



Saint Paul Public Schools

Regular Meeting

Tuesday, February 19, 2019 6:05 PM

**SAINT PAUL PUBLIC SCHOOLS
INDEPENDENT SCHOOL DISTRICT NO. 625**

BOARD OF EDUCATION



Zuki Ellis
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Director



ADMINISTRATION
Dr. Joe Gothard
Superintendent

BOARD OF EDUCATION COMMITTEES

Committee of the Board – Steven Marchese, Vice Chair

Mission of Saint Paul Public Schools

Inspire students to think critically, pursue their dreams and change the world.

Guiding Values

Achievement | Communication | Continuous Improvement

Collaboration | Accountability | Inclusive Culture

SPPS Achieves

Each student. One community. Endless Opportunities.

Strategic Focus Areas

Positive School and District Culture | Effective and Culturally Relevant Instruction

Program Evaluation and Resource Allocation | College and Career Paths

Family and Community Engagement

INDEPENDENT SCHOOL DISTRICT NO. 625
Saint Paul, Minnesota
REGULAR MEETING OF THE BOARD OF EDUCATION
Administration Building
360 Colborne Street

February 19, 2019
6:05 PM

A G E N D A

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF THE ORDER OF THE MAIN AGENDA**
- IV. RECOGNITIONS**
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- V. APPROVAL OF THE ORDER OF THE CONSENT AGENDA**
- VI. APPROVAL OF THE MINUTES**
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**INDEPENDENT SCHOOL DISTRICT NO. 625
BOARD OF EDUCATION
SAINT PAUL PUBLIC SCHOOLS**

DATE: February 19, 2019

TOPIC: Acknowledgement of Good Work Provided by Outstanding District Employees

A. PERTINENT FACTS:

1. **Jane Law**, a French Teacher at Harding Senior High School, is Minnesota's French Teacher of the year. Madame Law, who has taught in SPPS for more than 25 years, will be honored by the American Association of Teachers of French in March
2. **Be Vang**, Mississippi Creative Arts Principal, has earned the Division Leadership Award from the Saint Paul Division of Minnesota Elementary School Principals Association for 2019. The award expresses appreciation to the many outstanding individuals in the principalship who have contributed generously to improving education, their communities and their profession.
3. This item is submitted by Cedrick Baker, Chief of Staff.

B. RECOMMENDATION:

The recommendation is that the Board of Education recognizes the staff acknowledged above for their contributions and outstanding work.

**INDEPENDENT SCHOOL DISTRICT NO. 625
Saint Paul, Minnesota
MINUTES OF THE REGULAR MEETING OF THE BOARD OF EDUCATION**

January 22, 2019

I. CALL TO ORDER

The meeting was called to order at 6:05 p.m.

II. ROLL CALL

Present: Mr. Marchese, Ms. Ellis, Ms. Foster, Mr. Brodrick, Ms. Xiong, Ms. Vanderwert, Mr. Schumacher, Superintendent Gothard, Mr. Long, General Counsel, and Ms. Dahlke, Assistant Clerk

III. APPROVAL OF THE ORDER OF THE MAIN AGENDA

MOTION: Ms. Ellis moved approval of the Order of the Main Agenda. The motion was seconded by Ms. Xiong.

The motion was approved with the following roll call vote:

Mr. Marchese	Yes
Ms. Ellis	Yes
Ms. Foster	Yes
Mr. Brodrick	Yes
Ms. Xiong	Yes
Ms. Vanderwert	Yes
Mr. Schumacher	Yes

IV. RECOGNITIONS

BF 31540 Acknowledgement of Good Work Provided by Outstanding District Employees

Catherine Rich, Principal of Phalen Lake Hmong Studies Magnet School, received the 2018 Alumni Society Award of Excellence from the University of Minnesota College of Education and Human Development on November 29 at a dinner and awards ceremony at McNamara Alumni Center. The award is given to alumni for service in their field of education and professional and community leadership. Catherine is a 1985 graduate with a BS in elementary education.

Assistant Superintendent Dr. Theresa Battle and Central High School Principal Mary Mackbee were also recognized as the other two SPPS staff members to receive this award in the past.

BF 31541 Acknowledgement of Good Work by Students

Jasper Zarkower, a senior at Central Senior High School, was one of four students from the United States that were selected to go to Moscow, Russia, for an international Russian language competition at the Pushkin Institute. Jasper, along with students from all over the world, competed in the International Olympiada in December. Participants gave individual presentations, toured the sites of Moscow, visited Moscow theatres and attended exhibitions. Jasper won an award for Best Spoken Response.

Jasper was the top qualifying student of the 2018 Minnesota State Olympiada of Spoken Russian. He passed the written test and an oral interview at the national level before being selected to move on to the International Olympiada.

V. APPROVAL OF THE ORDER OF THE CONSENT AGENDA

MOTION: Ms. Ellis moved approval of the Order of the Consent Agenda with no items pulled for separate consideration. The motion was seconded by Mr. Marchese.

The motion was approved with the following roll call vote:

Mr. Marchese	Yes
Ms. Ellis	Yes
Ms. Foster	Yes
Mr. Brodrick	Yes
Ms. Xiong	Yes
Ms. Vanderwert	Yes
Mr. Schumacher	Yes

VI. APPROVAL OF THE MINUTES

- A. Minutes of the Regular Meeting of the Board of Education of December 18, 2018
- B. Minutes of the Annual Meeting of the Board of Education of January 8, 2019

MOTION: Ms. Ellis moved approval of the Minutes of the Regular Meeting of the Board of Education of December 18, 2018, and the Minutes of the Annual Meeting of the Board of Education of January 8, 2019 as published. The motion was seconded by Ms. Foster.

The motion was approved with the following roll call vote:

Mr. Marchese	Yes
Ms. Ellis	Yes
Ms. Foster	Yes
Mr. Brodrick	Yes
Ms. Xiong	Yes
Ms. Vanderwert	Yes
Mr. Schumacher	Yes

VII. COMMITTEE REPORTS

- A. Minutes of the Committee of the Board Meeting of December 4, 2018

At the Committee of the Board Meeting on January 8th, Superintendent Gothard started the meeting wishing the Board, staff, and community a Happy New Year. He noted the School Choice Fair, which was held on January 12th, and the upcoming State of the District event, which will be January 30th at 8am at Washington Tech. He thanked staff for their great work in organizing these great opportunities to shine the light on many great things in SPPS.

Next, the 2018 Audit Report was presented to the Board. Representatives from the accounting firm MMKR issued an unmodified, or clean, opinion on the financial statements and four comments on the internal control and compliance reports. The General Education Aid basic formula, general fund financial positions, fund balances, and Adjusted Daily Membership and Pupil Units Served were reviewed. This presentation sparked discussion amongst board members on questions about unrestricted versus unassigned fund balances, the GASB 75 measurements and how they relate to the credit of the District, and additional information on other district funds. The Board approved the recommended motion to accept the FY18 Audit Report as presented.

The next topic of discussion was the Fiscal Year 20 budget guidelines. The proposed budget will be guided by and support the district's strategic plan of SPPS Achieves; it will focus on the plan's five strategic focus areas and will support the district's mission. The process of preparing the budget calculations, creating the budget, and compiling and presenting the budget were explained. The Board requested more information on the impacts of the current partial government shutdown and reimbursements, and the process for priority-based budgeting. The strategic plan will allow us to make informed decisions of the priorities as we determine the budget. It was also noted that in presenting the budget, notes on changes would be helpful to see the progression of the process from last year to this year. Questions also revolved around the modeling of the budget, with this year being a modified roll-over model because it is a transition year as we move more towards priorities based on initiatives.

Following the adjournment of the meeting, board members conducted a work session on topics of board engagement ideas and plans.

MOTION: Mr. Marchese moved the Board accept the report on the January 8, 2019 Committee of the Board meeting and approve the minutes and recommended motions within that meeting as published. The motion was seconded by Ms. Xiong.

The motion was approved with the following roll call vote:

Mr. Marchese	Yes
Ms. Ellis	Yes
Ms. Foster	Yes
Mr. Brodrick	Yes
Ms. Xiong	Yes
Ms. Vanderwert	Yes
Mr. Schumacher	Yes

VIII. SUPERINTENDENT'S REPORT

A. North Star Equity and Excellence System Overview

Superintendent Gothard then introduced Sherry Carlstrom, Director of Federal Programs, Stacey Gray Akyea, Director of Research, Evaluation, and Assessment, and Hans Ott, Assistant Superintendent of Teaching and Learning to present on the new accountability report to the State, which will help us to achieve outcomes and expectations for all students.

North Star Equity & Excellence System

- Replaces the accountability systems from No Child Left Behind (NCLB) and Minnesota's NCLB waiver
- Identifies districts for support under the state's World's Best Workforce law
- Identifies schools for support under the federal Every Student Succeeds Act (ESSA)
- Uses several indicators grouped into three stages to prioritize schools for different levels of support

Indicators

- Academic Achievement
 - MCA Proficiency
- Progress toward English Language Proficiency
 - Individual Growth on ACCESS Assessment
- Academic Progress
 - Progress on MCAs
- Consistent Attendance
 - 90 percent of the days enrolled
- Graduation Rates
 - Four and seven year

Identifications

- District Accountability and Support
 - Three stages used to identify lowest 10 percent of districts
- Comprehensive Support and Improvement (CSI)
 - All public high schools with a four-year graduation rate below 67% overall or for any student group.
 - The lowest 5% of Title I schools for its grade span based on Stages 1-3.
- Targeted Support and Improvement (TSI)
 - Student groups with low performance in at least one indicator in each stage,
 - Student groups performing at or below the average of the lowest 5 percent of Title I schools for at least one indicator in each stage, or
 - Title I schools with overall performance at or below the performance thresholds for at least one indicator in stages 1 and 2
- Support Schools
 - Title I schools with overall performance below thresholds in Stage 1
- Reward
 - Any schools that were in the highest 5% of the state overall for the each indicator or where one or more student groups were at the same level as the highest 5% for that indicator.

Support Plan for Identified Schools – Prioritizing Our Resources

Supports for Identified Schools

- Multi-Year Comprehensive Needs Assessment
- School Continuous Improvement Teams with Goals for Targeted Areas
- Minnesota Department of Education Workshops
- Coaching Supports from Academic Departments
- Continuous Improvement PD for Academic Departments

CSI, TSI, and Support Schools

- Differentiated supports are provided for schools identified as CSI (Comprehensive), TSI (Targeted), or Support
- A table reviewing the supports for these schools was shown and discussed.
- MDE Regional Center Improvement
 - Implementation Science and Improvement Framework
 - Leadership Team Support and Rubric
 - Continuous Improvement Specialists provide content specific supports (Literacy, Mathematics)
 - Training and support for Continuous Improvement Specialists
- SPPS School
 - Implementation Science and Improvement Framework (School Continuous Improvement Plans & Departments)
 - Leadership Team Support and Rubric; New Leaders partnership for CSI Elementary schools
 - Continuous Improvement Specialists and Literacy Coaches provide embedded, on-site supports; additional content specific supports from departments (Literacy, Mathematics, MLL, OSS, PBIS, etc...)
 - Specific training and support for Continuous Improvement Specialists and Literacy Coaches; principal and assistant principal professional development; math and literacy leads professional development
- District improvement plan is approved by MDE. Bi-weekly meetings are held with MDE to monitor the plan.

Rewards Schools

- Badges and schools that achieved progress were reviewed.

North Star & SPPS Achieves

North Star	SPPS Achieves
Communicate and engage with stakeholders.	Family and Community Engagement 8a. Identify ways to engage the community in district decisions and initiatives
Conduct comprehensive needs assessment with the school and district.	Program Evaluation/ Resource Allocation 5a. Implement a system for assessing program effectiveness
Review district- and school-level resources among and within schools.	Program Evaluation/ Resource Allocation 5a. Implement a system for assessing program effectiveness
In partnership with stakeholders, design and implement a support and improvement plan.	Family and Community Engagement 8a. Identify ways to engage the community in district decisions and initiatives Effective and Culturally Relevant Instruction 3a. Implement culturally relevant practices within all student learning and programming

North Star Indicators & SPPS Achieves Metrics

North Star	SPPS Achieves
Academic achievement	Proficiency of former EL students Proficiency of students receiving specialized educational services proficiency
Progress toward English language proficiency	Proficiency of English Language Learners on the Access for EL's 2.0 Assessment
Academic progress	Students progressing towards proficiency Students maintaining proficiency
Consistent attendance	Positive Identity
Graduate rate	Graduation rate

Going Forward

- Continued support for SPPS Achieves as the anchor for all district and school improvement work.
- Continued support for multiple measures.

QUESTIONS/DISCUSSION:

- Director Vanderwert thanked the team for their work and their explanation of the acronyms. How do the stages work? MDE makes the stages and they look at all the schools and review. How many of our schools are in those categories? Is there a way to look ahead before the stages begin? Response: In terms of the stages, and how many are in each stage, they rank all elementary schools in stage 1, and take bottom core tile in title 1 and then move over, and rank those and take bottom core tile. We ended with 34 elementary schools identified as CSI, 7 middle schools, and about 6 high schools in that category. The other category for graduation rates, the number of high schools across the state was around 180. Overall in all of the categories, we had 51 CSI, TSI, and regular support identified within SPPS, with 9 elementary and 9 high schools with CSI support. With each of the groups, that information can be provided.
- What does the support from the state look like? Response: The state has a couple different things. We work with them at MDE for training for math and literacy supports, and evidence based practices. A key strategy is using practice profiles that come from a greater body of work around continuous improvement efforts. They have trained us to write strong plans around core evidence based practices to dive deeply and see what we will need professional development to achieve evidence based practice. Implementation science, evidence based practice, and general math and literacy pieces have been key pieces in the ways we have partnered with MDE. The literacy

coaches grant is also through MDE and we partner with a cohort around supporting literacy strategies in CSI and TSI middle schools.

- Do they work with us in curriculum? Is there a way to guide us to some other strategies? Or more about teaching methods. Are they looking at systems? Response: Part of the needs assessment is looking at standards based curriculum and instruction methods, so that is built in, they are looking at our curriculum and get feedback; although curriculum is key, and delivery is so important. The focus from MDE is on the instructional strategies and evidence based practices, and we take that feedback from coaches and principals in the walk-throughs to learn what parts of our curriculum needs to be changed.
- Director Brodrick noted this seems similar to No Child Left Behind. We try to identify schools that are not having success we'd like. We identify within the schools groups of students who are struggling. He thinks over the last decades, we have been well informed in terms of schools not working and those working, and groups struggling the most. This identification is important, but is the first step. The second step seems to have been to create a cadre or network of specialists, coaches, support people that are going to find their way into the schools in order to give those schools the support to make them more successful. What are the specific strategies that North Star and SPPS Achieves will bring for those support people and plans will bring to the individual teacher who will work with individual students? In the past, we focused on schools and not on kids, and in the past we gave those schools a stigma. We have never successfully zeroed in to what will make schools successful which is individual kids to be successful. We need to hear what are these specifics strategies that will be used to make our students more successful. If students are successful, the schools will be deemed successful.
- With the rewards schools identified, if we do have schools that are identified as successful and find other schools with great success with groups of students who may be struggling in other schools, that schools is really a rewards school. We need to find out what they're doing right and asking the reward schools what they are doing right. We also need to ask the parents of the parents in Saint Paul whose students are successful. What did they do right? He noted his frustration with No Child Left Behind. Response: Practice profiles help us to work with MDE to identify key practices that are beneficial, and write those strategies up as practice profile. They help to understand the strategy and how to implement it. The process for writing a practice profile was then reviewed. We are building on what works. We have 3 schools with school improvement grant funds – Cherokee, John A. Johnson, and Creative Arts (now off the list). These schools are seeing gains. We have learned that by embedding supports with staff on site, focusing on instructional coaching, and focusing on family engagement, we have seen gains in these buildings. We have taken what we learning from those models and attempted to replicate it as much as possible with school improvement fund and circle grants. We have tried to staff in the same model to build internal capacity. Part of it is through practice profile. We have a framework and in it, practice profiles are a process to define and describe instructional practice on evidence-based practices. They are picking practices that may not be implemented with fidelity and coming together to define that practice in order to benefits of those practices for our students. We are also training district departments on these practices, which are now building seed profiles and how it looks for their individual sites. Research is also coming from district departments. The real action is between what the student is learning from the teacher.
- What are the expectations on timelines and how it is being assessed, and the feedback over the years? What are their expectations for improvement and align with our strategic plan? Response: The identification of a school for improvement for CSI is a three year cycle. We go through a re-identification process, and we have two more year. For targeted supported, schools can come off or on yearly. It's an ongoing piece. The system will continue to be the system for every year in looking at those categories. Along with the metric side, there are SCIP plans with measurable goals on an annual basis, and those are connected to long-term student outcomes. Those plans are monitored on a regular basis internally.
- The SCIP plans are informed by the state system and the comprehensive improvement plan. Those indicators do also play a role in that plan.

- Director Marchese thanked the team for this presentations, and he noted that this was a request with the new strategic plan and to see the alignment with what we are being asked to do through the state accountability system.
- What is the difference between this assessment and the system under the pre-ESSA process? One concern was that schools and groups were being identified based on indicators and that didn't adequately reflect what was going on in the buildings. The basis of ESSA was to provide a full understanding of what was happening in the buildings. Response: There are several characteristics that were different pre-North Star. Some of them are more technical and some more theoretical. One major theoretical change is North Star is intended to be an accountability system that is overarching, an umbrella, and in alignment with other plans and systems coming out of MDE. It attempts to align federal legislation with state requirements. One of the largest indications of that is the broadening of indicators. Previously, the indicators were largely MCA proficiency. They were somewhat limited. There was an attempts at that time to have growth indicator, and that came along with the waiver. It was met with a limited amount of success. It was limited in terms of indicators. We see the broadening in MCA proficiency and transitions. Growth is no longer there - it is now progress; taking away that growth idea to move to the transition to proficiency levels, which is more realistic and in alignment with the goal of the test. Another indicator is English language proficiency. In the previous system, it was another accountability system in Title 3. With North Star and ESSA, English language proficiency is one of the primary indicators, and is no longer a secondary or tertiary indicator. English language proficiency became its own indicator, and a definition of how long it would take to reach proficiency. It also incorporates how long it is taking students to be proficient. Another broadening piece is the embedding of seven year graduation rate. Previously we looked at four-year rates, and this change is important in urban school settings. It creates a broadening on if we are meeting indicators as they are designed to getting students to graduate and getting them to proficiency. One of the other larger ways is that No Child Left Behind did not include district accountability. It was intended to address schools. With North Star, we have the complete alignment with federal, state, district and schools.
- What is the work done with data disaggregation and how it is being done to identify and highlight the different aspects of achievement, and where that work is and how it folds into the new system? Response: The data disaggregation pilot is not attached to the North Star accountability system, but more accountability at the state level. SPSS is a pilot and we have begun pilot work, which is related to a grant the state received. The intent is to disaggregate our student populations and it begins with asking parents and families through the iUpdate system if they would like to complete more information on their racial/ and ethnic identification and it will be submitted to the state. The state is determining how to report it in legislation. It is a pilot and we will need to wait to see how many families complete it to make sure we have the correct numbers to report in a valuable way to be compliant with privacy rules. We have begun planning and the process. This is an opt-in process. Families do need to designate racial or ethnic background with the seven federal areas, if they do not, a selection will be put into the form with current law. The additional categories are optional.
- In trying to understand the stages and categorization and how we get there. A function of this work should be to communicate to the community, and in listening to the decision making, it is difficult to explain to the community. We know they did an engagement session and the ELL standards were an outcome that was important. It is difficult to explain this information to the general community about how it is happening, when that is what the accountability system aimed to do.
- We talked about Title 1 schools and learning from other schools that are doing well. How are we learning from other Title 1 schools across the state that are successful under this system to get rewards, or not finding themselves under the staging system. As Title 1 programs, they are coming in with some level of demographic of comparability, what do we learn from those schools doing well? Response: There are a few different ways, and with the new system, we didn't know which would be designated. The practice profiles, modeling with MDE, and strategies that are valuable. Those uplifting strategies are through things state, local or national research saying this is what is working. It may be a district similar to Saint Paul, another in the state, or a school within SPSS. We are looking at that evidence-based practice process to provide to our leaders. We find out what is working and we write a practice profile, we dissect the strategy through that process, and take that and share key components and find ways to leverage professional development in many ways.

We do send people outside the district to learn from others doing similar work. We also provide teachers and principals time to communicate with each other. We have leaders the come together to dive deeper into profiles, and also share what is working at their school. With transformational leadership academy, a big benefit is able to share what is working and not working within that group. They bring perspective to other principals within the larger groups.

- The approach we are taking and encouraged looks at outcomes and says this is a problem of practice, and it needs to be aligned with best practice and successful in other places. In looking at other aspects of what is going on in these schools and others, are there other factors beyond problems of practice, such as mental health supports, family engagement supports, supports outside the teachers, or after-school programming? There is a concern we look at it as problem of practice, and confine the intervention to be fixed by the teacher. It doesn't necessarily look at the community that surrounds the school and can be leveraged to support the school. How are we looking at this beyond the practice problem, and how can we create the most fertile ground for our students? Response: Our effective and culturally relevant instruction and the prioritization of that, there is a root piece that we need to look at ourselves and how we establish relationships that we believe in our students to be successful, and we will get to know our students for their strengths, and break down barriers. That is a key and critical component that different areas of the strategic plan touch. The wraparound services include bringing many lenses to this work that may not be in other districts. Our schools with high mobility and high instances of homelessness, we need to look to community partners for additional supports beyond what we can do – Promise Neighborhood, Wilder, and entities like that, we know those are good practices, and the more we can partners, the more we can address those stressors in achievement at our high need schools. We are also looking at strong school leadership, and teachers and teacher equity, to make sure our highest need schools are getting our very best teachers.
- Director Marchese noted that it's important to discuss and that we are clear with the community in their role for this process. It's essential to build in ways to help community understand this is more than how teachers are doing on a technical basis. It's important to note about how the who and what we are is important and the work for this district for racial equity and it is also inviting families and community in in strategic ways, to help them understand there is a space for involvement, which is included in the strategic plan. He encouraged us to speak about it in it a holistic way and a community is hungry to help . It is a plan to help us understand our schools and also a plan that invites our community in as well to leverage their strengths.

B. Human Resource Transactions

MOTION: Mr. Brodrick moved approval of the HR Transactions for the period December 1, 2018 – December 31, 2018. The motion was seconded by Mr. Schumacher.

The motion was approved with the following roll call vote:

Mr. Marchese	Yes
Ms. Ellis	Yes
Ms. Foster	Yes
Mr. Brodrick	Yes
Ms. Xiong	Yes
Ms. Vanderwert	Yes
Mr. Schumacher	Yes

IX. **CONSENT AGENDA**

MOTION: Ms. Ellis moved approval of all items within the Consent Agenda with no items pulled for separate consideration. The motion was seconded by Ms. Foster.

The motion was approved with the following roll call vote:

Mr. Marchese	Yes
Ms. Ellis	Yes
Ms. Foster	Yes

Mr. Brodrick	Yes
Ms. Xiong	Yes
Ms. Vanderwert	Yes
Mr. Schumacher	Yes

A. Gifts

BF 31542 Acceptance of Gift from Minnesota State High School League Foundation

That the Board of Education authorize the Superintendent (or Designee) to accept the gifts from the Minnesota State High School League Foundation.

B. Grants

BF 31543 Request for Permission to Submit a Grant to the US Department of Agriculture

That the Board of Education authorize the Superintendent (designee) to submit a grant to the US Department of Agriculture for the funds to contract a School Garden Coordinator consultant and promote school gardens through a mini-grant program; to accept funds, if awarded; and to implement the project as specified in the award documents.

BF 31544 Request for Permission to Accept Grants from the F.R. Bigelow and Saint Paul Foundations

That the Board of Education authorize the Superintendent (designee) to accept two grants from the F.R. Bigelow and Saint Paul Foundations for funds to support Innocent Classroom in the district; to accept funds, and to implement the project as specified in the award documents.

BF 31545 Request for Permission to Accept a Grant from Minnesota Agriculture in the Classroom Foundation

That the Board of Education authorize the Superintendent (designee) to accept funds from the Minnesota Agriculture in the Classroom Foundation to support field trips to working farms for Central High School; and to implement the project as specified in the award documents.

BF 31546 Request for Permission to Submit a Grant Application to the Dollar General Literacy Foundation

That the Board of Education authorize the Superintendent (designee) to submit a grant application to the Dollar General Literacy Foundation for the funds to purchase materials and to provide professional development to support Adult Basic Education services at Hubbs Center and Hub at Harding; to accept funds if awarded; and to implement the project as specified in the award documents.

BF 31547 Request for Permission to Submit a Grant Application to the National Football League Foundation

That the Board of Education authorize the Superintendent (designee) to submit a grant application to the National Football League Foundation for funds to resurface the James Griffin Stadium turf football field at Central High School; to accept funds, if awarded; and to implement the project as specified in the award documents.

C. Contracts

BF 31548 Ramsey County Elections Contract Changes for 2019-2020

That the Board of Education approve the election contract changes for period January 1, 2019 through December 31, 2020.

BF 31549 Request for Permission to Enter into Evaluation Contract with University of Minnesota that Exceeds \$100,000 per Year

That the Board of Education authorize the Superintendent (designee) to enter into a five-year contract with the University of Minnesota to support the work of the US Department of Education EIR grant.

D. Agreements

BF 31550 Children's Defense Fund Freedom Schools Program

That the Board of Education authorize the Superintendent (designee) to approve the expending of ALC funds in the amount of \$149,625 to provide professional support for overall program operations including training for CDF Freedom Schools staff, according to the CDF model, and also provide for the purchasing of curriculum and books for teachers and students to use for instructional and learning purposes during CDF Freedom Schools Summer Term.

BF 31551 Memorandum of Understanding between Saint Paul Public Schools and Shiloh Missionary Baptist Church

That the Board of Education authorize the Superintendent to execute a Memorandum of Understanding between Shiloh Missionary Baptist Church and Independent School District No. 625 allowing the District staff to use parking spaces in exchange for use of the gymnasium at RiverEast.

BF 31552 Request for Permission to Enter into a Partnership Agreement & Data Agreement with the Century College Educational Talent Search (ETS) Program

That the Board of Education authorize the Superintendent (designee) to enter into a partnership agreement and data agreement with the Century College ETS Program and to implement the partnership as specified in the Memorandum of Understanding and Data Agreement documents.

BF 31553 Request for Permission to Enter into a Purchase of Service Agreement with Lutheran Social Service

That the Board of Education authorize the Superintendent (designee) to enter into a Purchase of Service Agreement with Lutheran Social Service of MN (LSS) in which Saint Paul Public Schools will provide program recruitment/outreach, assessment support, and specialized ABE instruction and client academic support to LSS.

E. Administrative Items

BF 31554 Monthly Operating Authority

1. That the Board of Education approve and ratify the following checks and wire transfers for the period November 1, 2018 – November 30, 2018.

(a) General Account	#702309-703747	\$53,541,518.29
	#0003161-0003192	
	#7003041-7003085	
	#0002987-0003079	

(b) Debt Service	-0-	<u>\$11,275.00</u>
(c) Construction	-0-	<u>\$9,854,556.14</u>
		<u>\$63,407,349.43</u>

Included in the above disbursements are two payrolls in the amount of \$37,178,163.76 and overtime of \$196,907.05 or 0.53% of payroll.

(d) Collateral Changes

Released:

Custodian	Cusip	Security	Maturity
None			

Additions:

Custodian	Cusip	Security	Maturity
None			

2. That the Board of Education further authorize payment of properly certified cash disbursements including payrolls, overtime schedules, compensation claims, and claims under the Workers' Compensation Law falling within the period ending April 30, 2019.

BF 31555 Recommendations for Exclusion of Students in Non-Compliance with Minnesota Statute 123.70 Health Standards: Immunizations

That the Board of Education excludes the named students from school effective January 31, 2019, should they not comply with Minnesota State Health Standards for Immunizations on or before this date.

BF 31556 Approval of Employment Agreement Between Independent School District No. 625 and Saint Paul Supervisors' Organization Representing Supervisors

That the Board of Education of Independent School District No. 625 approve and adopt the Agreement concerning the terms and conditions of employment for Saint Paul Supervisors Organization in this School District; duration of said Agreement is for the period of January 1, 2018, through December 31, 2019.

BF 31557 Approval of Jie Ming Mandarin Immersion Academy Mascot

That the Board of Education approve the Chinese Tiger as the official mascot of Jie Ming Mandarin Immersion Academy.

BF 31558 E-STEM School Forest

The Board of Education authorizes the Facilities Department to designate specific portions of the Crosswinds site, E-STEM Middle School, at 600 Weir Drive in Woodbury, MN as a School Forest under the MN Department of Natural Resources (DNR) School Forest Program.

BF 31559 Facilities Department FY19 Purchases over \$100,000 – Adjustment

That the Board of Education authorize the purchases listed for the Facilities Department anticipated to be over the \$100,000.

BF 31560 Reappointment to Civil Service Commission

That the Board of Education approve the reappointment of Nancy Dudley Kelly to the position of Commissioner on the Civil Service Commission as requested by the Office of the Mayor of the City of Saint Paul.

BF 31561 Request To Bring Former Saint Paul Public School Students That Were Supported By The Juvenile Justice Re-Entry Education Grant (JJREP) To The Grantee Meeting In Washington D.C.

That the Board of Education authorize the Superintendent (designee) to approve the request as specified.

BF 31562 Request for the Indian Education Johnson O'Malley Parent Committee and Students to Travel for the National Johnson O'Malley Conference

That the Board of Education authorize the Superintendent (designee) to approve travel for members of the Johnson O'Malley Parent Committee to attend the National Johnson O'Malley Conference from March 4th to March 6th, 2019 in Las Vegas, Nevada.

