which a student has applied or has received, if the information is necessary for such purposes as to:
 - a. determine eligibility for the aid;
 - b. determine the amount of the aid;
 - c. determine conditions for the aid; or
 - d. enforce the terms and conditions of the aid.

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

6. To state and local officials or authorities to whom such information is

specifically allowed to be reported or disclosed pursuant to state statute adopted:

- a. before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system's ability to effectively serve the student whose records are released; or
 - b. after November 19, 1974, if the reporting or disclosure allowed by state statute concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released, provided the officials and authorities to whom the records are disclosed certify in writing to the 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 who have a legitimate interest in the information, the information is destroyed when no longer needed for the purposes for which the study was conducted, and the school district enters into a written agreement with the organization that: (a) specifies the purpose, scope, and duration of the study or studies and the information to be disclosed; (b) requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement; (c) requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and (d) requires the organization to destroy all personally identifiable information when information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed. For purposes of this provision, the term, "organizations," includes, but is not limited to, federal, state, and local agencies and independent organizations. In the event the Department of Education determines that a third party outside of the 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 (5) years;

8. To accrediting organizations in order to carry out their accrediting functions;
9. To parents of a student eighteen (18) years of age or older if the student is a dependent of the parents for income tax purposes;
10. To comply with a judicial order or lawfully issued subpoena, provided, however, that the 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, or the disclosure is in compliance with an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. § 2332b(g)(5)(B), an act of domestic or international terrorism as defined in 18 U.S.C. § 2331, or a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of the proceeding. If the 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;
11. To appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health, including the mental health, or safety of the student or other individuals. The decision is to be based upon information available at the time the threat occurs that indicates that there is an articulable and significant threat to the health or safety of a student or other individuals. In making a determination whether to disclose information under this section, the school district may take into account the totality of the circumstances pertaining to a threat and may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other students. A record of this disclosure must be maintained pursuant to Section XIII.E. of this policy. In addition, an educational agency or institution may include in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. This information may be disclosed to teachers and school officials within the

school district and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student;

12. To the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;
13. Information the school district has designated as “directory information” pursuant to Section VII. of this policy;
14. To military recruiting officers and post-secondary educational institutions pursuant to Section XI. of this policy;
15. To the parent of a student who is not an eligible student or to the student himself or herself;
16. To appropriate 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;
17. To volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;
18. To the juvenile justice system, on written request that certifies that the information will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student:
 - a. the following information about a student must be disclosed: a student’s full name, home address, telephone number, date of birth; a student’s school schedule, daily attendance record, and photographs, if any; and any parents’ names, home addresses, and telephone numbers;
 - b. the existence of the following information about a student, not the actual data or other information contained in the student’s education record, may be disclosed provided that a request for access must be submitted on the statutory form and it must contain an explanation of why access to the information is necessary to serve the student: (1) use of a controlled substance, alcohol, or tobacco; (2) assaultive or threatening conduct that could result in dismissal from school under the Pupil Fair Dismissal Act; (3) possession or use of weapons or look-alike weapons; (4) theft; or (5) vandalism or other damage to property. Prior to releasing this information, the principal or chief administrative officer of a

school who receives such a request must, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the request to disclose information. If the student's parent or guardian notifies the school official of an objection to the disclosure within ten (10) days of receiving certified notice, the school official must not disclose the information and instead must inform the requesting member of the juvenile justice system of the objection. If no objection from the parent or guardian is received within fourteen (14) days, the school official must respond to the request for information.

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

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

also notify other 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's notice. Peace officer's record information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information must not be further disseminated by the counselor, teacher administrator, staff member, substitute, or volunteer except to communicate with the student or the student's parent or guardian as necessary to serve the student, to protect students and staff, or as otherwise required by law.

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

21. To the Secretary of Agriculture, or authorized representative from the Food and Nutrition Service or contractors acting on behalf of the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of state and local educational and other agencies and institutions receiving funding or providing benefits of one or more programs authorized under the National School Lunch Act or the Child Nutrition Act of 1966 for which the results will be reported in an aggregate form that does not identify any individual, on the conditions that: (a) any data collected shall be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the Secretary; and (b) any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements.
22. To an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in 25 U.S.C. § 5304), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization

to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records.

C. Nonpublic School Students

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

1. Pursuant to a valid court order;
2. Pursuant to a statute specifically authorizing access to the private data; or
3. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiological investigations which the commissioner of 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.

VII. RELEASE OF DIRECTORY INFORMATION

A. Classification

Directory information is public except as provided herein.

B. Former Students

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

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
 - c. 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.

[Note: Federal law now allows a school district to specify that the disclosure of directory information will be limited to specific parties, for specific purposes, or both. If the school district chooses to impose these limitations, it is advisable to add a new paragraph VII.C.1.d. which specifies that disclosures of directory information will be limited to specific parties and/or for specific purposes and identify those parties and/or purposes. To the extent a school district adds these restrictions, it must then limit its directory information disclosures to those individuals and/or purposes specified in this public notice. Procedures to address how these restrictions will be enforced by the school district are advised. This is an important policy decision for the local school board which must balance not only the privacy interests of the student against public disclosure, but also the additional administrative requirements such restrictions will place on the school district.]

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 Section VI. of this policy.
3. A parent or eligible student may not opt out of the directory information disclosures to:
 - a. prevent the school district from disclosing or requiring the student to disclose the student's name, ID, or school district e-mail address in a class in which the student is enrolled; or
 - b. prevent the school district from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information and that has been properly designated by the school district as directory information.

4. The school district shall not disclose or confirm directory information without meeting the written consent requirements contained in Section VI.A. of this policy if a student's social security number or other non-directory information is used alone or in combination with other data elements to identify or help identify the student or the student's records.

