

MSBA/MASA POLICY REFERENCE MANUAL

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This Policy Reference Manual is provided as a service of the Minnesota School Boards Association and the Minnesota Association of School Administrators to assist school boards and administrators in the development of proper policies and procedures in managing their school districts. This reference manual was developed as a joint effort among the MSBA and MASA staffs and their consultants and the law firm of Knutson, Flynn & Deans, P.A.

This Policy Reference Manual is not intended to answer all questions about school board policy issues. Staff persons from MSBA and MASA are available to assist school board members and school administrators in complying with and understanding issues related to specific policies.

This Policy Reference Manual is part of an on-going service which will be provided to subscribers by MSBA/MASA. This manual is not designed to address all policy matters but should be recognized as addressing priority issues. MSBA/MASA plans to annually update existing policies and supplement the Manual with additional policies as necessary. Additional information about this policy service will be provided periodically by MSBA/MASA staff.

This Policy Reference Manual is designed to provide accurate and authoritative information regarding the subject matter covered. It is furnished with the understanding that neither MSBA nor MASA is engaged in rendering legal advice to a particular school district. If specific legal advice or other expert assistance is desired by a particular school district, a competent attorney or professional person should be consulted.

To the Policy Maker

A policy manual is recognized as the primary and most efficient way for the school board to provide administrators, employees, students, parents, taxpayers, and members of the entire school district community notice of the school board's beliefs and goals and methods of achieving those beliefs and goals. School board policy allows the school board to exert its influence, exercise its authority, and create the educational program needed and desired.

In developing a school board policy manual, it is important to keep in mind that the MSBA/MASA Policy Reference Manual is only a beginning. It contains only sample and suggested model policies. Except for certain designated policies, it is designed to be a starting point for each school board to add, delete, and modify sample language to reflect each school

board's individual philosophy and beliefs. The MSBA/MASA Policy Reference Manual is not designed nor recommended for adoption as is. School board policy is important in setting the tone for the school district. MSBA/MASA recommend that a careful public process be utilized by the elected school board to develop school board policies, recognizing that the school district is comprised of a broad community of students, parents, employees, taxpayers, and community members who have an important interest in those policies. The MSBA/MASA Policy Reference Manual is provided online from MSBA's website to facilitate the school board's policy development process. Once the policy development is complete, the policy manual becomes the product of the school board. MSBA/MASA encourage each school district to involve its legal counsel in the development of its school board policies.

Goals of School Board Policy

School board policy is written to accomplish the following goals:

- To provide guidance, continuity, and consistency in the decision-making process by the school board and administration;
- To state "why" a school board wants a certain action to occur and state "what" the school board wants to accomplish through that action;
- To give enough guidance to the administration to implement school board policy, yet enough flexibility to allow the administration to carry out the policy on a daily basis;
- To provide boundaries within which the educational program can operate;
- To achieve efficiency by not repeatedly discussing the same issues;
- To reflect formally the school board's authority to make rules and regulations, which have the force and effect of law; and
- To provide a framework for the operation of the school district consistent with state and federal law.

School board policy manuals inform the school community of the school board's policies on a broad variety of issues ranging from internal school board operations to student conduct to investments and use of school district facilities and equipment. The level of specificity and detail in school board policy is dependent upon the nature and complexity of the subject matter and the philosophy of the school board. Some school boards prefer a greater level of detail in school board policy while other school boards prefer a lesser degree of detail.

Administrative directives and guidelines implement school board policy and should have their basis in school board policy. Throughout this Policy Reference Manual, there are school board policies which give the superintendent specific authority to develop administrative directives and guidelines to effectuate the implementation of school board policies, which directives and guidelines shall not be inconsistent with those school board policies. It is recommended, at a minimum, that school boards review administrative directives and guidelines on major policy issues prior to their implementation and conduct an annual review of any such directives and guidelines that have been adopted. A review is important because it lets the school board know

how school board policy will be implemented and ensures consistency of interpretation between the school board and the administration. Periodically, school boards and administrators should, in such review, determine whether the nature and scope of such administrative directives and guidelines are such that they should be formally approved by the school board and incorporated in school board policy.

Many school districts have employee and student handbooks. These types of handbooks serve notice on employees, students, and parents of their rights and responsibilities, which are often the subject of litigation. Language in a handbook which is inconsistent with school board policy will cause difficulties in the event of litigation. A court or arbitrator may determine that the language in the handbook overrides school board policy because the handbook was provided directly to employees and/or students and parents. School boards and administrators must be aware of the contents of these handbooks to ensure consistency between the handbooks and school board policy. Therefore, it is recommended that such handbooks be presented to and adopted by the school board to avoid pitfalls related to illegal, disparate, or inconsistent procedures in the school district. For example, in a 2015 unpublished case, the Court of Appeals overturned a student expulsion in part because the language in the student handbook did not accurately reflect the language in the school district's policy. The court opined the policy thus had not been adequately communicated to the student.