BF 31563 Request for Permission to Send One SEAB Alumni to Receive the Magma Award at the National School Board Association Conference

That the Board of Education authorize the Superintendent (or Designee) to approve the travel and related costs for one SEAB Alum, Skyler Kuczabowski, to attend and receive the award at the National School Board Association Conference, March 30-April 1, 2019 in Philadelphia, PA.

BF 31564 Premium Rates for Accident, Hospital Indemnity and Critical Illness Insurance through AFLAC

That the Board of Education authorize offering voluntary Group Accident, Hospital Indemnity and Critical Illness products through AFLAC at the proposed rates.

F. Bids

BF 31565 Humboldt High School Addition & Renovation Low Voltage Work

That the Board of Education authorize award of the low voltage phases 1-4 at the Humboldt High School Addition & Renovation work to Egan Company for the lump sum bid for \$243,000.

G. Change Orders – none

CONSENT AGENDA ITEMS PULLED FOR SEPARATE CONSIDERATION: None

X. OLD BUSINESS

A. Policy Update: SECOND READING: Policy 505.00 - Bullying

SECOND READING: Bullying Prohibition - Policy 505.00

- Revision of the policy
- Policy changes reflect requirements of state statute:
 - Updated definitions
 - Updates to Prohibition section
 - Added three new sections
 - Investigations
 - Responses

- Publication, Information and Training

QUESTIONS/DISCUSSION: None

XI. NEW BUSINESS

A. Resolution Establishing Procedures Relating to Compliance with Reimbursement Bond Regulations under the Internal Revenue Code

Chief Schrul then introduced a reimbursement resolution for our anticipated sales on upcoming Certificates of Participation. She noted that the dollar amount is not the dollar amount coming to the board in March. That is the entire amount that went to the state for COPs. It's the entire approved amount. We will be asking the Board to approve in March for \$70M, which is what we expect to issue in certificates, and is part of the budgeted process. It is a placeholder for the next three issues.

BF 31566 Resolution Establishing Procedures Relating to Compliance with Reimbursement Bond Regulations under the Internal Revenue Code

RESOLUTION ESTABLISHING PROCEDURES RELATING TO COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE

WHEREAS, the School Board of Independent School District Number 625, Saint Paul, Minnesota (the "District") has heretofore determined that it is necessary and expedient to issue one or more series of Certificates of Participation (the "Certificates") pursuant to Minnesota Statutes, Chapter 475 and Minnesota Statutes, Section 126C.40, to finance various capital deferred maintenance projects, additions to, and repairs across existing school district facilities.

WHEREAS, the Department of Treasury has promulgated final regulations governing the use of proceeds of tax exempt obligations, all or a portion of which are to be used to reimburse the District for project expenditures made by the District prior to the date of issuance of such obligations. Those regulations (Treasury Regulations, Section 1.150-2) (the "Regulations") require that the District adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the Certificates be issued and the reimbursement allocation made from the proceeds of the Certificates within 18 months after the later of the date the expenditure is paid or the date the project is placed in service or abandoned, but in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the Certificates; and

WHEREAS, the District desires to comply with requirements of the Regulations with respect to the project hereinafter identified.

NOW, THEREFORE, BE IT RESOLVED by the School Board of Independent School District Number 625, Saint Paul, Minnesota as follows:

1. Official Intent Declaration.

(a) The District has determined to finance various capital deferred maintenance projects, additions to, and repairs across several existing school district facilities (the "Project").

(b) Other than (i) expenditures to be paid or reimbursed from sources other than the Certificates (as defined above), (ii) expenditures permitted to be reimbursed under prior Treasury Regulations pursuant to the transitional provision contained in Section 1.150-2(j)(2) of the Regulations, (iii) expenditures constituting "preliminary expenditures" within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the

Regulations), no expenditures for the Project have been paid by the District more than 60 days before the date of adoption of this Resolution.

(c) The District reasonably expects to reimburse all or a portion of the expenditures made for costs of the Project out of the proceeds of the Certificates to be issued by the District in an estimated maximum aggregate principal amount of \$275,000,000 after the date of payment of all or a portion of the costs of the Project. All reimbursed expenditures shall be capital expenditures, costs of issuance of the Certificates, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

2. Budgetary Matters. As of the date hereof, there are no District funds reserved, allocated on a long term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project, other than pursuant to the issuance of the Certificates. This resolution, therefore, is determined to be consistent with the District's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.

3. Reimbursement; Allocations. The District's financial officer shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Certificates to reimburse the source of temporary financing used by the District to make payment of the prior costs of the Project. Each allocation shall be evidenced by an entry on the official books and records of the District maintained for the Project and shall specifically identify the actual original expenditure being reimbursed.

QUESTION/DISCUSSION: None

MOTION: Ms. Ellis moved to approve the Resolution Establishing Procedures Relating to Compliance with Reimbursement Bond Regulations under the Internal Revenue Code. The motion was seconded by Mr. Schumacher.

The motion was approved with the following roll call vote:

Mr. Marchese	Yes
Ms. Ellis	Yes
Ms. Foster	Yes
Mr. Brodrick	Yes
Ms. Xiong	Yes
Ms. Vanderwert	Yes
Mr. Schumacher	Yes

B. Project Labor Agreements

Superintendent Gothard then introduced Tom Parent, Director of Facilities, to present on Project Labor Agreements.

BF 31567 Project Labor Agreements for American Indian Magnet Renovation and Addition, Bruce Vento Elementary Renovation, Central High School Stadium, District Service Facility, Frost Lake Elementary Renovation and Addition, Johnson High School Air Distribution System Upgrades, L'Etoile du Nord Upper and Murray Middle School Systems Upgrades, Phalen Lake Systems Upgrades, Washington Technology Magnet Athletic Improvements, Wellstone Elementary HVAC and Electrical Distribution, - Belvidere Early Education Center Boiler Replacement, Bridge View Elementary Roof, Hamline Elementary School Paving, Hubbs Center Roof, Nokomis Montessori South School Plumbing, and Riverview West Side Elementary Windows

Definition of PLA

- A PLA is a pre-hire collective bargaining agreement with one or more labor organizations that establishes the terms and conditions of employment for a specific construction project
 - Agreement between SPPS and St. Paul Buildings and Trades Council, adopted December 18, 2018.
 - Individual Contractors "Assent" to that agreement
 - Ensures no work stoppages, strikes, sympathy actions, picketing, slowdowns or other disruptive activities.
- PLAs are not fiscal commitments for the District

PLA vs. Prevailing Wage

- PLA
 - A PLA specifies that contractors pay the current union wage for all trades on a construction project
 - Does not require union membership, just union rate
 - Contractor must also pay into Minnesota State Building Trades Health Reimbursement
- Prevailing Wage
 - Prevailing wage is the hourly rate, including benefits, established by the Department of Labor and Industry to reflect local market conditions within each county
 - BOE Policy 715.00 requires all contractors to be paid at least the prevailing wage rate

History of PLAs

- Modern PLAs were developed during World War II, a time when government spending on construction increased greatly
- These PLAs focused on establishing standard rates of pay and preventing work stoppages

Perspectives of PLAs

- Supporting Arguments
 - These PLAs focused on establishing standard rates of pay and preventing work stoppages
 - Assurance that construction will proceed without staffing shortages, safety incidents, labor disputes and work stoppages
- Opposing Arguments
 - Increase construction costs by decreasing competition
 - Favor union companies

History of PLAs in SPPS

- January 2005: the BOE established a task force to review and recommend a process for PLAs
 - Ramsey County's PLA model was used as a starting point
- February 2005: BOE adopted the task force's recommendation to evaluate all future construction projects with cost estimate exceeding \$250,000 for the use of a PLA
- Authorized by MN Stat 123B.52 - CONTRACTS

Criteria for Recommending PLAs

- Size of project
- Estimated cost of project
- Complexity of project
- Number of trades involved
- Tight construction schedules
- Potential for work stoppages

SPPS Staff Recommendations

- Recommended (97%)
 - Johnson HS – HVAC
 - Wellstone – HVAC
 - Phalen Lake – HVAC
 - L'Etoile & Murray – HVAC
 - Washington – Athletic Turf
 - Central HS – Athletic Turf
 - DSF – Modernization
 - American Indian Magnet – Modernization

- Frost Lake – Modernization
- Bruce Vento - Modernization
- Not Recommended (3%)
 - Hamline – Paving
 - 271 Belvidere – Boiler
 - Nokomis South – Plumbing
 - Bridgeview – Roofing
 - Hubbs – Roofing
 - Riverview – Windows

Board Actions

- Motion: Authorize the District to enter into a Project Labor Agreement on the projects directed
- Motion: Decline to authorize the use of a Project Labor Agreement on the projects directed

QUESTION/DISCUSSION:

- Director Brodrick noted that after reviewing the recommendations from staff, he would like to move to change the recommendation that staff suggested, and instead recommend to have PLAs on all projects with the exception of the paving at the parking lot at Hamline elementary.
- Director Brodrick noted the wisdom of PLAs for the district. They are good insurance, and good business. It is important that we do so because of the importance of these projects on our buildings and for our students. That is the reason for significantly altering the recommendation that staff brought forward and to reiterate that he believes we should have PLAs on as many projects as possible.
- What is the criteria used? There is a similarity to the responses to the reason why, such as only a limited number of trades are involved and the work will not interfere with the educational program. Why is that the standard reason within the recommendations as to whether we use a PLA? Response: Establishing consistent metrics is important. Roofing is a largely a single trade process, and there is support from other crafts, but is usually single craft. Ensuring that we are paying prevailing wage speaks to the quality of the contractor. At the end of every day, our sites are watertight and they are at a good stopping point so that if a labor stoppage happened, our liabilities are pretty well capped. It is a balance of what is most competitive project for a bidding process. We are not at risk with the smaller, less coordinated work. There is analysis work in what crafts are negotiating with the large pool and trying to understand those contracts that could lead to labor interruptions; we are trying to predict on these recommendations. It is about where the Board sees the best value and best protection for the District at this time.
- What do we gain by not using a PLA? Response: It's difficult to quantify. On the smaller work, we may be more visible to more bidders, in looking at our work and bidding on it. It could lead to more cost competitiveness. There is no data that directly points to that however.
- There is industry analysis that shows PLAs do not cost organizations more business, but there is not data on smaller projects and that threshold.
- If we don't have a PLA, would it allow for more smaller business to have access to our projects? Response: The most recent mark analysis was a couple years ago; the analysis showed that access to PLA-based work for impacted businesses were not impacted by having a PLA on a project. That information can be sent to the Board. Those businesses would have to comply with the local union wage scale and pay into the account, but would not need to be union members.
- What we gain is the potential for a lower price in the bids? There is no data that exists that says we are saving any money on this, but we hope to if there are enough people that bid on it. That would mean our costs would go down because there would be more people bidding against each other? Response: The conversation focuses on smaller projects that are not complex. It is more anecdotal that people may be more inclined to bid on it. The benefits would be more awareness, and more companies interested in bidding on our work. The hope if there are more bids, the more cost competitiveness. But there is no history that points to that currently.
- What tips the scale in one way or another without evidence? It seems the same. Response: The risks are not enormous in this.
- Administration noted that while there may not be implicit bias or impact, one of the things we did hear from community council related to diversifying our projects and expanding outreach with contractors. Anytime there are additional requirements on top of a normal bidding process, there will be some that are precluded from projects. Of the projects proposed, we are proposing that 97% have a PLA, and asking to accept those 3% of projects to diversify the pool of candidates and not risking them not submitting a bid, which includes

paying the union dues and the health requirement. It is an added requirement. We heard that more flexible we are with the bidding process, and it shows our ability to allow different people to bid to potentially have a diverse and broader candidate pool.

- Board members noted there are concerns that we need to see data to assist in this decision. There is no clear way. We don't know if there will be cost benefits, or that it will diversify the pool of people submitting bids. What is experience in other entities? We don't have a lot of information at this point in time. The Board needs to see that information. A PLA should be the default unless there is a really good reason not to, and the Board doesn't see that right now. In the future with data and practice to support that with examples from other entities, the Board needs that to move forward.
- Is there a difference in administration of those two process? Does it involve more work to issue a PLA? Response: It does not. Once Administration has Board direction, it is a straightforward process. It does give us the building and labor trades council as a strong advocate with PLAs on larger complex projects.
- Director Brodrick noted that the building trades has very often recommended no PLA, so they are not automatically stating they want a PLA on every project, and are looking at the same criteria as administration.

MOTION: **Director Brodrick moved to make an amendment to the recommendations from staff and motioned that a PLA be used on these projects, with the exception of the paving project at Hamline Elementary in which a PLA was not recommended. It was seconded by Mr. Schumacher.**

The motion was approved with the following roll call vote:

Mr. Marchese	Yes
Ms. Ellis	Yes
Ms. Foster	Yes
Mr. Brodrick	Yes
Ms. Xiong	Yes
Ms. Vanderwert	No
Mr. Schumacher	Yes

XII. BOARD OF EDUCATION

A. Information Requests & Responses

B. Items for Future Agendas

- Director Vanderwert requested looking into raising the stipend for board members. It was last revised in 1980, and this would help to make the position more attractive to the community.
- Director Foster noted that frequent conversations on start times are also happening, but more information.
- Director Xiong requested a report of how the District is working to close the racial disparity gap.

C. Board of Education Reports/Communications

- Director Vanderwert noted an update on the Saint Paul Children's Collaborative. They talked about their agenda for the legislature and shared the agenda from each entity on the board. The priority for the Children's Collaborative will be for out of school time and programs to help our most vulnerable youth. They are also going to the capital on the 27th to talk about this item.
- Director Marchese noted that several board members participated in events from the MSBA Leadership Conference in mid-January. There were many information sessions, including a school board members of color panel that was moderated by Chair Zuki Ellis. It was a good opportunity to learn and share with colleagues across the state. He noted that Chair Ellis was re-elected to serve on the MSBA board, and there were good conversations on working together with MPS, and collaborate on efforts around legislation and opportunities to synchronize our efforts. It was a helpful event with learning
- Director Schumacher congratulated the candidates for Teacher of the Year, and our 10 teachers nominated. The representation of our teachers is representative of our quality of teachers.
- Director Foster highlighted the School Choice Fair, and noted that she is hearing great things from parents and families in the community, and with middle and high school families. She thanked the

team for their work. She also recognized Miesha Sanders and her work in talking with families about start times. She noted the STEM room, which captivated our youth.

- She also noted the Robotics Program event at the Rondo Complex. There were 52 teams and 500 students. There are so many different options for our students, and access and opportunity and highlighting those options. She thanked Dan Carlson, who is a 3M engineer, and working in partnership with our schools to make this a priority. She recognized the students going to state. There are opportunities and ways to celebrate our district. She also thanked staff for all their time they dedicate to these efforts outside of the school day, and their commitment for places and opportunities for SPPS students and the relationships that our staff build with students on skills that will last a lifetime.
- Chair Ellis also recognized the School Choice Fair. It was good to see all schools on display. It was a fun event. She thanked the staff for their work and preparation. It was a good turnout and a fun event. There were good questions from families, and excitement to see our middle and high schools, and staff interacting with each other. The Transportation booth was also helpful. It was a great event and is proud of everyone who helped.
- Chair Ellis also noted the MSBA Leadership Conference and the workshops. Director Xiong was a presenter at a workshop on the topic of social work in our schools. It was great to see the SPPS and MPS collaboration, and work together. She noted that she will be the director for DD8 that MPS and SPPS share. She thanked other board members for their participation in the event.
- Chair Ellis also noted the robotics event at the Rondo Complex, and recognized staff for their great work.
- Direct Marchese recognized his time at the YMCA Youth in Government event. It has been a growing program, and Como, Central, and Highland sent teams. It allows students to experience government at a legislative and judiciary levels. He noted the news article that shows students advocating for their bills on the Senate floor. The YMCA is increasing scholarships and there are efforts for private fundraising. He noted this as a future agenda item or recognition, along with the debate teams from SPPS and other academic work throughout the District. In raising this up, it will highlight for the community opportunities for students.

XIII. FUTURE MEETING SCHEDULE

A. Board of Education Meetings (6:05 unless otherwise noted)

- February 19
- March 19
- April 23
- May 21
- June 11 | Non-Renewals
- June 18
- July 23
- August 20

B. Committee of the Board Meetings (4:30 unless otherwise noted)

- February 5
- March 5
- April 9
- May 7
- June 11
- August 7

XIV. ADJOURNMENT

MOTION: **Ms. Ellis moved to adjourn and it passed by acclaim.**

The meeting adjourned at 8:30 p.m.

For clarity and to facilitate research, these minutes reflect the order of the original Agenda and not necessarily the time during the meeting the items were discussed.

Prepared and submitted by

Sarah Dahlke
Assistant Clerk,
St. Paul Public Schools Board of Education

**INDEPENDENT SCHOOL DISTRICT NO. 625
Saint Paul, Minnesota**

**SPECIAL CLOSED MEETING OF THE BOARD OF EDUCATION
Administration Building
360 Colborne Street**

February 11, 2019

4:30 p.m.

MINUTES

I. CALL TO ORDER

The meeting was called to order by Zuki Ellis, Chair, at 4:39 p.m.

II. ROLL CALL

Present: Board of Education: Ms. Ellis, Mr. Schumacher, Mr. Brodrick, Ms. Vanderwert, and Ms. Foster

Ms. Xiong arrived at 4:40 p.m.

Mr. Marchese arrived at 4:42 p.m.

Staff: Superintendent Gothard; Laurin Cathey, Executive Director of Human Resources; Jim Vollmer, Assistant Director of Employee Labor Relations; Kevin Burns, Director of Communications, Marketing, and Development; Cedrick Baker, Chief of Staff; Marie Schrul, Chief Financial Officer; Sarah Dahlke, Secretary to the Board

III. APPROVAL OF THE AGENDA

MOTION: It was moved by Ms. Ellis and seconded by Ms. Foster that the Board of Education close the special meeting and continue the meeting as a closed meeting for the Board to discuss labor negotiation strategies for all bargaining units as allowed for by Minnesota Statutes Section 13D.03, subd. 1.

The motion passed by acclaim.

IV. NEW BUSINESS

The Board of Education, staff, and attorneys discussed labor negotiation strategies for all bargaining units.

V. **ADJOURNMENT**

MOTION: It was moved by Chair Ellis to conduct the remainder of this meeting as an open meeting. The motion was seconded by Mr. Brodrick.

It passed by acclaim.

MOTION: It was moved by Chair Ellis and Mr. Brodrick to adjourn the meeting. The motion was seconded by Ms. Foster and Ms. Xiong.

The motion carried and the meeting was adjourned at 6:32 p.m. It passed by acclaim.

Prepared and submitted by
Sarah Dahlke, Assistant Clerk

**MEETING MINUTES
COMMITTEE OF THE BOARD MEETING
February 5, 2019**

PRESENT: Board of Education: J. Foster, J. Schumacher, M. Xiong, J. Brodrick, M. Vanderwert

Z. Ellis arrived at 5:38 p.m.

S. Marchese arrived at 5:53 p.m.

Staff: Superintendent Gothard, J. Atkins, J. Jonassen, M. Hoerth, M. Dols Klingel, H. Ott, C. Mahaney, K. Cordes-Sween, S. Braithwaite, L. Erickson, A. Schilling, M. Doud, J. Vollmer, K. Keller, H. Kilgore, J. Engen, K. Wilcox-Harris, C. Long C. Baker, D. Watkins, M. Schrul, L. Sayles-Adams, E. Agbamu, A. Collins, K. Burns, M. Yackley, A. Corey, L. Olson, S. Dahlke

Other: J. Schultz, T. Baker, T. Lonetree, J. Verges, K. O'Connor, M. Maloney, E. Jablonie, A. van Oosterom

I. CALL TO ORDER

The meeting was called to order at 4:42 p.m.

II. AGENDA

A. Superintendent's Announcements

Superintendent Gothard welcomed everyone to the meeting. He thanked everyone for their hard work in communicating to families and supportive staff to keep everyone safe during last week's weather delays and closures. Due to the weather again, schools that normally end at 2:00pm will end a half hour earlier to help with the transportation tiers. The State of the District has been rescheduled to Wednesday, February 13 beginning at 8:00am at Washington Tech. He is excited to be with students, staff and community for this event, and invitations have been sent. He noted that a resolution to withdraw and terminate the Joint Powers Agreement with the City and County will be brought to the February 19, 2019 regular meeting, and he will keep the Board regularly updated on these efforts. On February 28th, he will join Mayor Carter and Commissioner McDonough at a press conference to speak on the shared desire to terminate the agreement. The City Council and County Board will also be acting on similar resolutions. Throughout the process, we heard many concerns from the community. We remain committed to working together for our youth. He recognized members of staff, especially Chief of Staff Cedrick Baker, for their work in these efforts. Superintendent Gothard went on to update the Board on SPPS Achieves and the symbolic leadership. He shared the SPPS Achieves pin with board members and provided a quote on change. We are organized for action to change our long-term student outcomes. He also thanked Kate Ryan in Communications for creating this graphic.

B. Investment Report

Chief Financial Officer, Marie Schrul, then introduced representatives from Wells Fargo and US Bank to provide an update on SPPS investments. Reports are available for more details on the investments.

Wells Fargo

- John Schultz and Todd Baker, representatives from Wells Fargo, provided an overview of the OPEB trust, which is a trust that was opened in 2011 for Other Post Employment Benefit investments.
- He recapped the OPEB trust, which is a trust set up for promises made to teachers having to do with health benefits. With health benefits now being more expensive, the promises ballooned, and there is a liability of \$331M for teachers and all bargaining units that had promises, which is about 27 or 28 units, with teachers being the main bargaining unit. This is an ongoing liability.
- A trust was set up and has been funded over time. The balance today is approximately \$31M. We are starting to make contributions to the trust with a planned contribution of \$500,000 this year.
- He noted a summary of the key items of portfolio. This is money managed under a state statute. This liability is a long-term liability, and opened the investment options to many types; long term better rate of return. The obligation is \$331M at this time, and the objective is a moderate growth and income portfolio, with a highly diversified strategy – a four asset class strategy. At the core of this strategy is investing in a way to get a desired rate of return with the least amount of risk.
- Page 7 notes the changes to the portfolio. Mid-year last year, we reduced the high yield corporate bonds. That money was moved to investment grade bonds, which are safer, and return of principle is highly likely. The unfortunate aspect is that safe short-term investments are paying low interest rates currently. It was a move toward safety.
- In September and October, there were volatile markets. After decline, the portfolio manager sold public REAT allocations, which were up for the year, and moved those to stocks. Those are the two most recent shifts. The bottom pie charts show overall, we are close to target allocations or target amount of risk, slightly overweight on stocks, which are more growth oriented, and slightly overweight in fixed income, which is the safe part of the portfolio.
- The performance over the last three years was also noted, which shows that three years ago we were at \$30.6M, and there has been \$1M in contributions and about \$4M in gains, which puts us at \$35.9M currently. The rate of return shows it has been 4.47. He then highlighted the four types of investments. In the safe short term part of the portfolio, it has been 1.49% over the last three years, which is low and very unusual. Short-term yields have come up, but are still low. The riskiest part is stocks, in the last 3 years, that portion has averaged 7.31%. It is still the best performing part of the portfolio. There was \$22M added in 2017. It is a meaningful portion of the portfolio. Real assets have done well at 6.98%. Alternative investments are designed to reduce volatility and lower correlation, which is yielding 1.5%.
- It's performing well given the market environment.

QUESTIONS/DISCUSSION:

- What is the market average and how do we stack up against others? Response: Within the report, there are benchmarks under each of the categories to compare to within that category. The only item with the absolute comparison not as pure is that funds have been coming in over time. While adding funds, it can make the comparison more difficult.
- As trade talks escalate and the trade deficit widens with China, should we in SPPS be worried about China? Response: The investment committee believes that there are two big things that are moving the market around at the end of last year were the US economy and the Chinese economy. The US economy is the largest in the world, and if we are having issues, that will have an impact all over. At the same time, China's economy has been slowing down. It has the lowest GDP rate for many years. If they slow down, it would have a negative impact. Our investment committee does not believe a recession is likely for this year. They felt strongly the market had overreacted. The trade negotiations do tend to be a drag on economic activity if they cannot be resolved long term. China's most favored nation status is being worked out, even though they are the second largest economy. These are massive changes in economic world of trading agreements.
- In looking at the consolidated portfolio, it looks like we have a couple in international? Response: Yes, those that may be in Chinese companies are in the emerging market portion. Why is China with the second largest economy still in the emerging market, and that is because one identification states that 20% or more are living below the poverty level. Our investment committee for the first time since the end of 2000 has the highest rating on emerging marketing stocks going forward. In the SPPS portfolio, it is relatively small for the risk tolerance.
- At what point does the US become an emerging market, with the poverty level? Response: The US came out of WW2 with economic dominance, and we hope to never go into the emerging market again.

By an investment perspective, we don't think we are a true definition, and don't think we will see it in these working years.

US Bank

- This is a reserve account that is safe. It is for security. It's a US government security. It is at the low range end of return and its purpose is to be there in case of emergency.
- On page 4, it shows that for the one-year period, it was up 1.49%, and follow it to the fixed income of 1.45, and in the ballpark of the benchmark.
- At 2 years, we are up 1.26, with a total fixed income of 123. Total cash was up 116. With the Fed raising interest rates, cash is paying money now.
- Three years, up 111, and inception to date up 1%.
- The actual cash flow can be seen on page 5. In July 2018, there was a small contribution of \$205,380 with a gain of \$174,527, to end at 25.9M for the period ending 12/31.
- This is secure money, and the goal is not to take risks. This is for liquidity and safety. The yield to maturity is 2.5. The average credit quality is AAA, and is pristine. There are actual bonds in here, and out 1-3 years. There has been another withdrawal of \$25M. The purpose for these funds is to be there when needed.
- We expect the Fed to raise interest rates one to two times this year. We are getting roughly 250 on the yield of the portfolio and expect that to rise somewhat as the Feds raise rates. The one concerning item is the yield curve is starting to invert – higher rate on shorter securities.
- The economy is strong and if employment stays strong, and should be able enhance the yield on the portfolio.
- The inverted yield curve does not happen often. The market participants are saying the Fed has done too much too fast, and we are forecasting that there will be a slowdown in 1-2 years. They are doing quantitative tightening of Fed monetary policy, and raising rates, which caused the yield curve to invert.
- It allows the investor to invest short-term securities than the long-term securities, and is actually flat. It may foretell a slowdown in the economy about two years down the road. This works out well for reserve accounts.
- On the China topic, there may be a worry on intellectual property and could impact our students and jobs.

QUESTIONS/DISCUSSION: None

C. Kindergarten Readiness

Superintendent Gothard then introduced Lori Erickson, Assistant Director of the Office of Early Learning, and Sue Braithwaite, Supervisor for K-12 Literacy. This is an areas that is called out in the long-term student outcomes of SPPS Achieves, and SPPS has a leadership role in state in this area, and is a beneficiary of many grants in state. Saint Paul has been a leader in early education for the past 10 years and was one of the first to go to all-day kindergarten in the state. It was a change in learning culture, and one that continues today. We also have great partners and in the Innovation Grant to help us specifically in child-parent centers, and grants to help the alignment between PreK, K, 1, 2, and 3. Hans Ott and Megan Dols Klingel were also recognized for their work.

How We Teach Literacy: Framework

Pre-K	Elementary	Middle	High School
ECIPs*	2010 Common Core Standards Driven		
Early Childhood Workshop	Readers and Writers Workshop		Universal Themes
Student Voice, Use of Technology, Cultural Proficiency			

*Early Childhood Indicators of Progress

Pre-K Enrollment 2017-2018

- Pre-K Enrollment: 1865
 - 264 Students in State Funded Pre-K (Voluntary Pre-K)
 - 1336 Students in District Funded Pre-K
 - 265 ECSE Students in Pre-K Classrooms

Assessments

- IGDI Suite (Individual Growth and Development Indicators)
 - Pre-K
 - Concepts of Print
 - Letter Name
 - Letter Sounds
 - Rhyming
 - Alliteration
 - Name Writing

Pre-K Literacy Proficiency – IGDI Suite (2017-2018)

- Fall: 19%
- Winter: 44%
- Spring: 63%
- The percentages of students Not Yet Proficient, In Progress, and Proficient were then reviewed for both Full Day and Half Day Pre-K. The trends showed that the numbers of students Not Yet Proficient decreased throughout the year, while increasing in Proficient.
- The proficiency rate from Fall to Spring was a dramatic increase. Math has the most dramatic gains.

Pre-K Literacy Growth – IGDI (2017-2018)

- Full Day
 - Fall-Winter: 25%
 - EOY: 48%
- Half Day
 - Fall-Winter: 25%
 - EOY: 43%
- Program
 - Fall-Winter: 25%
 - EOY: 44%

Next Steps

- Full implementation of Work Sampling System (WSS) – overall umbrella to focus on whole child; well on the way to achieving 78% proficiency in our five-year goal
- Bi-weekly coaching using WSS and IGDI Suite (worksheet at the end of every assessment that is emailed to teachers that shows discreet skills; used heavily in coaching; disaggregated data, color coded so it is clear)
- Develop WIDA Early Years Framework (World Class Instructional Design and Assessment)
- Childcare Partnerships

Kindergarten Enrollment

- Kindergarten Enrollment: 3124
 - Increase of 1% (44 Students)
- Special Needs Kindergarten: 364
- General Education: 2758

Assessments

- earlyReading
 - K

- Fall:
 - Concepts of Print
 - Letter Name
 - Letter Sounds
 - Onset Sounds

Kindergarten Proficiency – FAST

- High Risk: 29.7%
- Some Risk: 26.7%
- Low Risk: 43.6%
- It shows where they are with the benchmarks.