D. Procedure for Obtaining Nondisclosure of Directory Information

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

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

E. Duration

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

VIII. DISCLOSURE OF PRIVATE RECORDS

A. Private Records

For the purposes herein, education records are records which are classified as private data on individuals by state law and which are accessible only to the student who is the subject of the data and the student's parent if the student is not an eligible student. The school district may not disclose private records or their contents except as summary data, or except as provided in Section VI. of this policy, without the prior written consent of the parent or the eligible student. The school district will use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other party to whom personally identifiable information from education records is disclosed.

B. Private Records Not Accessible to Parent

In certain cases state law intends, and clearly provides, that certain information contained in the education records of the 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. §§ 144.341-144.347, 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, written copies of reports pertaining to a neglected and/or physically and/or sexually abused child shall be accessible only to the appropriate welfare and law enforcement agencies. In respect to other parties, such data shall be confidential and will not be made available to the parent or the subject individual by the 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.

Regardless of whether a written report is made under Minn. Stat. § 626.556, Subd. 7, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

C. Investigative Data

Data collected by the 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. Parents or eligible students may have access to investigative data of which the student is the subject, but only to the extent the data is not inextricably intertwined with data about other school district students, school district employees, and/or attorney data as defined in Minn. Stat. § 13.393.
4. Once a civil investigation becomes inactive, civil investigative data becomes public unless the release of the data would jeopardize another pending civil legal action, except for those portions of such data that are classified as not public data under state or federal law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. For purposes of this provision, a civil investigation becomes inactive upon the occurrence of any of the following events:
 - a. a decision by the 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.

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

D. Chemical Abuse Records

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

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

At a reasonable time prior to any exclusion or expulsion hearing, the student and the student’s parent or guardian or representative shall be given access to all 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 RECRUITING OFFICERS AND POST-SECONDARY EDUCATIONAL INSTITUTIONS

- A. The school district will release the names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions within sixty (60) days after the date of the request unless a parent or eligible student has refused in writing to release this data pursuant to Paragraph C. below.
- B. Data released to military recruiting officers under this provision:
 - 1. may be used only for the purpose of providing information to students about military service, state and federal veterans’ education benefits, and other career and educational opportunities provided by the military; and
 - 2. cannot be further disseminated to any other person except personnel of the

recruiting services of the armed forces.

- C. A parent or eligible student has the right to refuse the release of the name, address, or home telephone number to military recruiting officers and post-secondary educational institutions. To refuse the release of the above information to military recruiting officers and post-secondary educational institutions, a parent or eligible student must notify the responsible authority [*designate title of individual, i.e., building principal*] in writing by [*date*] each year. The written request must include the following information:
1. Name of student and parent, as appropriate;
 2. Home address;
 3. Student's grade level;
 4. School presently attended by student;
 5. Parent's legal relationship to student, if applicable;
 6. Specific category or categories of information which are not to be released to military recruiting officers and post-secondary educational institutions; and
 7. Specific category or categories of information which are not to be released to the public, including military recruiting officers and post-secondary educational institutions.
- D. Annually, the school district will provide public notice by any means that are reasonably likely to inform the parents and eligible students of their rights to refuse to release the names, addresses, and home phone numbers of students in grades 11 and 12 without prior consent.
- E. A parent or eligible student's refusal to release the above information to military recruiting officers and post-secondary educational institutions does not affect the school district's release of directory information to the rest of the public, which includes military recruiting officers and post-secondary educational institutions. In order to make any directory information about a student private, the procedures contained in Section VII. 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 members of the public, including military recruiting officers and post-secondary educational institutions.

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. Subdivision A. of this section does not prevent the school district from disclosing personally identifiable information under Section VI. 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:
 - a. The disclosures meet the requirements of Section VI. of this policy; and
 - b. The school district has complied with the record-keeping requirements of Section XIII. of this policy.
2. Subdivision A. of this section does not apply to disclosures made pursuant to court orders or lawfully issued subpoenas or litigation, to disclosures of directory information, to disclosures to a parent or student or to parents of dependent students, or to disclosures concerning sex offenders and other individuals required to register under 42 U.S.C. § 14071. However, the school district must provide the notification required in Section XII.D. of this policy if a redisclosure is made based upon a court order or lawfully issued subpoena.

[Note: 42 U.S.C. § 14071 was repealed. School districts should retain this statutory reference, however, as it remains a reference in FERPA and the Minnesota Government Data Practices Act and still may apply to individuals required to register prior to the repeal of this law.]

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 inform the party to whom a disclosure is made of the requirements set forth in this section, except for disclosures made pursuant to court orders or lawfully issued subpoenas, disclosure of directory information

under Section VII. of this policy, disclosures to a parent or student, or disclosures to parents of a dependent student. In the event that the Family Policy Compliance Office determines that a state or local educational authority, a federal agency headed by an official listed in 34 C.F.R. § 99.31(a)(3), or an authorized representative of a state or local educational authority or a federal agency headed by an official listed in § 99.31(a)(3), or a third party outside of the school district improperly rediscloses personally identifiable information from education records or fails to provide notification required under this section of this policy, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years.

XIII. RESPONSIBLE AUTHORITY; RECORD SECURITY; AND RECORD KEEPING

A. Responsible Authority

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

B. Record Security

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

C. Plan for Securing Student Records

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

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

D. Review of Written Plan for Securing Student Records

The responsible authority shall review the plans submitted pursuant to Paragraph C. of this section for compliance with the law, this policy and the various administrative policies of the school district. The responsible authority shall then promulgate a chart incorporating the provisions of Paragraph C. which shall be

attached to and become a part of this policy.

