

**INDEPENDENT SCHOOL  
DISTRICT #624**



**SCHOOL BOARD  
SPECIAL SESSION**

April 16, 2021

# MISSION STATEMENT

**The mission of the White Bear Lake Area School District, the community at the forefront of educational excellence, honoring our legacy and courageously building the future, is to ensure each student realizes their unique talents and abilities, and makes meaningful contributions with local and global impact through a vital system distinguished by:**

- *Students who design and create their own future*
- *A culture that respects diverse people and ideas*
- *Safe, nurturing and inspiring environments*
- *Exceptional staff and families committed to student success*
- *Abundant and engaged community partners*

**INDEPENDENT SCHOOL DISTRICT NO. 624**  
**WHITE BEAR LAKE, MN 55110**

To: Members of the School Board

From: Dr. Wayne Kazmierczak  
Superintendent of Schools

Date: April 13, 2021

A special session of the White Bear Lake Area School Board will be held on **Friday, April 16, 2021** at 3:00 p.m. in Room 112 at District Center, 4855 Bloom Avenue, White Bear Lake, MN to conclude the agenda from the April 12, 2021 School Board meeting. Under Minnesota Statute 13D.021 this meeting may be held via electronic conferencing if necessary. This meeting will be livestreamed and the recording will be posted on the website.

Please note: While this meeting is open to the public it does not allow for public comment. Social distancing guidelines including room capacity limits and wearing a mask will be followed.

**AGENDA**

**A. PROCEDURAL ITEMS**

1. Call to Order
2. Roll Call

**B. OPERATIONAL ITEMS**

1. Action on School Start and Dismissal Times
2. Action on School Board Policies:
  - a. Policy 417, Chemical Use and Abuse
  - b. Policy 522, Student Sex Nondiscrimination
  - c. Policy 714, Fund Balances
  - d. Policy 901, Community Education
  - e. Policy 903, Visitors to School District Property and Facilities; and Policy 903 Addendum A; and Policy 903 Procedures
  - f. Policy 905, Advertising
  - g. Policy 906, Community Notification of Predatory Offenders
  - h. Policy 910, Awarding of Honorary Diploma

**C. ADJOURNMENT**

# **B. OPERATIONAL ITEMS**

AGENDA ITEM: **School Start and Dismissal Times**

MEETING DATE: **April 16, 2021**

SUGGESTED DISPOSITION: **Operational Item**

CONTACT PERSON(S): **Dr. Wayne Kazmierczak, Superintendent**

---

**BACKGROUND:**

At the February 22, and March 22 School Board meetings, the recommended school start times to be implemented with the 2021-2022 school year were reviewed. Key factors for the recommended changes include:

- **The recommendation aligns with the District's Strategic Plan.**
  - Strategy 2: We will provide expanding access to a broad range of opportunities for all students.
    - Specific Result 5a: Academic scheduling is critical to the social and emotional wellbeing of each student.
      - Evaluate and revise start times of elementary, middle, and high schools using evidence based best practices.
- **The recommended change aligns with research on adolescent sleep.** A substantial body of research compiled over nearly 25 years has demonstrated that delaying school start times for middle and high school students has a wide range of irrefutable potential benefits with regard to physical and mental health, safety, academic achievement, attendance, graduation rates, and extracurricular participation. Additionally, research shows an early start for elementary-aged students will increase prime morning instructional time and that earlier start times would allow for more productive and energetic learning in the afternoon as well. The recommended change prioritizes student health and well-being and research overwhelmingly supports this change.
- **The recommended change is consistent with the commitment the District made to the City of White Bear Lake and current WBLAHS - North Campus neighborhood residents to prioritize the mitigation of**

**traffic impact.** When current North Campus becomes the unified high school in the fall of 2024, the start time will need to be approximately 8:30 a.m. based on the results of a comprehensive traffic study that was completed as part of the facilities planning process. An 8:30 a.m. start time allows the heaviest morning traffic to move through Highway 61 before the bulk of high school traffic begins.

- **The recommended change would allow the District to run a more efficient, three-tiered transportation system, resulting in significant savings in operating costs.** A three-tiered system utilizes the same buses to transport students at all three grade levels (elementary, middle school, and high school). Seven fewer buses would be needed to transport students, which results in a savings of over \$600,000 in annual operating costs.

The recommended start times to be implemented with the 2021-2022 school year are as follows:

Grade Level/School	2021-22 School Year
<b>Preschool</b> - Full-Day <i>Half-Day schedule will be re-evaluated and shifted</i>	7:45 a.m. - 2:15 p.m.
<b>Elementary</b> - Birch, Hugo, Oneka, Otter, Lakearies, Lincoln, Vadnais, Willow	7:45 a.m. - 2:15 p.m.
<b>Elementary</b> - Matoska	8:30 a.m. - 3:00 p.m.
<b>Middle School</b> - Central and Sunrise	9:15 a.m. - 4:00 p.m.
<b>High School</b> - North Campus	8:25 a.m. - 3:10 p.m.
<b>High School</b> - South Campus	8:45 a.m. - 3:30 p.m.
<b>High School</b> - ALC	8:40 a.m. - 3:25 p.m.
<b>Transition Education Center</b> Transition Plus (8:15 a.m. - 2:15 p.m.) TAPP (9:15 a.m. - 2:15 p.m.) Project SEARCH (8 a.m. - 2 p.m.)	8:00 a.m. - 2:15 p.m.

#### **RECOMMENDED ACTION:**

Approve the school start and dismissal times for the 2021-2022 school year as recommended.

AGENDA ITEM: **Policy 417, Chemical Use and Abuse**

MEETING DATE: **April 16, 2021**

SUGGESTED DISPOSITION: **Operational Item**

CONTACT PERSON(S): **Matt Mons, Director of Human Resources,**  
**General Counsel;**  
**Dr. Alison Gillespie, Assistant Superintendent**  
**of Teaching and Learning;**  
**Tim Wald, Assistant Superintendent of**  
**Finance and Operations**

---

**BACKGROUND:**

School Board Policy 417, Chemical Use and Abuse, was reviewed by the School Board Policy Committee and Cabinet, had a first reading in March and is being recommended for a second reading. The changes to this policy are in sections I, II, III, IV, and V; and the Legal References.

The purpose of this policy is to assist the school district in its goal to prevent chemical use and abuse by providing procedures for education and intervention.

**RECOMMENDED ACTION:**

Approve School Board Policy 417, Chemical Use and Abuse, as recommended by the School Board Policy Committee and Cabinet.

*Adopted: August 18, 1997*  
*Revised: September 9, 2002*  
*Revised: January 10, 2005*  
*Revised: February 9, 2009*  
*Revised:*

*White Bear Lake Area  
School District #624 Policy 417*

*Revised: June 9, 2014*

## **417 CHEMICAL USE AND ABUSE**

### **I. PURPOSE**

The School Board recognizes that chemical use and abuse constitutes a grave threat to the physical and mental well-being of students and employees and significantly impedes the learning process. Chemical use and abuse also creates significant problems for society in general. The School Board believes that the public school has a role in education, intervention, and prevention of chemical use and abuse. The purpose of this policy is to assist the school district in its goal to prevent chemical use and abuse by providing procedures for education and intervention.

### **II. GENERAL STATEMENT OF POLICY**

- A. Use of controlled substances, medical cannabis, toxic substances, and alcohol is prohibited in the school setting in accordance with school district policies with respect to a chemical-free workplace/chemical-free school.
- ~~A.~~ B. ~~It is~~ The policy of this school district to provide an instructional program in every elementary and secondary school in chemical abuse and the prevention of chemical dependency.
- ~~B.~~ C. The school district shall establish and maintain in every school a chemical abuse pre-assessment team. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses in the reported cases.
- ~~C.~~ D. ~~It will be the responsibility of~~ The superintendent, with the advice of the School Board, shall be responsible for establishing a school and community advisory team to address chemical abuse problems in the district. ~~to establish a school and community advisory team to address chemical abuse problems in the district.~~
- ~~D.~~ E. The school district shall establish and maintain a program to educate and assist employees, students and others in understanding this policy and the goals of achieving chemical-free schools and workplaces.