Kindergarten Literacy Proficiency – FAST

- SPPS Pre-K
 - Low Risk: 41%
 - Some Risk: 30%
 - High Risk: 29%
- Not SPPS Pre-K
 - Low Risk: 46%
 - Some Risk: 24%
 - High Risk: 30%

Deeper Look – Kindergarten FAST Data

Promising data suggests:

- Low Risk:
 - African American/Black
 - 37% Non SPPS Pre-K
 - 46% SPPS Pre-K
 - Asian
 - 25% Non SPPS Pre-K
 - 33% SPPS Pre-K
 - Hispanic
 - 33% Hispanic Non SPPS Pre-K
 - 29% SPPS Pre-K

Deeper Look – Kindergarten FAST Data

Promising data suggests:

- Some Risk:
 - African American/Black
 - 29% Non SPPS Pre-K
 - 29% SPPS Pre-K
 - Asian
 - 26% Non SPPS Pre-K
 - 32% SPPS Pre-K
 - Hispanic
 - 29% Hispanic Non SPPS Pre-K
 - 37% SPPS Pre-K

Deeper Look – Kindergarten FAST Data

Promising data suggests:

- High Risk:
 - African American/Black
 - 34% Non SPPS Pre-K
 - 26% SPPS Pre-K
 - Asian

- 48% Non SPPS Pre-K
- 35% SPPS Pre-K
- Hispanic
 - 38% Hispanic Non SPPS Pre-K
 - 34% SPPS Pre-K

Next Steps

- Principal PD
- Monthly Coach/Lead Meetings
- CSI/TSI Coaching
- District Focus on Small Group Instruction

QUESTIONS/DISCUSSION:

- What is some context beyond our district for those percentages? These are kids that came into SPPS from non-SPPS PreK. Do we have an understanding of how we rate with other systems where kids go rather than SPPS? Response: It is something statewide that we do not have a great answer to. There is the Kindergarten Entry Profile, which less than 10% of the state participates in though. There was a 3K article referenced of the results for a PreK in North Carolina, which showed the African American students were outshining the others, which is also what we are seeing here.
- Is there a way to identify the students in Head Start? Response: Not yet, but we are working on getting closer to the structure of that data system. The data sharing that is happening with Head Start now is much closer than four years ago, and they are data systems that we are working through. Those students will have MARSS numbers, but it is an internal data entry type issue we are working through.
- Is there a way to compare numbers from a different schools district? Response: We are proud to look at the data with this strong of alignment, and with FAST and consistency to see results across the board, which is not occurring in other districts. This was the first time we were able to pull it and compare it.
- Do the children that arrive at kindergarten in SPPS, are they more prepared than those students who arrive at kindergarten in our adjoining districts? When they did the Kindergarten entry assessment, kids were at about 50% ready, and if we're at 43% low risk, then we are a little less probably.
- Should we be interested in comparison of districts? Response: There are a lot of variables to look at, and we are fortunate to have 1900 PreK seats, which is not happening in other districts. We are in year 3 of partnering with child cares, and have 12 under our belt, and it is a growing area and is difficult to compare. In terms of comparing with Minneapolis, it is similar but different; within SPPS we are proud that every site uses the IGDI suite, and that is not the case elsewhere when they may be using different tools across sites.
- How are we working with FAST data and using that data to work with families, and to bring them into the fold? How do we involve parents and how is the data different for those families versus those who may not have additional support? Response: Currently staff are working on sharing data in terms of how to inform instruction, and talk about the data. Staff have conferences with families and show that their child may need help in an area, and provide resources to help. Another area is communication, including SeeSaw, and to record skills and send to families has been extremely helpful. Home visits are also a time that teachers can bring the digital portfolio to see what their child is doing and learning.
- In looking at the data for our SPPS PreK students, is that inclusive of our partners? Response: That data is only for students at our programs at our current sites. However, our childcare partners have data, but are not necessarily using the IGDI suite or FAST. It looks different because our childcares may not have a packaged assessment.
- How does the data look like from full day sites to half-day sites? How does that show and support full day PreK? Response: Data was presented to the board that showed the differences, and the math achievement shows dramatic differences in our full day. The matriculation for full days is much stronger to have that continuity. Last year's matriculation data was 80% for half day and 86% for full day families.
- For the grant-funded parent-child centers, what kinds of outcomes did that produce? Response: The centers helped to provide information about academic life, and support for parents and families. They had components of family center on site that were participating at five schools in control group. Staff

traveled to Chicago to see an example, and replicated those in SPPS. The one main impact when looking at students across in lower class ratio centers, they had a year and a half gain compared to those other students who had a year gain. There were gains for those at the CPC. The struggle was around staffing and ratios. It helped us to build a case for 2 teacher to 20 four year olds, which is the methodology we currently use.

- Is there data for those students long-term? Response: We are tracking that right now. REA is working through that data within the district, and a longitudinal study, and looking at the students still at one of those five sites. Data is being collected. Jackson and Bruce Vento that celebrate, and how the feeling of those buildings have changed. There are 80 kids in PreK at Bruce Vento and they are thriving. The families feel like they belong.
- Director Vanderwert noted that in the data with 43% of kids coming into at low risk, it makes the case for ECFE. If less than 50% of kids are at low risk, that's a crisis, and our kids are capable of more than that, and we need to do better. Response: There are next steps in PreK relate to the K world.
- There is that larger conversation around memorization versus phonics, and what is that alignment and it sounds like there is more focus on phonics? How have we been doing it? It is uniform? Response: Currently we use Mondo Phonics materials, which are the district approved materials. Everyone has access to those, but the implementation varies by site. Some may have purchased their own which they feel are better.
 - Knowing that, can we track data on who is implementing with fidelity and what those school look like? Response: Currently we do not. That is the reason for Fast as a screener for K-5. Mondo Phonics has an assessment after every 30 lessons, but is not used consistently. With the new system, there will placeholder and checkpoints for if it is being taught with fidelity and what the data is telling us. There is also teacher buy-in, who may not choose to use Mondo Phonics based on the structure and framework. It assumes students come into kindergarten with proficiency, and moved from there, but there is not room for differentiation. Mondo was adopted 13 years ago, and we are having conversations around new materials, including surveys from teachers.
- Have we been committed to a phonics based reading philosophy for 13 years since we got Mondo, and when the teachers are giving feedback about what works and what doesn't, for those schools that are choosing not to use it, are they using other phonics based system? Do we have a unanimity of what how we teach reading? Response: There does need to be flexibility and building discretion for teaching, so when we talk about start, stop, sustain, there are long-term strategies to get us there, this is an opportunity to take the fidelity for items and look at where do we need to focus in on and go deep with practice on. Through the initiatives, we are getting to the point where we can prioritize and hold accountable to, and we have data systems to do them well. This is a time to recommit to the shared agreements, and use materials and curriculum that we all buy into, and incorporates the opinions of those who will use the materials. It is the right time to start, stop, sustain and go deeper. The piece that is not written is the connection to real life application. Phonics is one pillar of reading, and an important component for K-2, and it's always good to be connected to real life text. We're looking at a balanced approach with a focus on K-2 on phonics to decode words, and to also connect to text. At the PreK side, the active learning block and using the data sheet, the students need to connect the letters, and in context, and how phonics is taught in context. We have also been discussing issues around dyslexia, and there will be a welcome addition of the materials, and to bring into conversations for kids and how they learn.
- How do we standardize the things we are committed to so that parents and students understand that wherever they go, this is how they will be taught? Response: it's a major commitment on our part to this adoption, we need to make a commitment to build the culture of our district in understand and expectations. Decisions are made in buildings, and they may need support. If kids are struggling, we're going to do whatever it takes to find a solution. It comes from a place that we want it to work, and create support the district has for all teachers, buildings, and families. We need to go deeper. That's our commitment and supporting our work.
- What is the specific strategy for the kindergarten teacher is confronted with a group of kids of whom are ready to move to first grade, and a group who may struggle. Do we have specific strategies in place now that are better than in years past? When the strategic plan gets into motion, will those

specific strategies to allow that teacher to help those specific kids? Will we be able to focus in on a specific student to help and support that student and teachers? We need to focus on the kids.

- In talking about assessments and curriculum with fidelity, and that teachers need the flexibility for individuality in the classrooms, we should not be doing something that we will not find good outcomes. Skilled folks are balancing that mix of standard items with the flexibility and individuality that teachers find will work for their kids. Fidelity is crucial in early education because we want to invest in items that will see the outcomes, and used in the manner for the ways we want to see the desired outcomes. There are individual things that all intersect together.
- What's going to change with the strategic plan in terms of early childhood? With the grant for PreK-3, to integrate strategies of early childhood to classrooms, and one way to address that kids can choose and individualize. What did we learn and how to we integrate what we learned? Response: With the McKnight work, we worked with them for six months and completed a full summary evaluation, with strengths and tumbling blocks. It is helpful information in doing things differently, and it was a successful grant and coaching. There were major stumbling blocks that we experienced, similar to other districts. The child parent center had focus on PreK-3, and was family based. The McKnight grant focused on PreK-3 early literacy and alignment with instruction. Some of the incredible successes were looking at the common language for PreK-K-1, with Wellstone and Saint Paul Music Academy, and we had third grade teachers that discovered commonalities, and those teachers didn't know how to approach it, and we were able to discuss and find commonality. Another area was in social/emotional, and about how the child is adapting to those changes and celebrate themselves and to self-regulate. There will be a solution kit in PreK and K classrooms, to go to the solution kit for those items, and finding success in PreK and K. Some work was also being brought to 1st grade, and kids are getting their own materials. It was a big win for the alignment purposes. The other layer is professional development for teachers, and coaching. There are 11 coaches supporting the PreK teachers, and when teachers are faced with a problem, they have a coach to help them figure it out or approach it together. Coaching and professional development are so helpful for teachers. SPPS.
- What are the qualifications for coaches? Response: Coaches are reading recovery trained, EL teachers, PreK-5 or PreK-6 licenses, 3 are bilingual, and are all recently out of the classroom and can relate to teachers.
- What is our role on how we are supporting our city with 4000 PreK students and serving 1900, and what is our role to support all PreK students? Response: 3K is one way. We would also like to bring on more childcares – we currently have 12. It's a fine balance. HeadStart is an example – that partnership through PD, and teaching strategies and assessment tool, that role and how we work together. We are closely aligned to ThinkSmall, who is connected with childcare centers and training. There is an Innocent Classroom for childcare providers. It is those partnerships that we can build upon and strengths, and for 3K, the design team and steering committee with the intent to create a blueprint for 3 and 4 year old programming in the city. It will be a game changer, and every 3 or 4 year old child will have an opportunity to attend a school readiness. It doesn't matter where they are, they will be served in a high quality way for a bright future, and we are having conversations across the city to really partner for our kids.
- It was noted that it is in the plan to update the Board on the 3K work.
- What is changing with the strategic plan? How will the strategies be different with early childhood? Response: There are various action plans, and early childhood lives throughout the plan. There are 4 pillars, and it starts with early childhood family, and is the first entry for SPPS, and early childhood screening, and early childhood special education, and then PreK. Something that is being looked at is an early childhood hub center to maximize opportunities for family education, PreK for 3 and 4 year olds, early childhood screening, mental health supports, community partnerships would be in this hub. Behind the scenes, the alignment between family engagements, early childhood family education, special education and supporting screenings.
- A board member noted the concern about coherence instead of fidelity. Is it the right intervention for the student and collective? Do they together come up with the program to net us the results? As a board member, we have a place to look at the accountability. It's interesting to hear about the curricular modes have changed and early childhood reading instruction. It's important to see the tie-in to long-term objectives, and assess how the district and the plan are doing. To see the 6 long-term outcomes, and talking about kindergarten readiness and increase achievement, as long as we can see how the

work of PreK and K is changing those outcomes is important, and less concerned about the special interventions, and as long as using the right tools to get to the destination. We want to hear how what we're doing ties up to those long term goals. We will be looking at the bottom line and looking at the direction. Do we need to look at what to start, stop, sustain, what are we changing to move in the direction, and what do you need from us for support, messaging, etc. There are concerns that we look at the weeds. We need to see the connection. Response: through the planning, there is new nomenclature. We do need to come up with a system to easily code and track with the initiative and outcome, and a way to code that for staff and the community as well. Dr. Gray Akyea has developed an accountability system which will be helpful, so that we become an organization that uses this plan and the way we intend.

D. Permits Committee: Community Use of Buildings and Grounds

Intro/Background

- The board encourages community use of school facilities and has policy (902.00) regarding aspects of access of use of facilities.
- The policy addresses legal use of facilities, supervision of activities, schedule of rates, process for fee waiving and use of buildings during emergencies. Additionally, the District and the City of Saint Paul are parties in an agreement with implications for facilities/grounds access and maintenance.
- SPPS administration is responsible for implementing this policy through procedures.

Data/Statistics

- FY18 total number of permitted events: 151,844
 - Represents 515,061 hours of use
 - Approximately 75% of non-SPPS use are non-profits or partners
 - Data on SPPS versus External Permitted Hours of Use was also shown, with the majority of hours being SPPS
- FY18 revenue: \$330,507

External Permitted Use by Site

- A map showing the most permitted use sites was shown, with Highland Park Senior High, Harding Senior High, Como Park Senior High, Washington Tech Secondary, Humboldt Senior High, Battle Creek Middle, and Murray Middle having the largest numbers.

Permits Committee

- Review policy and procedure of permit operations
- Review fee waiver and reduction applications
- Provide multiple perspectives on issues impacting community usage of building and grounds
- Committee composition:
 - Community Ed: Kristin Keller
 - Office of Family Engagement and Community Partnerships: Heather Kilgore & Aquanetta Anderson
 - Facilities: Jenna Hernandez, Tom Parent, Bruce Gill, and Jacky Olson
 - Security and Emergency Management: Alex Corey

Programmatic and Business Changes Since Last Procedure Update

- Programmatic updates
 - Costs for staffing and equipment
 - Special events
 - Partnerships
 - Category refinement
 - Fee reduction/waiver
- Business process updates
 - Safety
 - Insurance/liability

Rate Structure Analysis

- Comparison with other local district space fees
- Calculated average of personnel costs
- Equipment usage fees
- 21st Century School Facility Cost Calculator
 - Operating costs
 - Administrative costs
 - Long term debt and capital costs
- SPPS' annual per square foot cost: \$17.21

Proposed Rate Structures Changes

- Current category IV eliminated
- Current category V becomes new category IV (negotiated pricing)
- Fees adjusted to reflect more accurate true costs and better align with market conditions

Potential Category Reclassification / Space Fee Reduction Criteria

- Space fee reduction and category reclassification criteria and process development
 - Formal appeal process refined to eliminate ambiguity, promote consistency, and ensure fair and equitable discounts are applied
- Factors considered for reduction of space fees (for Category II organizations):
 - Percentage of participants / families who attend SPPS or who live in Saint Paul
 - Availability of scholarships if a fee is charged for the activity or event
 - Nominal participation fee charged
 - Uniqueness of offering that supports District's outreach and equity work to underserved communities
- Category Reclassification
 - Organizations appeal their categorization to Permits Committee and provide documentation that supports a potential reclassification

Next Steps

- Discussion and feedback
- SPPS Achieves Initiative 9a Work
 - Work with Board Policy Workgroup to:
 - Consider revisions to Board Policy 902.00, including the rate structure
 - Update SPPS Procedure 902.00.01 - Community Use Of Buildings and Grounds
- Adoption on consent agenda at future BOE meeting:
 - Updated rate structure
 - Updated Procedure 902.00.01

QUESTIONS/DISCUSSION:

- The revenue of \$330,000 that was paid in fees for FY18, that's not necessarily profit for the school district? Response: Correct, that is what we brought in overall. The fee may just cover what it costs to open the building. It is not necessarily profit.
- There are times that a facility is used, and other times where the facility is really used, and may require more clean-up if there is food, and extra custodial work. Is that part of the negotiated? Response: It was also noted that adult leagues are Category III is for-profit (non-501c3) or personal use. Bruce represents the engineers perspective, and will consult and add overtime to the permit. For the adult basketball, they will likely have minimal custodial needs and will likely only pay the permit fee. If they have a tournament or on the weekend, it would generate custodial overtime. Reclassification or reductions are only on the space fees. The custodial expenses are true expenses and the fees need to cover that overtime or those costs.
- PTOs and PTAs are considered part of category I, even if it is a fundraiser? Response: Functionally, the permit request doesn't go to Facilities, but the clerk pulls the permit for the event. It's a school event and not part of this work.

- Is 360 Colborne included, since it wasn't in the site use map? Response: It was not included in the usage map, because most of the use in that building is for internal SPPS use, and it's very rarely used for external use.
- Director Vanderwert and Director Schumacher met with the City Council members on shared facilities, and a schedule, and with the changes to our school needs with the start times change this Fall, and the prioritization of facilities for programs is less available for community members, how do we think about that? Response: This process has been helpful to manage that external relationship. Most folks on committee were a part of the process with the city to talk about changing start times and impact on our own athletics and adult league, and this was a mechanism by which we could go site by site, day by day for Fall 2019 and ensure we had what we needed. The partnership is enormous, and the city made important adjustments to their schedule. We have a give and take, and they are pushing their football to weekends for example. Superintendent Gothard has been a part of conversations for the next step in that partnership, and permits are a part, but there is an universal operation that we are looking to build with partners, and having the ability to use each other's portfolio of buildings will be helpful and to build relationships, agreements, and systems to be more formal and helpful.
- If someone submits a permit for an event on the weekend, who can they expect to open to building and what is our protocol? Response: it would generate overtime, it would go to Jenna who works with Bruce and the building engineers and supervisors. Depending on the nature of the event, it could require more custodians, and her office would go through the charges. Custodians and head engineers have access to the permit system, so they are constantly seeing what will be happening in their building to plan ahead and is the main communication tool used.
- When it comes to staffing, does it require the building leader to be there? Or only required for the head engineer? Response: The head engineer will be there, and depending on the time of the year, there may be a certain license that an engineer may need. If it's an external partner, a head engineer needs to be there. We want our engineers to be there for any issues that come up. The process described, the building administrator is copied on the permits. The lead clerk at the building, they have access to the system, and can see what is going on in their building. If it's above a certain threshold of people, then Jenna sends it to the SEM office for further consideration and decisions. If there will be an exchange of money, then there needs to have a police officer. There is a whole assessment for those bigger, and more complex events.
- From a vendor perspective, how long is the process? Response: We ask for 10 days from permit submission for it to be processed, including for a series. All those dates would be on one permit. If people need a space, they can be processed quicker. In dealing with custodial and security to make sure we have staffing, those personnel need to be notified, which is why we ask for the 10 days. Superintendent Gothard also noted that the role of principals and especially of a large high school, we want them to have access and know the permits for their school, so that they are not double booked and for the community to know what is available. Communication is an important piece to make sure we are opening buildings to our community, and is an important part of our mission as well.
- A board member noted that he was confused about the need for category IV, and under what circumstances an event would fall outside the other three categories? Response: One example was a movie that requested to film in one of our schools, and to determine the opportunity to ensure the needs of the district are adequately fulfilled, and to understand the total need, with a fair cost for the production company to use the building.
 - It was noted if it needs a category, and instead had a disclaimer for understanding the opportunity for the district to negotiate rates under circumstances because of permit or amount of request, and something to describe the circumstances. The suggestion is to scrap category IV and make it cleaner for understanding. If the majority of requests fall into categories I, II, or III, we could use a disclaimer for criteria, since category IV is currently all listed as negotiable.
- In the meeting with city council members, we talked about the city having access to our system. Can they look at the buildings to see what space is available and can we see their availability? Response: That is our aspirational goal at the moment, and Jenna is available to look at the system, in order to share those resources with our community. Long-term, that is something that will be valuable for our stakeholders. We have partnered with the city, and when we get calls to host certain events, the

taxpayers are looking for a place, whether it's an SPPS space or city space. Having that be a more streamlined interface is a long-term goal and will be valuable.

- If the city asks to use a building, what category are they? Response: Part of the reason we are advocating for a more universal umbrella of operations, is that it is different based on site. There are individual site use agreements where we use equal amounts of each other's stuff. There is not money that is exchanged, but conversations about examples of how we can balance out the work. There can be more rigor and more of a better structure for that.
- Is there data of how often SPPS has been asked to host city events, or how often SPPS uses city sites such as the recreational centers or libraries? Response: Internally, we can produce that information, and it is all tracked. The city doesn't have the same ability to produce that information because it is site based. It was a fairly significant effort to understand that true use in the school start times conversation to capture the totality of the use.
- SPPS operates more buildings than the city. It's important to have synchronization between the systems, and we are separate fiscally. There are concerns to the extent to which we have requests to use our buildings and are not compensated by the city that we need to absorb into the budget. This is a request for that information for over the past several school years of city usage of buildings, and vice versa. It's important to monitor what is happening in our buildings.
- Is it a permit or agreement with the church at RiverEast for their use of the gym? Response: It is both an agreement and a permit. It is an example of smart urban planning, and sharing resources. The MOU approved lays out the ground rules for the parking, and we will clear the spots for snow, so many hours a week of gym usage, and the permit system tracks that and communicates it, and alerts our distribution staff. Here's what they can use for free each week, and how we track it.
- Is that overtime for staff to open buildings? Response: The majority of permits are held during work hours. If it is a permit that falls outside working hours, they are billed for those overtime costs and falls to the permit owner.
- On the logistics of supporting large events, it is full team effort to understand the events, and a team based approach to be sure we are adequately protecting our buildings and grounds.
- Have we studies how accessible we are to the community? If three teams are requesting to use one facility for the season, how are they prioritized? Response: This is the biggest question in our work to ensure there is equity and fairness with a procedure that is robust and speaks to difference scenarios – that's the impetus for this work. In terms of prioritization, SPPS is first, then the city is second, and then the tiered structure is on a first come, first served process. It was noted that Jenna does a great job of looking for alternatives for groups, if their first choice isn't available and the majority of the time, we can find them a space that will for their needs.
- It would be interesting to collect data and questions to understand the community's perception of how accessible our buildings are to the community and how it contributes to the relationship with community members of how they view our schools as a hub, or where they send their children. It would be interesting if community members think of our schools as a first option for their event, and understanding our access or barriers that community members see, and to learn about our processes for a different angle, and to build better relationships with community members and the city.

E. Policy Update

Drug and Alcohol Testing - Policy 416.00 and Policy 417.00

- New policy that will provide authority so that SPPS may require all employees to submit to drug and alcohol testing
- Reason for new policy:
 - Liability and safety issue
 - No current mechanism (for any employees other than drivers) to rule out or confirm someone is indeed under the influence
- Two policies:
 - 416.00 Drug and Alcohol Testing for All Employees
 - 417.00 Federally Mandated Drug Alcohol Testing for School Bus Drivers

Federally Mandated Drug Alcohol Testing for School Bus Drivers - Policy 417.00

- SPPS already participates in these practices because it is the law:
 - Pre-Employment Testing
 - Post-Accident Testing
 - Random Testing
 - Reasonable Suspicion Testing
 - Return-To-Duty Testing
 - Follow-Up Testing
- Employees that supervise drivers receive 2 hours of training on performance indicators of probable misuse of alcohol and drugs so they are equipped to make determinations of reasonable suspicion

Drug and Alcohol Testing for All Employees - Policy 416.00

- We are removing from the policy:
 - Random Testing
 - Reason: Cost and functionality
 - Job Applicant Testing
 - Reason: Cost; Not consistent with purpose; many organizations moving away from this
 - During Routine Physical Examination Testing
 - Reason: SPPS does not conduct routine physical exams
- We are keeping in the policy:
 - Reasonable Suspicion Testing
 - Makes it easier for District to prove whether or not someone should be disciplined
 - Helps employees who truly have a problem get help
 - If an employee has one positive test, the District must give them an opportunity to participate in treatment before moving to termination
 - Treatment Program Testing
 - Testing may be required as part of an employee's participation in any chemical dependency treatment under an employee benefit plan, or any chemical dependency treatment to which an employee has been referred by the District.
 - Updated language so easier to understand, removed option to continue testing for 2 years after treatment, and consistent with other local districts

QUESTIONS/DISCUSSION:

- For the language on the policy from the Feds, that is exact language? Response: Yes.
- For the "reasonable suspicion" – is that pretty vague? How do we figure out reasonable suspicion? Response: It's reasonable suspicion as in many cases aspects; what one sees, smells, notices. All that builds into reasonable suspicion. It's legal in terms of backing it up. Reasonable suspicion is standard in search and seizure cases.
- With those changes, have any been vetted with bargaining units or input? Response: We have had groups prior to the previous meetings when brought forward and made mention we would be looking at this. There was not a big pushback. This is common in other public jurisdictions where these groups also work. It's not an unknown or unseen thing. We have not sent this draft out yet, and maybe sending out something different. If we have something we are close, we can send it out and let folks know and ask them if there are any questions or requests for comments.
 - Would that be part of the reading process? Response: If this draft is something we're ready to bring forward, we can get it out to those groups before the first reading, depending on how the Board feels about moving forward.
 - The recommendation from the Policy Work Group is to move it forward to the first reading. We were thinking the first reading could be at the February Board of Education meeting. But no one has seen it yet? Response: Correct, but we have not been to the point where we feel we have a final-esque version to show people, and we now have a version to bring forward and email it out to representatives and unions is not a difficult effort and to get responses and meet with them, we can do that. If we are hearing resistant and pushback, we can bring it back if we are hearing concerns and be flexible. In terms of timing, there will be three readings, and we can continue to gain feedback, and if there are changes, we can postpone those further readings along the

way. There is also awareness, and to keep communication if there are issues. We felt like we captured the concerns in those last conversations.

- It was noted that there have been instances in the past where we received concerns brought to supervisors and managers, and we have not had a mechanism for a process. This will give the means and process to be followed to be fair in how we administer and address situations with employees.
- With the focus on “reasonable suspicion”, and thinking about our duty as a district and governing body of the district is to have a procedure in place that deals with this question of reasonable suspicion so that we are protecting students in any situation.
- It was noted that this policy will help to make sure students are not harmed, and to help employees who truly have a problem.
- A board member noted that in this process, we need to ensure we not only publicize this in a formal three-reading process, that we also make an effort to reach out and to include those people about making decisions in reasonable suspicion, to someone who is a reasonable person, and judgment on the spot about a particular employee, that that person has proper training and an idea of what that means. There will be delicate situations where the principal may be informed, and they need to protect our kids, and give the employee due process.
- We want to ensure it is noted that in this policy, we are thinking about our kids and to show a certain paternalistic posture as a district toward students and employees. We want to ensure staff understand this is coming, and we are protecting our kids, and the kids who may be impacted.
- In conclusion, the Board recommended this policy move to the three-reading process, and this draft will be released to the unions in the meantime.

Legislative Change to Uniform Municipal Contracting Law

- Minn. Stat. § 471.345 establishes contracting requirements and dollar value thresholds that require certain procurement requirements
- Recently, the dollar value threshold increased from \$100K to \$175K
- Because SPPS Policy 713.00 references and incorporates Minn. Stat. § 471.345, it will also incorporate the increased threshold
- If Board takes no action, Policy 713.00 will automatically allow the District to not use advertised public bidding for projects under \$175K

Questions for Board Following the Legislative Change

- Procurement: Does the Board want to follow the change in the law and increase the dollar value threshold that requires advertised public bidding?
 - Option #1. Do nothing. If the Board wants to allow the increased limit of \$175K to take effect, then no policy changes are required.
 - Option #2. Amend Policy 713.00. If the Board wants to require that District policy requires advertised public bidding at a lower dollar value threshold (e.g. \$100K), then the Board can amend Policy 713.00 to be more restrictive than the statute.
- **Oversight.** At what dollar value does the Board want to review contracts?
 - Presently, the Board reviews and approves any contract for services or the purchase of goods over \$100K. The Board may maintain that review level or increase the amount that requires Board review and approval to \$175K.

QUESTIONS/DISCUSSION:

- It would be helpful to have the number of contracts talking about, and a sense of review versus not review. What is the break-out? What kinds of contracts fall within the range? Response: It was about 3% of total contracts that fall between \$100,000-\$175,000. In 2018, we had a total of 1,976 contract POs, and 62 of them were between \$100,000-\$175,000, so roughly 3% fell in that range. For under \$100,000, it's about 85%-90%. The vast majority already fall under the threshold, and would be a small number that fall above.
- What's the level of scrutiny that the board wants to look at? Curious to know what board members think about that.

- In discussion with the state and their limit to the threshold, do we know anything about that? Response: Some thought that as you migrate to a larger threshold, it gives the advantage to contract with smaller, women-owned and minority owned contractors, which are the smaller size contracts, and not necessarily go out for bid that may be a cumbersome project for them. With the ability go out without an advertised process and select potential bidders on an unadvertised basis, you can target those business to a certain degree. The \$100,000 contract does not buy as much today due to inflation. This was initially adopted in 1973, which covered a lot of contracts at that time.
- Another thought behind it was the more steps, the more money and time it costs, and this would help to make it efficient, and we have professional staff to make good judgments. Giving the flexibility and taking those extra steps could help us to save money and make it simpler.
- The second point on board oversight of contracts and procurement – the nature of the facilities overruns we have had, a board member noted he is uncomfortable with giving away the board oversight for those contracts that fall below \$175,000. (He was in favor of moving to the \$175,000 competitive bid threshold though state statute.) If we were hitting the marks with projects each year, it's helpful to see those. He would just as soon not change that and to see those still approved by the Board.
- The policy is written with reference to the statute, and the statute governs the threshold for the bidding and review by the Board. Unless we do something, everything goes up. Do we want to break it into two? Do we have a sense of what other municipalities are doing? Response: We can get that information. Consistency would be helpful.
- Another board member echoed this and look at the neighboring school district to compare, and get a better understanding of the decision according to the changing of the matrix of approval, and look in what other school board approve in terms of contracts and to compare it to other school districts. Response: That information can be provided. In terms of timing, the statute has changed. Our internal process has continued.
- The Board recommended to bring back that other information in order to gain a better sense and what is going on in other entities. The legislative history of why will also be beneficial, and it would be helpful to substantiate with data on if this was a change to bring onboard more women-owned and minority owned business, and the question of what other entities do in terms of this process, and the why of the legislature's intent.
- The contract matrix was also noted that the Board needs to vote on, and it highlights who is authorized to enter into a contract with the district. If the Board moves forward with it, it supports purchasing and legal when we have issues when someone is entering into a contract that was not authorized.
- Is there a timeframe? Response: Our vote would be to keep it at \$100,000, which would be a change in policy, because it currently follows state statute. The vote would be to be more restrictive.
- The matrix was highlighted that exists internally, and be codified through a vote and be placed on the district website to show the authority of those who are able and authorized to enter into a contract on behalf of SPPS. The ask would be the Board votes on the contract signature authority matrix and for it to be posted online as a public document.
- What are "attractive" and "portable" in reference to on the matrix? Response: We will wait to look more at the matrix, and Purchasing can follow-up with clarification.