E. Record Keeping

1. The principal shall, for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record with the education records of the student which indicates:
 - a. the parties who have requested or received personally identifiable information from the education records of the student;
 - b. the legitimate interests these parties had in requesting or obtaining the information; and
 - c. the names of the state and local educational authorities and federal officials and agencies listed in Section VI.B.4. of this policy that may make further disclosures of personally identifiable information from the student's education records without consent.
2. In the event the school district discloses personally identifiable information from an education record of a student pursuant to Section XII.B. of this policy, the record of disclosure required under this section shall also include:
 - a. the names of the additional parties to which the receiving party may disclose the information on behalf of the school district;
 - b. the legitimate interests under Section VI. of this policy which each of the additional parties has in requesting or obtaining the information; and
 - c. a copy of the record of further disclosures maintained by a state or local educational authority or federal official or agency listed in Section VI.B.4. of this policy in accordance with 34 C.F.R. § 99.32 and to whom the school district disclosed information from an education record. The school district shall request a copy of the record of further disclosures from a state or local educational authority or federal official or agency to whom education records were disclosed upon a request from a parent or eligible student to review the record of requests for disclosure.
3. Section XIII.E.1. does not apply to requests by or disclosure to a parent of a student or an eligible student, disclosures pursuant to the written consent of a parent of a student or an eligible student, requests by or disclosures to other school officials under Section VI.B.1. of this policy, to requests for disclosures of directory information under Section VII. of this policy, or to a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or agency has

ordered that the existence or the contents of the subpoena or the information provided in response to the subpoena not be disclosed or as directed by an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18. U.S.C. § 2332b(g)(5)(B) or an act of domestic or international terrorism.

[Note: While Section XIII.E.1. does not apply to requests for or disclosures of directory information under Section VII. of this policy, to the extent the school district chooses to limit the disclosure of directory information to specific parties, for specific purposes, or both, it is advisable that records be kept to identify the party to whom the disclosure was made and/or purpose for the disclosure.]

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

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 Section VIII. of this policy.

B. Response to Request for Access

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

C. Right to Inspect and Review

The right to inspect and review education records under Subdivision A. of this section 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.
3. Nothing in this policy shall be construed as limiting the frequency of inspection of the education records of a student with a disability by the student's parent or guardian or by the student upon the student reaching the age of majority.

D. Form of Request

Parents or eligible students shall submit to the 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 record-keeping systems, including but not limited to computers and microfilm systems; and
 - e. mailing costs.
2. If 100 or fewer pages of black and white, letter or legal size paper copies are requested, actual costs shall not be used, and, instead, the charge shall be no more than 25 cents for each page copied.
3. The cost of providing copies shall be borne by the parent or eligible student.
4. The responsible authority, however, may not impose a fee for a copy of an education record made for a parent or eligible student if doing so would effectively prevent or, in the case of a student with a disability, impair the parent or eligible student from exercising their right to inspect or review the student's education records.

XV. REQUEST TO AMEND RECORDS; PROCEDURES TO CHALLENGE DATA

A. Request to Amend Education Records

The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate, misleading, or violates the privacy rights of the student may request that the 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 thirty (30) days 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 under Subdivision B. of this section.

B. Right to a Hearing

If the school district refuses to amend the education records of a student, 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. A hearing shall be conducted in accordance with Subdivision C. of this section.

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 under Subdivision B. of this section 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 to that 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 under Subdivisions A. and B. of this section 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 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 *[designate title and actual name of individual]*.
- C. Any request by an individual with a disability for reasonable modifications of the school district's policies or procedures for purposes of accessing records shall be made to the data practices compliance official.

XVII. COMPLAINTS FOR NONCOMPLIANCE WITH FERPA

A. Where to File Complaints

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

B. Content of Complaint

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

XVIII. WAIVER

A parent or eligible student may waive any of his or her rights provided herein pursuant to FERPA. A waiver shall not be valid unless in writing and signed by the parent or eligible student. The 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 FERPA and the rules promulgated thereunder;
5. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest for purposes of disclosing

education records to other school officials whom the 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 or is already enrolled as long as the disclosure is for purposes related to the student's enrollment or transfer and that such records may include suspension and expulsion records pursuant to the federal Every Student Succeeds Act and, if applicable, a student's history of violent behavior.

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

The 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

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.

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. Ch. 14 (Administrative Procedures Act)
Minn. Stat. § 120A.22 (Compulsory Instruction)
Minn. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)
Minn. Stat. § 121A.75 (Sharing Disposition Order and Peace Officer Records)
Minn. Stat. § 127A.852 (Military-Connected Youth Identifier)
Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)
Minn. Stat. § 260B.171, Subds. 3 and 5 (Disposition Order and Peace Officer Records of Children)
Minn. Stat. § 363A.42 (Public Records; Accessibility)
Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)
Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)
10 U.S.C. § 503(b) and (c) (Enlistments: Recruiting Campaigns; Compilation of Directory Information)
18 U.S.C. § 2331 (Definitions)

18 U.S.C. § 2332b (Acts of Terrorism Transcending National Boundaries)
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)
20 U.S.C. § 6301 *et seq.* (Every Student Succeeds Act)
20 U.S.C. § 7908 (Armed Forces Recruiting Information)
26 U.S.C. §§ 151 and 152 (Internal Revenue Code)
34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)
34 C.F.R. § 300.610-300.627 (Confidentiality of Information)
42 C.F.R. § 2.1 *et seq.* (Confidentiality of Drug Abuse Patient Records)
Gonzaga University v. Doe, 536 U.S. 273, 122 S.Ct. 2268, 153 L.Ed. 2d 309 (2002)

Cross References: MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
MSBA/MASA Model Policy 417 (Chemical Use and Abuse)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 519 (Interviews of Students by Outside Agencies)
MSBA/MASA Model Policy 520 (Student Surveys)
MSBA/MASA Model Policy 711 (Video Recording on School Buses)
MSBA/MASA Model Policy 906 (Community Notification of Predatory Offenders)
MSBA Service Manual, Chapter 13, School Law Bulletin “T” (School Records – Privacy – Access to Data)

NEW BUSINESS – FOR REVIEW

Agenda Item VI.A.