### **III. DEFINITIONS**

- A. "Chemical abuse" means use of any psychoactive or mood-altering chemical substance, without compelling medical reason, in a manner that induces mental,



emotional, or physical impairment and causes socially dysfunctional or socially disordering behavior, to the extent that the student's normal function in academic, school, or social activities is chronically impaired.

- B. "Chemicals" includes but is not limited to alcohol, toxic substances, medical cannabis, and controlled substances as defined in the school district's ~~Chemical~~ Drug-Free Workplace/~~Chemical-Drug-Free~~ School policy.
- C. "Use" includes to sell, buy, manufacture, distribute, dispense, use, or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration.
- D. "School location" includes any school building or on any school premises; in any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off-school property at any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district; or during any period of time when an employee is supervising students on behalf of the school district; or when an employee is otherwise engaged in school district business.

#### IV. STUDENTS

- A. Instruction at Elementary and Secondary Schools
  - 1. ~~The District shall provide~~ Every school shall provide an instructional program in chemical abuse and the prevention of chemical dependency. The school district may involve parents/guardians, students, health care professionals, state department of education, staff, and members of the community in developing the curriculum.
  - 2. ~~The District may implement~~ Every school shall have age-appropriate, and developmentally based activities that include, but are not limited to, those that:
    - a. address the consequences of violence and the illegal use of drugs;
    - b. promote a sense of individual responsibility;
    - c. teach students that most people do not use drugs illegally;
    - d. teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use;
    - e. teach students about the dangers of newly emerging drugs;
    - f. engage students in the learning process; and

- g. incorporate activities in secondary schools that reinforce prevention activities implemented in elementary schools.
3. Each school may involve families, community sectors ~~(which may include appropriately trained senior citizens)~~, and a variety of drug and violence prevention providers in establishment of clear expectations against violence and illegal use of drugs and appropriate consequences for such acts.
  4. Each school may disseminate chemical and violence prevention information within the school and to the community.
  5. Each school may have professional development and training for, and involvement of, school personnel, student services personnel, parents/guardian, and interested community members in prevention, education, early identification and intervention, mentoring, and rehabilitation referral to professional resources as related to chemical and violence prevention.
  6. Each school may have chemical and violence prevention activities that may include the following:
    - a. Community-wide planning and organizing activities to reduce violence and illegal chemical use, which may include gang activity prevention.
    - b. The hiring and mandatory research-based training of school security personnel who interact with students in support of the school-based and youth-focused chemical and violence prevention activities included in this policy.
    - c. Conflict resolution programs, including peer mediation programs that educate and train peer mediators and provide a designated faculty supervisor, and youth anti-crime and anti-drug councils and activities.
    - ~~d. — Youth anti-crime and anti-drug councils and activities.~~
    - ~~d.e.~~ Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance provided by qualified school-based mental health services providers.
    - ~~f. Training of teachers by school-based mental health service providers in appropriate identification and intervention techniques for students at risk of violent behavior and illegal use of chemicals.~~

- ef. Programs that encourage students to seek advice from, and to confide in, a trusted adult regarding concerns about violence and illegal chemical use.

B. Reports of Chemical Use and Abuse

1. In the event that a school district employee knows that a student is abusing, possessing, transferring, distributing, or selling chemicals in a school location:
  - a. The employee shall immediately either take the student to an administrator or notify an appropriate administrator of the observation and continue to observe the student until the administrator arrives.
  - b. The administrator will notify the student's parents/guardians. If there is a medical emergency, the administrator will notify the school nurse and/or outside medical personnel as appropriate.
  - c. The administrator will notify law enforcement officials, the student's counselor, and the chemical pre-assessment team.
  - d. The administrator and/or law enforcement officials will confiscate the chemicals and/or conduct a search of the student's person, effects, locker, vehicle, or areas within the student's control. Searches by school district officials shall be in accordance with School Board policies regarding search and seizure.
  - e. The school district will take appropriate disciplinary action in compliance with the student discipline code. Such discipline may include immediate suspension, and if warranted, initiation of expulsion proceedings. Students may also be referred to a detoxification center or medical center.
2. If a school district employee has reason to believe that a student is abusing, possessing, transferring distributing or selling chemicals:
  - a. The employee shall notify the building administrator or a member of the pre-assessment team and shall describe the basis for the suspicion. The building administrator and/or team will determine what action should be taken. Action may include conducting an investigation, gathering data, scheduling a conference with the student or parents/guardians, or providing a meeting between members of the team and the student to discuss the behaviors that have been reported and attempting to ascertain facts regarding chemical abuse.

- b. The team may determine there is no chemical abuse. If the team determines there is chemical abuse, the team will select an appropriate course of action, which may include referral to a school counselor; sharing of resources for screening, assessment, and treatment planning; participation in support groups; or other appropriate measures.
3. Students involved in the abuse, possession, transfer, distribution or sale of chemicals shall be suspended in compliance with the student discipline policy and the Pupil Fair Dismissal Act, Minn. Stat. § 121A.40-121A.56, and proposed for expulsion.
4. Searches by school district officials in connection with the abuse, possession, transfer, distribution, or sale of chemicals will be conducted in accordance with School Board policies related to search and seizure.

C. Pre-assessment Team

1. Every school may have a chemical abuse pre-assessment team designated by the superintendent or designee. The team will be composed of classroom teachers, administrators, and other appropriate professional staff to the extent they exist in each school, such as the school nurse, school counselor or psychologist, social worker, chemical abuse specialist, or others.
2. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses in the individual reported cases.
3. Within forty-five (45) days after receiving an individual reported case, the team shall make a determination whether to provide the student and, in the case of a minor, the student's parents/guardians with information about school and community services in connection with chemical abuse.

D. Data Practices

1. Student data may be disclosed without consent in health and safety emergencies pursuant to Minn. Stat. § 13.32 and applicable federal law and regulations.
2. Destruction of Records
  - a. If the pre-assessment team decides not to provide a student and, in the case of a minor, the student's parents/guardians with information about school or community services in connection with chemical abuse, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the determination is made.

- b. If the team decides to provide the student and, in the case of a minor or a dependent student, the student's parents/guardians with such information, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the student is no longer enrolled in the district.
- c. This section shall govern destruction of records notwithstanding provisions of the Records Management Act, Minn. Stat. § 138.163.

E. Consent

Any minor may give effective consent for medical, mental and other health services to determine the presence of or to treat conditions associated with chemical abuse, and the consent of no other person is required.

F. School and Community Advisory Team

- 1. The superintendent, with the advice of the School Board, shall establish a school and community advisory team to address chemical abuse problems. The advisory team may be composed of representatives from the school pre-assessment teams to the extent possible, law enforcement agencies, county attorney's office, social service agencies, chemical abuse treatment programs, parents/guardians, and the business community.
- 2. The advisory team shall:
  - a. build awareness of the problem within the community, identify available treatment and counseling programs for students and develop good working relationships and enhance communication between the schools and other community agencies; and
  - b. develop a written procedure clarifying the notification process to be used by the chemical abuse pre-assessment team when a student is believed to be in possession of or under the influence of alcohol or a controlled substance. The procedure must include contact with the student and the student's parents~~-or~~/guardians in the case of a minor student.

V. **EMPLOYEES**

- A. The superintendent or designee may undertake and maintain a chemical-free awareness and prevention program to inform employees, and others about:
  - 1. The dangers and health risks of chemical abuse in the workplace/school.
  - 2. The school district's chemical-free workplace/chemical-free school policy.

3. Any available chemical or alcohol counseling, treatment, rehabilitation, re-entry, and/or assistance programs available to employees and/or students.
  4. The penalties that may be imposed on employees for chemical abuse violations.
- B. The superintendent or designee shall notify any federal granting agency required to be notified under the Drug-Free Workplace Act within ten (10) days after receiving notice of a conviction of an employee for a criminal ~~chemical~~ **drug** statute violation occurring in the workplace. To facilitate the giving of such notice, any employee aware of such a conviction shall report the same to the superintendent.