516.00 Medications/Medical Procedures

- Revision of the policy
 - Restructure of sentences
 - Re-wording
 - "Building administrator" to replace "principal" (paragraph 2)
 - "Needed at school" to replace "prescribed" (paragraphs 4a, 4b)
- Additions to the policy:
 - Purpose statement
 - Paragraph 5 - overnight field trips / in original, labeled container
 - Paragraph 10 - emergency medication
- Work Group recommendation: advance to COB

QUESTIONS/DISCUSSION:

- The building administrator can determine the designee who gives the medications. We wanted that language broader than principal. “Needed at school” was changed to medically prescribed because there are over-the-counter medicines and treatments, that we will need to be medically prescribed and necessary. We also want to expedite the approval of students to go on field trips, which was another change to the policy, and eliminates the need for a physician or health care provider to approve the permission to give the medication at overnight field trips. Emergency medication is either provided by the students or we have stock Epi-Pens provided by the pharmaceutical companies, and could cover those medications. We don’t purchase it, but provide a protocol, and this is a major addition to the policy.
- Albuterol is a broad scope of inhalers. Response: We have been working with Children’s Hospital on asthma and Kohl’s, and are stuck right now with the board of pharmacy around getting stock Albuterol. We would never use a medication we don’t have medical orders to use, but would have it. Pharmacists are looking into funding for providing the inhalers, but the pharmacists are saying we are dispensing medication. We do not want to evolve to a crash cart or large amount of emergency medication, but Albuterol and Epi-Pens may make sense over time.
- Are we experiencing situations where the nurse isn’t there, and therefore students are not receiving the medications? What brought us to this point? Response: It is ten years old, and we wanted to add the emergency medication information. A principal identifies the designee and we train two or three deep, and we need to assure that students will receive their medications, and train multiple people.
- It was also noted that there is set protocol, and not convenience of who is surrounding the students. It’s the partnership between the nurse and the administrator, because the nurse is not going to delegate a person who does not want to, and it’s important that the delegate also accept the responsibility and communicate with administration.
- Is emergency medication included in those medicines that must be administered during the school day? Response: Yes, if we have an order from their health care provider. It would be the same person. Extended Day Learning also is covered. There is a nurse also assigned to EDL to train that staff. Discovery Club falls under Community Education, and the parent is delegating the staff to administer the medicine, and the parent has a role. It will be Discovery Club staff.
- In our contract negotiations with administrators, they have expressed concern about being put in uncomfortable situations about administering medication. It would not be done without designee’s okay. How does this affect further contract negotiations? Can we add something about upon consent of the designee in the language, and the scenario referenced? Response: There is someone in a building, and in that school there will be a nurse, health aid, LPN, who is the primary individual. There are back-ups within the building so that if the individual isn’t in that day, the medications are still addressed. That comes through with the principal or AP asking folks if they would like to be a designee and learn from the school nurse. If they say yes, they get the training for those students and how the medications are administered.
 - If they have not been comfortable? Response: it varies across the board, and there have been discussions on it. Can we have someone who is a primary individual from the Office of Health and Wellness, and had Mary Yackley at the negotiations table to address those issues. It is working better. We have added 13 health assistants, and there are less than 6 elementary schools that don’t have one full time. We have staff trained for medications for those students. We are reluctant to add language about consent of staff because the policy is to ensure the student’s chronic health concerns are addressed and managed by someone trained to give medication. We need to be sure someone else is trained and that person isn’t available. Clerks were the bulk of the designees, and most of the concerns have been addressed. The designee language has always been there. Another concern is that consent could be varied. If a person isn’t comfortable, we don’t force that to happen.
- Would it be beneficial to say in our policy that upon a principal designating a staff member to administer a medication, they must have that verbal conversation? Response: That is part of the medication process at the protocol level in training to designees. When training happens, it is documents, and there are re-trainings so people are aware of new students and new medications.

The consent and delegation is part of the protocol and part of the procedure of being a medication designee.

- There are concerns about the staff who are not comfortable with designated, however may be the best person to do it. We want to ensure the staff administering the medication is confident and 100% in the knowledge of the process, and doing it in a way for the safety of the student and confident in giving the medication. Where do we also take care of our staff? Response: The nurse with the license is getting the consent from that individual. The administrator designates the person. If that person doesn't show competence, or pass their training, or says they are uncomfortable, it is not that all cares go to that person. There are 600 special education paras that function as medication administrators for their students, or staff who work closely and say they will give a student their medication based on their time and knowledge with the students. It's the nurse working with a large group of designees will be. It is 1-2 people per student on medication.
- In our smaller buildings with not a lot of additional staff, the concern is the clerk is also doing medical administration, and is among their duties with a host of other things, and the responsibility is being added to those staff. There will be days where a nurse isn't available. The second is the adequacy of the training, and the range of medical needs. Response: There was a recommendation to building administration to be trained in first aid and CPR training, to help them feel more comfortable in general. They are often the first person the student sees. The training happens at a granular level between administration and the nurse, and is personalized based on the student. There is standards training provided to all as well. In cases where there has maybe been a nurse two days a week, and a student needs an insulin pump or other medical needs, a health assistant will be added. The clerk and principal will be a back-up. Once the parent knows there is a health assistant that can help their student, other parents will look for schools where the staff is trained in the condition their students has. We are close to having each school with a health assistant – the dual campuses have one together. There are under 6 schools that don't have full-time coverage.
- In conclusion, the Board approved this recommendation to move this policy to the first reading.

III. ADJOURNMENT

It was motioned to adjourn the meeting at 8:51 p.m. The motion passed by acclaim.

Respectfully submitted,
Sarah Dahlke
Assistant Clerk

INDEPENDENT SCHOOL DISTRICT NO. 625

BOARD OF EDUCATION SAINT PAUL PUBLIC SCHOOLS RESOLUTION



Board File No. _____

Date _____

RESOLUTION TO WITHDRAW FROM JOINT POWERS AGREEMENT

WHEREAS, the City of Saint Paul, the County of Ramsey, Northeast Metro 916 Intermediate School District, and Independent School District 625 – Saint Paul Public Schools (herein collectively referred to as the “Parties”) are committed to working together to identify ways in which the Parties can work better together in serving youth and families in the community, and;

WHEREAS, the Parties have identified that a critical area of focus is how best to improve youth connections to school, to their peers, to positive role models, and to a sense of belonging in their community, especially for those youth who may be at risk of coming into contact with the justice system, and;

WHEREAS, after engaging in a multi-year pre-planning process, a Joint Powers Agreement, which called the project the Community Innovation Project, was developed and adopted by the Parties in 2018 with the goal of improving coordination of services and resources, and;

WHEREAS, with this Joint Powers Agreement, the Parties' goal was to transform the way public systems work together to improve opportunities and outcomes of families and children in the community today, and in the future, and;

WHEREAS, following the adoption of the Joint Powers Agreement, during pre-implementation planning the Parties received feedback from the community, including partners with strong, long-standing relationships with the Parties, expressing concern about the Community Innovation Project as outlined in the Joint Powers Agreement, and;

WHEREAS, in response to the concerns about the Community Innovation Project, the Parties seek to redevelop the vision for how they work together to serve youth and families, and engage in a series of community conversations to develop shared goals with the community, and;

WHEREAS, as a part of the redevelopment of the vision for this work with the community, the Parties have determined that the Joint Powers Agreement, and the authorities and tools it contains are no longer appropriate for their work, and;

WHEREAS, the Parties wish to terminate the Joint Powers Agreement, and;

WHEREAS, by its terms the Joint Powers Agreement may be terminated by consent of the Parties; now therefore,

BE IT RESOLVED that the Independent School District 625 – Saint Paul Public Schools, hereby withdraws from and terminates the attached Joint Powers Agreement executed on April 24, 2018.

Adopted _____

CHAIR Board of Education

CLERK Board of Education

AYE

Chair
Vice Chair
Clerk
Treasurer
Director
Director
Director

NAY



Start Times Change BOE Update

Tom Burr, Tiffany Weeks, Tom Parent,
February 19, 2019

Early Walkers Subcommittee - Update

Committee Members

Tom Burr	SPPS Transportation	Kristen Longway	SPPS Early Learning
Tom Rassett	SPPS Transportation	Kathleen Brown	SPPD
Bob Cox	SPPS Transportation	Michele Giampolo	SPPD/School Patrol
Jackie Allen	SPPS Administration	Fay Simer	City of St. Paul/Ped Safety
Laurie Olson	SPPS SEM	Elizabeth Stiffler	City of St. Paul Public Works
Carol Grady	SPPS SHIP	Carissa Glatt	Ramsey Cty Health/SHIP
Heather Kilgore	SPPS Engagement	Shonette Doggett	Ramsey County



Safety Categories

❖ Policy

- Transportation
- School Boundaries

❖ Agency Support

- School District
- City of St. Paul
- Ramsey County

❖ Infrastructure

- Sidewalks
- Street Lighting

❖ Safety Support

- Reflectorization
- Personal Lighting
- School Patrol

❖ Education

- Data Facts
- Pedestrian Safety



Reflectorization/Lighting



Childcare Subcommittee - Update Committee Members

- CE Youth Programs
- Discovery Club
- Family Engagement
- EDL
- S'More Fun
- Rec Check
- Boys and Girls Club
- Sprockets
- YMCA



Childcare Subcommittee - Update

- Parent Survey is complete
- Responses from all schools changing to 7:30-2pm
- Families responded that 436 students who are not currently in after school care will need care next year
- Committee members connected with the schools where the survey showed high numbers to discuss options
- Staff members are working with partners to plan based on the data collected



Childcare Subcommittee - Update

● Next Steps

- Meeting with Principals
- Elem. schools switching to 9:30 start
- Site based supports
- Direct families to web resources under start times childcare section
 - Providers
 - Financial support
 - Search tools



Athletics Subcommittee - Update

Members:

- Athletic Directors / Coaches
- Facilities
- Permits
- City of St. Paul Parks and Rec
- Visible City (data and policy)



Athletics Subcommittee - Update



55



Athletics Subcommittee - Update

- Fall 2019 schedule is coordinated
 - All schedules should be in the Permit system
 - SPPS 5-Year Capital Plan
 - Some temporary lighting at City facilities possible
- Workshop for winter 2019-2020 later



HUMAN RESOURCE TRANSACTIONS
January 1, 2019 – January 31, 2019
February 19, 2019

NEW APPOINTMENT

<u>Name</u>	<u>Job Category</u>	<u>Eff Date</u>	<u>Pay Rate</u>	<u>Location</u>
Bentley, J. A.	Classroom Teacher	01/28/2019	\$27.18	Humboldt Secondary School
French, L. A.	Classroom Teacher	08/18/2018	\$38.22	Washington Tech Secondary
German, A. N.	Classroom Teacher	01/28/2019	\$27.18	Murray Middle School
Good, S. B.	Classroom Teacher	01/22/2019	\$50.04	Como Park Senior High
Rand, T. C.	Classroom Teacher	01/28/2019	\$50.04	Creative Arts Secondary
Sheridan, J. M.	Classroom Teacher	01/02/2019	\$27.18	Humboldt Secondary School
Thoresen, S. S.	Classroom Teacher	01/28/2019	\$31.03	Como Park Senior High
St Marie, S. D.	Classroom Teacher	01/22/2019	\$34.94	RiverEast Elem/Secondary
Shannon, D. L.	Classroom Teacher	02/11/2019	\$33.92	RiverEast Elem/Secondary
Janey, K. A.	School/Community Professional	01/14/2019	\$32.25	RiverEast Elem/Secondary
Marshall, M. D.	Education Assistant	01/02/2019	\$16.68	Expo for Excellence
Nauman, R. A.	Education Assistant	01/02/2019	\$18.64	1780 W 7th Street
Nile, C. J.	Education Assistant	01/16/2019	\$19.39	1780 W 7th Street
Avery, J. L.	Teaching Assistant	01/22/2019	\$15.00	Linwood Monroe Arts Upper
Burroughs, J. D.	Teaching Assistant	01/22/2019	\$15.00	Maxfield Elementary
Dino, M. E.	Teaching Assistant	01/08/2019	\$15.00	Farnsworth Aerospace Lwr
Floyd, C. N.	Teaching Assistant	01/02/2019	\$15.00	Creative Arts Secondary
Gallegos, J. B.	Teaching Assistant	01/16/2019	\$16.00	Harding Senior High
Her, V.	Teaching Assistant	01/15/2019	\$15.00	Central Senior High
Johnson, B. J.	Teaching Assistant	01/14/2019	\$15.00	Central Senior High
McClain, S. F.	Teaching Assistant	01/14/2019	\$16.00	Bruce F Vento Elementary
Murray, K. A.	Teaching Assistant	01/05/2019	\$16.00	The Heights
Vang, T. M.	Teaching Assistant	01/09/2019	\$15.00	Capitol Hill Magnet
Xiong, P.	Teaching Assistant	01/22/2019	\$15.00	Wellstone Elementary
Day, S. J.	School Bus Driver	01/14/2019	\$21.74	Transportation Services
Rodriguez, Z. M.	School Bus Driver	01/14/2019	\$19.26	Transportation Services
Smith, C. M.	School Bus Driver	01/14/2019	\$21.74	Transportation Services

HUMAN RESOURCE TRANSACTIONS
January 1, 2019 – January 31, 2019
February 19, 2019

NEW APPOINTMENT

<u>Name</u>	<u>Job Category</u>	<u>Eff Date</u>	<u>Pay Rate</u>	<u>Location</u>
Bierman, K. A.	Clerical	01/24/2019	\$22.53	Juvenile Service Center
Korsmo, M. A.	Clerical	01/22/2019	\$22.11	Colborne Admin Offices
Jensen, T. B.	Custodian	01/14/2019	\$16.38	Wellstone Elementary
Malabanan, F. R.	Custodian	01/28/2019	\$16.38	Highland Park Senior High
Miller, B. B.	Custodian	01/05/2019	\$25.45	Como Service Center
Bradbury, A. L.	Nutrition Services	01/22/2019	\$12.13	Harding Senior High
Crandell, C. A.	Nutrition Services	01/22/2019	\$12.13	Daytons Bluff Achievement
Cristello, A. B.	Nutrition Services	01/22/2019	\$12.13	Wellstone Elementary
Johnson, D. Y.	Nutrition Services	01/22/2019	\$12.13	JJ Hill Montessori Magnet
Kopas, S. M.	Nutrition Services	01/22/2019	\$12.13	Murray Middle School
Langfield, W. H.	Nutrition Services	01/22/2019	\$12.13	American Indian Magnet
Martin, M. A.	Nutrition Services	01/22/2019	\$12.13	Eastern Heights Elementary
Primmer, A. R.	Nutrition Services	01/22/2019	\$12.13	Four Seasons A+
Pritchard, J. S.	Nutrition Services	01/22/2019	\$12.13	Johnson Achievement Plus
Sommerhauser, R. A.	Nutrition Services	01/22/2019	\$12.13	Farnsworth Aerospace Upr
Walker, A. S.	Nutrition Services	01/22/2019	\$12.13	Horace Mann School
Potzmann, M. J.	Plumber	01/22/2019	\$47.27	Como Service Center
Gonzalez, J.	Professional Employee	01/14/2019	\$36.27	Colborne Admin Offices
Turner, G. L.	Supervisory	02/11/2019	\$34.75	Como Service Center

PROMOTION

<u>Name</u>	<u>Job Category</u>	<u>Eff Date</u>	<u>Pay Rate</u>	<u>Location</u>
Benedict, A. L.	Classroom Teacher From: Education Assistant	01/14/2019	\$27.18	Focus Beyond
Timothy, S.	School/Community Professional From: Education Assistant	01/28/2019	\$33.33	Colborne Admin Offices
Lor, K. L.	Education Assistant From: Teaching Assistant	01/05/2019	\$21.60	Central Senior High
Moreno, H. M.	Education Assistant From: Teaching Assistant	01/14/2019	\$19.02	Focus Beyond

HUMAN RESOURCE TRANSACTIONS
January 1, 2019 – January 31, 2019
February 19, 2019

PROMOTION

<u>Name</u>	<u>Job Category</u>	<u>Eff Date</u>	<u>Pay Rate</u>	<u>Location</u>
Patterson, M. L.	Education Assistant From: Teaching Assistant	01/22/2019	\$24.33	Four Seasons A+
Biermaier, J. R.	Custodian Career Progression	12/17/2018	\$25.45	Journey's Secondary School
Grue, J. D.	Custodian Career Progression	12/17/2018	\$25.45	Hamline Elementary
Reiter, J. P.	Custodian Career Progression	12/17/2018	\$25.45	L'Etoile du Nord Lower
Hiltunen, R. M.	Maintenance Supervisor Career Progression	01/01/2019	\$34.58	Como Service Center
Jorissen, J. M.	Professional Employee Career Progression	01/05/2019	\$28.12	Colborne Admin Offices

TEMPORARY APPOINTMENT

<u>Name</u>	<u>Job Category</u>	<u>Eff Date</u>	<u>Pay Rate</u>	<u>Location</u>
Baker, E.	Classroom Teacher	01/09/2019	\$29.01	Linwood Monroe Arts Upper
Brissett, C. B.	Classroom Teacher	01/02/2019	\$23.27	Crossroads Science
Sha, H.	Classroom Teacher	01/14/2019	\$27.18	Jie Ming Mandarin Immr

LEAVE OF ABSENCE

<u>Name</u>	<u>Job Category</u>	<u>Eff Date</u>	<u>Location</u>
Blunt, K. E.	Classroom Teacher	01/22/2019	Battle Creek Middle School
Boe, P.	Classroom Teacher	01/18/2019	Highland Park Senior High
Glad, J. K.	Classroom Teacher	08/31/2018	Washington Tech Secondary
Maher, R. A.	Classroom Teacher	01/18/2019	Obama Service Learning
Wang, Y.	Classroom Teacher	01/17/2019	Jie Ming Mandarin Immr
Xiong, S.	Classroom Teacher	01/02/2019	Highwood Hills Elementary
Rivers, M.	Classroom Teacher	01/31/2019	RiverEast Elem/Secondary
Matson, J. R.	Classroom Teacher	01/18/2019	Creative Arts Secondary
Ehlers, M. L.	Education Assistant	12/21/2018	RiverEast Elem/Secondary
Yang, Z.	Education Assistant	01/09/2019	Phalen Lake Hmong Studies
Battaglia, S. M.	Teaching Assistant	01/22/2019	Rondo Education Center
Hughes, D. R.	Teaching Assistant	01/14/2019	Humboldt Secondary School
Nguyen, K. T.	Teaching Assistant	01/09/2019	Linwood Monroe Arts Lower

HUMAN RESOURCE TRANSACTIONS
January 1, 2019 – January 31, 2019
February 19, 2019

LEAVE OF ABSENCE

<u>Name</u>	<u>Job Category</u>	<u>Eff Date</u>	<u>Location</u>
Ortiz, A.	Teaching Assistant	01/24/2019	Crossroads Montessori
Rosario, K.	Teaching Assistant	12/04/2018	RiverEast Elem/Secondary
Ross, L. S.	Teaching Assistant	01/02/2019	Farnsworth Aerospace Lwr
Thomas, P.	Teaching Assistant	01/22/2019	RiverEast Elem/Secondary
Thomas, P.	Teaching Assistant	01/08/2019	RiverEast Elem/Secondary
Yarbrough, M. C.	Teaching Assistant	02/11/2019	Chelsea Heights Elementary
Peterson, R. O.	Custodian	01/19/2019	Como Service Center
Nelson-Thiele, M.	Nutrition Services	01/25/2019	Farnsworth Aerospace Lwr

ADMINISTRATIVE LEAVE

<u>Name</u>	<u>Job Category</u>	<u>Eff Date</u>
B., S. M.	Classroom Teacher	12/20/2018
S., M. A.	Classroom Teacher	12/20/2018
A., K. A.	Education Assistant	01/02/2019

REHIRE

<u>Name</u>	<u>Job Category</u>	<u>Eff Date</u>	<u>Pay Rate</u>	<u>Location</u>
Connors-Millard, D.L.	Classroom Teacher	01/14/2019	\$34.09	Humboldt Secondary School
Langreck, J. D.	Classroom Teacher	01/24/2019	\$30.65	Humboldt Secondary School
O'Doubhlain, C. C.	Classroom Teacher	12/14/2018	\$30.65	Journey's Secondary
Yang, C. T.	Teacher on Special Assignment	01/07/2019	\$49.66	Colborne Admin Offices
Cornely, D. C.	School/Community Professional	01/14/2019	\$24.11	RiverEast Elem/Secondary
Hernandez, K. N.	Teaching Assistant	01/05/2019	\$15.00	Hazel Park Preparatory
Parker, P. P.	Teaching Assistant	01/14/2019	\$15.00	St Anthony Park Elementary
Belmares, A. E.	Custodian	01/14/2019	\$16.38	Humboldt Secondary School
Aasland, J.	Machinists	01/14/2019	\$25.98	Como Service Center
Dudley, K. L.	Nutrition Services	12/03/2018	\$12.22	Bruce F Vento Elementary

VOLUNTARY REDUCTION IN TITLE

<u>Name</u>	<u>Job Category</u>	<u>Eff Date</u>	<u>Pay Rate</u>	<u>Location</u>
Eckberg, T. R.	Professional Employee	12/24/2018	\$41.12	Como Service Center

HUMAN RESOURCE TRANSACTIONS
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February 19, 2019

REINSTATEMENT FROM LEAVE OF ABSENCE

<u>Name</u>	<u>Job Category</u>	<u>Eff Date</u>	<u>Location</u>
Moua, G. C.	Classroom Teacher	01/02/2019	Jackson Preparatory
Rinn, M. E.	Classroom Teacher	01/14/2019	Capitol Hill Magnet
Boyle, Z. L.	Classroom Teacher	01/16/2019	RiverEast Elem/Secondary
Holly, D. T.	Classroom Teacher	01/15/2019	Harding Senior High
Gibson, D. A.	School/Community Professional	01/02/2019	Como Park Senior High
Nyo, D.	School/Community Professional	01/14/2019	271 Belvidere Bldg
Butler, A. M.	Education Assistant	01/02/2019	1780 W 7th Street
Ehlers, M. L.	Education Assistant	01/07/2019	RiverEast Elem/Secondary
Truso, M. C.	Education Assistant	12/26/2018	1780 W 7th Street
Amundson, C.	Teaching Assistant	01/22/2019	Hamline Elementary
Nguyen, K. T.	Teaching Assistant	01/23/2019	Linwood Monroe Arts Lower
Ortiz, A.	Teaching Assistant	01/14/2019	Crossroads Montessori
Whitaker, J. S.	Teaching Assistant	01/02/2019	RiverEast Elem/Secondary
Xiong, M.	Teaching Assistant	12/17/2018	St. Paul Music Academy
Yang, Y.	Teaching Assistant	01/02/2019	Mississippi Creative Arts
Barott, J. L.	Nutrition Services	01/02/2019	Four Seasons A+
Rousseau, B. A.	Nutrition Services	01/02/2019	Ramsey Middle School

RECISION OF RESIGNATION

<u>Name</u>	<u>Job Category</u>	<u>Eff Date</u>	<u>Pay Rate</u>	<u>Location</u>
Vogl, L.	Education Assistant	01/08/2019	\$23.25	Como Park Elementary
Nelson-Thiele, M.	Nutrition Services	01/02/2019	\$17.16	Farnsworth Aerospace Lwr

SUSPENSION WITHOUT PAY

<u>Name</u>	<u>Job Category</u>	<u>Eff Date</u>
A., M.	Classroom Teacher	01/21/2019
A., M.	Classroom Teacher	02/18/2019
A., P. J.	Classroom Teacher	01/07/2019
A., P. J.	Classroom Teacher	01/08/2019
A., P. J.	Classroom Teacher	01/09/2019

HUMAN RESOURCE TRANSACTIONS
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SUSPENSION WITHOUT PAY

<u>Name</u>	<u>Job Category</u>	<u>Eff Date</u>
A., P. J.	Classroom Teacher	01/10/2019
A., P. J.	Classroom Teacher	01/11/2019
A., P. J.	Classroom Teacher	01/14/2019
A., P. J.	Classroom Teacher	01/15/2019
A., P. J.	Classroom Teacher	01/16/2019
A., P. J.	Classroom Teacher	01/17/2019
A., P. J.	Classroom Teacher	01/18/2019
A., P. J.	Classroom Teacher	01/22/2019
A., P. J.	Classroom Teacher	01/23/2019
A., P. J.	Classroom Teacher	01/24/2019
A., P. J.	Classroom Teacher	01/25/2019
A., P. J.	Classroom Teacher	01/28/2019
C., S. B.	Classroom Teacher	02/18/2019
C., S. B.	Classroom Teacher	02/22/2019
C., S. B.	Classroom Teacher	04/01/2019
C., S. B.	Classroom Teacher	04/02/2019
C., S. B.	Classroom Teacher	04/03/2019
C., S. B.	Classroom Teacher	04/04/2019
C., S. B.	Classroom Teacher	04/05/2019
C., S. B.	Classroom Teacher	04/16/2019
C., S. B.	Classroom Teacher	05/27/2019
G., J.	Classroom Teacher	01/25/2019
H., K. M.	Classroom Teacher	01/21/2019
H., M.	Classroom Teacher	04/01/2019
H., M.	Classroom Teacher	04/02/2019
H., M.	Classroom Teacher	04/03/2019
H., M.	Classroom Teacher	04/04/2019

HUMAN RESOURCE TRANSACTIONS
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SUSPENSION WITHOUT PAY

<u>Name</u>	<u>Job Category</u>	<u>Eff Date</u>
H., M.	Classroom Teacher	04/05/2019
J., J.	Classroom Teacher	03/26/2019
J., A. J.	Education Assistant	01/28/2019

RETIREMENT

<u>Name</u>	<u>Job Category</u>	<u>Eff Date</u>	<u>Location</u>
Brown, J. D.	Classroom Teacher	01/05/2019	Horace Mann School
Mund, D.	Classroom Teacher	04/06/2019	Como Park Senior High
Schultz, R.	Classroom Teacher	01/04/2019	Harding Senior High
Fritz, J. A.	Classroom Teacher	01/04/2019	Linwood Monroe Arts Upper
Vogl, L.	Education Assistant	03/09/2019	Como Park Elementary

RESIGNATION

<u>Name</u>	<u>Job Category</u>	<u>Eff Date</u>	<u>Location</u>
Boyle, Z.	Classroom Teacher	02/02/2019	Bruce F Vento Elementary
DeMarco-Sundsmo, A.	Classroom Teacher	01/25/2019	Murray Middle School
Goodwin, B. A.	Classroom Teacher	02/01/2019	Galtier Elementary
Magnuson, R. W.	Classroom Teacher	01/05/2019	Como Park Senior High
McCloud, M. D.	Classroom Teacher	01/12/2019	Humboldt Secondary School
Neri, R.	Classroom Teacher	02/08/2019	Cherokee Heights Elem
Steger, K.	Classroom Teacher	01/17/2019	Galtier Elementary
Kangas, M. J.	Classroom Teacher	01/18/2019	Daytons Bluff Achievement
Krogh, N.	Classroom Teacher	02/10/2019	Cherokee Heights Elem
Remackel, A.	Classroom Teacher	02/11/2019	Int'l Academy - LEAP
Thune, K. N.	Classroom Teacher	01/17/2019	Linwood Monroe Arts Upper
Graham, J. C.	School/Community Professional	01/19/2019	Central Senior High
Grieve, A.	School/Community Professional	01/26/2019	RiverEast Elem/Secondary
Butler, A. M.	Education Assistant	01/12/2019	1780 W 7th Street
House, T. S.	Education Assistant	01/19/2019	RiverEast Elem/Secondary
Abosi, K. J.	Teaching Assistant	01/05/2019	Ramsey Middle School

HUMAN RESOURCE TRANSACTIONS
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RESIGNATION

<u>Name</u>	<u>Job Category</u>	<u>Eff Date</u>	<u>Location</u>
Carranza, S. R.	Teaching Assistant	01/23/2019	Johnson Achievement Plus
Curtis, C.	Teaching Assistant	01/10/2019	RiverEast Elem/Secondary
Dahlager, A. K.	Teaching Assistant	01/22/2019	RiverEast Elem/Secondary
Finman-Palmer, A. A.	Teaching Assistant	01/23/2019	Mississippi Creative Arts
Hang, K. K.	Teaching Assistant	01/19/2019	Harding Senior High
Kuhn, M. R.	Teaching Assistant	02/09/2019	Mississippi Creative Arts
Laroche, A. L.	Teaching Assistant	01/05/2019	Harding Senior High
Lofgren, L. A.	Teaching Assistant	12/13/2018	RiverEast Elem/Secondary
Oneal, S. L.	Teaching Assistant	01/03/2019	RiverEast Elem/Secondary
Panganiban, K. M.	Teaching Assistant	01/05/2019	Battle Creek Elementary
Wright, J. T.	Teaching Assistant	01/19/2019	Ramsey Middle School
Bohmer, M. M.	Nutrition Services	01/19/2019	Creative Arts Secondary
Bradbury, A. L.	Nutrition Services	01/22/2019	Harding Senior High
Helsper, M. L.	Nutrition Services	01/25/2019	Riverview School
Hengel, N. H.	Nutrition Services	01/26/2019	Linwood Monroe Arts Lower
Kent, P. J.	Nutrition Services	01/03/2019	Bruce F Vento Elementary
Koford, S. M.	Nutrition Services	05/01/2019	Phalen Lake Hmong Studies

TERMINATION

<u>Name</u>	<u>Job Category</u>	<u>Eff Date</u>
F., L.	Teaching Assistant	01/23/2019
V., L. M.	Teaching Assistant	01/18/2019
W., A. J.	Custodian	12/15/2018
D., C. K.	Nutrition Services	12/15/2018
J., R. L.	Nutrition Services	01/03/2019

DISCHARGE

<u>Name</u>	<u>Job Category</u>	<u>Eff Date</u>
J., T. J.	Teaching Assistant	01/12/2019

**INDEPENDENT SCHOOL DISTRICT NO. 625
BOARD OF EDUCATION
SAINT PAUL PUBLIC SCHOOLS**

DATE: February 19, 2019

TOPIC: Acceptance of Gift from Linwood Monroe Arts Plus PTA

A. PERTINENT FACTS:

1. A gift of \$10,000 was donated to Linwood Monroe Arts Plus for the 2018-19 school year to be added to 19-510-291-000-5096-0000.
2. LMAP will use funds to pay guest artists for school residencies throughout the year.
3. This project will meet the District strategic strategic plan focus area of Program Evaluation and Resource Allocation and Effective and Culturally Relevant Instruction.
4. This item is submitted by Bryan E. Bass, Principal; and Lisa Sayles-Adams, Assistant Superintendent.