Board of Education
Independent School District 280
Richfield, Minnesota

Regular Meeting, February 1, 2021

Subject: Student Activity Fund and Other Organizations

(Recommended by the Superintendent)

A first read of Policy 703: Student Activity Fund and Other Organizations and the accompanying guideline.

Attachments:

Policy 703: Student Activity Fund and Other Organizations

Administrative Guideline 703.1

MSBA Model Policy 713: Student Activity Accounting

RICHFIELD PUBLIC SCHOOLS

STUDENT ACTIVITY FUND AND OTHER ORGANIZATIONS

I. PURPOSE

This policy is a confirmation that the Board of Education, by the authority of Minnesota Statute 123B.49, assumes the direction and control of the student activity funds.

Private organizations, such as PTAs, Parent Booster Clubs, etc. are independent entities that perform their own financial accounting, and cannot have a school district account.

II. GENERAL STATEMENT OF POLICY

The use of student activity fund accounts shall be in compliance with the Manual for Uniform Financial Accounting and Reporting Standards (UFARS) for Minnesota Schools.

- A. The supervision and control of student activity accounts shall be the responsibility of the school principal or designee.
- B. The student activity accounts shall be separate and identifiable in the School District's UFARS chart of accounts.
- C. The student activity accounts shall be included in the annual school district audit with periodic reporting to the School Board.
- D. All gifts and donations made to or originating from the student activity accounts' require School Board approval.
- E. All contracts must be approved by the School Board.

III. INACTIVE ACCOUNTS

The School Board may terminate a program or activity. In general the Board will dissolve a student activity account after two years of inactivity and the balances shall be transferred or donated to another student activity.

IV. OTHER ORGANIZATIONS

The School Board shall not maintain or account for funds generated by non-students, including but not limited to, convenience funds for staff members, Parent Booster Clubs, or parent-teacher organizations or association funds.

Such organizations must maintain bank accounts separate from school district accounts and separate disbursement and accounting mechanisms.

- A. In order to maintain proper separation of disbursement and accounting mechanisms, school district employees are not permitted to make deposits into a bank account maintained by such an organization, or write checks against such account, or reconcile such an account. A school employee shall not act as the treasurer for one of these organizations. For purposes of this policy, a school employee does not include a school board member or temporary or seasonal employee (working fewer than 67 days in a calendar year).
- B. Such organizations shall not use the District's letterhead, tax exemption I.D., and shall not hold themselves out to be a branch of the school.
- C. The School District encourages external fundraising groups to follow appropriate accounting practices and conduct annual audits of financial records by an independent source.
- D. The School District's business office shall provide guidance on compliance with this policy upon request of the individual organizations.

Legal References: Minn. Stat. 123B.76-77 - Uniform Financial Reporting and Accounting Standards (UFARS)

Cross References: UFARS Manual, Chapter 14, Manual on Activity Fund Accounting (MAFA)

ADOPTED BY THE BOARD OF EDUCATION: April 2, 2001

REVISED BY THE BOARD OF EDUCATION: February 6, 2006, November 20, 2006

RICHFIELD PUBLIC SCHOOLS

ADMINISTRATIVE GUIDELINES

STUDENT ACTIVITY FUND AND OTHER ORGANIZATIONS

I. INTRODUCTION

The purpose of this guideline is to assist in the implementation of Policy 703, pertaining to the School Board's assuming the direction and control of the student activity accounts.

II. DEFINITION

Whenever it is beneficial and in the best interest of the district for students to participate on a sport or educational activity connected with their studies and outside of the territorial limits of the district, the board may authorize such activity.

A. Student activities have all of the following characteristics:

1. The activity is not offered for school credit or required for graduation.
2. The activity is conducted outside schools hours, or if partly, during school hours, at times agreed by the participants, and approved by school principal.
3. The activity content is determined primarily by the student participants under the guidance of a school advisor.
4. The activity is self-sustaining. All expenses, except advisor salary and indirect costs incurred by the use of school facilities, are paid by the activity.

B. Private organizations, such as PTAs, Parent Booster Clubs, etc., are Independent entities that perform their own accounting, and can not have a student activity account.

1. In order to maintain proper separation of disbursement and accounting mechanisms, school district employees are not permitted to make deposits into a bank account maintained by such an organization, or write checks against such account, or reconcile such an account. A school employee shall not act as the treasurer for one of these organizations. For purposes of this policy, a school employee does not include a school board member or temporary or seasonal employee (working fewer than 67 days in a calendar year).

2. Such organizations shall not use the District's letterhead, tax exemption I.D., and shall not hold themselves out to be a branch of the school.

- C. A student activity account is not to be used by the schools to receive commission sales from vending machines, and school picture sales.

III. EXPENDITURES

A student activity account must serve a specific group of students and is not to be used to circumvent the district's standard purchasing and accounting practices.

- A. Acceptable activity account expenditures:

1. Expendable supplies spent on the operation of the activity.
2. Contracted services, and equipment purchases require School Board Approval before the actual expenditure is made.

- B. Unacceptable activity account expenditures:

1. Salaries of advisors and/or any incidental expenses arising from the use of school property.
2. Payments for services performed by an employee of the district.
3. Faculty travels, unless such travel expense is clearly in connection with the operation of the student activity.

- C. Certain expenditures may be authorized by the principal using a student activity check request form.

1. Supplies and materials for the operation of the activity.
2. Customary expenses of student activities, such as travel, food, lodging, registration fees, tickets for admissions, refreshments, and entertainment.

- D. All transportation needs should be coordinated with the transportation office.

IV. RECEIPTS

- A. Revenue should include any donations, membership fees, admissions, or proceeds of any activity sponsored fund raisers. Gifts and donations must be approved by the school board for activities. Gifts may require governing board approval for acceptance.