*Legal References:* Minn. Stat. § 13.32 (Education **Data**)  
Minn. Stat. § 121A.25 – 121A.29 (Chemical Abuse)  
Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 138.163 (Records Management Act)  
Minn. Stat. § 144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse, Abortion)  
**Minn. Stat. § 152.22 (Medical Cannabis; Definitions)**  
**Minn. Stat. § 152.23 (Medical Cannabis; Limitations)**  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
20 U.S.C. §§ 7101-7165 (Safe and Drug-Free Schools and Communities Act)  
41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)  
34 C.F.R. Part 84 (Government-wide Requirements for Drug-Free Workplace)

*Cross Reference:* WBLASB Policy 403 (Discipline, Suspension and Dismissal of School District Employees)  
WBLASB Policy 416 (Drug and Alcohol Testing)  
WBLASB Policy 418 (Drug-Free and Alcohol-Free Workplace)  
WBLASB Policy 506 (Student Discipline)  
WBLASB Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)  
WBLASB Policy 515 (Protection and Privacy of Pupil Records)  
WBLASB Policy 527 (Student Motor Vehicles; Use; Parking; Search)

AGENDA ITEM: **Policy 522, Student Sex Nondiscrimination**

MEETING DATE: **April 16, 2021**

SUGGESTED DISPOSITION: **Operational Item**

CONTACT PERSON(S): **Dr. Alison Gillespie, Assistant Superintendent  
of Teaching and Learning;**

---

**BACKGROUND:**

School Board Policy 522, Student Sex Nondiscrimination, was reviewed by the School Board Policy Committee and Cabinet, had a first reading in March and is being recommended for a second reading. The changes to this policy are in the title; sections II, III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, and XVI; and the Legal References, and Cross References.

The purpose of this policy is to provide equal educational opportunity for all students and to prohibit discrimination on the basis of sex.

**RECOMMENDED ACTION:**

Approve School Board Policy 522, Student Sex Nondiscrimination, as recommended by the School Board Policy Committee and Cabinet.

*Adopted: September 8, 1997*

*Revised: June 11, 2001*

*Revised: January 13, 2014*

*Revised: May 9, 2016*

*Revised: March 4, 2019*

*White Bear Lake Area  
School District #624 Policy 522*

*Revised: November 14, 2016*

*Revised:*

**522 TITLE IX STUDENT SEX NONDISCRIMINATION POLICY, GRIEVANCE  
PROCEDURE AND PROCESS**

**I. PURPOSE**

Students are protected from discrimination on the basis of sex pursuant to Title IX of the Education Amendments of 1972 and the Minnesota Human Rights Act. The purpose of this policy is to provide equal educational opportunity for all students and to prohibit discrimination on the basis of sex.

**II. GENERAL STATEMENT OF POLICY**

- A. The school district ~~provides equal educational opportunity for all students, and does not unlawfully~~ 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. ~~No student will be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any educational program or activity operated by the school district on the basis of sex.~~
- 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. ~~Every school district employee shall be responsible for complying with this policy.~~
- 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.



~~C. The School Board hereby designates the Assistant Superintendent for Teaching and Learning, 4855 Bloom Avenue, White Bear Lake, 651-407-7539, as its Title IX coordinator. This employee coordinates the school district's efforts to comply with and carry out its responsibilities under Title IX.~~

D. Any student, parent, guardian, or community member having questions regarding the application of Title IX and its regulations and/or this policy should discuss them with the Title IX coordinator. The school district's Title IX Coordinator is: Assistant Superintendent for Teaching and Learning; 4855 Bloom Avenue, White Bear Lake, MN; phone: 651-407-7539. 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 the Director of Student Activities will serve in this role. If the complaint involves the superintendent, the report may be filed directly with the School Board.

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. ~~In the absence of a specific designee, an inquiry or complaint should be referred to the superintendent or the school district human rights officer.~~

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

### **III. DEFINITIONS**

A. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the 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).

D. "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.

E. "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.

**F.** “Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the 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.

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

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

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

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

**K.** “Sexual harassment” means any of three types of misconduct on the basis of sex that occurs in a 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.

#### **IV. 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

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.

**III.V. ~~GRIEVANCE REPORTING PROCEDURES~~ REPORTING PROHIBITED CONDUCT**

- A. Any student who believes ~~he or she~~ they has ve been the victim of unlawful sex discrimination or sexual harassment, ~~by a teacher, administrator or other school district personnel~~, or any person (including the parent of a student) with actual knowledge ~~or belief~~ of conduct which may constitute unlawful sex discrimination or sexual harassment toward a student should report the alleged acts ~~immediately as soon as possible to the Title IX Coordinator. an appropriate school district official designated by this policy or may file a grievance. The school district encourages the reporting party or complainant to use the report form available from the principal/supervisor of each building or available from the school district office, but oral reports shall be considered complaints as well. Nothing in this~~

policy shall prevent any person from reporting unlawful sex discrimination toward a student directly to a school district human rights officer or to the superintendent.

- B. ~~Building Level Reporting. The building principal/supervisor is the person responsible for receiving oral or written reports or grievances of unlawful sex discrimination toward a student at the building level. Any~~ employee of the adult school district personnel who has experienced, has actual knowledge of, or has witnessed ~~receives a report of~~ 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. ~~toward a student shall inform the building principal/supervisor immediately.~~
- 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.
- ~~E. Upon receipt of a report or grievance, the principal/supervisor must immediately notify the school district human rights officer, without screening or investigating the report. The responsible person may request, but may not insist upon, a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the responsible person to the human rights officer. If the report was given verbally, the responsible person shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any report or complaint of unlawful sex discrimination toward a student as provided herein may result in disciplinary action against the responsible person. If the complaint involves the building principal, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.~~
- ~~F. The School Board hereby designates the Director of Human Resources, 4855 Bloom Avenue, White Bear Lake, 651-407-7550, as the school district human rights officer to receive reports, complaints or grievances of unlawful sex discrimination toward a student. If the complaint involves the human rights officer, the complaint shall be filed directly with the superintendent.~~
- E. ~~The school district shall conspicuously post the names of the Title IX coordinator and human rights officer, including office address and telephone numbers and work e-mail addresses.~~



- F. ~~Submission of a good faith complaint, grievance or report of unlawful sex discrimination toward a student will not affect the complainant or reporter's future employment, grades or work assignments.~~
- G. ~~Use of formal reporting forms is not mandatory.~~
- H. ~~The school district will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible; consistent with the school district's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.~~

**IV.VI. INVESTIGATION 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.

## **VII. 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.

### **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.

#### **VIII. INFORMAL RESOLUTION OF A FORMAL COMPLAINT**

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

#### **IX. 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.

#### **X. 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.

## **XI. 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.

## **XII. 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.**

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

## **~~V. SCHOOL DISTRICT ACTION~~**

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

## **VI.XIII. REPRISAL 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. ~~The school district will discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who retaliates against any person who reports alleged unlawful sex discrimination toward a student or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such unlawful sex discrimination. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.~~
- 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.

## **XIV. 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.

## **~~VII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES.~~**

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

## **~~VIII. XV. DISSEMINATION OF POLICY AND EVALUATION~~**

- A. This policy shall be made available to all students, parents/guardians of students, school district employees, and employee unions. ~~publicly on the district website.~~
- 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.

~~B. The school district shall review this policy and the school district's operation for compliance with state and federal laws prohibiting discrimination on a continuous basis.~~

## **XVI. 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. 363 (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 Reference:*** WBLASB Policy 102 (Equal Educational Opportunity)  
WBLASB Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 506 (Student Discipline)  
WBLASB Policy 528 (Student Parental, Family, and marital Status Nondiscrimination)

AGENDA ITEM: **Policy 714, Fund Balances**

MEETING DATE: **April 16, 2021**

SUGGESTED DISPOSITION: **Operational Item**

CONTACT PERSON(S): **Tim Wald, Assistant Superintendent of  
Finance and Operations**

---

**BACKGROUND:**

School Board Policy 714, Fund Balances, was reviewed by the School Board Policy Committee and Cabinet, had a first reading in March and is being recommended for a second reading. The changes to this policy are in sections III, V, VIII, and IX.