B. RECOMMENDATION:

That the Board of Education authorize the Superintendent (designee) to accept the gift from Linwood Monroe Arts Plus PTA.

**INDEPENDENT SCHOOL DISTRICT NO. 625
BOARD OF EDUCATION
SAINT PAUL PUBLIC SCHOOLS**

DATE: February 19, 2019

TOPIC: Request for Permission to Accept a Grant from Generation Next

A. PERTINENT FACTS:

1. Generation Next accepts grant applications for projects that help ensure that each student graduates from high school ready for college and career.
2. Saint Paul Public Schools Office of Planning and Policy has been awarded a grant to support the SPPS Achieves Strategic Plan. The goal of this project is support activities related to the Program Evaluation/Resource Allocation strategic focus area. Staff at the program researched this grant opportunity.
3. Saint Paul Public Schools will serve as fiscal agent for the project. This grant is for approximately \$50,000.
4. This project aligns with the District strategic plan focus area of Program Evaluation/Resource Allocation.
5. This is a new grant-funded project.
6. This item is submitted by Rebekah Doyle, Grants Management Coordinator; Karen Randall, Assistant Director, Strategic Planning; Cedrick Baker, Chief of Staff; and Marie Schrul, Chief Financial Officer.

B. RECOMMENDATION:

That the Board of Education authorize the Superintendent (designee) to accept a grant from Generation Next for funds to support the SPPS Achieves Strategic Plan; and to implement the project as specified in the award documents.

**INDEPENDENT SCHOOL DISTRICT NO. 625
BOARD OF EDUCATION
SAINT PAUL PUBLIC SCHOOLS**

DATE: February 19, 2019

TOPIC: Request for Permission to Accept a Grant from Lowe's Toolbox for Education

A. PERTINENT FACTS:

1. Lowe's Toolbox for Education awards grants to projects that help educators through educational challenges by providing funds for technology upgrades and tools for STEM programs.
2. Saint Paul Public Schools Dayton's Bluff Elementary School prepared an application for funds to support personalized learning with upgraded technology. The goal of this project is to fill technology gaps within the school to help students with personalized learning and 21st Century Skills. Staff at the program researched this grant opportunity.
3. Saint Paul Public Schools will serve as fiscal agent for this project. This grant is for approximately \$4,910. Students at Dayton's Bluff Elementary School will be impacted by this project.
4. This project will meet the District strategic plan focus area of Effective and Culturally Relevant Instruction by narrowing the technology gap and allowing students to access upgraded tools for learning.
5. This is a new grant funded project.
6. This item is submitted by Rebekah Doyle, Grants Management Coordinator; Lena Christiansen, Principal, Dayton's Bluff Elementary School; Andrew Collins, Assistant Superintendent; and Marie Schrul, Chief Financial Officer.

B. RECOMMENDATION:

That the Board of Education authorize the Superintendent (designee) to accept a grant from Lowe's Toolbox for Education for funds to support personalized learning with upgraded technology at Dayton's Bluff Elementary School; and to implement the project as specified in the award documents.

**INDEPENDENT SCHOOL DISTRICT NO. 625
BOARD OF EDUCATION
SAINT PAUL PUBLIC SCHOOLS**

DATE: February 19, 2019

TOPIC: Request for Permission to Accept Multiple Grants from the Target Foundation

A. PERTINENT FACTS:

1. The Target Foundation accepts applications every autumn for projects that take learning opportunities outside the classroom.
2. Multiple Saint Paul Public Schools prepared applications and have been awarded funds to support field trips. The goal of these projects is to provide opportunities for students to participate in field trips. Staff at the programs researched this grant opportunity.
3. Saint Paul Public Schools will serve as fiscal agent for the projects. Each grant is for approximately \$700.
4. These projects will meet the District strategic plan focus area of Effective and Culturally Relevant Instruction by providing learning experiences that extend beyond the classroom.
5. These are new grant funded projects.
6. This item is submitted by Rebekah Doyle, Grants Management Coordinator; and Marie Schrul, Chief Financial Officer.

B. RECOMMENDATION:

That the Board of Education authorize the Superintendent (designee) to accept funds from the Target Foundation to support field trip costs; and to implement the projects as specified in the award documents.

**INDEPENDENT SCHOOL DISTRICT NO. 625
BOARD OF EDUCATION
SAINT PAUL PUBLIC SCHOOLS**

DATE: February 19, 2019

TOPIC: Request for Permission to Submit a Grant Application to the CenturyLink Clarke M. Williams Foundation

A. PERTINENT FACTS:

1. The CenturyLink Clarke M. Williams Foundation Teachers and Technology Grant Program provides funds for projects that advance student success through the innovative use of technology.
2. Saint Paul Public Schools Crossroads Elementary has prepared an application for funds to purchase five Afinia H400+ 3D printers. The goal of this project is to enable students to design and create a variety of objects using computer-aided design type apps on their iPads and bring them to life. Staff at the program researched this grant opportunity.
3. Saint Paul Public Schools will serve as fiscal agent for the project. This grant is for approximately \$4,380. This project will impact 255 students and six teachers at Crossroads Elementary.
4. This grant aligns with the District strategic plan focus area of Effective and Culturally Relevant Instruction by improving the way Crossroads Elementary implements technology into the curriculum.
5. This is a new grant-funded project.
6. This item is submitted by Celeste Carty, Principal, Crossroads Elementary; Andrew Collins, Assistant Superintendent; and Dave Watkins, Chief of Schools.

B. RECOMMENDATION:

That the Board of Education authorize the Superintendent (designee) to submit an application to the CenturyLink Clarke M. Williams Foundation for funds to purchase 3D printers for Crossroads Elementary School; to accept funds, if awarded; and to implement the projects as specified in the award documents.

**INDEPENDENT SCHOOL DISTRICT NO. 625
BOARD OF EDUCATION
SAINT PAUL PUBLIC SCHOOLS**

DATE: February 19, 2019

TOPIC: Request for Permission to Submit a Grant Application to the Confucius Institute

A. PERTINENT FACTS:

1. The Confucius Institute at the University of Minnesota provides grants that support professional development among teachers of Mandarin and culture-infused activities within schools that teach Mandarin.
2. Saint Paul Public Schools Office of Teaching and Learning has prepared an application for funds to support student and teacher activities in Mandarin language classes. The goal of this project is to provide cultural enrichment opportunities to students so that they can better understand and appreciate Chinese cultural as well as the language.
3. Saint Paul Public Schools will serve as fiscal agent for this project. This grant is for approximately \$10,000.
4. This project aligns with the district strategic plan focus area of Effective and Culturally Relevant Instruction by supporting Mandarin language classes.
5. This is a recurring grant-funded project, now in its fifth year.
6. This item is submitted by Liz Hathaway Castela, Program Manager, Dual Language/Immersion, Office of Teaching & Learning; Hans Ott, Assistant Superintendent, Office of Teaching and Learning; and Dr. Kate Wilcox-Harris, Chief Academic Officer; Efe Agbamu, Assistant Superintendent; and Dave Watkins, Chief of Schools.

B. RECOMMENDATION:

That the Board of Education authorize the Superintendent (designee) to submit a grant to the Confucius Institute to support academic and professional development activities in Mandarin language classes; to accept funds, if awarded; and to implement the project as specified in the award documents.

**INDEPENDENT SCHOOL DISTRICT NO. 625
BOARD OF EDUCATION
SAINT PAUL PUBLIC SCHOOLS**

DATE: February 19, 2019

TOPIC: Request for Permission to Submit a Grant Application to the French-American Cultural Exchange (FACE) Foundation

A. PERTINENT FACTS:

1. The FACE Foundation's French Dual Language Fund is currently accepting grant applications for projects that support and expand the burgeoning nationwide network of French bilingual programs in American public schools.
2. Saint Paul Public Schools Central Senior High School has prepared an application to fund a French Teaching Intern from France. The goal of this project is to support the school's French Immersion program. Staff at the school researched this grant opportunity.
3. Saint Paul Public Schools will serve as fiscal agent for the project. This grant is for approximately \$6,000. This project will impact 375 students at Central Senior High School.
4. This project aligns with the District strategic plan goal of Effective and Culturally Relevant Instruction by providing a dedicated intern to work with immersion students who are preparing for the International Baccalaureate (IB) Language A (native or academic language) or B (foreign language) exam and the DELF.
5. This is a recurring grant funded project. Central has hosted French teaching interns annually since 2007.
6. This item is submitted by Mary Mackbee, Principal, Central Senior High School; Theresa Battle, Assistant Superintendent; and Dave Watkins, Chief of Schools.

B. RECOMMENDATION:

That the Board of Education authorize the Superintendent (designee) to submit a grant to the FACE Foundation for funds to support French immersion at Central Senior High School; to accept funds, if awarded; and to implement the project as specified in the award documents.

**INDEPENDENT SCHOOL DISTRICT NO. 625
BOARD OF EDUCATION
SAINT PAUL PUBLIC SCHOOLS**

DATE: February 19, 2019

TOPIC: Request for Permission to Submit a Grant Application to the Minnesota State Arts Board

A. PERTINENT FACTS:

1. The Minnesota State Arts Board Arts Learning Grant Program is currently accepting grant applications for projects that help lifelong learners acquire knowledge, understanding and skills in the arts.
2. Saint Paul Public Schools Highland Park Middle School has prepared an application for funds to support an Artist in Residency with artist Leon Wang. The goals of this project are to engage students in an art and design learning experience resulting in opportunities for growth in racial and cultural equity and to allow students to collaborate, while finding their individual voice, in the process of creating an arts' product that expresses their points of view.
3. Saint Paul Public Schools will serve as fiscal agent for this project. The request is for approximately \$5,625. This project will impact all 832 students at Highland Park Middle School.
4. This project will meet the District strategic plan focus area of Positive School and District Culture by promoting racial and cultural equity.
5. This is a new grant-funded project.
6. This item is submitted by Charlene Hoff, Principal, Highland Park Middle School; Lisa Sayles-Adams, Assistant Superintendent; and Dave Watkins, Chief of Schools.

B. RECOMMENDATION:

That the Board of Education authorize the Superintendent (designee) to submit an application to the Minnesota State Arts Board for support of an Artist in Residency with artist Leon Wang at Highland Park Middle School; to accept funds, if awarded; and to implement the project as specified in the award documents.

**INDEPENDENT SCHOOL DISTRICT NO. 625
BOARD OF EDUCATION
SAINT PAUL PUBLIC SCHOOLS**

DATE: February 19, 2019

TOPIC: SPPS Supplemental Literacy Support

A. PERTINENT FACTS:

1. Provide Grade 2 classrooms, Middle School and High School English/Language Arts classrooms with classroom libraries to promote independent reading. Providing students access to interesting books through well-designed classroom libraries results in students interacting more with books, spending more time reading, exhibiting more positive attitudes toward reading, and exhibiting higher levels of reading achievement (NAEP, 2002).
2. Expand literacy professional development for 100 first grade, 150 second grade, 100 middle school and 100 high school teachers. Funds will cover stipends and substitute teacher costs to enable teachers to attend professional development.
3. Support reading professional development with the book, *"Next Steps Forward in Guided Reading" Prompting Guide* by master reading teacher, Jan Richardson for each second grade teacher.
4. Overall costs for this initiative:

Stipends	\$15,103.00
Substitutes	\$91,000.00
Teacher PD Books	\$20,500.00
Classroom Libraries	\$350,000.00
5. Funding provided by Title I, Part A.
6. This item will meet the District's strategic plan focus area of Effective and Culturally Relevant Instruction.
7. This item is submitted by Sherry Carlstrom, Director Title I Federal Programs; Sue Braithwaite, Literacy Supervisor Office of Teaching and Learning; Hans Ott, Assistant Superintendent, Office of Teaching and Learning; and Kate Wilcox-Harris, Chief Academic Officer.

B. RECOMMENDATION:

The Board of Education authorize the use of funds to provide literacy materials to support district literacy goals

**INDEPENDENT SCHOOL DISTRICT NO. 625
BOARD OF EDUCATION
SAINT PAUL PUBLIC SCHOOLS**

DATE: February 19, 2019

TOPIC: MOU between Amherst Wilder, Saint Paul Promise Neighborhood,
Ramsey County, Saint Paul Public Schools and Saint Paul City School

A. PERTINENT FACTS:

1. Memorandum of Understanding between the above organizations for Homework Starts with Home. The purpose of this MOU is to establish the terms and conditions under which Family Supportive Housing Services, Saint Paul Promise Neighborhood, Ramsey County, Saint Paul Public Schools, and Saint Paul City School will work together to increase stability for homeless families in 17 schools where Wilder programming currently exists.
2. Homework Starts with Home will increase stability for families in schools where Wilder Programming currently exists. Saint Paul Public Schools will participate by conducting outreach and referrals for families eligible to participate in the program.
3. The MOU duration is October 1, 2018 to September 30, 2021.
4. St. Paul Public Schools will not contribute funds.
5. This project will meet the District strategic plan goal/goals of Effective and Culturally Relevant Instruction and Family and Community Engagement.
4. This item is submitted by Anne McInerney, Supervisor Project REACH; Sherry Carlstrom, Director of Title I Federal Programs; and Dr. Kate Wilcox-Harris, Chief Academic Officer.

B. RECOMMENDATION:

That the Board of Education authorize the Superintendent (designee) to approve the Memorandum of Understanding with these organizations for Homework Starts with Home.

**INDEPENDENT SCHOOL DISTRICT NO. 625
BOARD OF EDUCATION
SAINT PAUL PUBLIC SCHOOLS**

DATE: February 19, 2019

TOPIC: Request to Sign Concurrent Enrollment Agreement with Inver Hills Community College

A. PERTINENT FACTS:

1. Request to Sign Concurrent Enrollment Agreement.
2. This partnership supports students at AGAPE high schools where students are able to earn Inver Hills college credits per semester course. These rigorous course options help prepare students for college and career; the courses also save students/families tuition dollars by taking college courses while in high school.
3. This will likely be an annual request.
4. Fees paid to the college at the rate of \$2,700 per concurrent enrollment course.
5. This project will meet the District strategic plan focus area of College and Career Paths.
6. This item is submitted by Darren Ginther, Assistant Director Office of College and Career Readiness; and Kate Wilcox-Harris, Chief Academic Officer.

B. RECOMMENDATION:

That the Board of Education authorize the Superintendent (designee) to sign the Concurrent Enrollment Agreement between Saint Paul Public Schools and Inver Hills for FY19.

**INDEPENDENT SCHOOL DISTRICT NO. 625
BOARD OF EDUCATION
SAINT PAUL PUBLIC SCHOOLS**

DATE: February 19, 2019

TOPIC: Monthly Operating Authority

A. PERTINENT FACTS:

1. The Board of Education must authorize and approve all expenditures of the District.
2. The Board of Education must ratify any changes in collateral that have been previously approved by the Assistant Treasurer.
3. This item meets the District target area of goals alignment and sustainability.
4. This item is submitted by Marie Schrul, Chief Financial Officer.

B. RECOMMENDATIONS:

1. That the Board of Education approve and ratify the following checks and wire transfers for the period December 1 – December 31, 2018.

(a) General Account	#703748-705059	\$57,169,973.31
	#0003193-0003216	
	#7003086-7003122	
	#0003080-0003158	
(b) Debt Service	-0-	<u>\$0.00</u>
(c) Construction	-0-	<u>\$5,398,431.73</u>
		<u>\$62,568,405.04</u>

Included in the above disbursements are two payrolls in the amount of \$37,257,462.81 and overtime of \$212,501.69 or 0.57% of payroll.

(d) Collateral Changes

Released:

None

Additions:

None

2. That the Board of Education further authorize payment of properly certified cash disbursements including payrolls, overtime schedules, compensation claims, and claims under the Workers' Compensation Law falling within the period ending May 31, 2019.

**INDEPENDENT SCHOOL DISTRICT NO. 625
BOARD OF EDUCATION
SAINT PAUL PUBLIC SCHOOLS**

DATE: February 19, 2019

TOPIC: Recommendations for Exclusion of Students in Non-Compliance with Minnesota Statute 123.70 Health Standards: Immunizations

A. PERTINENT FACTS:

1. There are students in the district who are not in compliance with M.S. 123.70 Health Standards for Immunizations. The students' parents/guardians have been informed of needed immunizations, provided a copy of the law, and given information about community immunization clinics. A contact is made to verify the parents/guardians know that the child is non-compliant, understand the law, and are aware of the possible exemptions to the law. All parents/guardians have had a minimum of 30 days to comply with the law after they are informed that their child is non-compliant.
2. A list of the students is under separate cover.
3. This item will meet the requirements of the Minnesota State Statute 123.70 Health Standards for Immunizations.
4. Requested by Mary Yackley, Supervisor, Student Health and Wellness; Marcy Doud, Assistant Superintendent of Specialized Services; Dr. Kate Wilcox-Harris, Chief Academic Officer.

B. RECOMMENDATION:

That the Board of Education excludes the named students from school effective February 28, 2019, should they not comply with Minnesota State Health Standards for Immunizations on or before this date.

**INDEPENDENT SCHOOL DISTRICT NO. 625
BOARD OF EDUCATION
SAINT PAUL PUBLIC SCHOOLS**

DATE: February 19, 2019

TOPIC: Request for Chaperone to Travel to New York City with Como Park Senior High School Choir Members and their Director to Perform at Carnegie Hall

A. PERTINENT FACTS:

1. Como Park Senior High School tours every three years to sing at Carnegie Hall. Mr. Craig Carlson has been a chaperone numerous times prior to this policy being brought to Ms. Whitney.
2. The 5-day, 4-night tour is May 24-28, 2019. It has been approved by Dr. Theresa Battle.
3. Twenty students, Ms. Whitney and her spouse, Mr. Carlson, will be traveling. Student names available upon request.
4. Mr. Carlson will be paying for his own tour through the Como Park Sr. Choir bursar account. This request will result in no cost to SPPS.
5. This project will meet the District strategic plan focus area of College and Career Paths.
4. This item is submitted by Carole Whitney, teacher and choir director at Como Park Senior High; Stacy Theien-Collins, Como Park Senior High School Principal; and Dr. Theresa Battle, Assistant Superintendent.

B. RECOMMENDATION:

That the Board of Education authorize the Superintendent (designee) to approve travel for the chaperone, Mr. Carlson, to attend the Como Park Senior High Choir trip to Carnegie Hall from May 24th to May 28th, 2019 in New York, NY.

**INDEPENDENT SCHOOL DISTRICT NO. 625
BOARD OF EDUCATION
SAINT PAUL PUBLIC SCHOOLS**

DATE: February 19, 2019

TOPIC: Request for Approval to Apply for Funds from the Minnesota State High School League's Foundation

A. PERTINENT FACTS:

1. Our district high schools are members of the Minnesota State High School League.
2. The Minnesota State High School League Foundation has monies available to award to high schools in the State of Minnesota. These monies are sales taxes collected on tickets sold at state tournament contests. These funds are being rebated to member schools based on free/reduced lunch participation on athletic teams. The League accepts requests twice during the school year.
3. This grant will meet the District strategic plan focus area of Program Evaluation and Resource Allocation.
4. This item is submitted by Laura Ranum, Athletic Secretary and Darren Ginther, Director of Athletics.

B. RECOMMENDATION:

That the Board of Education authorize the Superintendent (designee) to submit an application to the Minnesota State High School League's Foundation for monies being awarded to high schools in the State of Minnesota; to accept funds, if awarded; and to implement the project as specified in the award documents.

INDEPENDENT SCHOOL DISTRICT NO. 625
BOARD OF EDUCATION
SAINT PAUL PUBLIC SCHOOLS

DATE: February 19, 2019

TOPIC: Travel Request for Non-Saint Paul Public School Staff to Chaperone the JROTC Type III Field Trip to Fargo, North Dakota

A. PERTINENT FACTS:

1. The chaperones are planned to be Mrs. Mai Vang, who is a parent of one of the Cadets attending, and TSgt Durrell Motley from the 133rd Air Lift Wing Air National Guard. This Type III Field Trip has two stops. The first is a tour at North Dakota State University Air Force Reserve Officer Training (AFJROTC Detachment 610) and attend The 2019 Juggernaut Team Sport Competition.
2. The Type III field trip will depart Johnson Senior High School on Friday, March 1st at 8:00 a.m. and travel to North Dakota State University Air Force Reserve Officer Training (AFJROTC Detachment 610) located in Fargo, ND. This will provide opportunity to see what an AFJROTC unit looks like at the college level and inspire our Cadets.
3. The 2019 JROTC Juggernaut Team Sports Competition will be held on Saturday, March 2nd at Fargo South High School. The competition is between 5 JROTC schools, including Johnson Senior High, Como Senior High, and schools in North Dakota.
4. Travel on Friday, March 1, 2019 to North Dakota State University AFROTC Detachment 610 and attend the Juggernaut Team Sports Competition on Saturday, March 2nd and return to Saint Paul on Saturday, March 2, 2019.
5. The maximum approximate cost for the trip is \$5000.00 with the funds raised by Cadets, donations and Air Force Reimbursements. Expenses to be paid by district \$0.00.
6. This project will meet the District strategic plan goal of College and Career Paths.
7. This item is submitted by Wendy Goetz, Aerospace Science Instructor, AFJROTC, MN-941, Johnson High School; Michael Thompson, Principal, Johnson High School; Dr. Theresa Battle, Assistant Superintendent; and Dave Watkins, Chief of Schools.

B. RECOMMENDATION:

That the Board of Education authorize the Superintendent (designee) to approve the travel request for the non-Saint Paul Public School staff to chaperone the JROTC Type III Field Trip to Fargo, North Dakota.

**INDEPENDENT SCHOOL DISTRICT NO. 625
BOARD OF EDUCATION
SAINT PAUL PUBLIC SCHOOLS**

DATE: February 19, 2019

TOPIC: Title I Technology Refresh

A. PERTINENT FACTS:

1. A majority of SPPS Title I technology was purchased with American Recovery and Reinvestment Act (ARRA) funds between 2009 and 2012. These devices are being used in Title I schools past their expected lifespan and need to be retired. Due to a late increase of Title I funds, Title I has the opportunity to refresh our technology with laptops, desktop computers and laptop carts at all Title I sites. The refresh would distribute 13-inch MacBook Airs or iMac Desktop computers to schools based on their specific need for each type of device.
2. These devices are specifically for student use before, during and after school.
3. The total cost of this proposal will not exceed \$1,800,000.00. Title I schools will receive computers in the following configurations:
 - Secondary schools with a student population >1000 students (60)
 - Small secondary schools and Middle schools (30)
 - Elementary schools (30)
 - ALC/small programs (2-5).
4. This project will meet the District strategic focus area of Effective and Culturally Relevant Instruction.
5. This item is submitted by Sherry Carlstrom, Director of Title I Federal Programs; Idrissa Davis, Deputy Chief of Technology Services; Hans Ott, Assistant Superintendent of Teaching and Learning; and Dr. Kate Wilcox-Harris, Chief Academic Officer.

B. RECOMMENDATION:

That the Board of Education authorize the Superintendent (designee) to approve the purchase of computers for Title I schools.

**INDEPENDENT SCHOOL DISTRICT NO. 625
BOARD OF EDUCATION
SAINT PAUL PUBLIC SCHOOLS**

DATE: February 19, 2019

TOPIC: Facilities Department FY19 Purchases over \$100,000

A. PERTINENT FACTS:

1. In the normal course of work, the Facilities Department must establish purchases with vendors that may incur costs in excess of \$100,000 throughout the fiscal year.
2. The following list indicates said purchases:

Vendor	Description	Amount	State Contract ID Or Bid Number
EPA Audio Visual, Inc.	Security Cameras	\$250,000	U of M #U140.7

3. The purchases have been approved by Jamie Atkins, Purchasing Manager.
4. Funding will be provided from the approved Facilities Department Fiscal Year 2019 budget.
5. The purchases meet the District Strategic Plan goals by aligning resource allocation to District priorities.
6. This item is submitted by Tom Parent, Director of Facilities, and Jackie Turner, Chief Operations Officer.

B. RECOMMENDATION:

That the Board of Education authorize the purchases listed for the Facilities Department anticipated to be over the \$100,000.

**INDEPENDENT SCHOOL DISTRICT NO. 625
BOARD OF EDUCATION
SAINT PAUL PUBLIC SCHOOLS**

DATE: February 19, 2019

TOPIC: Humboldt High School Addition & Renovation Electrical Work

A. PERTINENT FACTS:

1. This project provides all labor, materials, equipment and services for work related to electrical work for phases 1-8 at the Humboldt High School Addition & Renovation.
2. This work was originally included in People's Electric contract amount which was approved at the May 16, 2017 Board of Education Meeting.
3. People's Electric has filed for bankruptcy and will be unable to complete the remaining work in their contract. The transfer of the uncompleted work for these phases is done at the direction of the surety of the performance and payment bond.
4. There will be future board agenda item(s) to transfer future project phases of this work, again at the direction of the surety.
5. This contract transfer was reviewed by Jamie Atkins, Purchasing Manager, and General Counsel.
6. Funding will be provided from Capital Levy.
7. This project meets the District Strategic Plan goals of Program Evaluation and Resource Allocation.
8. This item is submitted by Tom Parent, Director of Facilities, and Jackie Turner, Chief Operations Officer.

B. RECOMMENDATION:

That the Board of Education authorize award of the electrical work for phases 1-8 at the Humboldt High School Addition & Renovation work to Master Electric Co., Inc. for the lump sum bid for \$4,518,300.

**INDEPENDENT SCHOOL DISTRICT NO. 625
BOARD OF EDUCATION
SAINT PAUL PUBLIC SCHOOLS**

DATE: February 19, 2019

TOPIC: Bid No. A216551-A Highland Senior High School Pool Piping Replacement

A. PERTINENT FACTS:

1. This project provides all labor, materials, equipment and services for the Pool Piping Replacement at Highland Park Senior High School.
2. The following bids were received for the lump sum base bid:

	<u>Lump Sum Base Bid</u>
JPMI Construction	\$226,500
Morcon Construction	\$292,700

3. This is an advertised bid and accordingly, contract documents for this project were made available for examination at the Architect's office, on the District's online platform and at the following:

Builders Exchange of St. Paul
MEDA Construction Connection
Minneapolis Builders Exchange
Dodge McGraw Hill Construction Plan Room
Reed Construction Data Plan Room
iSqFt/AGC of MN Plan Room

4. Bids have been reviewed by Jamie Atkins, Purchasing Manager.
5. Funding will be provided from Long-Term Facilities Maintenance.
6. This project meets the District Strategic Plan goals by aligning resource allocation to District priorities.
7. This item is submitted by Tom Parent, Director of Facilities, and Jackie Turner, Chief Operations Officer.

B. RECOMMENDATION:

That the Board of Education authorize the award of Bid No. A216551-A Highland Park High School Auditorium Pool Piping Replacement to JPMI Construction for a lump sum base bid for \$226,500.

**INDEPENDENT SCHOOL DISTRICT NO. 625
BOARD OF EDUCATION
SAINT PAUL PUBLIC SCHOOLS**

DATE: February 19, 2019

TOPIC: Bid No. A216679-A E-STEM (formerly Crosswinds) Middle School Renovation

A. PERTINENT FACTS:

1. This project provides all labor, materials, equipment and services for the Middle School Renovation at E-STEM (formerly Crosswinds).
2. The following bids were received for the lump sum base bid:

	<u>Lump Sum Base Bid with Alternates 1, 2 and 3</u>
RAK Construction, Inc.	\$799,609
LS Black	\$1,097,780

3. Bids were received in accordance with Ramsey County contract #RC-000013.
4. Bids have been reviewed by Jamie Atkins, Purchasing Manager.
5. Funding will be provided from Capital Levy.
6. This project meets the District Strategic Plan goals by aligning resource allocation to District priorities.
7. This item is submitted by Tom Parent, Director of Facilities, and Jackie Turner, Chief Operations Officer.