- B. Deposits in the designated activity fund bank account are to be made promptly.

- C. All revenue collected from vending machines or school pictures are district revenues, and are to be deposited in the district's bank account.

V. PAYMENTS

- A. A check will be issued on the basis of properly approved check request form. The request shall provide the following information:

1. Name of Organization
2. Explanation of Disbursement
3. Name of Vendor(s)
4. Date Requested
5. Account Code
6. Appropriate Documentation (i.e., original invoice, sales slip)

- B. Disbursement must be approved by:

1. Individual Activity Fund Student Treasurer (when applicable)
2. Activity Advisor and/or
3. Administrator

- C. Deficit financing, or writing a check against an account which has an insufficient cash balance is not an acceptable practice.

- D. The student activity "petty cash envelop" is maintained in the principal's office and should be used to reduce the number of check requests and expedite reimbursements. As a general rule, petty cash should be used for reimbursable expenses less than \$100 and as often as possible.

- E. The use of personal checking accounts by advisors or principals to support student activity expenses is prohibited by law.

VI. DISCONTINUED ACTIVITY ACCOUNTS

An activity fund balance should be disposed of when the original purpose of the fund no longer exists. The principles dealing with the liquidation of a nonprofit corporation, contained in M.S. 317.57, 1974 are applied.

- A. First, all liabilities and obligations should be paid.
- B. Second, any money that was received subject to a special limitation, if the condition or limitation occurs because of the liquidation of the account, it should be returned to the donor.
- C. If any funds were donated with a specific purpose, which purpose could be fulfilled by donating the funds to another organization, then the funds should be so donated.

D. In the absence of any restrictions, money remaining after the above distributions may be distributed, subject to the exception listed below.

1. One restriction on the distribution is: Student activity funds shall not be used for any purpose which represents an accommodation, loan, or credit to any individual.
2. A student activity may be dissolved by the members whenever entire membership graduates (i.e. class funds) or when the organization cannot be advised or maintained by a district employee.
3. Balances shall be transferred or donated to another organization prior to being dissolved.

VII. FISCAL REQUIREMENTS

- A. Any changes, termination or addition of an activity account shall be documented by the school principal and coordinated with the business office.
- B. The school principal shall insure that all accounts are in compliance with the Manual on Activity Fund Accounting (MAFA). The principal shall be responsible for providing each activity advisor with the manual and supervising their compliance.
- C. The account records shall be reconciled monthly by the activity treasurer and the school district business office.
- D. An annual student activities budget shall be prepared for approval by the School Board.
- E. Activity account reporting shall routinely be provided to the School Board and included in the annual financial audit report.

VIII. ENTERING INTO CONTRACTS

All contracts must be approved by the School Board. Any other contract arrangement is considered null and void by the school district, and may become the personal liability of school personnel.

The contracts for vending machines, year book and school picture sales must be approved by the School Board.

Cross References: Uniform Financial Accounting and Reporting Standards
(UFARS)
Policy 653 – Field Trips

Policy 744 – Co-Curricular & Athletic Transportation

Legal References: Minn. Stat. 123B.76.77, UFARS
Minn. Stat. 123B.76-77, Chapter 14 – MAFA Manual
Minn. Stat. 123B.49 - Co-Extracurricular
Minn. Rule 3500.1050 - Co-Extracurricular
Minn. Stat. 123B.35-38 - Pupil Fees
Minn. Stat. 123B.09 & .52 - Contracts
Minn. Stat. 123B.02, subd. 6 - Gifts
Minn. Stat. 471.345 - MN Bid Law

Dated: May 7, 2001

Reviewed:

Revised: February 6, 2006, November 20, 2006

Adopted: _____

MSBA/MASA Model Policy 713

Orig. 2004

Revised: _____

Rev. 2019

713 STUDENT ACTIVITY ACCOUNTING

I. PURPOSE

The school board recognizes the need to provide alternative paths to learning, skill development for its students, and activities for student enjoyment. It also understands its commitment to and obligation for assuring maximum accountability for public funds and student activity funds. For these reasons, the school board will assume control over and/or oversee funds for student activities as set forth in this policy.

II. GENERAL STATEMENT OF POLICY

A. Curricular and Cocurricular Activities

The school board shall take charge of, control over, and account for all student activity funds that relate to curricular and cocurricular activities.

[Note: The school board is required by Minn. Stat. § 123B.49, Subd. 2, to take charge of and control over all cocurricular activities, including all money received for such activities.]

B. Extracurricular Activities

The school board shall take charge of and control over all student activity accounting that relates to extracurricular activities.

[Note: The school board is required by Minn. Stat. § 123B.49, Subd. 4, to take charge of and control over all extracurricular activities, including all money received for such activities.]

C. Non-Student Activities

In overseeing student activity accounts under this policy, the school board shall not maintain or account for funds generated by non-students including, but not limited to, convenience funds of staff members, booster club funds, parent-teacher organization or association funds, or funds donated to the school district for specified purposes other than student activities.

III. DEFINITIONS

A. Cocurricular Activity

A “cocurricular activity” means those portions of the school-sponsored and directed activities designed to provide opportunities for students to participate in such experiences on an individual basis or in groups, at school and at public events, for improvement of skills (i.e., interscholastic sports, band, etc.). Cocurricular activities are not offered for school credit, cannot be counted toward graduation, and have *one or more* of the following characteristics:

1. They are conducted at regular and uniform times during school hours, or at times established by school authorities;
2. They are directed or supervised by instructional staff in a learning environment similar to that found in courses offered for credit; and
3. They are partially, primarily, or totally funded by public moneys for general instructional purposes under direction and control of the school board.

B. Curricular Activity

A “curricular activity” means those portions of the school program for which credit is granted, whether the activity is part of a required or elective program.