The purpose of this policy is to ensure the financial stability of the White Bear Lake Area Schools, to provide a sound basis to justify a strong financial rating, and to provide a reserve enabling the school district to respond to unforeseen budget expenditures and revenue shortfalls.

**RECOMMENDED ACTION:**

Approve School Board Policy 714, Fund Balances, as recommended by the School Board Policy Committee and Cabinet.

## **714 FUND BALANCES**

### **I. PURPOSE**

The purpose of this policy is to ensure the financial stability of the White Bear Lake Area Schools, to provide a sound basis to justify a strong financial rating, and to provide a reserve enabling the school district to ~~deal with~~ **respond to** unforeseen budget expenditures and revenue shortfalls.

### **II. GENERAL STATEMENT OF POLICY**

The policy of this school district is to comply with GASB Statement No. 54. To the extent a specific conflict occurs between this policy and the provisions of GASB Statement No. 54, the GASB Statement shall prevail.

### **III. DEFINITIONS**

- A. “Assigned” fund balance amounts are ~~comprised~~ **composed** of unrestricted funds constrained by the school district’s intent that they be used for specific purposes, but that do not meet the criteria to be classified as restricted or committed. In funds other than the general fund, the assigned fund balance represents the remaining amount that is not restricted or committed. The assigned fund balance category will cover the portion of a fund balance that reflects the school district’s intended use of those resources. The action to assign a fund balance may be taken after the end of the fiscal year. An assigned fund balance cannot be a negative number.
- B. “Committed” fund balance amounts are ~~comprised~~ **composed** of unrestricted funds used for specific purposes pursuant to constraints imposed by formal action of the School Board and that remain binding unless removed by the School Board by subsequent formal action. The formal action to commit a fund balance must occur prior to fiscal year end; however, the specific amounts actually committed can be determined in the subsequent fiscal year. A committed fund balance cannot be a negative number.
- C. “Enabling legislation” means legislation that authorizes a school district to assess, levy, charge, or otherwise mandate payment of resources from external providers and includes a legally enforceable requirement that those resources be used only for the specific purposes listed in the legislation.
- D. “Fund balance” means the arithmetic difference between the assets and liabilities reported in a school district fund.

- E. “Nonspendable” fund balance amounts are ~~comprised~~ **composed** of funds that cannot be spent because they are either not in spendable form or are legally or contractually required to be maintained intact. They include items that are inherently unspendable, such as, but not limited to, inventories, prepaid items, long-term receivables, non-financial assets held for resale, or the permanent principal of endowment funds.
- F. “Restricted” fund balance amounts are ~~comprised~~ **composed** of funds that have legally enforceable constraints placed on their use that either are externally imposed by resource providers or creditors (such as through debt covenants), grantors, contributors, voters, or laws or regulations of other governments, or are imposed by law through constitutional provisions or enabling legislation.
- G. “Unassigned” fund balance amounts are the residual amounts in the general fund not reported in any other classification. Unassigned amounts in the general fund are technically available for expenditure for any purpose. The general fund is the only fund that can report a positive unassigned fund balance. Other funds would report a negative unassigned fund balance should the total of nonspendable, restricted, and committed fund balances exceed the total net resources of that fund.
- H. “Unrestricted” fund balance is the amount of fund balance left after determining both nonspendable and restricted net resources. This amount can be determined by adding the committed, assigned, and unassigned fund balances.

#### **IV. CLASSIFICATION OF FUND BALANCES**

The school district shall classify its fund balances in its various funds in one or more of the following five classifications: nonspendable, restricted, committed, assigned, and unassigned.

#### **V. MINIMUM FUND BALANCE**

The school district will strive to maintain a minimum unassigned General Fund balance of ~~12.5~~ **8** percent ~~and 16.7 percent of the annual budget~~, which equates to ~~a range of 1.5 to 2 months~~ of operating expenses. This policy shall also apply to the administration of the Food Service Operating Fund and the Community Education Fund with proper consideration and adjustment to conform with reserve limits established by statute.

#### **VI. ORDER OF RESOURCE USE**

If resources from more than one fund balance classification could be spent, the school district will strive to spend resources from fund balance classifications in the following order (first to last): restricted, committed, assigned, and unassigned.

#### **VII. COMMITTING FUND BALANCE**

A majority vote of the School Board is required to commit a fund balance to a specific purpose and subsequently to remove or change any constraint so adopted by the Board.

## **VIII. ASSIGNING FUND BALANCE**

The School Board, by majority vote, may assign fund balances to be used for specific purposes when appropriate. The Board also delegates the power to assign fund balances to the following: Superintendent and ~~chief financial officer~~ **Assistant Superintendent for Finance and Operations**. ~~Assignments so made shall be reported to the School Board on a monthly basis, either separately or as part of ongoing reporting by the assigning party if other than the School Board.~~

An appropriation of an existing fund balance to eliminate a projected budgetary deficit in the subsequent year's budget in an amount no greater than the projected excess of expected expenditures over expected revenues satisfies the criteria to be classified as an assignment of fund balance.

## **IX. REVIEW**

The School Board will conduct an annual review of the sufficiency of the minimum unassigned general fund balance level **as part of the annual budgeting process**.

***Legal References:*** Statement No. 54 of the Governmental Accounting Standards Board

***Cross References:*** MSBA Service Manual, Chapter 7, Education Funding

AGENDA ITEM: **Policy 901, Community Education**

MEETING DATE: **April 16, 2021**

SUGGESTED DISPOSITION: **Operational Item**

CONTACT PERSON(S): **Tim Maurer, Director of Community Services**

---

**BACKGROUND:**

School Board Policy 901, Community Education, was reviewed by the School Board Policy Committee and Cabinet, had a first reading in March and is being recommended for a second reading. The changes to this policy are in section II.

The purpose of this policy is to convey to employees and to the general public the important role of community education within the school district.

**RECOMMENDED ACTION:**

Approve School Board Policy 901, Community Education, as recommended by the School Board Policy Committee and Cabinet.



*Adopted: October 9, 1995*  
*Revised: February 8, 2016*  
*Revised: April 10, 2017*

*White Bear Lake Area  
School District #624 Policy 901*

## **901 COMMUNITY EDUCATION**

### **I. PURPOSE**

The purpose of this policy is to convey to employees and to the general public the important role of community education within the school district.

### **II. GENERAL STATEMENT OF POLICY**

The **School Board** ~~school-board~~ affirms a strong commitment to the Community Services and Recreation Department's community education program. In addition, the **School Board** ~~school-board~~ welcomes, and strongly encourages use of district buildings and grounds by the community when they are not being used **for** district activities or programs. The school administration will strive to accomplish the following objectives in relation to community education services, programs, and facilities/grounds:

- A. Maximum use should be made of district facilities and grounds.
- B. Educational needs and interest of area residents will be evaluated periodically.
- C. District and available community resources and the expertise of residents should be utilized to develop vibrant, well-rounded community education programming.
- D. Area residents should be encouraged to actively participate in program opportunities.

### **III. COMMUNITY SERVICES ADVISORY COUNCIL**

- A. A Community Services Advisory Council shall assist in promoting the goals and objectives of the program.
- B. The membership of the Community Services Advisory Council shall represent a cross section of the community.
- C. Bylaws of the Council shall provide the framework for the organization including criteria pertaining to membership, officers' duties, frequency and structure of meetings and such other matters as deemed necessary and appropriate.
- D. On an annual basis, the council shall review and recommend approval of the community Services and Recreation budget for presentation to the School Board.