B. RECOMMENDATION:

That the Board of Education authorize the award of Bid No. A216679-A E-STEM (formerly Crosswinds) Middle School Renovation to RAK Construction, Inc. for a lump sum base bid with Alternates 1, 2 and 3 of \$799,609.

**INDEPENDENT SCHOOL DISTRICT NO. 625
BOARD OF EDUCATION
SAINT PAUL PUBLIC SCHOOLS**

DATE: February 19, 2019

TOPIC: Change Order #19 for Shaw-Lundquist Associates, Inc. at Linwood Monroe Upper Addition and Renovation

A. PERTINENT FACTS:

1. This change order provides all labor, material, equipment and services necessary for the following items:
 - a. Additional roof structural steel and mechanical & electrical alterations due to existing conditions.
2. Funding will be provided from Capital Levy.
3. This project will meet the District Strategic Plan focus area of Program Evaluation and Resource Allocation.
4. This item is submitted by Tom Parent, Director of Facilities, and Jackie Turner, Chief Operations Officer.
5. Change order 19 represents a \$156,949.54 (0.85%) change to the original contract. Total changes to date, inclusive of Change Order #19, to the original contract value of \$18,439,000 will be \$1,501,474.58 (8.1%). With execution of this change order, the new total contract amount will be \$19,940,474.58. The items on these change orders have been reviewed and validated by U+B Architecture & Design, Inc.

B. RECOMMENDATION:

That the Board of Education authorize the Superintendent (or Designee) to sign Change Order #19 for Shaw-Lundquist Associates, Inc. at Linwood Monroe Upper Addition and Renovation for the amount of \$156,949.54.

**INDEPENDENT SCHOOL DISTRICT NO. 625
BOARD OF EDUCATION
SAINT PAUL PUBLIC SCHOOLS**

DATE: February 19, 2019

TOPIC: Change Order #11 for Donlar Construction Company at Linwood Monroe Lower Addition and Renovation

A. PERTINENT FACTS:

1. This change order provides all labor, material, equipment and services necessary for the following items:
 - a. Rebuild new shaftwall, additional moisture mitigation, asphalt additive and fume recovery, new door hardware, additional terrazzo patching, and blank off panels at inactive louvers
2. Funding will be provided from Capital Levy.
3. This project will meet the District Strategic Plan focus area of Program Evaluation and Resource Allocation.
4. This item is submitted by Tom Parent, Director of Facilities, and Jackie Turner, Chief Operations Officer.
5. Change order 11 represents a \$175,482.25 (0.89%) change to the original contract. Total changes to date, inclusive of Change Order #11, to the original contract value of \$19,798,000 will be \$928,127.75 (4.7%). With execution of this change order, the new total contract amount will be \$20,726,127.75. The items on these change orders have been reviewed and validated by U+B Architecture & Design, Inc.

B. RECOMMENDATION:

That the Board of Education authorize the Superintendent (or Designee) to sign Change Order #11 for Donlar Construction Company at Linwood Monroe Lower Addition and Renovation for the amount of \$175,482.25.



Policy Update

Cedrick Baker, Chief of Staff
Jada Wollenzien, Program Manager

Board of Education Meeting
February 19, 2019

Bullying Prohibition - Policy 505.00

Third Reading

- Revision of the policy
- Policy changes reflect requirements of state statute:
 - Updated definitions
 - Updates to Prohibition section
 - Added three new sections
 - Investigations
 - Responses
 - Publication, Information and Training



Drug and Alcohol Testing for Drivers

First Reading

- Propose new policy (417.00) be developed
- Rationale
 - Make an official SPPS policy because SPPS already participates in these federally mandated practices for drivers:
 - Pre-Employment Testing
 - Post-Accident Testing
 - Random Testing
 - Reasonable Suspicion Testing
 - Return-To-Duty Testing
 - Follow-Up Testing

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Drug and Alcohol Testing for All Employees

First Reading

- Propose new policy (416.00) be developed
- Rationale
 - Currently, SPPS has no current mechanism (for any employees other than drivers) to rule out or confirm someone is indeed under the influence of drugs or alcohol at work
 - Liability and safety issue
- Unlike proposed policy 417.00, this policy will not include:
 - Random Testing
 - Job Applicant Testing
 - During Routine Physical Examination Testing



Drug and Alcohol Testing for All Employees

First Reading

- This policy will include:
 - **Reasonable Suspicion Testing**
 - Will help district in making disciplinary decisions
 - Encourages employees who truly have a problem get help
 - If an employee has one positive test, the District must give them an opportunity to participate in treatment
 - **Treatment Program Testing**
 - Testing may be required as part of an employee's participation in any chemical dependency treatment under an employee benefit plan, or any chemical dependency treatment to which an employee has been referred by the District



Medications/Medical Procedures – Policy 516.00

First Reading

- First reading of revised policy
- Last revised in 2008
- Revisions made to the policy:
 - Restructuring of sentences
 - Re-wording
 - “Designee of the school administrator” to replace “designee of the principal” (paragraph 2)
 - “Medications needed at school” to replace “ medications prescribed” (paragraphs 4a, 4b)
- Additions to the policy:
 - Purpose statement
 - Paragraph 5 - overnight field trips / in original, labeled container
 - Paragraph 10 - emergency medication

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Questions

**INDEPENDENT SCHOOL DISTRICT NO. 625
Saint Paul, Minnesota
360 Colborne Street**

Proposed Policy:

Proposed Policy Revision:

505.00 BULLYING PROHIBITION

First Reading **December 18, 2018**

Second Reading **January 22, 2019**

Third Reading **February 19, 2019**

COMMENTS:

**Saint Paul Public Schools
360 Colborne Street
Saint Paul, Minnesota 55102
651-767-8149**

Adopted: 8/21/2012
505.00
Revised: 6/24/2014

DRAFT – 11/19/18 Saint Paul Public Schools Policy

505.00 BULLYING PROHIBITION

I. PURPOSE

A safe and supportive environment is vital for Saint Paul Public Schools (“the District”) to support academic and social success for all of its students. Students attending school in the District are expected to respect themselves, the learning environment, other students, their parents/guardians, families and all staff. Bullying is strictly prohibited in the District. This policy addresses bullying of students; other policies apply to treatment of employees.

In an effort to provide a safe and positive school culture for all of its students for all students, it is the District’s intent to:

- Teach, model, and reinforce positive behavior, and
- Investigate, respond to, remediate, and discipline bullying behavior that has not been successfully prevented.

II. DEFINITIONS

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

(1) there is an actual or perceive imbalance of power between the student engaging in prohibited conduct and the target of the behavior and the conduct is repeated or forms a pattern; **OR**

(2) materially and substantially interferes with a student’s educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.

B. “Cyberbullying” means bullying using technology or other electronic communication, including but not limited to a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet Web site forum, transmitted through a computer, cell phone, or other electronic device.

C. “Prohibited conduct” means bullying or cyberbullying as defined in this policy or retaliation for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.

D. “Remedial response” means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of the student who is the target of the prohibited conduct.

E. Intimidating, threatening, abusive or harming conduct includes, but is not limited to, conduct that:

- causes physical harm to a student or a student’s property or causes a student to be in reasonable fear of harm to person or property;
- violates a student’s reasonable expectation of privacy;
- defames a student;

- constitutes intentional infliction of emotional distress against a student; or
 - is directed at any student or students, including those based on a person's actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation, including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic defined in chapter 363A.
 - creates a hostile educational environment for a student, or
 - subjects a student to intimidation, ridicule, embarrassment or social isolation.
- F. "Reprisal" means retaliation, intimidation, or any form of intentionally disparate treatment against any person who makes a good faith report of alleged bullying or against any person who testifies, assists, or participates in an investigation, proceeding or hearing relating to such bullying.

III. PROHIBITION

- A. Bullying or cyberbullying against a student, by either an individual or a group, is prohibited in Saint Paul Public Schools.
- B. Reprisals or retaliation by any student or District employee against any person who in good faith asserts, alleges, or reports prohibited conduct or provides information about such conduct are prohibited.
- C. Knowingly making a false report of bullying is prohibited.
- D. Prohibited conduct is prohibited:
1. On school property, school district-provided transportation, or at designated locations for students to wait for school district-provided transportation.
 2. During any school-sponsored or school-sanctioned program, activity, event or trip.
 3. Using school computers, electronic technology, networks, forums, or mailing lists.
 4. Using electronic technology off the school premises that materially and substantially disrupts a student's learning or school environment.
- E. This policy applies to individuals who directly engage in an act of bullying, as well as to those individuals who, by their behavior, indirectly support another's act of bullying.
1. Employees, volunteers, and contractors of the District shall not allow bullying. Any school employee who witnesses prohibited conduct, or possesses reliable information that would lead a reasonable person to suspect that a student is a target of prohibited conduct, must make reasonable efforts to address and resolve the prohibited conduct.
- This policy also applies to individuals who, by their indirect behavior, support another's act of bullying.
2. Apparent permission or consent by a student being bullied does not lessen the prohibitions contained in this policy.

IV. INVESTIGATIONS

- A. The responsible administrator for implementation of, and questions regarding, this policy in any school building is the building principal, site administrator, or principal's or site administrator's designee.
- B. Any person who believes he or she has been the victim of bullying or any person with knowledge or belief of conduct, which may constitute bullying, should

report the alleged acts immediately, or as soon after the incident as possible.

- C. The responsible administrator shall initiate an investigation into all reports of prohibited conduct within three school days of the report.
- D. Pending the completion of the investigation, the District shall take immediate steps to protect the target, reporter, students, bystanders, and others as necessary and consistent with applicable law.
- E. During the investigation, the individual alleged to have engaged in prohibited conduct will be allowed to present a defense.
- F. Complaints and investigations of bullying shall be documented using Form 415.00.1: Report of Discrimination, Harassment, Violence, Bullying and Other Offensive Behavior. The responsible administrator shall maintain all documentation regarding the complaint and investigation in accordance with procedures created by the Superintendent.
- G. The investigation shall be conducted in accordance with this policy and the procedures created by the Superintendent.
- H. A report of prohibited conduct may be made anonymously. However, the responsible administrator may not rely solely on an anonymous report to determine discipline.
- I. In determining whether a reported incident constitutes bullying, and the appropriate response, the District may take into account all relevant circumstances including, but not limited to, the following factors:
 - 1. The age, maturity, and understanding levels of the parties involved;
 - 2. The levels of harm, surrounding circumstances, and nature of the behavior;
 - 3. Past incidents or past or continuing patterns of behavior;
 - 4. The relationship between the parties involved; and
 - 5. The context in which the alleged incidents occurred.
- J. Data collected by the District during an investigation is subject to the Minnesota Government Data Practices Act and the Family Educational Rights and Privacy Act.

RESPONSES

- A. When a complaint of prohibited conduct is substantiated, the responsible administrator will consider all available remedial responses and take appropriate action and/or intervention in accordance with the Student Behavior Handbook: Rights and Responsibilities and the procedures created by the Superintendent.
- B. Where appropriate for a child with a disability to prevent or respond to prohibited conduct, the child's individualized education program or section 504 plan will

address the skills and proficiencies the child needs to respond to or not engage in prohibited conduct.

VI. PUBLICATION, INFORMATION, AND TRAINING

- A. This policy will be publicized through: (1) new employee materials; (2) inclusion in the Student Behavior Handbook: Rights and Responsibilities for Students, Parents, Guardians and Staff; (3) posting on the District's website; (4) provision to each school employee and independent contractor, if a contractor regularly interacts with students, at the time of employment with the District; and (5) conspicuous posting in summary form in administrative offices throughout the District.
- B. The District will require ongoing professional development, consistent with the law, to ensure implementation of this policy.
- C. The District will provide information about available community resources to the target of prohibited conduct, the actor, and other affected individuals, as appropriate.

LEGAL REFERENCES:

Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. § 121A.03 (Model Policy)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.69 (Hazing Policy)

CROSS REFERENCES:

102.00 Equal Opportunity/Non-Discrimination
415.00 Harassment, Violence and Other Offensive Behavior
501.00 Hazing Prohibition
506.00 Student Discipline
Student Behavior Handbook: Rights and Responsibilities
520.00 Technology Usage and Safety

Adopted: 8/21/2012
505.00
Revised: 6/24/2014

DRAFT – 11/196/5/18 Saint Paul Public Schools Policy

505.00 BULLYING PROHIBITION

I. PURPOSE

A safe and civil supportive environment is ~~needed for students to learn and attain high academic standards and to promote healthy human relationships, vital for Saint Paul Public Schools (“the District”) to support academic and social success for all of its students. Students attending school in the District are expected to respect themselves, the learning environment, other students, their parents/guardians, families and all staff. Bullying, like other intimidation, harassment, violence, and offensive behavior, has the purpose or effect of creating a hostile educational environment and may place a student in reasonable fear of harm to his or her person or property. Bullying interferes with students’ ability to learn and teachers’ ability to educate students and, as such,~~ is strictly prohibited in Saint Paul Public Schools (the District). This policy addresses bullying of students; other policies apply to treatment of employees. ~~Related policies addressing student behavior are listed for reference at the end of this policy.~~

~~In an effort to provide a safe and positive school culture for all of its students The District cannot monitor the activities of students at all times or eliminate all bullying. However, to the extent such conduct affects the educational environment of the school district and the rights and welfare of its students and is within the control of the school district in its normal operations for all students,~~ it is the District’s intent to:

- Teach, Prevent bullying by teaching and modeling, and reinforce positive behavior, and
- Investigate, respond to, remediate, and discipline bullying behavior that has not been successfully prevented.

II. DEFINITIONS

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

(1) there is an actual or perceive imbalance of power between the student engaging in prohibited conduct and the target of the behavior and the conduct is repeated or forms a pattern; OR

(2) materially and substantially interferes with a student’s educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.

any verbal or electronic expression, physical act or gesture, or pattern thereof, that has the purpose or effect of causing distress to one or more students and which materially and substantially interferes with educational benefits, opportunities, or performance of the student(s).

B. “Cyberbullying” means bullying using technology or other electronic communication, including but not limited to a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet Web site forum, transmitted through a computer, cell phone, or other electronic device.

C. “Prohibited conduct” means bullying or cyberbullying as defined in this policy or retaliation for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.

D. “Remedial response” means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of the student who is the target of the prohibited conduct.

E. Bullying, intimidating, threatening, abusive or harming conduct includes, but is not limited to, conduct ~~against a student that a reasonable person under the circumstances knows or should know has the effect of that:~~

- causes physical harm to a student or a student’s property or causes a student to be in reasonable fear of harm to person or property;
- ~~harming a student,~~
~~damaging a student’s property,~~
~~placing a student in reasonable fear of harm to his or her person or property,~~
~~violatesing a student’s reasonable expectation of privacy;~~
- ~~defamesing a student;~~
 - constitutes intentionally inflicting infliction of emotional distress against a student;
or
 - is directed at any student or students, including those based on a person’s actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation, including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic defined in chapter 363A.
- ~~createsing a hostile educational environment for a student, or~~
- ~~subjectsing a student to intimidation, ridicule, embarrassment or social isolation.~~

~~A-F.~~ “Reprisal” means retaliation, intimidation, or any form of intentionally disparate treatment against any person who makes a good faith report of alleged bullying or against any person who testifies, assists, or participates in an investigation, proceeding or hearing relating to such bullying.

III. PROHIBITION

A. -Bullying or cyberbullying against a student, by either an individual or a group, is prohibited in Saint Paul Public Schools. ~~This includes but is not limited to, prohibited conduct directed toward any student or students, including those based on a person’s actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socio-economic status, physical appearance, sexual orientation, including gender identity and expression, academic status related to student performance, disability or status with regard to public assistance, age or any additional characteristics.~~

B. Reprisals or retaliation by any student or District employee against any person who in good faith asserts, alleges, or reports prohibited conduct or provides information about such conduct are prohibited.

C. Knowingly making a false report of bullying is prohibited.

D. Prohibited conduct is prohibited:

1. On school property, school district-provided transportation, or at designated locations for students to wait for school district-provided transportation.
2. During any school-sponsored or school-sanctioned program, activity, event or trip.

3. Using school computers, electronic technology, networks, forums, or mailing lists.
4. Using electronic technology off the school premises that materially and substantially disrupts a student's learning or school environment.
- E. This policy applies to individuals who directly engage in an act of bullying, as well as to those individuals who, by their behavior, indirectly support another's act of bullying.

1. Employees, volunteers, and contractors of the District shall not allow bullying. Any school employee who witnesses prohibited conduct, or possesses reliable information that would lead a reasonable person to suspect that a student is a target of prohibited conduct, must make reasonable efforts to address and resolve the prohibited conduct.

~~2. This policy applies to incidents and situations that occur on any property owned or controlled by the District or occurring in connection with any activity sponsored or associated with the District, including district technology resources.~~

~~This policy applies to individuals who directly engage in an act of bullying~~

This policy also applies to individuals who, by their indirect behavior, support another's act of bullying.

~~3.2.~~ Apparent permission or consent by a student being bullied does not lessen the prohibitions contained in this policy.

~~Any individual who engages in an act of bullying, reprisal, or false reporting of bullying, or who supports bullying, shall be subject to discipline for that act in accordance with district policies. The District may take into account the following factors:~~

~~The developmental and maturity levels of the parties involved;~~

~~The levels of harm, surrounding circumstances, and nature of the behavior;~~

~~Past incidents or past or continuing patterns of behavior;~~

~~The relationship between the parties involved; and~~

~~The context in which the alleged incidents occurred.~~

IV. INVESTIGATIONS

A. The responsible administrator for implementation of, and questions regarding, this policy in any school building is the building principal, site administrator, or principal's or site administrator's designee.

B. Any person who believes he or she has been the victim of bullying or any person with knowledge or belief of conduct, which may constitute bullying, should report the alleged acts immediately, or as soon after the incident as possible.

C. The responsible administrator shall initiate an investigation into all reports of prohibited conduct within three school days of the report.

D. Pending the completion of the investigation, the District shall take immediate steps to protect the target, reporter, students, bystanders, and others as necessary and consistent with applicable law.

E. During the investigation, the individual alleged to have engaged in prohibited conduct will be allowed to present a defense.

F. Complaints and investigations of bullying shall be documented using Form 415.00.1: Report of Discrimination, Harassment, Violence, Bullying and Other Offensive Behavior. The responsible administrator shall maintain all

documentation regarding the complaint and investigation in accordance with procedures created by the Superintendent.

G. The investigation shall be conducted in accordance with this policy and the procedures created by the Superintendent.

H. A report of prohibited conduct may be made anonymously. However, the responsible administrator may not rely solely on an anonymous report to determine discipline.

I. In determining whether a reported incident constitutes bullying, and the appropriate response, the District may take into account all relevant circumstances including, but not limited to, the following factors:

1. The age, maturity, and understanding levels of the parties involved;
2. The levels of harm, surrounding circumstances, and nature of the behavior;
3. Past incidents or past or continuing patterns of behavior;
4. The relationship between the parties involved; and
5. The context in which the alleged incidents occurred.

J. Data collected by the District during an investigation is subject to the Minnesota Government Data Practices Act and the Family Educational Rights and Privacy Act.

-RESPONSES

A. When a complaint of prohibited conduct is substantiated, the responsible administrator will consider all available remedial responses and take appropriate action and/or intervention in accordance with the Student Behavior Handbook: Rights and Responsibilities and the procedures created by the Superintendent.

B. Where appropriate for a child with a disability to prevent or respond to prohibited conduct, the child's individualized education program or section 504 plan will address the skills and proficiencies the child needs to respond to or not engage in prohibited conduct.

VI. PUBLICATION, INFORMATION, AND TRAINING

A. This policy will be publicized through: (1) new employee materials; (2) inclusion in the Student Behavior Handbook: Rights and Responsibilities for Students, Parents, Guardians and Staff; (3) posting on the District's website; (4) provision to each school employee and independent contractor, if a contractor regularly interacts with students, at the time of employment with the District; and (5) conspicuous posting in summary form in administrative offices throughout the District.

B. The District will require ongoing professional development, consistent with the law, to ensure implementation of this policy.

A.C. The District will provide information about available community resources to the target of prohibited conduct, the actor, and other affected individuals, as appropriate.

LEGAL REFERENCES:

Minn. Stat. § 121A.031 (School Student Bullying Policy)

~~Minn. Stat. § 120B.232 (Character Development Education)~~

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

~~Minn. Stat. § 121A.0695 (School Board Policy; Prohibiting Intimidation and Bullying)~~

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

Minn. Stat. § 121A.69 (Hazing Policy)

CROSS REFERENCES:

102.00 Equal Opportunity/Non-Discrimination

415.00 Harassment, Violence and Other Offensive Behavior

501.00 Hazing Prohibition

506.00 Student Discipline

Student Behavior Handbook: Rights and Responsibilities

520.00 Technology Usage and Safety

**INDEPENDENT SCHOOL DISTRICT NO. 625
Saint Paul, Minnesota
360 Colborne Street**

Proposed Policy:

417.00 DRUG AND ALCOHOL TESTING FOR DRIVERS

Proposed Policy Revision:

First Reading	<u>February 19, 2019</u>
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Second Reading	
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Third Reading	
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COMMENTS:

**Saint Paul Public Schools
360 Colborne Street
Saint Paul, Minnesota 55102
651-767-8149**

Adopted: _____

Saint Paul Public Schools Policy 417.00

Revised: _____

417 DRUG AND ALCOHOL TESTING FOR DRIVERS

I. PURPOSE

- A. Saint Paul Public Schools (SPPS) recognizes the significant problems created by drug and alcohol use in society in general, and the public schools in particular. SPPS further recognizes the important contribution that the public schools have in shaping the youth of today into the adults of tomorrow.
- B. The purpose of this policy is to outline SPPS's implementation of the drug and alcohol testing that is required by federal law for all job applicants and employees whose positions require a commercial driver's license .

II. GENERAL STATEMENT OF POLICY

- A. All school district employees and job applicants whose positions require a commercial driver's license will be required to undergo drug and alcohol testing in accordance with federal law and the applicable provisions of this policy. SPPS also may request or require that drivers submit to drug and alcohol testing in accordance with the provisions of Board Policy 416.00 and as provided in Minn. Stat. §§ 181.950-181.957.
.
- B. The use, possession, sale, purchase, transfer, or dispensing of any drugs not medically prescribed, including medical cannabis, regardless of whether it has been prescribed for the employee, is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of drugs which are not medically prescribed, including medical cannabis, regardless of whether it has been prescribed for the employee, is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of drugs which are not medically prescribed are prohibited from entering or remaining on school district property.
- C. The use, possession, sale, purchase, transfer, or dispensing of alcohol is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of alcohol is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of alcohol are prohibited from entering or remaining on school district property.

- D. Any employee who violates this section shall be subject to discipline which includes, but is not limited to, immediate suspension without pay and immediate discharge.

III. FEDERALLY MANDATED DRUG AND ALCOHOL TESTING FOR DRIVERS

A. General Statement of Policy

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

B. Definitions

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

and independent owner-operator contractors.

8. “Evidential Breath Testing Device” (EBT) means a device approved by the National Highway Traffic Safety Administration for the evidentiary testing of breath for alcohol concentration and placed on its Conforming Products List for such devices.
9. “Medical Review Officer” (MRO) means a licensed physician responsible for receiving and reviewing laboratory results generated by the school district’s drug testing program and for evaluating medical explanations for certain drug tests.
10. “Refusal to Submit” (to an alcohol or controlled substances test) means that a driver: (a) fails to appear for any test within a reasonable time, as determined by the school district, consistent with applicable DOT regulations, after being directed to do so; (b) fails to remain at the testing site until the testing process is complete; (c) fails to provide a urine specimen or an adequate amount of saliva or breath for any DOT drug or alcohol test; (d) fails to permit the observation or monitoring of the driver’s provision of a specimen in the case of a directly observed or monitored collection in a drug test; (e) fails to provide a sufficient breath specimen or sufficient amount of urine when directed and a determination has been made that no adequate medical explanation for the failure exists; (f) fails or declines to take an additional test as directed; (g) fails to undergo a medical examination or evaluation, as directed by the MRO or the DER; (h) fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process, fails to wash hands after being directed to do so by the collector, fails to sign the certification on the forms); (i) fails to follow the observer’s instructions, in an observed collection, to raise the driver’s clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if the driver has any type of prosthetic or other device that could be used to interfere with the collection process; (j) possesses or wears a prosthetic or other device that could be used to interfere with the collection process; (k) admits to the collector or MRO that the driver adulterated or substituted the specimen; or (l) is reported by the MRO as having a verified adulterated or substituted test result. An applicant who fails to appear for a pre-employment test, who leaves the testing site before the pre-employment testing process commences, or who does not provide a urine specimen because he or she has left before it commences is not deemed to have refused to submit to testing.
11. “Safety-sensitive functions” are on-duty functions from the time the driver begins work or is required to be in readiness to work until relieved from work, and include such functions as driving, loading and unloading vehicles, or supervising or assisting in the loading or unloading of vehicles,

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

12. “Screening Test Technician” (STT) means anyone who instructs and assists individuals in the alcohol testing process and operates an ASD.
13. “Stand Down” means to temporarily remove an employee from performing safety-sensitive functions after a laboratory reports a confirmed positive, an adulterated, or a substituted test result but before the MRO completes the verification process.
14. “Substance Abuse Professional” (SAP) means a qualified person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

C. Policy and Educational Materials

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

D. Alcohol and Controlled Substances Testing Program Manager

1. The program manager will coordinate the implementation, direction, and administration of the alcohol and controlled substances testing policy for bus drivers. The program manager is the principal contact for the collection site, the testing laboratory, the MRO, the BAT, the SAP, and the person submitting to the test. Employee questions concerning this policy shall be directed to the program manager.

2. The school district shall designate a program manager and provide written notice of the designation to each driver along with this policy.

E. Specific Prohibitions for Drivers

1. Alcohol Concentration. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Drivers who test greater than 0.04 will be taken out of service and will be subject to evaluation by a professional and retesting at the driver's expense.
2. Alcohol Possession. No driver shall be on duty or operate a CMV while the driver possesses alcohol.
3. On-Duty Use. No driver shall use alcohol while performing safety-sensitive functions.
4. Pre-Duty Use. No driver shall perform safety-sensitive functions within four (4) hours after using alcohol.
5. Use Following an Accident. No driver required to take a post-accident test shall use alcohol for eight (8) hours following the accident, or until he or she undergoes a post-accident alcohol test, whichever occurs first.
6. Refusal to Submit to a Required Test. No driver shall refuse to submit to an alcohol or controlled substances test required by post-accident, random, reasonable suspicion, return-to-duty, or follow-up testing requirements. A verified adulterated or substituted drug test shall be considered a refusal to test.
7. Use of Controlled Substances. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to instructions (which have been presented to the school district) from a licensed physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV. Controlled substance includes medical cannabis, regardless of whether the driver is enrolled in the state registry program.
8. Positive, Adulterated, or Substituted Test for Controlled Substance. No driver shall report for duty, remain on duty, or perform a safety-sensitive function if the driver tests positive for controlled substances, including medical cannabis, or has adulterated or substituted a test specimen for controlled substances.
9. General Prohibition. Drivers are also subject to the general policies and

procedures of the school district which prohibit the possession, transfer, sale, exchange, reporting to work under the influence of drugs or alcohol, and consumption of drugs or alcohol while at work or while on school district premises or operating any school district vehicle, machinery, or equipment.

F. Other Alcohol-Related Conduct

No driver found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform safety-sensitive functions for at least twenty-four (24) hours following administration of the test. The school district will not take any action under this policy other than removal from safety-sensitive functions based solely on test results showing an alcohol concentration of less than 0.04 but may take action otherwise consistent with law and policy of the school district.

G. Prescription Drugs

A driver shall inform his or her supervisor if at any time the driver is using a controlled substance pursuant to a physician's prescription. The physician's instructions shall be presented to the school district upon request. Use of a prescription drug shall be allowed if the physician has advised the driver that the prescribed drug will not adversely affect the driver's ability to safely operate a CMV. Use of medical cannabis is prohibited notwithstanding the driver's enrollment in the patient registry.

H. Testing Requirements

1. Pre-Employment Testing

- a. A driver applicant shall undergo testing for alcohol and controlled substances, including medical cannabis, before the first time the driver performs safety-sensitive functions for the school district.
- b. Tests shall be conducted only after the applicant has received a conditional offer of employment.
- c. In order to be hired, the applicant must test negative and must sign an agreement in the form of Attachment B to this policy, authorizing former employers to release to the school district all information on the applicant's alcohol tests with results of blood alcohol concentration of 0.04 or higher, or verified positive results for controlled substances, including medical cannabis, or refusals to be tested (including verified adulterated or substituted drug test results), or any other violations of DOT agency drug and alcohol testing regulations, or, if the applicant violated the testing regulations, documentation of the applicant's successful completion of DOT return-to-duty requirements (including follow-up tests),

within the preceding two (2) years.

- d. The applicant also must be asked whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee, during the last two (2) years, applied for, but did not obtain, safety-sensitive transportation work covered by DOT testing rules.

2. Post-Accident Testing

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

3. Random Testing

- a. The school district shall conduct tests on a random basis at unannounced times throughout the year, as required by the federal regulations.
- b. The school district shall test for alcohol at a minimum annual

percentage rate of 10% of the average number of driver positions, and for controlled substances, including medical cannabis, at a minimum annual percentage of 50%.

- c. The school district shall adopt a scientifically valid method for selecting drivers for testing, such as random number table or a computer-based random number generator that is matched with identifying numbers of the drivers. Each driver shall have an equal chance of being tested each time selections are made.
- d. Random tests shall be unannounced. Dates for administering random tests shall be spread reasonably throughout the calendar year.
- e. Drivers shall proceed immediately to the collection site upon notification of selection; provided, however, that if the driver is performing a safety-sensitive function, other than driving, at the time of notification, the driver shall cease to perform the function and proceed to the collection site as soon as possible.