The impetus for school board policy development or change may come from a variety of sources. It may be triggered because of a change in the law, a change in school district practice, or a change in school board philosophy. Policy development or change may be initiated by school board members, employees, students, or community members. A number of school board policies are mandatory as state or federal law requires a policy, written procedure, or public notice on the issues addressed by the policy. State and federal agencies look for the mandatory school board policies, procedures, and notices during accreditation visits, financial audits, investigations, and as contingencies prior to the release of funds. Such policies include:

102	Equal Educational Opportunity
214	Out-of-State Travel by School Board Members
401	Equal Employment Opportunity
402	Disability Nondiscrimination Policy
406	Public and Private Personnel Data
410	Family and Medical Leave Policy
412	Expense Reimbursement
413	Harassment and Violence
417	Chemical Use and Abuse
418	Drug-Free Workplace/Drug-Free School
419	Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices
427	Workload Limits for Certain Special Education Teachers
501	School Weapons Policy
502	Search of Student Lockers, Desks, Personal Possessions, and Student's Person
506	Student Discipline
514	Bullying Prohibition Policy
515	Protection and Privacy of Pupil Records
516	Student Medication
520	Student Surveys
521	Student Disability Nondiscrimination

522	Student Sex Nondiscrimination
524	Internet Acceptable Use and Safety Policy
526	Hazing Prohibition
531	The Pledge of Allegiance
532	Use of Peace Officers and Crisis Teams to Remove Students with IEPs from School Grounds
533	Wellness
534	Unpaid Meal Charges
601	School District Curriculum and Instruction Goals
603	Curriculum Development
612.1	Development of Parent and Family Engagement Policies for Title I Programs
616	School District System Accountability
620	Credit for Learning
709	Student Transportation Safety Policy
721	Uniform Grant Guidance Policy Regarding Federal Revenue Sources
722	Public Data Requests
806	Crisis Management Policy
903	Visitors to School District Buildings and Sites

In addition to mandatory school board policies, there are also a number of policies that need to be consistent with state or federal laws which specify how a policy is to be stated or implemented. School district legal counsel should be consulted prior to deviation from the recommended language in this Policy Reference Manual to ensure that any variances are not inconsistent with legal requirements.

In drafting school board policy, it is important to remember that a good policy:

1. meets the educational goals of the school district;
2. is written within the scope of the school board's authority;
3. is adopted through proper school board procedure;
4. is not inconsistent with state and federal law;
5. is communicated to the persons it will affect.

In the first point, it is important for the school board to incorporate its educational goals into school board policy. The school board's educational goals have a greater chance of being achieved if a school board policy is written to implement them.

The second point is a reflection of the limitation upon a school board's authority. School boards can only exercise express or implied powers granted to them by law.

As the third point states, school boards should develop an appropriate procedure for adopting and implementing school board policy. A school board, therefore, should have a specific policy addressing its policy development process including study, review, adoption, and revision procedures. School boards generally present a new policy at two or three public school board meetings prior to final adoption of the policy (see Model Policy 208). School boards should implement a procedure for on-going policy review.

School boards should adopt school board policy consistent with state and federal law as the fourth point states. As discussed above, in some areas the law is very specific about what a school board policy can or cannot do or say. In other areas, the school board has wider discretion in developing the language of a policy. It is important to remember that policy is not developed in a vacuum, and therefore the development process should involve the greater school community. In many cases, participation by legal counsel is desirable to ensure that the product is consistent with federal and state law.

The fifth point is communicating the policy to the persons that it will affect. The school board cannot expect employees, students, parents, or others to comply with and support a school board policy if they do not know the policy exists.

Tips for Writing School Board Policy

In conjunction with the five points outlined above, there are a number of more specific tips that are recommended when developing policies utilizing the model policies in this Policy Reference Manual. These include:

- When filling in a blank requiring a name or a position title, use the position title unless the name is required. This will keep the policy current even when there is a turnover in employees.
- Avoid duplication and inconsistencies in school board policies.
- State the adoption, revision, and review dates on the top of the first page of each policy. These dates will provide guidance, assistance, and historical context.
- When updating policies, remember to update the legal and cross references as well.

Using the Policy Reference Manual

In addition to sample language, editorial notes are included explaining some items. The editorial notes are in italics and the text of the sample policy is in regular print.

Throughout the model policies there are a number of blanks that need to be completed by the school board. There also may be items addressed in the model policies that do not reflect a particular school board's philosophy, beliefs, or practices. If so, that school board needs to modify those items to reflect its particular approach. Remember that in certain areas the school board does not have the discretion to change the model policy since the language may be mandatory or required by law.

TIPS FOR USING THE MSBA/MASA POLICY REFERENCE MANUAL

When utilizing the model policies, some further tips suggested are as follows:

1. Download the policies from the MSBA website and store them on a hard drive or server.

2. Observe the explanation in the notes, when provided, in considering the model policy.
3. A number of model policies have been incorporated by reference to eliminate duplication concerning policies addressing licensed employees, nonlicensed employees, and students. Model policies that affect all groups equally are sometimes combined into a single model policy.
4. In this policy reference manual, the index may be different from the one currently used by your school district. The MSBA/MASA Policy Reference Manual uses a numerical numbering system.
5. The name of the school district needs to replace the “MSBA/MASA Model” at the top of the first page of each policy.

A Guide to Legal References Used

Minn. Stat. - law adopted by the Minnesota Legislature

Minn. Rule - rule adopted by Minnesota state agencies or courts

Op. Atty. Gen. - Minnesota Attorney General opinions

N.W.2d and N.W. - court decisions issued by either the Minnesota Supreme Court, the Minnesota Court of Appeals, or other state courts from our region

U.S.C. - United States Code, federal laws passed by Congress

C.F.R. - Code of Federal Regulations, rules adopted by federal agencies

U.S. S.Ct. - United States Supreme Court decisions

F.2d and F.3d - U.S. Circuit Courts of Appeals decisions

F.Supp. - U.S. District Court decisions

*****CONCLUSION*****

The staffs of MSBA and MASA hope that this Policy Reference Manual proves to be useful to Minnesota school districts. We welcome your comments, suggestions, and questions.

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