**Legal References:** Minn. Stat. § 124D.19 (Community Education Programs; Advisory Council)

Minn. Stat. § 123B.51 (Schoolhouses and Sites; Access for Noncurricular Purposes)  
Minn. Stat. § 124D.20, Subd. 1 (Community Education Revenue)

***Cross References:*** WBLASB Policy 902 (Use of School District Facilities and Equipment)

AGENDA ITEM: **Policy 903, Visitors to School District Property and Facilities; Policy 903, Addendum A; and Policy 903, Procedures**

MEETING DATE: **April 16, 2021**

SUGGESTED DISPOSITION: **Operational Item**

CONTACT PERSON(S): **Tim Maurer, Director of Community Services;**  
**Lisa Ouren, Director of Student Support Services;**  
**Tim Wald, Assistant Superintendent of Finance and Operations**

---

**BACKGROUND:**

School Board Policy 903, Visitors to School District Property and Facilities, was reviewed by the School Board Policy Committee and Cabinet, had a first reading in March and is being recommended for a second reading. The changes to this policy are in sections V, VI, and VII. The changes to the addendum are in sections I, and II. The changes to the procedures are in the 4th paragraph.

The purpose of this policy is to establish rules and procedures governing visits to District property and District facilities.

**RECOMMENDED ACTION:**

Approve School Board Policy 903, Visitors to School District Property and Facilities, as recommended by the School Board Policy Committee and Cabinet.

*Adopted: April 28, 1997*  
*Revised: December 10, 2001*  
*Revised: August 25, 2003*  
*Revised: April 9, 2012*  
*Revised: December 10, 2018*

*White Bear Lake Area  
School District #624 Policy 903*  
*Revised: June 10, 2017*  
*Revised:*

## **903 VISITORS TO SCHOOL DISTRICT PROPERTY AND FACILITIES**

### **I. PURPOSE**

The purpose of this policy is to establish rules and procedures governing visits to District property and District facilities.

### **II. GENERAL STATEMENT OF POLICY**

The School Board encourages interest on the part of parents and community members in the District's programs and activities. The School Board recognizes that reasonable restrictions must be placed on visits to District facilities in order to maintain an environment that is safe and conducive to learning and working.

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

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

### **IV. DEFINITIONS**

- A. "Central administrator" means the superintendent and any director with district-wide responsibilities.
- B. "District facility" means any building that is owned, leased, or operated by the District.
- C. "District property" means any real property that is owned, leased, or operated by the District, including, but not limited to, athletic stadiums and athletic fields.
- D. "Parent" means a biological parent, adoptive parent, legal guardian, or conservator.

- E. “School building” means any District facility where a program of education is offered to preschool, elementary school, middle school, high school, and alternative/transition school students.
- F. “Visitor” means any person who enters a district facility during the regular school year during scheduled school hours, except for the following: enrolled students who are in the facility to attend school, to participate in a school-sponsored event or activity, or to attend a meeting of a student-initiated, non-curriculum related group that is recognized by the District; employees who are assigned to work at the facility; volunteers who have been assigned to be in the facility at the time of the visit; and central administrators.

## V. PROCEDURES

- A. **Visitor Procedures.** All visitors must comply with the following procedures when entering a District facility, unless they are attending an event or activity that is open to the public, such as parent-teacher conferences, a School Board meeting, or an athletic contest:
  - 1. Immediately upon entering a District facility, all visitors must report to the administrative office or reception desk. Signage indicating this reporting requirement must be prominently displayed on or near all unlocked doors to the facility.
  - 2. Upon reporting to the administrative office or reception desk, all visitors must provide information including ~~and~~ but not limited to: names, identification, purpose of their visit, time of their arrival, and location of the building in which the visit will occur.
  - 3. A central administrator or building principal may impose additional restrictions on any parent who has caused or may cause a disruption in a District facility or who has negatively impacted the school day and/or the educational setting.
  - 4. A central administrator, the building principal, an assistant principal, or a designee will follow this policy in determining whether or not permission will be granted for a visit to a school building. A central administrator will follow this policy in determining whether or not permission will be granted for a visit to a District facility that is not a school building.
  - 5. If permission for a visit is granted, the visitor will be given a visitor’s identification badge /label stating the visitor’s name and the location in the building where the visit will occur.
  - 6. All visitors must wear the issued visitor identification badge /label in a conspicuous location at all times while in a District facility.

7. If a District employee sees a visitor in a school building without a visitor's identification badge/label, the employee must either escort the visitor to the administrative office or immediately notify the administrative office of the presence of the visitor.
8. Upon completing a visit, a visitor must return to the administrative office or reception desk, return ~~the~~ any reusable visitor's identification badge issued to the visitor, sign ~~his/her~~ their name on the same form that was signed upon entering the building, and state the time of ~~his/her~~ their departure.

**B. Visits to Classrooms.** Subject to the requirements of this policy, parents may observe their child in the classroom for up to two hours on two occasions per school year.

1. Parents who wish to observe their child in the classroom during the regular school day must schedule the visit at least three (3) school days in advance with the building principal.
2. A central administrator or building principal may consider the allowance of additional time beyond two visits if ~~he or she~~ they deems ~~it~~ appropriate.
3. A central administrator, building principal, assistant principal, or designee may reschedule or terminate any visit in the event of an emergency or unforeseen circumstance.

**C. Parent Procedures for Communicating with Children.** The District recognizes that under limited circumstances parents may occasionally need to communicate with their children during the school day. When this need arises, parents must follow one of the following procedures:

1. Parents may call the office and ask to speak with their child. School staff will then locate the child and instruct the child to come to the office to speak with the parent by telephone. This may occur by making an announcement over the school's intercom system. Students generally will not be permitted to place or receive a call from a classroom.
2. Parents may enter the administrative office of a school building and ask the office staff to call their child to the office. Parents may not go directly to a classroom or to any other location in a District facility without complying with the Visitor Procedures stated in this policy.

**D. Administrative Procedures in Response to Inappropriate Conduct.** Central administrators, building principals, assistant principals, and designees are encouraged to take the following steps when a visitor violates this policy or engages in any other inappropriate conduct:

1. Notify the offending visitor that his or her conduct is inappropriate.

2. Notify the offending visitor that if the conduct does not cease immediately, the visitor will be required to leave the building.
3. Notify the offending visitor that he or she is required to immediately leave the building.
4. Contact law enforcement.
5. Document the incident.
6. Take other action that the central administrator, building principal, assistant principal, or designee reasonably deems to be prudent or necessary in order to:
  - a. protect the safety of students, staff, or school property
  - b. maintain an environment that is conducive to learning and working
  - c. maintain an environment that is free from all forms of abusive and disruptive conduct
7. Any step or steps of this procedure may be skipped or addressed at a later time if the central administrator, building principal, assistant principal, or designee determines, in the exercise of ~~their~~<sup>his or her</sup> professional judgment, that immediate removal of the offending visitor is in the best interests of the students or the staff.

## VI. RULES OF CONDUCT FOR VISITORS

- A. **Required Conduct.** All visitors must demonstrate respect and civility when interacting with other individuals during a visit. In addition, all visitors must immediately comply with any and all lawful directives given by a District employee, including a directive to leave the building.
- B. **Prohibited Conduct.** Visitors must not do any of the following during a visit:
  1. Violate any law;
  2. Violate any District or school policy, regulation, rule, or procedure;
  3. Make any threat or engage in any threatening or intimidating behavior;
  4. Engage in any conduct that is designed to intimidate another person or that could reasonably be perceived as being designed to intimidate another person;
  5. Demonstrate hostility toward another person;

6. Engage in conduct that is objectively rude;
7. Use any obscene or foul language;
8. Make or participate in making any personal attacks against another person;
9. Make or participate in making any objectively disrespectful, demeaning, disparaging, or insulting comments or statements about or to another person;
10. Make unwelcome physical contact with any person other than their own child, unless the physical contact is part of the normal greeting process, such as a handshake, or is reasonably necessary to prevent imminent harm to another person or serious harm to property;
11. Photograph, film, or otherwise create an audio or video record of any students, employees, or volunteers of the District, unless the visitor is on District property or in a limited part of a District facility to attend an event or activity that is open to the public, such as a School Board meeting or an athletic contest;
12. Enter onto school property while impaired from the use of alcohol or any other chemical;
13. Create or participate in creating a disruption to the learning or working environment. Examples of disruptive behavior include, but are not limited to, using a raised voice with shouting or yelling; swearing; talking with a teacher, classroom aide, or a student while observing in a classroom; using or allowing an electronic device to **create make noise or visual distractions or to make audio or video recordings** in the classroom; and engaging in other conduct that interrupts a lesson while observing in a classroom.