C. Extracurricular (Noncurricular/Supplementary) Activity

An “extracurricular (noncurricular/supplementary) activity” means all direct and personal services for students for their enjoyment that are managed and operated under the guidance of an adult or staff member. Extracurricular activities have *all* of the following characteristics:

1. They are not offered for school credit nor required for graduation;
2. They generally are conducted outside school hours or, if partly during school hours, at times agreed by the participants and approved by school authorities;
3. The content of the activities is determined primarily by the student participants under the guidance of a staff member or other adult.

D. Public Purpose Expenditure

A “public purpose expenditure” is one which benefits the community as a whole, is directly related to the functions of the school district, and does not have as its primary objective the benefit of private interest.

IV. **MANAGEMENT AND CONTROL OF ACTIVITY FUNDS**

A. Curricular and Cocurricular Activities

1. All money received on account of cocurricular activities shall be turned over to the treasurer, who shall deposit such funds in the general fund, to be disbursed for expenses and salaries connected with the activities, or otherwise, by the school board upon properly allowed itemized claims.
2. The treasurer shall account for all revenues and expenditures related to curricular and cocurricular activities in accordance with the Uniform Financial Accounting and Reporting Standards (UFARS) and school district policies and procedures.

B. Extracurricular Activities

1. Any and all costs of extracurricular activities may be provided from school revenues.
2. All money received or expended for extracurricular activities shall be recorded in the same manner as other revenues and expenditures of the school district and shall be turned over to the treasurer, who shall deposit such funds in the general fund, to be disbursed for expenses and salaries connected with the activities, or otherwise, by the school board upon properly allowed itemized claims.
3. The treasurer shall account for all revenues and expenditures related to extracurricular activities in accordance with UFARS and school district policies and procedures.
4. All student activity funds will be collected and expended:
 - a. in compliance with school district policies and procedures;
 - b. under the general direction of the principal and with the participation of students and faculty members who are responsible for generating the revenue;
 - c. in a manner which does not produce a deficit or an unreasonably large accumulation of money to a particular student activity fund;
 - d. for activities which directly benefit the majority of those students making the contributions in the year the contributions were made whenever possible; and
 - e. in a manner which meets a public purpose.
5. Activity accounts of a graduated class will be terminated prior to the start of the school year following graduation. Any residual money from a graduating class activity fund will remain in the general fund and may be used for any school district purpose. Prior to depositing such accounts, all donations or gifts accepted for the specific purpose of the student activity

account shall be administered in accordance with the terms of the gift or donation and school district policy.

V. DEMONSTRATION OF ACCOUNTABILITY

A. Annual External Audit

The school board shall direct its independent certified public accountants to audit, examine, and report upon student activity accounts as part of its annual school district audit in accordance with state law.

B. Fundraiser Report

The administration will prepare a fundraising report semi-annually which will be reviewed by the school board in May and November. The report will list the activity, type of fundraisers, timing, purpose, and results.

[Note: The school board should conduct periodic reviews of student fundraising. The manner in which such reviews are conducted is in the discretion of the school board.]

Legal References: Minn. Stat. § 123B.02, Subd. 6 (General Powers of Independent School Districts)
Minn. Stat. § 123B.09 (Boards of Independent School Districts)
Minn. Stat. § 123B.15, Subd. 7 (Officers of Independent School Districts)
Minn. Stat. § 123B.35 (General Policy)
Minn. Stat. § 123B.36 (Authorized Fees)
Minn. Stat. § 123B.37 (Prohibited Fees)
Minn. Stat. § 123B.38 (Hearing)
Minn. Stat. § 123B.49 (Extracurricular Activities; Insurance)
Minn. Stat. § 123B.52 (Contracts)
Minn. Stat. § 123B.76 (Expenditures; Reporting)
Minn. Stat. § 123B.77 (Accounting, Budgeting, and Reporting Requirement)
Minn. Rules Part 3500.1050 (Definitions for Pupil Fees)
Visina v. Freeman, 252 Minn. 177, 89 N.W.2d 635 (1958)
Minn. Op. Atty. Gen. 159a-16 (May 10, 1966)

Cross References: Uniform Financial Accounting and Reporting Standards (UFARS)
MSBA/MASA Model Policy 510 (School Activities)
MSBA/MASA Model Policy 511 (Student Fundraising)
MSBA/MASA Model Policy 701 (Establishment and Adoption of School District Budget)
MSBA/MASA Model Policy 701.1 (Modification of School District Budget)
MSBA/MASA Model Policy 702 (Accounting)
MSBA/MASA Model Policy 703 (Annual Audit)

MSBA/MASA Model Policy 704 (Development and Maintenance of an
Inventory of Fixed Assets and a Fixed Asset Accounting System)
MSBA/MASA Model Policy 706 (Acceptance of Gifts)

Richfield Public Schools Independent District #280
RESOLUTION FOR SAFE ROUTES TO SCHOOL (SRTS) BOOST GRANT

WHEREAS, the Minnesota Department of Transportation Safe Routes to School Program assists schools and communities by making it so youth in Minnesota can safely, confidently, and conveniently walk, bike, and roll to school and in daily life; and

WHEREAS, the Minnesota Department of Transportation Safe Routes to School Program solicits applications to enable school and communities to implement Safe Routes to School planning, implementation, and programmatic activities; and

WHEREAS, if Richfield Public Schools Independent District #280 was awarded Boost funds these grant funds would be used to provide implementation activities to local communities to develop Safe Routes to School initiatives that increase safety and encourage more children to walk and bicycle to school; and

WHEREAS, no local match funding is required; and

WHEREAS, SRTS Boost grant activities will commence after the grant agreement is fully executed.

THEREFORE, BE IT RESOLVED:

1. That Richfield Public Schools Independent District #280 Board of Education authorizes the Superintendent to enter into a grant agreement with the Minnesota Department of Transportation for financial assistance to fund a Safe Routes to School Boost Grant and eligible expenses.
2. That the Superintendent is authorized to execute such Agreement and any amendments without further approval by the Richfield Public Schools Independent District #280 Board of Directors.