4. Reasonable Suspicion Testing

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

not administering the test.

- d. The supervisor or school district official who makes observations leading to a controlled substances reasonable suspicion test shall make and sign a written record of the observations within twenty-four (24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

5. Return-To-Duty Testing. A driver found to have violated this policy shall not return to work until an SAP has determined the employee has successfully complied with prescribed education and/or treatment and until undergoing return-to-duty tests indicating an alcohol concentration of less than 0.02 and a confirmed negative result for the use of controlled substances.

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

7. Refusal to Submit and Attendant Consequences

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

will be required to sign Attachment C to this policy.

I. Testing Procedures

1. Drug Testing

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

notice of the confirmed positive test, or other circumstances unavoidably prevented the donor from timely making contact. If the MRO concludes that a legitimate explanation for the donor's failure to contact him/her within seventy-two (72) hours exists, the MRO shall direct the analysis of the split specimen. The MRO will review the confirmed positive test result to determine whether an acceptable medical reason for the positive result exists. The MRO shall confirm and report a positive test result to the DER and the employee when no legitimate medical reason for a positive test result as received from the testing laboratory exists.

- e. If, after making reasonable efforts and documenting those efforts, the MRO is unable to reach the donor directly, the MRO must contact the DER who will direct the donor to contact the MRO. If the DER is unable to contact the donor, the donor will be suspended from performing safety-sensitive functions.
- f. The MRO may confirm the test as a positive without having communicated directly with the donor about the test results under the following circumstances:
 - (1) The donor expressly declines the opportunity to discuss the test results;
 - (2) The donor has not contacted the MRO within seventy-two (72) hours of being instructed to do so by the DER; or
 - (3) The MRO and the DER, after making and documenting all reasonable efforts, have not been able to contact the donor within ten (10) days of the date the confirmed test result was received from the laboratory.

2. Alcohol Testing

- a. The federal alcohol testing regulations require testing to be administered by a BAT using an EBT or an STT using an ASD. EBTs and ASDs can be used for screening tests but only EBTs can be used for confirmation tests.
- b. Any test result less than 0.02 alcohol concentration is considered a "negative" test.
- c. If the donor is unable to provide sufficient saliva for an ASD, the DER will immediately arrange to use an EBT. If the donor attempts and fails to provide an adequate amount of breath, the school district will direct the donor to obtain a written evaluation from a licensed physician to determine if the donor's inability to provide a breath

sample is genuine or constitutes a refusal to test.

- d. If the screening test results show alcohol concentration of 0.02 or higher, a confirmatory test conducted on an EBT will be required to be performed between fifteen (15) and thirty (30) minutes after the completion of the screening test.
- e. Alcohol tests are reported directly to the DER.

J. Driver/Driver Applicant Rights

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

K. Testing Laboratory

The testing laboratory for controlled substances will be Concentra, Inc., 570 Asbury Street, Suite 101, Saint Paul, Minnesota, (651) 888-6540, which is a laboratory certified by the Department of Health and Human Services – SAMHSA to perform controlled substances testing pursuant to federal regulations.

L. Confidentiality of Test Results

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

Consistent with federal regulations, the District must report the following information to the Commercial Driver's License Drug and Alcohol Clearinghouse: (i) a verified positive, adulterated, or substituted drug test result; (ii) an alcohol confirmation test with a concentration of 0.04 or higher; (iii) a refusal to submit to any test required by 49 CFR § 382, subpart C; (iv) the District's actual knowledge on duty alcohol use, pre-duty alcohol use, alcohol use following an accident, and controlled substance use; (v) a SAP report of the successful completion of the return-to-duty process; (vi) a negative return-to-duty test; and (vii) the District's report of completion of follow-up testing.

M. Recordkeeping Requirements and Retention of Records

1. The school district shall keep and maintain records in accordance with the federal regulations in a secure location with controlled access.

2. The required records shall be retained for the following minimum periods:

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

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

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

N. Training

The school district shall ensure all persons designated to supervise drivers receive

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

O. Consequences of Prohibited Conduct and Enforcement

1. Removal. The school district shall remove a driver who has engaged in prohibited conduct from safety-sensitive functions. A driver shall not be permitted to return to safety-sensitive functions until and unless the return-to-duty requirements of federal DOT regulations have been completed.
2. Referral, Evaluation, and Treatment
 - a. A driver or driver applicant who has engaged in prohibited conduct shall be provided a listing of SAPs readily available to the driver or applicant and acceptable to the school district.
 - b. If the school district offers a driver an opportunity to return to a DOT safety-sensitive duty following a violation, the driver must be evaluated by an SAP and the driver is required to successfully comply with the SAP's evaluation recommendations (education, treatment, follow-up evaluation(s), and/or ongoing services). The school district is not required to provide an SAP evaluation or any subsequent recommended education or treatment.
 - c. Drivers are responsible for payment for SAP evaluations and services unless a collective bargaining agreement or employee benefit plan provides otherwise.
 - d. Drivers who engage in prohibited conduct also are required to comply with follow-up testing requirements.
3. Disciplinary Action
 - a. Any driver who refuses to submit to post-accident, random, reasonable suspicion, or follow-up testing not only shall not perform or continue to perform safety-sensitive functions, but also may be subject to disciplinary action, which may include immediate suspension without pay and/or immediate discharge.
 - b. Drivers who test positive with verification of a confirmatory test or are otherwise found to be in violation of this policy or the federal regulations shall be subject to disciplinary action, which may include immediate suspension without pay and/or immediate

discharge.

- c. Nothing in this policy limits or restricts the right of the school district to discipline or discharge a driver for conduct which not only constitutes prohibited conduct under this policy but also violates the school district's other rules or policies.

P. Other Testing

The school district may request or require that drivers submit to drug and alcohol testing other than that required by federal law. For example, drivers may be requested or required to undergo drug and alcohol testing on an annual basis as part of a routine physical examination. Such additional testing of drivers will be conducted only in accordance with the provisions of Board policy 416.00 and as provided in Minn. Stat. §§ 181.950-181.957. For purposes of such additional, non-mandatory testing, drivers fall within the definition of "other employees" covered by Board Policy 416.00.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. Ch. 43A (State Personnel Management)
Minn. Stat. § 152.22 (Medical Cannabis; Definitions)
Minn. Stat. § 152.23 (Medical Cannabis; Limitations)
Minn. Stat. § 152.32 (Protections for Registry Program Participation)
Minn. Stat. §§ 181.950-181.957 (Drug and Alcohol Testing in the Workplace)
Minn. Stat. § 221.031 (Motor Carrier Rules)
49 U.S.C. § 31306 (Omnibus Transportation Employee Testing Act of 1991)
49 U.S.C. § 521(b) (Civil and Criminal Penalties for Violations)
49 C.F.R. Parts 40 and 382 (Department of Transportation Rules Implementing Omnibus Transportation Employee Testing Act of 1991)

Cross-References:

304 Records: Data Management
413 Drug-Free Workplace
413.01 Chemical Use and Abuse
414 Tobacco-Free Environment
405 Records: Personnel Records

Adopted: _____

Saint Paul Public Schools Policy 4176.00

Revised: _____

4176 DRUG AND ALCOHOL TESTING FOR DRIVERS

I. PURPOSE

- A. Saint Paul Public Schools (SPPS) recognizes the significant problems created by drug and alcohol use in society in general, and the public schools in particular. SPPS further recognizes the important contribution that the public schools have in shaping the youth of today into the adults of tomorrow.
- B. ~~SPPS believes that a work environment free of drug and alcohol use will be not only safer, healthier, and more productive but also more conducive to effective learning. Therefore, to provide such an environment, t~~The purpose of this policy is to ~~provide authority outline~~ SPPS's implementation of the drug and alcohol testing that is required by federal law so that SPPS may require all employees for all job applicants and employees whose positions require a commercial driver's license and/or job applicants to submit to drug and alcohol testing in accordance with the provisions of this policy and as provided in federal law and Minn. Stat. §§ 181.950-181.957.

II. GENERAL STATEMENT OF POLICY

- A. All school district employees and job applicants whose positions require a commercial driver's license will be required to undergo drug and alcohol testing in accordance with federal law and the applicable provisions of this policy. SPPS also may request or require that drivers submit to drug and alcohol testing in accordance with the provisions of ~~this policy~~ Board Policy 416.00 and as provided in Minn. Stat. §§ 181.950-181.957.
- ~~B. The school district may request or require that any SPPS employee, other than an employee or applicant whose position requires a commercial driver's license, submit to drug and alcohol testing in accordance with the provisions of this policy and as provided in Minn. Stat. §§ 181.950-181.957.~~
- ~~C.B.~~ The use, possession, sale, purchase, transfer, or dispensing of any drugs not medically prescribed, including medical cannabis, regardless of whether it has been prescribed for the employee, is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of drugs which are not medically prescribed, including medical cannabis, regardless of whether it has been prescribed for the employee, is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of drugs which are not medically

prescribed are prohibited from entering or remaining on school district property.

DC. The use, possession, sale, purchase, transfer, or dispensing of alcohol is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of alcohol is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of alcohol are prohibited from entering or remaining on school district property.

ED. Any employee who violates this section shall be subject to discipline which includes, but is not limited to, immediate suspension without pay and immediate discharge.

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

A. General Statement of Policy

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

B. Definitions

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

district representative authorized to take immediate action to remove employees from safety-sensitive duties, to make required decisions in the testing and evaluation process, and to receive test results and other communications for the school district.

6. “Department of Transportation” (DOT) means United States Department of Transportation.
7. “Driver” is any person who operates a CMV, including full-time, regularly employed drivers, casual, intermittent or occasional drivers, leased drivers, and independent owner-operator contractors.
8. “Evidential Breath Testing Device” (EBT) means a device approved by the National Highway Traffic Safety Administration for the evidentiary testing of breath for alcohol concentration and placed on its Conforming Products List for such devices.
9. “Medical Review Officer” (MRO) means a licensed physician responsible for receiving and reviewing laboratory results generated by the school district’s drug testing program and for evaluating medical explanations for certain drug tests.
10. “Refusal to Submit” (to an alcohol or controlled substances test) means that a driver: (a) fails to appear for any test within a reasonable time, as determined by the school district, consistent with applicable DOT regulations, after being directed to do so; (b) fails to remain at the testing site until the testing process is complete; (c) fails to provide a urine specimen or an adequate amount of saliva or breath for any DOT drug or alcohol test; (d) fails to permit the observation or monitoring of the driver’s provision of a specimen in the case of a directly observed or monitored collection in a drug test; (e) fails to provide a sufficient breath specimen or sufficient amount of urine when directed and a determination has been made that no adequate medical explanation for the failure exists; (f) fails or declines to take an additional test as directed; (g) fails to undergo a medical examination or evaluation, as directed by the MRO or the DER; (h) fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process, fails to wash hands after being directed to do so by the collector, fails to sign the certification on the forms); (i) fails to follow the observer’s instructions, in an observed collection, to raise the driver’s clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if the driver has any type of prosthetic or other device that could be used to interfere with the collection process; (j) possesses or wears a prosthetic or other device that could be used to interfere with the collection process; (k) admits to the collector or MRO that the driver adulterated or substituted the specimen; or (l) is reported by the MRO as having a verified adulterated or substituted test

result. An applicant who fails to appear for a pre-employment test, who leaves the testing site before the pre-employment testing process commences, or who does not provide a urine specimen because he or she has left before it commences is not deemed to have refused to submit to testing.

11. “Safety-sensitive functions” are on-duty functions from the time the driver begins work or is required to be in readiness to work until relieved from work, and include such functions as driving, loading and unloading vehicles, or supervising or assisting in the loading or unloading of vehicles, servicing, repairing, obtaining assistance to repair, or remaining in attendance during the repair of a disabled vehicle.
12. “Screening Test Technician” (STT) means anyone who instructs and assists individuals in the alcohol testing process and operates an ASD.
13. “Stand Down” means to temporarily remove an employee from performing safety-sensitive functions after a laboratory reports a confirmed positive, an adulterated, or a substituted test result but before the MRO completes the verification process.
14. “Substance Abuse Professional” (SAP) means a qualified person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

C. Policy and Educational Materials

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

driver if the driver so requests.

D. Alcohol and Controlled Substances Testing Program Manager

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

E. Specific Prohibitions for Drivers

1. Alcohol Concentration. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Drivers who test greater than 0.04 will be taken out of service and will be subject to evaluation by a professional and retesting at the driver's expense.
2. Alcohol Possession. No driver shall be on duty or operate a CMV while the driver possesses alcohol.
3. On-Duty Use. No driver shall use alcohol while performing safety-sensitive functions.
4. Pre-Duty Use. No driver shall perform safety-sensitive functions within four (4) hours after using alcohol.
5. Use Following an Accident. No driver required to take a post-accident test shall use alcohol for eight (8) hours following the accident, or until he or she undergoes a post-accident alcohol test, whichever occurs first.
6. Refusal to Submit to a Required Test. No driver shall refuse to submit to an alcohol or controlled substances test required by post-accident, random, reasonable suspicion, return-to-duty, or follow-up testing requirements. A verified adulterated or substituted drug test shall be considered a refusal to test.
7. Use of Controlled Substances. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to instructions (which have been presented to the school district) from a licensed physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV. Controlled

substance includes medical cannabis, regardless of whether the driver is enrolled in the state registry program.

8. Positive, Adulterated, or Substituted Test for Controlled Substance. No driver shall report for duty, remain on duty, or perform a safety-sensitive function if the driver tests positive for controlled substances, including medical cannabis, or has adulterated or substituted a test specimen for controlled substances.
9. General Prohibition. Drivers are also subject to the general policies and procedures of the school district which prohibit the possession, transfer, sale, exchange, reporting to work under the influence of drugs or alcohol, and consumption of drugs or alcohol while at work or while on school district premises or operating any school district vehicle, machinery, or equipment.

F. Other Alcohol-Related Conduct

No driver found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform safety-sensitive functions for at least twenty-four (24) hours following administration of the test. The school district will not take any action under this policy other than removal from safety-sensitive functions based solely on test results showing an alcohol concentration of less than 0.04 but may take action otherwise consistent with law and policy of the school district.

G. Prescription Drugs

A driver shall inform his or her supervisor if at any time the driver is using a controlled substance pursuant to a physician's prescription. The physician's instructions shall be presented to the school district upon request. Use of a prescription drug shall be allowed if the physician has advised the driver that the prescribed drug will not adversely affect the driver's ability to safely operate a CMV. Use of medical cannabis is prohibited notwithstanding the driver's enrollment in the patient registry.

H. Testing Requirements

1. Pre-Employment Testing

- a. A driver applicant shall undergo testing for alcohol and controlled substances, including medical cannabis, before the first time the driver performs safety-sensitive functions for the school district.
- b. Tests shall be conducted only after the applicant has received a conditional offer of employment.
- c. In order to be hired, the applicant must test negative and must sign

an agreement in the form of Attachment B to this policy, authorizing former employers to release to the school district all information on the applicant's alcohol tests with results of blood alcohol concentration of 0.04 or higher, or verified positive results for controlled substances, including medical cannabis, or refusals to be tested (including verified adulterated or substituted drug test results), or any other violations of DOT agency drug and alcohol testing regulations, or, if the applicant violated the testing regulations, documentation of the applicant's successful completion of DOT return-to-duty requirements (including follow-up tests), within the preceding two (2) years.

- d. The applicant also must be asked whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee, during the last two (2) years, applied for, but did not obtain, safety-sensitive transportation work covered by DOT testing rules.

2. Post-Accident Testing

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

administer the test, and prepare and maintain on file a record stating the reasons for not administering the test.

3. Random Testing

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

4. Reasonable Suspicion Testing

- a. The school district shall require a driver to submit to an alcohol test and/or controlled substances, including medical cannabis, test when a supervisor or school district official, who has been trained in accordance with the regulations, has reasonable suspicion to believe that the driver has used alcohol and/or controlled substances, including medical cannabis, on duty or within four (4) hours before coming on duty. The test shall be done as soon as practicable following the observation of the behavior indicative of the use of controlled substances or alcohol.
- b. The reasonable suspicion determination must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech, or body odors. The required observations for reasonable suspicion of a controlled substances violation may include indications of the chronic and withdrawal

effects of controlled substances.

- c. Alcohol testing shall be administered within two (2) hours following a determination of reasonable suspicion. If it is not done within two (2) hours, the school district shall prepare and maintain a record explaining why it was not promptly administered and continue to attempt to administer the alcohol test within eight (8) hours. If an alcohol test is not administered within eight (8) hours following the determination of reasonable suspicion, the school district shall cease attempts to administer the test and state in the record the reasons for not administering the test.
 - d. The supervisor or school district official who makes observations leading to a controlled substances reasonable suspicion test shall make and sign a written record of the observations within twenty-four (24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier.
- 5. Return-To-Duty Testing. A driver found to have violated this policy shall not return to work until an SAP has determined the employee has successfully complied with prescribed education and/or treatment and until undergoing return-to-duty tests indicating an alcohol concentration of less than 0.02 and a confirmed negative result for the use of controlled substances.
- 6. Follow-Up Testing. When an SAP has determined that a driver is in need of assistance in resolving problems with alcohol and/or controlled substances, the driver shall be subject to unannounced follow-up testing as directed by the SAP for up to sixty (60) months after completing a treatment program.
- 7. Refusal to Submit and Attendant Consequences
 - a. A driver or driver applicant may refuse to submit to drug and alcohol testing.
 - b. Refusal to submit to a required drug or alcohol test subjects the driver or driver applicant to the consequences specified in federal regulations as well as the civil and/or criminal penalty provisions of 49 U.S.C. § 521(b). In addition, a refusal to submit to testing establishes a presumption that the driver or driver applicant would test positive if a test were conducted and makes the driver or driver applicant subject to discipline or disqualification under this policy.
 - c. A driver applicant who refuses to submit to testing shall be disqualified from further consideration for the conditionally offered position.

- d. An employee who refuses to submit to testing shall not be permitted to perform safety-sensitive functions and will be considered insubordinate and subject to disciplinary action, up to and including dismissal. If an employee is offered an opportunity to return to a DOT safety-sensitive duty, the employee will be evaluated by an SAP and must submit to a return-to-duty test prior to being considered for reassignment to safety-sensitive functions.
- e. Drivers or driver applicants who refuse to submit to required testing will be required to sign Attachment C to this policy.

I. Testing Procedures

1. Drug Testing

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

No split specimen testing is done for an invalid result.

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

2. Alcohol Testing

- a. The federal alcohol testing regulations require testing to be administered by a BAT using an EBT or an STT using an ASD. EBTs and ASDs can be used for screening tests but only EBTs can

be used for confirmation tests.

- b. Any test result less than 0.02 alcohol concentration is considered a “negative” test.
- c. If the donor is unable to provide sufficient saliva for an ASD, the DER will immediately arrange to use an EBT. If the donor attempts and fails to provide an adequate amount of breath, the school district will direct the donor to obtain a written evaluation from a licensed physician to determine if the donor’s inability to provide a breath sample is genuine or constitutes a refusal to test.
- d. If the screening test results show alcohol concentration of 0.02 or higher, a confirmatory test conducted on an EBT will be required to be performed between fifteen (15) and thirty (30) minutes after the completion of the screening test.
- e. Alcohol tests are reported directly to the DER.

J. Driver/Driver Applicant Rights

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

K. Testing Laboratory

The testing laboratory for controlled substances will be Concentra, Inc., 570 Asbury Street, Suite 101, Saint Paul, Minnesota, (651) 888-6540, which is a laboratory certified by the Department of Health and Human Services – SAMHSA to perform controlled substances testing pursuant to federal regulations.

L. Confidentiality of Test Results

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

Consistent with federal regulations, the District must report the following information to the Commercial Driver's License Drug and Alcohol Clearinghouse: (i) a verified positive, adulterated, or substituted drug test result; (ii) an alcohol confirmation test with a concentration of 0.04 or higher; (iii) a refusal to submit to any test required by 49 CFR § 382, subpart C; (iv) the District's actual knowledge on duty alcohol use, pre-duty alcohol use, alcohol use following an accident, and controlled substance use; (v) a SAP report of the successful completion of the return-to-duty process; (vi) a negative return-to-duty test; and (vii) the District's report of completion of follow-up testing.

M. Recordkeeping Requirements and Retention of Records

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

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

Information obtained from previous employers	3 years
Collection records	2 years
Negative and cancelled drug tests	1 year

Alcohol tests with less than 0.02 concentration
Education and training records

1 year
indefinite

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

N. Training

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

O. Consequences of Prohibited Conduct and Enforcement

1. Removal. The school district shall remove a driver who has engaged in prohibited conduct from safety-sensitive functions. A driver shall not be permitted to return to safety-sensitive functions until and unless the return-to-duty requirements of federal DOT regulations have been completed.
2. Referral, Evaluation, and Treatment
 - a. A driver or driver applicant who has engaged in prohibited conduct shall be provided a listing of SAPs readily available to the driver or applicant and acceptable to the school district.
 - b. If the school district offers a driver an opportunity to return to a DOT safety-sensitive duty following a violation, the driver must be evaluated by an SAP and the driver is required to successfully comply with the SAP’s evaluation recommendations (education, treatment, follow-up evaluation(s), and/or ongoing services). The school district is not required to provide an SAP evaluation or any subsequent recommended education or treatment.
 - c. Drivers are responsible for payment for SAP evaluations and services unless a collective bargaining agreement or employee benefit plan provides otherwise.
 - d. Drivers who engage in prohibited conduct also are required to comply with follow-up testing requirements.
3. Disciplinary Action

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

P. Other Testing

The school district may request or require that drivers submit to drug and alcohol testing other than that required by federal law. For example, drivers may be requested or required to undergo drug and alcohol testing on an annual basis as part of a routine physical examination. Such additional testing of drivers will be conducted only in accordance with the provisions of ~~this Board~~ policy 416.00 and as provided in Minn. Stat. §§ 181.950-181.957. For purposes of such additional, non-mandatory testing, drivers fall within the definition of "other employees" covered by ~~Section IV. of this policy~~ Board Policy 416.00.

~~IV. DRUG AND ALCOHOL TESTING FOR OTHER EMPLOYEES~~

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

~~A. Circumstances Under Which Drug or Alcohol Testing May Be Requested or Required:~~

~~1. General Limitations~~

- ~~a. The school district will not request or require an employee or job applicant whose position does not require a commercial driver's license to undergo drug or alcohol testing, unless the testing is done~~

pursuant to this drug and alcohol testing policy; and is conducted by a testing laboratory which participates in one of the programs listed in Minn. Stat. § 181.953, Subd. 1.

- b. ~~The school district will not request or require an employee or job applicant whose position does not require a commercial driver's license to undergo drug and alcohol testing on an arbitrary and capricious basis.~~

~~4. Reasonable Suspicion Testing~~

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

- a. ~~is under the influence of drugs or alcohol;~~
- b. ~~has violated the school district's written work rules prohibiting the use, possession, sale, or transfer of drugs or alcohol while the employee is working or while the employee is on the school district's premises or operating the school district's vehicles, machinery, or equipment;~~
- c. ~~has sustained a personal injury, as that term is defined in Minn. Stat. § 176.011, Subd. 16, or has caused another employee to sustain a personal injury; or~~
- d. ~~has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.~~

~~5. Treatment Program Testing~~

~~Testing may be required as part of an employee's participation in any chemical dependency treatment under an employee benefit plan, or any chemical dependency treatment to which an employee has been referred by the District.~~

~~B. No Legal Duty to Test~~

~~The school district does not have a legal duty to request or require any employee or job applicant whose position does not require a commercial driver's license to undergo drug and alcohol testing.~~

~~C. Definitions~~

- ~~1. “Drug” means a controlled substance as defined in Minnesota Statute 152.01, subd. 4.~~
- ~~2. “Drug and alcohol testing,” “drug or alcohol testing,” and “drug or alcohol test” mean analysis of a body component sample according to the standards established under one of the programs listed in Minn. Stat. § 181.953, Subd. 1, for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested.~~
- ~~3. “Other Employees” means any persons, independent contractors, or persons working for an independent contractor who perform services for the school district for compensation, either full time or part time, in whatever form, except for persons whose positions require a commercial driver’s license, and includes both professional and nonprofessional personnel. Persons whose positions require a commercial driver’s license are primarily governed by the provisions of the school district’s drug and alcohol testing policy relating to school bus drivers (Section III.). To the extent that the drug and alcohol testing of persons whose positions require a commercial driver’s license is not mandated by federal law and regulations, such testing shall be governed by Section IV. of this policy and the drivers shall fall within this definition of “other employees.”~~
- ~~5. “Positive test result” means a finding of the presence of drugs, alcohol, or their metabolites in the sample tested in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minn. Stat. § 181.953, Subd. 1.~~
- ~~6.~~
- ~~7. “Reasonable suspicion” means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.~~

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

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

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

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

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

~~E. Reliability and Fairness Safeguards~~

~~1. Pretest Notice~~

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

~~2. Notice of Test Results~~

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

~~3. Notice of and Right to Test Result Report~~

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

~~4. Notice of and Right to Explain Positive Test Result~~

~~a. If an employee has a positive test result on a confirmatory test, the school district shall, within three (3) working days, provide him or her with notice of the test results and, at the same time, written notice of the right to explain the results and to submit additional information.~~

~~b. The school district may request that the employee indicate any over-the-counter or prescription medication that the individual is~~

~~currently taking or has recently taken and any other information relevant to the reliability of, or explanation for, a positive test result.~~

~~c. The employee may present verification of enrollment in the medical cannabis patient registry as part of the employee's explanation.~~

~~d. Within three (3) working days after notice of a positive test result on a confirmatory test, an employee may submit information (in addition to any information already submitted) to the school district to explain that result.~~

~~5. Notice of and Right to Request Confirmatory Retests~~

~~a. If an employee has a positive test result on a confirmatory test, the school district shall, within three (3) working days, provide him or her with notice of the test results and, at the same time, written notice of the right to request a confirmatory retest of the original sample at his or her expense.~~

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

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

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

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

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

~~6. The school district may not discriminate against any employee in termination, discharge, or any term of condition of employment or otherwise penalize an employee based upon an employee registered patient's positive drug test for cannabis components or metabolites, unless the employee used, possessed, or was impaired by medical cannabis on school district property during the hours of employment.~~

~~7. An employee must be given access to information in his or her personnel file relating to positive test result reports and other information acquired in the drug and alcohol testing process and conclusions drawn from and actions taken based on the reports or other acquired information.~~

~~H. Chain of Custody Procedures~~

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

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

~~I. Privacy, Confidentiality and Privilege Safeguards~~

~~1. Privacy Limitations~~

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

~~2. Confidentiality Limitations~~

~~With respect to employees, test result reports and other information acquired in the drug or alcohol testing process are private data on individuals as that phrase is defined in Minn. Stat. Ch. 13, and may not be~~

~~disclosed by the school district or laboratory to another employer or to a third-party individual, governmental agency, or private organization without the written consent of the employee tested.~~

~~3. Exceptions to Privacy and Confidentiality Disclosure Limitations~~

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

~~4. Privilege~~

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

~~J. Notice of Testing Policy to Affected Employees~~

~~The school district shall provide written notice of this drug and alcohol testing policy to all affected employees upon adoption of the policy and to a previously non-affected employee upon transfer to an affected position under the policy. Affected employees will acknowledge receipt of this written notice in the form of Attachment G to this policy.~~

~~V. POSTING~~

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

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. Ch. 43A (State Personnel Management)
Minn. Stat. § 152.22 (Medical Cannabis; Definitions)
Minn. Stat. § 152.23 (Medical Cannabis; Limitations)
Minn. Stat. § 152.32 (Protections for Registry Program Participation)
Minn. Stat. §§ 181.950-181.957 (Drug and Alcohol Testing in the Workplace)
Minn. Stat. § 221.031 (Motor Carrier Rules)

49 U.S.C. § 31306 (Omnibus Transportation Employee Testing Act of 1991)

49 U.S.C. § 521(b) (Civil and Criminal Penalties for Violations)

49 C.F.R. Parts 40 and 382 (Department of Transportation Rules Implementing Omnibus Transportation Employee Testing Act of 1991)

Cross-References:

304	Records: Data Management
413	Drug-Free Workplace
413.01	Chemical Use and Abuse
414	Tobacco-Free Environment
405	Records: Personnel Records

INDEPENDENT SCHOOL DISTRICT NO. 625
Saint Paul, Minnesota
360 Colborne Street

Proposed Policy:

416.00 DRUG AND ALCOHOL TESTING FOR ALL EMPLOYEES

Proposed Policy Revision:

First Reading February 19, 2019

Second Reading

Third Reading

COMMENTS:

Saint Paul Public Schools
360 Colborne Street
Saint Paul, Minnesota 55102
651-767-8149

Adopted: _____

Saint Paul Public Schools Policy 416.00

Revised: _____

416 DRUG AND ALCOHOL TESTING FOR ALL EMPLOYEES

I. PURPOSE

- A. Saint Paul Public Schools (SPPS) recognizes the significant problems created by drug and alcohol use in society in general, and the public schools in particular. SPPS further recognizes the important contribution that the public schools have in shaping the youth of today into the adults of tomorrow.
- B. SPPS believes that a work environment free of drug and alcohol use will be not only safer, healthier, and more productive but also more conducive to effective learning. Therefore, to provide such an environment, the purpose of this policy is to provide authority so that SPPS may require all employees to submit to drug and alcohol testing in accordance with the provisions of this policy and as provided in Minn. Stat. §§ 181.950-181.957.