## **VII. GROUNDS FOR DENYING A REQUEST TO VISIT**

**A. Parent Visits for Purpose Other than Classroom Observation.** A central administrator, a building principal, an assistant principal, or a designee may deny permission for a parent to visit any part of a District facility if the central administrator, the principal, the assistant principal, or the designee determines that:

1. The parent has refused or failed to comply with any part of this policy;
2. The parent violated any rule or procedure of this policy while visiting a District facility on a prior occasion during the school year;
3. The requested date or time for the visit is educationally inappropriate or inconvenient;



4. The parent has created a disruption during a prior visit and is likely to create a disruption if permitted to visit again;
5. The parent's presence in the District facility is not in the best interests of student or staff;
6. The parent presents a risk of harm to other persons, including but not limited to students, staff members, other parents or community members, or to District property;
7. The parent's parental rights have been terminated or the parent does not have physical or legal custody or visitation rights during the school day or the period of time when the parent wants to visit the District facility; or
8. The parent's actions or words suggest that the parent is impaired from using alcohol or another chemical.

**B. Classroom Observations by Parent.** A central administrator, the building principal, an assistant principal, or a designee may deny a parent's request to observe ~~his or her~~ **their** child in the classroom, or may revoke permission for such a visit, if the central administrator, principal, assistant principal, or designee determines that:

1. Any of the reasons for denying a visit in Section V(A) of this policy have been met;
2. The parent has failed or refused to schedule the classroom observation in advance;
3. The parent observed in the classroom on a prior occasion during the school year and created a disruption;
4. The requested date or time for the observation is educationally inappropriate or inconvenient, such as when a test is being administered, when a substitute teacher or guest speaker is present, or when students are attending an assembly or going on a field trip;
5. The parent has already observed the child in the classroom on two occasions during the school year;
6. The parent's presence in the classroom is not in the best interests of the other persons, including but not limited to students, staff members, other parents or community members.

**C. Classroom Observations by an Independent Examiner.** If the parent of a special education student requests an independent educational evaluation (IEE) or hires an independent examiner to evaluate a child, and the parent requests that the

independent examiner be permitted to observe the child in the classroom, the District will allow the independent examiner to visit and observe the student in the classroom to the extent permitted by law, provided that the independent examiner complies with all provisions of this policy and does not create a disruption. The District may assign a staff member to accompany an independent examiner during all observations. An independent examiner may not interview any students at school or any District employees without prior written permission from the District. A District representative will be present during any interviews.

- D. Parent's Right to Appeal.** If a parent believes that a request to visit a District facility has been improperly denied, the parent may submit a written appeal to the Superintendent. The decision of the Superintendent, or a designee of the Superintendent, is final.
- E. Visits by Third Parties.** A central administrator, a building principal, an assistant principal, or a designee may, as ~~he or she~~ **they** sees fit, deny a visitor's request to visit any part of a District facility if the visitor is not a parent of a child who attends school in the facility.

## **VIII. PARKING**

During school hours, visitors must park their vehicles in spaces designated for visitors. Vehicles that are parked in unauthorized spaces may be towed to a different location at the vehicle owner's expense.

## **VIV. PENALTIES**

Permission to be in a District facility is conditioned upon compliance with this policy.

Pursuant to Minnesota Statutes section 609.605, subdivision 4, any person who violates this policy may be found guilty of a misdemeanor. Such persons may be detained by the school principal or a person designated by the school principal in a reasonable manner and for a reasonable period of time pending the arrival of a law enforcement officer. In addition to imposing other consequences specified in this policy, a central administrator, building principal, or assistant principal may issue an order prohibiting a person from entering onto school property.

**Legal References:** Minn. Stat. § 123B.02 (General Powers of School Districts)  
Minn. Stat. § 124D.09 (Post-Secondary Enrollment Options Program)  
Minn. Stat. § 128C.08 (Assaulting a Sports Official Prohibited)  
Minn. Stat. § 609.605, Subd. 4 (Trespass to School Property)

**Cross References:**

*Adopted: November 19, 1973*

*Revised: October 24, 1994*

*Revised: October 9, 1995*

*Revised: June 10, 2017*

*Revised: December 10, 2018*

*White Bear Lake Area  
School District #624 Policy 903  
Addendum A*

*Revised:*

## **Administrative Guidelines For Visitors To School Buildings And Sites**

These guidelines are intended to assist in the implementation of School District #624 Policy 903, Visitors to School District Buildings and Sites.

### **I. VISITOR ACCOMMODATIONS AND LIMITATIONS**

- A. Parents, citizens, alumni and other adult visitors are welcome and encouraged to visit the White Bear Lake Area Schools; however, the school district reserves the right to decline or withdraw permission for parents, citizens, alumni and other adult visitors to visit district schools if deemed necessary to ensure the physical or emotional safety of students and staff of the district or to prevent the disruption of the district's educational programs. These rules are in effect for all school activities, functions and meetings.
- B. Visitors must, upon entering any school building, first come to the administrative office so that they may be directed to the teacher, student or class they wish to see.
- C. Parents wishing a conference with a teacher should not expect to interrupt the teacher's class, **but** rather must telephone the school in order to arrange for such an appointment in advance. In the event of an emergency requiring that parents have immediate access to their student, parents may either call or go to the office to:
  - 1. Explain the circumstances of the emergency; and
  - 2. Request that their student be called to the office to meet with them and/or talk with them on the telephone, if doing so does not disrupt the educational program.

### **II. EXPECTATIONS OF VISITOR CONDUCT**

- A. Certain conduct including but not limited to those listed below, occurring in person or via email, text, voice message, or other are unacceptable and will not be tolerated.
  - 1. Inappropriately raised voices, shouting or yelling;

2. Obscene or foul language;
  3. Insulting a staff member's intelligence, judgment or professionalism;
  4. Threats, intimations or suggestions of violence or other intimidating types of behavior; and
  5. Unpermitted and unwelcome touching of any nature, regardless of the degree of force used.
- B. In the event that any such conduct occurs, the following steps may be taken:
1. The visitor will be informed that the conduct violates district policy and a copy of this policy will be given to the visitor.
  2. The visitor will be told that if the behavior continues, the discussion will be terminated.
  3. The visitor will be told that a memorandum of the incident will be prepared and maintained in the district's files.
  4. The incident will promptly be reported to the building administration and the superintendent.
  5. The building principal will write a letter to the visitor that includes a summary of the incident and, if deemed appropriate, specific restrictions on future visits.
  6. If deemed appropriate, an administrator or principal will advise the visitor(s) that ~~he/she~~ they are prohibited from school property for a period of up to six months from the date of notice and that violation of the directive will result in a report to the police pursuant to state statute. In addition, the person may be issued a trespass notice.
- C. In the event that the visitor is prohibited from coming onto school property, arrangements will be made to conduct statutorily required meetings, such as IEP team meetings, at either another district facility or at a public meeting place.

### **III. STAFF EXPECTATIONS**

- A. In applying this policy, staff members must always be aware that there is an important distinction between declining to be treated in an unacceptable or disrespectful manner and, on the other hand, refusing to carry out a legitimate request for information or assistance. The former is not a reason for the latter. Timelines ~~are~~ created by a statute or a district policy for making a response to an

otherwise legitimate request must be observed even while the issue of unacceptable or disrespectful conduct is being addressed.

#### **IV. COMMUNICATIONS**

- A. It is expected that Board Policy 903 and these administrative guidelines will be broadly communicated via district and building publications and the district web page.

*Adopted: December 10, 2018*  
*Revised:*

*White Bear Lake Area  
School District #624 Policy 903  
Procedures*

## **POLICY 903: INDEPENDENT DISTRICT 624 VISITOR PROCEDURES**

School is one of the safest places for students. This is because they are surrounded by caring and capable adults, as well as being involved in comforting, established routines. A safe school environment is essential for learning and is one of the highest priorities for White Bear Lake Area Schools. For the security of our students and staff and the safety of our visitors, a uniform District Visitor Policy, 903, has been implemented.