Adopted and approved at a duly called meeting, this ____ day of _____, 2021.

Independent School District #280, Board Chair

Attest:

Independent School District #280, Board Clerk

Board of Education
Independent School District 280
Richfield, Minnesota

Regular Meeting, February 1, 2021

**Subject: Nutrition Services Collective Bargaining Agreement for Years 2020-2021
and 2021-2022**

(Recommended by Superintendent)

It is recommended that the Board of Education approve the tentative collective bargaining agreement for Nutrition Services Employees for the period July 1, 2020 through June 30, 2022.

Background Information

(Prepared by Craig Holje)

A tentative agreement was reached in December regarding the 2020-2022 Master Agreement with the Nutrition Services Employees represented by SEIU Local 284. This agreement has been ratified by the Nutrition Services Employees. It is recommended that the School Board approve the agreement.

The changes to the agreement include the following:

Base Salary and Benefit Summary

Year 1 - July 1, 2020 – June 30, 2021

1. \$0.40 increase each year for Kitchen Assistants and Production Managers
\$0.70 increase first year for Production Cooks and Kitchen Managers
2. Increase uniform allowance and adjust guidelines
3. Provide language authorizing additional initial step placements as appropriate
4. Clarify language regarding additional hours and catering services and enter into an Memorandum of Understanding regarding guidelines
5. Provide language regarding emergency closings
6. Revise language related to reasons for personal leave days and limitations on numbers of employees absent for this reason.
7. Updated language in the medical benefits section to align with current benefits program
8. Provided inclusion of a Memorandum of Agreement regarding training, breaks, respectful workplace and staffing guidelines.

Year 2 - July 1, 2021 – June 30, 2022

1. Base Salary Schedule Increase of \$.40 for all classifications at all steps.
2. Adjust certification qualification to eliminate qualifying only with certification above requirement and adjust amounts to the following:
Certification Level 2 .10
Certification Level 3 .20
Certification Level 4 .30

NEW BUSINESS - FOR ACTION

Agenda Item VI.D.

Board of Education
Independent School District 280
Richfield, Minnesota

Regular Meeting, February 1, 2021

Subject: Donations

(Recommended by the Superintendent)

That the Board of Education accept the following donations with gratitude.

The RPS Facilities Department received a donation of one pallet of 17 ounce bottles of hand sanitizer valued at \$510.72 from MRMB House LLC.

The RPS General Fund received donations of \$25.00 from Michelle Burnside of Richfield, \$10.00 from Lisa Ferrara of Freehold, NJ, and \$200.00 from Aaron DeVries of Richfield.

The RPS Sunshine Fund received donations of \$75.00 from Bonnie Summers of Richfield, \$100.00 from Linda Crear of Richfield, and \$50.00 from Kim Houle of Richfield.

Richfield High School received a donation of a drill press and various hand tools (for Career and Technical Education) valued at approximately \$100.00 from Barb Mace of East Bethel, MN.

LEGISLATIVE UPDATE – FOR REVIEW

Agenda Item VII.A.

Board of Education
Independent School District 280
Richfield, Minnesota

Regular Meeting, February 1, 2021

Subject: Legislative Update

The Governor released his Due North plan, including a broad overview of the education plan for the state of Minnesota, along with an initial proposed budget.

Attached:

Summary Document of Governor's Proposed Budget

Overall, the governor recommends an additional \$662 million in spending for the E12 budget, including \$150 million in one-time funding, of which over half is from federal CARES funding.

Major proposals include a per pupil formula increase, pandemic enrollment loss, reducing the ELL cross subsidy, holding steady the special education cross subsidy, initiatives to address learning loss, and continuing funding for VPK/SR+.

More details will be made available when these recommendations are introduced as legislation. Detailed spreadsheets and district runs will be available soon.

[MMB budget documents](#)

[Office of the Governor, COVID Recovery Budget, Enduring Students Catch Up on Learning](#)

Formula increase: The governor recommends a formula increase of 1% in FY22 and 2.5% in FY23. The per-pupil formula would increase by \$66 in FY22, and by an additional \$166 in FY23. This is an increase of \$301 million for the biennium.

Pandemic enrollment loss: The governor recommends a one-time appropriation for declining enrollment revenue of \$25 million in FY21 to limit the impact of enrollment loss due to the COVID-19 pandemic. The recommendations propose to increase the percentage of the formula allowance used to calculate declining enrollment revenue from 28 to 48.5 percent of the basic formula allowance in FY21.

Special education cross subsidy: The governor recommends increasing special education aid by an amount sufficient to hold the state total cross-subsidy per student in average daily membership steady at FY19 level of \$808 per ADM.

Reduce English Learner Cross-Subsidy: The governor recommends increasing EL aid by \$13.6 million in FY23, \$15.315 million in FY24, and \$15.4 million in FY25 to reduce the EL cross-subsidy.

Simplify School Levies and Improve Equalization: The governor recommends \$93 million in FY22-23 and \$233.5 million in FY24-25 funding to simplify school funding formulas and improve levy equalization by replacing two tiers of Local Optional Revenue (LOR) with one tier, replacing two tiers of operating referendum revenue with one tier, and replacing two tiers of Debt Service Equalization with one tier beginning in FY23.

Maintain Existing Voluntary Prekindergarten Seats and Require Assessment Profile: The governor recommends maintaining the existing level of the voluntary prekindergarten (VPK) and school readiness plus (SR+) slots. He also recommends requiring programs to conduct Kindergarten Entry Profile (KEP) assessments and implementing service and staffing changes that will enhance data collection and analysis, and provide better technical assistance to school districts, charter schools and mixed delivery partnerships.