Visitors to District #624 will be asked to produce proof of identification. Visitors will follow the building procedures when entering any district building.

Visitors will be signed in by a staff member and will be issued visitor identification, which must be visible at all times. During events that are open to the public, exceptions and modifications to these procedures may be posted.

When leaving, visitors must return any reusable ~~their~~ badge issued to them. The time of departure will be recorded. This is a very important step, because in the event of an emergency evacuation, such as a fire drill, we will be using the visitor log to make sure that all visitors are accounted for and have exited safely.

Parents/guardians are welcome to observe their children in the classroom setting. One of the best ways to understand a child's classroom program is through direct observation. Parents/guardians should make an appointment for an appropriate time to visit as per Policy 903. Classes may be involved in an assembly, special event or testing if a parent/guardian arrives without notice.

Members of the media who visit the schools must produce identification upon entering the building as a visitor and must provide media credentials when covering school-related activities, including but not limited to classroom visits, assemblies, sporting events and extracurricular event coverage. Media credentials must be visible at all times when covering school-related stories.

While some of these measures may create anxiety, inconvenience or delays, they are necessary steps to provide the safest and most secure learning environment possible.

We hope that, by following these basic procedures, our schools will be safer for our guests, our staff, and especially for our students.

Thank you for being our partners in this important effort.

AGENDA ITEM: **Policy 905, Advertising**

MEETING DATE: **April 16, 2021**

SUGGESTED DISPOSITION: **Operational Item**

CONTACT PERSON(S): **Tim Maurer, Director of Community Services;**  
**Tim Wald, Assistant Superintendent for**  
**Finance and Operations;**  
**Marisa Vette, Director of Communications**  
**and Community Relations**

---

**BACKGROUND:**

School Board Policy 905, Advertising, was reviewed by the School Board Policy Committee and Cabinet, had a first reading in March and is being recommended for a second reading. The changes to this policy are in section III.

The purpose of this policy is to provide guidelines for the advertising or promoting of products or services to students and parents in the schools.

**RECOMMENDED ACTION:**

Approve School Board Policy 905, Advertising, as recommended by the School Board Policy Committee and Cabinet.

*Adopted: December 10, 2001*  
*Revised: July 16, 2018*  
*Revised:*

*White Bear Lake Area*  
*School District #624 Policy 905*

## **905 ADVERTISING**

### **I. PURPOSE**

The purpose of this policy is to provide guidelines for the advertising or promoting of products or services to students and parents in the schools.

### **II. GENERAL STATEMENT OF POLICY**

The school district's policy is that the name, facilities, staff, students, or any part of the school district shall not be used for advertising or promoting the interests of a commercial or nonprofit agency or organization except as set forth below.

### **III. ADVERTISING GUIDELINES**

- A. School publications, including publications such as programs and calendars, may accept and publish paid advertising provided they receive advance approval from the appropriate administrator. In no instance shall publications accept advertising for alcohol, tobacco, electronic cigarettes, drugs, drug paraphernalia, weapons, or pornographic or illegal materials. Advertisements may be rejected by the school district if determined to be inconsistent with the educational objectiveness of the school district or inappropriate for inclusion in the publication. The faculty advisor is responsible for screening all such advertising for appropriateness, including compliance with the school district policy prohibiting sexual, gender, disability, ethnic, racial, and religious harassment.
- B. The district may approve advertising in school district facilities or on school district property. ~~Any approval will state precisely where such advertising may be placed.~~ The restrictions listed in Section A above will apply. ~~Advertising will not be allowed outside the specific area approved by the School Board.~~ Specific advertising must be approved by the superintendent or designee. In no instance will an advertising device be erected or maintained within 100 feet of a school that is visible to and primarily intended to advertise and inform or to attract or which does attract the attention of operators and occupants of motor vehicles.
- C. Donations that include or carry advertisements must be approved by the superintendent or designee.
- D. The school district or a school may acknowledge a donation it has received from an organization by displaying a "donated by", "sponsored in part by", or a similar by-line with the organization's name and/or symbol on the item. Examples include activity programs or yearbooks.



- E. Nonprofit entities and organizations may be allowed to use the school district name, students, or facilities for purposes of advertising or promotion if the purpose is determined to be educationally related and prior approval is obtained from the superintendent or designee. Advertising will be limited to the specific event or purpose approved by the superintendent or designee.
- F. The inclusion of advertisements in school district publications, in school district facilities, or on school district property does not constitute approval and/or endorsement of any product, organization, or activity.

#### **IV. ACCOUNTING**

Advertising revenues must be accounted for and reported in compliance with UFARS.

- Legal References:*** Minn. Stat. § 123B.93 (Advertising on School Buses)  
Minn. Stat. § 125B.022 (Contracts for Computers or Related Equipment or Service)  
Minn. Stat. § 173.08 (Excluded Road Advertising Devices)
- Cross References:*** WBLASB Policy 421 (Gifts to Employees and School Board Members)  
WBLASB Policy 702 (Accounting)

AGENDA ITEM: **Policy 906, Community Notification of  
Predatory Offenders**

MEETING DATE: **April 16, 2021**

SUGGESTED DISPOSITION: **Operational Item**

CONTACT PERSON(S): **Tim Maurer, Director of Community Services**

---

**BACKGROUND:**

School Board Policy 906, Community Notification of Predatory Offenders, was reviewed by the School Board Policy Committee and Cabinet, had a first reading in March and is being recommended for a second reading. The changes to this policy are in section IV, the Legal References and the Cross References.

The purpose of this policy is to assist school administrators and staff members in responding to a notification by a law enforcement agency that a convicted predatory offender is moving into the school district so that they may better protect individuals in the school's care while they are on or near the school district premises or under the control of the school district.

**RECOMMENDED ACTION:**

Approve School Board Policy 906, Community Notification of Predatory Offenders, as recommended by the School Board Policy Committee and Cabinet.

## **906 COMMUNITY NOTIFICATION OF PREDATORY OFFENDERS**

### **I. PURPOSE**

The purpose of this policy is to assist school administrators and staff members in responding to a notification by a law enforcement agency that a convicted predatory offender is moving into the school district so that they may better protect individuals in the school's care while they are on or near the school district premises or under the control of the school district.

### **II. GENERAL STATEMENT OF POLICY**

- A. The policy of the school district is to provide information to staff regarding known predatory offenders that are moving into the school district so that they may monitor school premises for the safety of the school, its students, and employees. Staff will be notified and have access to Offender Fact Sheets as appropriate.
- B. The superintendent, in cooperation with appropriate school transportation officials, will evaluate bus routes and bus stops. Bus drivers will have access to Offender Fact Sheets. If necessary, bus stops may be moved if they place children in close proximity to a predatory offender who has been convicted of crimes against children of similar ages.
- C. The superintendent, in conjunction with the building principal or designee, shall prepare or provide safety information for distribution to students regarding protecting themselves from abuse, abduction, or exploitation. The school district will prepare a list of available resources. Staff will provide safety information to students on how to protect themselves against abuse, abduction, or exploitation. School officials may ask their police liaison officer or local law enforcement officials for assistance in providing instruction to staff and students.

### **III. DEFINITIONS**

- A. "Criminal history conviction data" is public data on a convicted criminal which is compiled by the State Bureau of Criminal Apprehension (BCA). (Minn. Stat. § 13.87)
- B. "Law enforcement agency" means the law enforcement agency having primary jurisdiction over the location where the offender expects to reside upon release. (Minn. Stat. § 244.052, Subd. 1(3))

C. “Notification or Disclosure by Law Enforcement Agency”

1. Risk Level I – The local law enforcement agency may disclose certain information to other law enforcement agencies and to any victims of or witnesses to the offense committed by the offender. There will be no disclosure to school districts.
2. Risk Level II – In addition to those notified in Level I, a law enforcement agency may notify agencies and groups the offender is likely to encounter that the offender is about to move into the community and provide to those agencies and groups an Offender Fact Sheet on the offender. School districts, private schools, day care centers, and other institutions serving those likely to be victimized by the predatory offender are included in a Level II notification.
3. Risk Level III – In most cases, the local law enforcement agencies will hold a public community meeting and distribute an Offender Fact Sheet with information concerning and a photograph of the soon-to-be-released Level III offender.

(Minn. Stat. § 244.052, Subd. 4)

D. “Offender Fact Sheet” is a data sheet compiled by the Department of Corrections or local law enforcement agency. The Offender Fact Sheet contains both public and private data including a photograph and physical description of the predatory offender, as well as the general location of the offender’s residence.

1. A local law enforcement agency will generally provide Offender Fact Sheets for Level II predatory offenders directly to the school district.
2. Level III Offender Fact Sheets will be distributed at a public community meeting conducted by the local law enforcement agency.

E. “Risk Level Assessment” is the level of danger to the community as established by the Minnesota Department of Corrections following a review by a committee of experts. The level of risk assigned to a soon-to-be-released offender determines the scope of notification. (Minn. Stat. § 244.052, Subds. 2, 3)

F. “Risk Levels”

1. “Level I” – Risk Level I is assigned to a predatory offender whose risk assessment score indicates a low risk of reoffense.
2. “Level II” – Risk Level II is assigned to a predatory offender whose risk assessment score indicates a moderate risk of reoffense.

3. “Level III” – Risk Level III is assigned to a predatory offender whose risk assessment score indicates a high risk of reoffense.

(Minn. Stat. § 244.052, Subd. 3(e))

- G. The “Sex Offender Community Notification Act,” Minn. Stat. § 244.052, as amended, allows law enforcement agencies to disclose information about certain predatory offenders when they are released into the community. The information disclosed and to whom it is disclosed will depend upon their assessment of the level of risk posed by the predatory offender.

#### IV. PROCEDURES

##### A. Level II Notification

In keeping with the statutorily designated purpose that Offender Fact Sheets are to be used by staff members to secure the school and protect individuals in the school district’s care while they are on or near the school district’s premises or under the control of the school district, the school district will take the following steps:

1. The superintendent shall notify the law enforcement agencies within the school district that all appropriate Level II and Level III notifications are to be provided at least to the superintendent of schools.
2. Upon notification of the release of a Level II predatory offender, the superintendent shall forward the Offender Fact Sheet to all building principals and District Center administrators. This would include transportation, food service, **and** buildings and grounds supervisors, **and Community Services & Recreation.**
3. Principals of schools in close proximity to the Level II predatory offender’s residence shall meet with staff and show the Offender Fact Sheet to persons within the buildings who supervise students or who would be in a position to observe if the Level II offender was in or around the school. This includes, but is not limited to, administrators, teachers, coaches, paraprofessionals, custodians, clerical and office workers, food service workers, **school-age care workers**, volunteers, and transportation providers.
4. The school district shall request criminal history conviction data on the Level II predatory offender from the Minnesota Bureau of Criminal Apprehension. On a case-by-case basis, the superintendent may determine whether to send a letter to parents with general information regarding release of the Level II offender and a copy of the criminal history conviction data that the school district obtained from the BCA. The

offender fact sheet contains data classified as private or not public under Minnesota law and may only be distributed to parents, students, or others outside the school district if it determines the release is for the purpose of securing the schools and protecting individuals under the school district's care while they are on or near school premises.

5. The building administrator shall cause the Offender Fact Sheet to be posted in each building in an area accessible to staff and employees but not the general public unless a determination has been made that public posting will help secure the school or protect students.
6. The school district shall not distribute or provide access to Level II Offender Fact Sheets to parents, students, or others outside the school district unless a determination has been made that dissemination of the data will help secure the school or protect students.

B. Level III Notification

1. The superintendent shall notify the law enforcement agencies within the school district that all Level III notifications of public community meetings are to be provided to the superintendent of schools.
2. When a Level III predatory offender is released into a community, generally the local law enforcement agency will notify the school district of the time and location of the public community meeting at which the Level III Offender Fact Sheet will be distributed to the community.
3. When the school district receives this information, the superintendent shall determine on a case-by-case basis whether the school district will notify parents and students of the time, date, and location of the public community meeting.
4. When notified of a Level III predatory offender public community meeting the superintendent or another school district administrator designated by the superintendent shall attend the community notification meeting.
5. When the school district receives information that a Level III predatory offender is moving into the school district, in addition to following the procedures specified above, the school district shall follow the procedures outlined for a Level II notification.
6. If the predatory offender is participating in programs offered by the school district that require or allow the person to interact with children other than the person's children, the superintendent shall notify parents of children in the school district of the contents of the Offender Fact Sheet.

***Legal References:*** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 244.052 (Community Notification)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
42 U.S.C. § ~~14071~~ 16901 et seq. (Jacob Wetterling Crimes Against  
Children and Sexually Violent Offender Registration Program)  
Dept. of Admin. Advisory Op. No. 98-004

***Cross References:*** WBLASB Policy 414 (Mandated Reporting of Child Neglect or Physical  
or Sexual Abuse)  
WBLASB Policy 415 (Mandated Reporting of Maltreatment of  
Vulnerable Adults)  
WBLASB Policy 515 (Protection and Privacy of Pupil Records)  
WBLASB Policy 903 (Visitors to School District Buildings Property and  
Facilities)

AGENDA ITEM: **Policy 910, Awarding of Honorary Diploma**  
MEETING DATE: **April 16, 2021**  
SUGGESTED DISPOSITION: **Discussion Item**  
CONTACT PERSON(S): **Tim Maurer, Director of Community Services**

---

**BACKGROUND:**

School Board Policy 910, Awarding of Honorary Diploma, was reviewed by the School Board Policy Committee and Cabinet, had a first reading in March and is being recommended for a second reading. The changes to this policy are in section II.

The purpose of this policy is to provide guidelines for the awarding of honorary diplomas.

**RECOMMENDED ACTION:**

Approve School Board Policy 910, Awarding of Honorary Diploma, as recommended by the School Board Policy Committee and Cabinet.



*Adopted: November 10, 2008*  
*Revised: February 8, 2016*  
*Revised:*

*White Bear Lake Area*  
*School District #624 Policy 910*

## **910 AWARDING OF HONORARY DIPLOMA**

### **I. PURPOSE**

The purpose of this policy is to provide guidelines for the awarding of honorary diplomas.

### **II. GENERAL STATEMENT OF POLICY**

In the interest of recognizing individuals who have attended the White Bear Lake Area Public Schools or those schools which subsequently were made part of the White Bear Lake Public Schools, the School Board may, by ~~majority vote~~ **approval** of the Board at a regularly scheduled meeting, honor such individuals by the designation of an honorary diploma.

### **III. DEFINITION**

An honorary diploma shall be a recognition bestowed upon an individual consistent with the criteria in this policy. An honorary diploma shall not be a substitute for a regular diploma, nor shall it carry with it the meaning of a White Bear Lake Area Schools diploma as specified in Policy 613, Graduation Requirements.

### **IV. LEGAL AUTHORITY FOR GRANTING AN HONORARY DIPLOMA**

The authority to grant an honorary diploma shall be consistent with the applied powers granted by Minnesota State Statutes, and as described in Policy 201, Legal Status of the School Board.

### **V. CRITERIA FOR AWARDING AN HONORARY DIPLOMA**

The School Board may, at its discretion, award an honorary diploma to an individual who meets all of the following criteria.

- A. Attendance at a White Bear Lake Area Schools elementary or secondary school, or a school which subsequently was made a part of the school district, but did not graduate from a White Bear Lake High School; and
- B. Demonstrated lifelong exemplary service to the community, state, or nation; and
- C. Demonstrates through this lifelong service character consistent with the School District's mission statement and core values.

***Cross References:***     WBLASB Policy 201 (Legal Status of the School Board)  
                                 WBLASB Policy 613 (Graduation Requirements)