Priorities for COVID-19 Federal Funding and Summer Programming: The governor recommends spending \$79.4 million of federal funds to:

- \$57.5 million of GEER and ESSER II funds to expand the number of teachers teaching summer programs so that all districts and charter schools can provide in-person academic instruction and support during summer 2021.
- \$6.473 million to support school-age care staffing and administration.
- \$3 million to provide increased access to before, after, and summer school wrap-around services.
- \$6.473 million to reduce the Early Learning Scholarship waitlist to the extent possible.
- \$1.5 million for districts that did not receive federal funding through the Title I allocation.
- \$2.4 million to cover the costs of extended free/reduced lunch applications.

Summer Early Learning Opportunities for 4 and 5-year Olds - Summer 2021: The governor recommends a one-time \$20 million appropriation to provide summer preschool or prekindergarten to 4- and 5-year-olds. These funds can be used in a star-rated, public or private, preschool or prekindergarten in-person learning program.

Student Support Personnel: The governor recommends \$47 million in FY22-23 and \$55 million in FY24-25 for student support services personnel.

School-linked Mental Health Grants: The governor recommends an additional \$6 million to address the increased need for community mental health services, because of the COVID-19 pandemic.

The governor also proposes \$1 million for a grant program for local education agencies to fund student support personnel to offer summer school participants one-one or group mental health supports, trauma-informed practices, evidence-based social and emotional learning (SEL) programming, and other well-being activities.

Summer 2021 initiatives (all one-time funding)

- *Expand Mental Health and Well-being Supports:* The governor recommends \$1 million to expand mental health and well-being supports to youth and adolescents attending school district and charter school summer learning programs.
- *Increase Adult Basic Education (ABE) Program Funding:* The governor recommends \$10 million to increase available ABE programming.
- *Community Partnerships:* The governor recommends \$5 million to provide new grants to schools to partner with community businesses and organizations to develop a summer mentor and/or tutoring model that covers enrichment programming and other costs such as transportation and meals to increase student participation.

- *Neighborhood Programs:* The governor recommends \$5 million for a grant program to bring school-based summer programs into the community, providing opportunities for enrichment, social and emotional skill building, mental health supports, and tutoring services.
- *Expand Access to Tutoring Services:* The governor recommends \$3.25 million to expand access to tutoring services including academic enrichment, mental health supports, and other wrap-around services for K-12 children over the summer by partnering with experienced community organizations to deliver summer tutoring and increasing access to summer enrichment opportunities.
- *Field Trips and Hands-on Learning Opportunities:* The governor recommends \$10 million to provide every school district and charter school funding to provide students with summer field trips for hands-on learning opportunities. Hands-on learning opportunities include activities such as trips to nature centers, state parks, zoos, museums, or theaters.
- *Summer College for High School Graduates:* The governor recommends \$6 million to provide 2021 graduates with academic programming by supporting postsecondary coursework for summer 2021.
- *Learning Acceleration and College Readiness Initiatives:* The governor recommends \$1.125 million to the Office of Higher Education (OHE) to be used for two programs for the summer months to address educational challenges due to the pandemic for the most underserved students.

Teacher workforce recommendations

- *Grow Your Own Expansion:* The governor recommends \$2 million annually to increase quality of and participation in Grow Your Own Teacher Training Programs to specifically recruit teachers of color and Indigenous teachers (TOCAIT) by creating multiple program pathways to develop TOCAIT and allowing programs more time to spend funds to recruit more participants and create more quality programming.
- *Statewide Teacher Mentoring Program:* The governor recommends \$5 million for a statewide teacher induction and mentoring program.
- *Educator Career Pathways:* The governor recommends \$4 million annually for public school and charter school grants to create new educator career pathway program components in high schools and postsecondary institutions across the state, with a focus on disadvantaged and underrepresented populations.

Trauma-Informed Grants: The governor recommends \$4 million one-time for competitive grants for districts and charters to implement professional development for staff focused on trauma-informed practices.

Full-service community schools: The governor recommends \$4 million per year for full-service community schools.

Multi-Tiered Systems of Support: The governor recommends \$5 million annually to ensure all schools effectively implement multi-tiered systems of support (MTSS).

Anti-Bias Professional Development: The governor recommends \$4 million in one-time funding to implement professional development for staff focused on anti-bias instructional practices.

Expand Rigorous Coursework for BIPOC Students: The governor recommends \$5 million annually to expand rigorous coursework, such as Advanced Placement (AP), International Baccalaureate Career Program (IBCP), Career and Technical Education (CTE), and Concurrent Enrollment courses to foster opportunities for underserved and under-represented students, including students with a disability to prepare and train for career and college.

Ethnics Studies Added to Standards: The governor recommends \$144,00 in FY22 and \$148,000 in FY23 for the development, implementation and maintenance of an ethnic studies standards and curriculum process.

Indigenous Education for All: The governor recommends \$887,000 in FY22 and \$437,000 in FY23 for programming, staff, and services to support requiring all students to learn about the cultural heritage and contributions of tribal nations.

MDE Translation Services/Language Access for Families: The governor recommends \$3 million in annually to enhance the MDE's, school district's and charter school's capacity to expand language access for families by translating materials for students, families, and community members.

Non-exclusionary Discipline Training: The governor recommends \$2.5 million over the biennium in for grants to school districts and charter schools to provide training for school staff on non-exclusionary disciplinary practices.

Compensatory Spending at Generating Site: The governor recommends increasing the amount of compensatory revenue that must be spent on qualifying programs at the generating sites from 50 percent to 80 percent.

Modernizing District Data Submission: The governor recommends \$6.6 million in FY22-23 and \$6.5 million FY24-25 for modernizing data submission systems for school districts and charter schools through the expansion of the data collection and integration system known as "Ed-Fi" and improving data reporting and understanding through the use of business intelligence tools.