II. GENERAL STATEMENT OF POLICY

- A. The school district may request or require that any SPPS employee, other than an employee or applicant whose position requires a commercial driver's license, submit to drug and alcohol testing in accordance with the provisions of this policy and as provided in Minn. Stat. §§ 181.950-181.957. Employees and applicants whose positions require a commercial driver's license will be tested in accordance with federal law and Board Policy 417.00.
- B. The use, possession, sale, purchase, transfer, or dispensing of any drugs not medically prescribed, including medical cannabis, regardless of whether it has been prescribed for the employee, is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of drugs which are not medically prescribed, including medical cannabis, regardless of whether it has been prescribed for the employee, is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of drugs which are not medically prescribed are prohibited from entering or remaining on school district property.
- C. The use, possession, sale, purchase, transfer, or dispensing of alcohol is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of alcohol is also prohibited throughout the school or work

day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of alcohol are prohibited from entering or remaining on school district property.

- D. Any employee who violates this section shall be subject to discipline which includes, but is not limited to, immediate suspension without pay and immediate discharge.

III. DRUG AND ALCOHOL TESTING FOR ALL EMPLOYEES

The school district may request or require drug and alcohol testing for other school district personnel, i.e., employees who are not school bus drivers or other drivers of CMVs who are subject to federally mandated testing. The school district does not have a legal duty to request or require any employee or job applicant to undergo drug and alcohol testing as authorized in Board policy, except for school bus drivers and other drivers of CMVs who are subject to federally mandated testing. (See Board Policy 417.00.) If a driver is requested or required to submit to drug or alcohol testing beyond that mandated by federal law, the provisions of Board Policy 416.00 will be applicable to such testing.

A. Circumstances Under Which Drug or Alcohol Testing May Be Requested or Required:

1. General Limitations

- a. The school district will not request or require an employee whose position does not require a commercial driver's license to undergo drug or alcohol testing, unless the testing is done pursuant to this drug and alcohol testing policy; and is conducted by a testing laboratory which participates in one of the programs listed in Minn. Stat. § 181.953, Subd. 1.
- b. The school district will not request or require an employee whose position does not require a commercial driver's license to undergo drug and alcohol testing on an arbitrary and capricious basis.

2. Reasonable Suspicion Testing

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

- a. is under the influence of drugs or alcohol;
- b. has violated the school district's written work rules prohibiting the use, possession, sale, or transfer of drugs or alcohol while the employee is working or while the employee is on the school

district's premises or operating the school district's vehicles, machinery, or equipment;

- c. has sustained a personal injury, as that term is defined in Minn. Stat. § 176.011, Subd. 16, or has caused another employee to sustain a personal injury; or
- d. has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.

3. Treatment Program Testing

Testing may be required as part of an employee's participation in any chemical dependency treatment under an employee benefit plan, or any chemical dependency treatment to which an employee has been referred by the District.

B. No Legal Duty to Test

The school district does not have a legal duty to request or require any employee or job applicant whose position does not require a commercial driver's license to undergo drug and alcohol testing.

C. Definitions

- 1. "Drug" means a controlled substance as defined in Minnesota Statute 152.01, subd. 4.
- 2. "Drug and alcohol testing," "drug or alcohol testing," and "drug or alcohol test" mean analysis of a body component sample according to the standards established under one of the programs listed in Minn. Stat. § 181.953, Subd. 1, for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested.
- 3. "Other Employees" means any persons, independent contractors, or persons working for an independent contractor who perform services for the school district for compensation, either full time or part time, in whatever form, except for persons whose positions require a commercial driver's license, and includes both professional and nonprofessional personnel. Persons whose positions require a commercial driver's license are primarily governed by the provisions of the school district's drug and alcohol testing policy relating to school bus drivers (Section III.). To the extent that the drug and alcohol testing of persons whose positions require a commercial driver's license is not mandated by federal law and regulations, such testing shall be governed by Section IV. of this policy and the drivers shall fall within this definition of "other employees."

5. “Positive test result” means a finding of the presence of drugs, alcohol, or their metabolites in the sample tested in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minn. Stat. § 181.953, Subd. 1.
6. “Reasonable suspicion” means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.

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

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

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

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

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

E. Reliability and Fairness Safeguards

1. Pretest Notice

Before requesting an employee whose position does not require a commercial driver’s license to undergo drug or alcohol testing, the school district shall provide the employee with a Pretest Notice in the form of Attachment 1 to this policy on which to acknowledge that the employee has received the school district’s drug and alcohol testing policy.

2. Notice of Test Results

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

initial screening test or of a negative or positive test result on a confirmatory test.

3. Notice of and Right to Test Result Report

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

4. Notice of and Right to Explain Positive Test Result

- a. If an employee has a positive test result on a confirmatory test, the school district shall, within three (3) working days, provide him or her with notice of the test results and, at the same time, written notice of the right to explain the results and to submit additional information.
- b. The school district may request that the employee indicate any over-the-counter or prescription medication that the individual is currently taking or has recently taken and any other information relevant to the reliability of, or explanation for, a positive test result.
- c. The employee may present verification of enrollment in the medical cannabis patient registry as part of the employee's explanation.
- d. Within three (3) working days after notice of a positive test result on a confirmatory test, an employee may submit information (in addition to any information already submitted) to the school district to explain that result.

5. Notice of and Right to Request Confirmatory Retests

- a. If an employee has a positive test result on a confirmatory test, the school district shall, within three (3) working days, provide him or her with notice of the test results and, at the same time, written notice of the right to request a confirmatory retest of the original sample at his or her expense.
- b. An employee may request a confirmatory retest of the original sample at his or her own expense after notice of a positive test result on a confirmatory test. Within five (5) working days after notice of the confirmatory test result, the employee shall notify the school district in writing of his or her intention to obtain a confirmatory retest. Within three (3) working days after receipt of the notice, the school district shall notify the original testing laboratory that the

employee has requested the laboratory to conduct the confirmatory retest or to transfer the sample to another laboratory licensed under Minn. Stat. § 181.953, Subd. 1 to conduct the confirmatory retest. The original testing laboratory shall ensure that appropriate chain-of-custody procedures are followed during transfer of the sample to the other laboratory. The confirmatory retest must use the same drug or alcohol threshold detection levels as used in the original confirmatory test. If the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test may be taken against the employee .

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

Attachments 2 and 3 to this policy provide the Notices described in Paragraphs 2. through 6. of this Section E.

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

1. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee on the basis of a positive test result from an initial screening test that has not been verified by a confirmatory test.
2. In the case of a positive test result on a confirmatory test, the employee shall be subject to discipline which includes, but is not limited to, immediate suspension without pay and immediate discharge, pursuant to the provisions of this policy.
3. The school district may not discharge an employee for whom a positive test result on a confirmatory test was the first such result for the employee on a drug or alcohol test requested by the school district, unless the following conditions have been met:
 - a. The school district has first given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the school district after consultation with a certified chemical abuse counselor or a physician trained in the diagnosis and treatment of chemical dependency; and
 - b. The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the

program, as evidenced by withdrawal from the program before its completion or by a positive test result on a confirmatory test after completion of the program.

4. Notwithstanding Paragraph 1., the school district may temporarily suspend the tested employee or transfer that employee to another position at the same rate of pay pending the outcome of the confirmatory test and, if requested, the confirmatory retest, provided the school district believes that it is reasonably necessary to protect the health or safety of the employee, co-employees or the public. An employee who has been suspended without pay must be reinstated with back pay if the outcome of the confirmatory test or requested confirmatory retest is negative.
5. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee on the basis of medical history information or the employee's status as a patient enrolled in the medical cannabis registry program revealed to the school district, unless the employee was under an affirmative duty to provide the information before, upon, or after hire, or failing to do so would violate federal law or regulations or cause the school district to lose money or licensing-related benefit under federal law or regulations.
6. The school district may not discriminate against any employee in termination, discharge, or any term of condition of employment or otherwise penalize an employee based upon an employee registered patient's positive drug test for cannabis components or metabolites, unless the employee used, possessed, or was impaired by medical cannabis on school district property during the hours of employment.
7. An employee must be given access to information in his or her personnel file relating to positive test result reports and other information acquired in the drug and alcohol testing process and conclusions drawn from and actions taken based on the reports or other acquired information.

H. Chain-of-Custody Procedures

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

1. Possession of a sample must be traceable to the employee from whom the sample is collected, from the time the sample is collected through the time the sample is delivered to the laboratory;
2. The sample must always be in the possession of, must always be in view of, or must be placed in a secure area by a person authorized to handle the

sample;

3. A sample must be accompanied by a written chain-of-custody record; and
4. Individuals relinquishing or accepting possession of the sample must record the time the possession of the sample was transferred and must sign and date the chain-of-custody record at the time of transfer.

I. Privacy, Confidentiality and Privilege Safeguards

1. Privacy Limitations

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

2. Confidentiality Limitations

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

3. Exceptions to Privacy and Confidentiality Disclosure Limitations

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

4. Privilege

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

J. Notice of Testing Policy to Affected Employees

The school district shall provide written notice of this drug and alcohol testing

policy to all affected employees upon adoption of the policy and to a previously non-affected employee upon transfer to an affected position under the policy. Affected employees will acknowledge receipt of this written notice in the form of Attachment 4 to this policy.

V. POSTING

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

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. Ch. 43A (State Personnel Management)
Minn. Stat. § 152.22 (Medical Cannabis; Definitions)
Minn. Stat. § 152.23 (Medical Cannabis; Limitations)
Minn. Stat. § 152.32 (Protections for Registry Program Participation)
Minn. Stat. §§ 181.950-181.957 (Drug and Alcohol Testing in the Workplace)
Minn. Stat. § 221.031 (Motor Carrier Rules)
49 U.S.C. § 31306 (Omnibus Transportation Employee Testing Act of 1991)
49 U.S.C. § 521(b) (Civil and Criminal Penalties for Violations)
49 C.F.R. Parts 40 and 382 (Department of Transportation Rules Implementing Omnibus Transportation Employee Testing Act of 1991)

Cross-References:

304	Records: Data Management
413	Drug-Free Workplace
413.01	Chemical Use and Abuse
414	Tobacco-Free Environment
405	Records: Personnel Records

Adopted: _____

Saint Paul Public Schools Policy 416.00

Revised: _____

416 DRUG AND ALCOHOL TESTING FOR ALL EMPLOYEES

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- ~~A. All school district employees and job applicants whose positions require a commercial driver's license will be required to undergo drug and alcohol testing in accordance with federal law and the applicable provisions of this policy. SPPS also may request or require that drivers submit to drug and alcohol testing in accordance with the provisions of this policy and as provided in Minn. Stat. §§ 181.950-181.957.~~
- BA. The school district may request or require that any SPPS employee, other than an employee or applicant whose position requires a commercial driver's license, submit to drug and alcohol testing in accordance with the provisions of this policy and as provided in Minn. Stat. §§ 181.950-181.957. Employees and applicants whose positions require a commercial driver's license will be tested in accordance with federal law and Board Policy 417.00.
- CB. The use, possession, sale, purchase, transfer, or dispensing of any drugs not medically prescribed, including medical cannabis, regardless of whether it has been prescribed for the employee, is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of drugs which are not medically prescribed, including medical cannabis, regardless of whether it has been prescribed for the employee, is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of drugs which are not medically prescribed are prohibited from entering or remaining on school district property.

~~DC.~~ The use, possession, sale, purchase, transfer, or dispensing of alcohol is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of alcohol is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of alcohol are prohibited from entering or remaining on school district property.

~~ED.~~ Any employee who violates this section shall be subject to discipline which includes, but is not limited to, immediate suspension without pay and immediate discharge.

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

~~A. — General Statement of Policy~~

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

~~B. — Definitions~~

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

~~employees from safety sensitive duties, to make required decisions in the testing and evaluation process, and to receive test results and other communications for the school district.~~

- ~~6. “Department of Transportation” (DOT) means United States Department of Transportation.~~
- ~~7. “Driver” is any person who operates a CMV, including full-time, regularly employed drivers, casual, intermittent or occasional drivers, leased drivers, and independent owner-operator contractors.~~
- ~~8. “Evidential Breath Testing Device” (EBT) means a device approved by the National Highway Traffic Safety Administration for the evidentiary testing of breath for alcohol concentration and placed on its Conforming Products List for such devices.~~
- ~~9. “Medical Review Officer” (MRO) means a licensed physician responsible for receiving and reviewing laboratory results generated by the school district’s drug testing program and for evaluating medical explanations for certain drug tests.~~
- ~~10. “Refusal to Submit” (to an alcohol or controlled substances test) means that a driver: (a) fails to appear for any test within a reasonable time, as determined by the school district, consistent with applicable DOT regulations, after being directed to do so; (b) fails to remain at the testing site until the testing process is complete; (c) fails to provide a urine specimen or an adequate amount of saliva or breath for any DOT drug or alcohol test; (d) fails to permit the observation or monitoring of the driver’s provision of a specimen in the case of a directly observed or monitored collection in a drug test; (e) fails to provide a sufficient breath specimen or sufficient amount of urine when directed and a determination has been made that no adequate medical explanation for the failure exists; (f) fails or declines to take an additional test as directed; (g) fails to undergo a medical examination or evaluation, as directed by the MRO or the DER; (h) fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process, fails to wash hands after being directed to do so by the collector, fails to sign the certification on the forms); (i) fails to follow the observer’s instructions, in an observed collection, to raise the driver’s clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if the driver has any type of prosthetic or other device that could be used to interfere with the collection process; (j) possesses or wears a prosthetic or other device that could be used to interfere with the collection process; (k) admits to the collector or MRO that the driver adulterated or substituted the specimen; or (l) is reported by the MRO as having a verified adulterated or substituted test result. An applicant who fails to appear for a pre-employment test, who~~

~~leaves the testing site before the pre-employment testing process commences, or who does not provide a urine specimen because he or she has left before it commences is not deemed to have refused to submit to testing.~~

- ~~11. “Safety sensitive functions” are on-duty functions from the time the driver begins work or is required to be in readiness to work until relieved from work, and include such functions as driving, loading and unloading vehicles, or supervising or assisting in the loading or unloading of vehicles, servicing, repairing, obtaining assistance to repair, or remaining in attendance during the repair of a disabled vehicle.~~
- ~~12. “Screening Test Technician” (STT) means anyone who instructs and assists individuals in the alcohol testing process and operates an ASD.~~
- ~~13. “Stand Down” means to temporarily remove an employee from performing safety sensitive functions after a laboratory reports a confirmed positive, an adulterated, or a substituted test result but before the MRO completes the verification process.~~
- ~~14. “Substance Abuse Professional” (SAP) means a qualified person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.~~

~~C. Policy and Educational Materials~~

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

~~D. — Alcohol and Controlled Substances Testing Program Manager~~

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

~~E. — Specific Prohibitions for Drivers~~

- ~~1. — Alcohol Concentration. No driver shall report for duty or remain on duty requiring the performance of safety sensitive functions while having an alcohol concentration of 0.04 or greater. Drivers who test greater than 0.04 will be taken out of service and will be subject to evaluation by a professional and retesting at the driver's expense.~~
- ~~2. — Alcohol Possession. No driver shall be on duty or operate a CMV while the driver possesses alcohol.~~
- ~~3. — On Duty Use. No driver shall use alcohol while performing safety sensitive functions.~~
- ~~4. — Pre Duty Use. No driver shall perform safety sensitive functions within four (4) hours after using alcohol.~~
- ~~5. — Use Following an Accident. No driver required to take a post accident test shall use alcohol for eight (8) hours following the accident, or until he or she undergoes a post accident alcohol test, whichever occurs first.~~
- ~~6. — Refusal to Submit to a Required Test. No driver shall refuse to submit to an alcohol or controlled substances test required by post accident, random, reasonable suspicion, return to duty, or follow up testing requirements. A verified adulterated or substituted drug test shall be considered a refusal to test.~~
- ~~7. — Use of Controlled Substances. No driver shall report for duty or remain on duty requiring the performance of safety sensitive functions when the driver uses any controlled substance, except when the use is pursuant to instructions (which have been presented to the school district) from a licensed physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV. Controlled substance includes medical cannabis, regardless of whether the driver is~~

~~enrolled in the state registry program.~~

- ~~8. Positive, Adulterated, or Substituted Test for Controlled Substance. No driver shall report for duty, remain on duty, or perform a safety sensitive function if the driver tests positive for controlled substances, including medical cannabis, or has adulterated or substituted a test specimen for controlled substances.~~
- ~~9. General Prohibition. Drivers are also subject to the general policies and procedures of the school district which prohibit the possession, transfer, sale, exchange, reporting to work under the influence of drugs or alcohol, and consumption of drugs or alcohol while at work or while on school district premises or operating any school district vehicle, machinery, or equipment.~~

~~F. Other Alcohol Related Conduct~~

~~No driver found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform safety sensitive functions for at least twenty four (24) hours following administration of the test. The school district will not take any action under this policy other than removal from safety sensitive functions based solely on test results showing an alcohol concentration of less than 0.04 but may take action otherwise consistent with law and policy of the school district.~~

~~G. Prescription Drugs~~

~~A driver shall inform his or her supervisor if at any time the driver is using a controlled substance pursuant to a physician's prescription. The physician's instructions shall be presented to the school district upon request. Use of a prescription drug shall be allowed if the physician has advised the driver that the prescribed drug will not adversely affect the driver's ability to safely operate a CMV. Use of medical cannabis is prohibited notwithstanding the driver's enrollment in the patient registry.~~

~~H. Testing Requirements~~

~~1. Pre Employment Testing~~

- ~~a. A driver applicant shall undergo testing for alcohol and controlled substances, including medical cannabis, before the first time the driver performs safety sensitive functions for the school district.~~
- ~~b. Tests shall be conducted only after the applicant has received a conditional offer of employment.~~
- ~~c. In order to be hired, the applicant must test negative and must sign an agreement in the form of Attachment B to this policy, authorizing~~

~~former employers to release to the school district all information on the applicant's alcohol tests with results of blood alcohol concentration of 0.04 or higher, or verified positive results for controlled substances, including medical cannabis, or refusals to be tested (including verified adulterated or substituted drug test results), or any other violations of DOT agency drug and alcohol testing regulations, or, if the applicant violated the testing regulations, documentation of the applicant's successful completion of DOT return-to-duty requirements (including follow-up tests), within the preceding two (2) years.~~

- ~~d. The applicant also must be asked whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee, during the last two (2) years, applied for, but did not obtain, safety sensitive transportation work covered by DOT testing rules.~~

~~2. Post Accident Testing~~

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

~~the reasons for not administering the test.~~

~~3. Random Testing~~

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

~~4. Reasonable Suspicion Testing~~

- ~~a. The school district shall require a driver to submit to an alcohol test and/or controlled substances, including medical cannabis, test when a supervisor or school district official, who has been trained in accordance with the regulations, has reasonable suspicion to believe that the driver has used alcohol and/or controlled substances, including medical cannabis, on duty or within four (4) hours before coming on duty. The test shall be done as soon as practicable following the observation of the behavior indicative of the use of controlled substances or alcohol.~~
- ~~b. The reasonable suspicion determination must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech, or body odors. The required observations for reasonable suspicion of a controlled substances violation may include indications of the chronic and withdrawal effects of controlled substances.~~

- ~~c. — Alcohol testing shall be administered within two (2) hours following a determination of reasonable suspicion. If it is not done within two (2) hours, the school district shall prepare and maintain a record explaining why it was not promptly administered and continue to attempt to administer the alcohol test within eight (8) hours. If an alcohol test is not administered within eight (8) hours following the determination of reasonable suspicion, the school district shall cease attempts to administer the test and state in the record the reasons for not administering the test.~~
 - ~~d. — The supervisor or school district official who makes observations leading to a controlled substances reasonable suspicion test shall make and sign a written record of the observations within twenty-four (24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier.~~
- ~~5. — Return To Duty Testing. A driver found to have violated this policy shall not return to work until an SAP has determined the employee has successfully complied with prescribed education and/or treatment and until undergoing return to duty tests indicating an alcohol concentration of less than 0.02 and a confirmed negative result for the use of controlled substances.~~
- ~~6. — Follow Up Testing. When an SAP has determined that a driver is in need of assistance in resolving problems with alcohol and/or controlled substances, the driver shall be subject to unannounced follow up testing as directed by the SAP for up to sixty (60) months after completing a treatment program.~~
- ~~7. — Refusal to Submit and Attendant Consequences~~
 - ~~a. — A driver or driver applicant may refuse to submit to drug and alcohol testing.~~
 - ~~b. — Refusal to submit to a required drug or alcohol test subjects the driver or driver applicant to the consequences specified in federal regulations as well as the civil and/or criminal penalty provisions of 49 U.S.C. § 521(b). In addition, a refusal to submit to testing establishes a presumption that the driver or driver applicant would test positive if a test were conducted and makes the driver or driver applicant subject to discipline or disqualification under this policy.~~
 - ~~c. — A driver applicant who refuses to submit to testing shall be disqualified from further consideration for the conditionally offered position.~~

- d. ~~An employee who refuses to submit to testing shall not be permitted to perform safety sensitive functions and will be considered insubordinate and subject to disciplinary action, up to and including dismissal. If an employee is offered an opportunity to return to a DOT safety sensitive duty, the employee will be evaluated by an SAP and must submit to a return to duty test prior to being considered for reassignment to safety sensitive functions.~~
- e. ~~Drivers or driver applicants who refuse to submit to required testing will be required to sign Attachment C to this policy.~~

~~I. Testing Procedures~~

~~1. Drug Testing~~

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

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

~~2. Alcohol Testing~~

- a. ~~The federal alcohol testing regulations require testing to be administered by a BAT using an EBT or an STT using an ASD. EBTs and ASDs can be used for screening tests but only EBTs can be used for confirmation tests.~~

- ~~b. Any test result less than 0.02 alcohol concentration is considered a “negative” test.~~
- ~~c. If the donor is unable to provide sufficient saliva for an ASD, the DER will immediately arrange to use an EBT. If the donor attempts and fails to provide an adequate amount of breath, the school district will direct the donor to obtain a written evaluation from a licensed physician to determine if the donor’s inability to provide a breath sample is genuine or constitutes a refusal to test.~~
- ~~d. If the screening test results show alcohol concentration of 0.02 or higher, a confirmatory test conducted on an EBT will be required to be performed between fifteen (15) and thirty (30) minutes after the completion of the screening test.~~
- ~~e. Alcohol tests are reported directly to the DER.~~

~~J. Driver/Driver Applicant Rights~~

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

~~K. — Testing Laboratory~~

~~The testing laboratory for controlled substances will be Concentra, Inc., 570 Asbury Street, Suite 101, Saint Paul, Minnesota, (651) 888-6540, which is a laboratory certified by the Department of Health and Human Services — SAMHSA to perform controlled substances testing pursuant to federal regulations.~~

~~L. — Confidentiality of Test Results~~

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

~~Consistent with federal regulations, the District must report the following information to the Commercial Driver's License Drug and Alcohol Clearinghouse: (i) a verified positive, adulterated, or substituted drug test result; (ii) an alcohol confirmation test with a concentration of 0.04 or higher; (iii) a refusal to submit to any test required by 49 CFR § 382, subpart C; (iv) the District's actual knowledge on duty alcohol use, pre-duty alcohol use, alcohol use following an accident, and controlled substance use; (v) a SAP report of the successful completion of the return-to-duty process; (vi) a negative return-to-duty test; and (vii) the District's report of completion of follow-up testing.~~

~~M. — Recordkeeping Requirements and Retention of Records~~

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

~~Basic records ————— 5 years~~

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

~~Information obtained from previous employers ————— 3 years~~

~~Collection records ————— 2 years~~

~~Negative and cancelled drug tests ————— 1 year~~

~~Alcohol tests with less than 0.02 concentration ————— 1 year~~

~~Education and training records~~ ~~indefinite~~

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

~~N. Training~~

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

~~O. Consequences of Prohibited Conduct and Enforcement~~

~~1. Removal. The school district shall remove a driver who has engaged in prohibited conduct from safety sensitive functions. A driver shall not be permitted to return to safety sensitive functions until and unless the return-to duty requirements of federal DOT regulations have been completed.~~

~~2. Referral, Evaluation, and Treatment~~

~~a. A driver or driver applicant who has engaged in prohibited conduct shall be provided a listing of SAPs readily available to the driver or applicant and acceptable to the school district.~~

~~b. If the school district offers a driver an opportunity to return to a DOT safety sensitive duty following a violation, the driver must be evaluated by an SAP and the driver is required to successfully comply with the SAP’s evaluation recommendations (education, treatment, follow-up evaluation(s), and/or ongoing services). The school district is not required to provide an SAP evaluation or any subsequent recommended education or treatment.~~

~~c. Drivers are responsible for payment for SAP evaluations and services unless a collective bargaining agreement or employee benefit plan provides otherwise.~~

~~d. Drivers who engage in prohibited conduct also are required to comply with follow-up testing requirements.~~

~~3. Disciplinary Action~~

~~a. Any driver who refuses to submit to post accident, random,~~

~~reasonable suspicion, or follow-up testing not only shall not perform or continue to perform safety-sensitive functions, but also may be subject to disciplinary action, which may include immediate suspension without pay and/or immediate discharge.~~

~~b. Drivers who test positive with verification of a confirmatory test or are otherwise found to be in violation of this policy or the federal regulations shall be subject to disciplinary action, which may include immediate suspension without pay and/or immediate discharge.~~

~~c. Nothing in this policy limits or restricts the right of the school district to discipline or discharge a driver for conduct which not only constitutes prohibited conduct under this policy but also violates the school district's other rules or policies.~~

~~P. Other Testing~~

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

III.V. DRUG AND ALCOHOL TESTING FOR ~~OTHER~~ ALL EMPLOYEES

The school district may request or require drug and alcohol testing for other school district personnel, i.e., employees who are not school bus drivers or other drivers of CMVs who are subject to federally mandated testing. The school district does not have a legal duty to request or require any employee or job applicant to undergo drug and alcohol testing as authorized in ~~this Board~~ policy, except for school bus drivers and other drivers of CMVs who are subject to federally mandated testing. (See ~~Section III. of this Board Policy 417.00~~.) If a ~~school bus~~ driver is requested or required to submit to drug or alcohol testing beyond that mandated by federal law, the provisions of ~~Section IV. of this Board Policy 416.00~~ will be applicable to such testing.

A. Circumstances Under Which Drug or Alcohol Testing May Be Requested or Required:

1. General Limitations

- a. The school district will not request or require an employee ~~or job applicant~~ whose position does not require a commercial driver's license to undergo drug or alcohol testing, unless the testing is done

pursuant to this drug and alcohol testing policy; and is conducted by a testing laboratory which participates in one of the programs listed in Minn. Stat. § 181.953, Subd. 1.

- b. The school district will not request or require an employee ~~or job applicant~~ whose position does not require a commercial driver's license to undergo drug and alcohol testing on an arbitrary and capricious basis.

24. Reasonable Suspicion Testing

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

- a. is under the influence of drugs or alcohol;
- b. has violated the school district's written work rules prohibiting the use, possession, sale, or transfer of drugs or alcohol while the employee is working or while the employee is on the school district's premises or operating the school district's vehicles, machinery, or equipment;
- c. has sustained a personal injury, as that term is defined in Minn. Stat. § 176.011, Subd. 16, or has caused another employee to sustain a personal injury; or
- d. has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.

35. Treatment Program Testing

Testing may be required as part of an employee's participation in any chemical dependency treatment under an employee benefit plan, or any chemical dependency treatment to which an employee has been referred by the District.

B. No Legal Duty to Test

The school district does not have a legal duty to request or require any employee or job applicant whose position does not require a commercial driver's license to undergo drug and alcohol testing.

C. Definitions

1. “Drug” means a controlled substance as defined in Minnesota Statute 152.01, subd. 4.
2. “Drug and alcohol testing,” “drug or alcohol testing,” and “drug or alcohol test” mean analysis of a body component sample according to the standards established under one of the programs listed in Minn. Stat. § 181.953, Subd. 1, for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested.
3. “Other Employees” means any persons, independent contractors, or persons working for an independent contractor who perform services for the school district for compensation, either full time or part time, in whatever form, except for persons whose positions require a commercial driver’s license, and includes both professional and nonprofessional personnel. Persons whose positions require a commercial driver’s license are primarily governed by the provisions of the school district’s drug and alcohol testing policy relating to school bus drivers (Section III.). To the extent that the drug and alcohol testing of persons whose positions require a commercial driver’s license is not mandated by federal law and regulations, such testing shall be governed by Section IV. of this policy and the drivers shall fall within this definition of “other employees.”
5. “Positive test result” means a finding of the presence of drugs, alcohol, or their metabolites in the sample tested in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minn. Stat. § 181.953, Subd. 1.
6. ~~67.~~ “Reasonable suspicion” means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.

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

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

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

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

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

E. Reliability and Fairness Safeguards

1. Pretest Notice

Before requesting an employee whose position does not require a commercial driver's license to undergo drug or alcohol testing, the school district shall provide the employee with a Pretest Notice in the form of Attachment ~~1D~~ to this policy on which to acknowledge that the employee has received the school district's drug and alcohol testing policy.

2. Notice of Test Results

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

3. Notice of and Right to Test Result Report

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

4. Notice of and Right to Explain Positive Test Result

- a. If an employee has a positive test result on a confirmatory test, the school district shall, within three (3) working days, provide him or her with notice of the test results and, at the same time, written notice of the right to explain the results and to submit additional information.
- b. The school district may request that the employee indicate any over-the-counter or prescription medication that the individual is

currently taking or has recently taken and any other information relevant to the reliability of, or explanation for, a positive test result.

- c. The employee may present verification of enrollment in the medical cannabis patient registry as part of the employee's explanation.
- d. Within three (3) working days after notice of a positive test result on a confirmatory test, an employee may submit information (in addition to any information already submitted) to the school district to explain that result.

5. Notice of and Right to Request Confirmatory Retests

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

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

Attachments ~~2E~~ and ~~3F~~ to this policy provide the Notices described in Paragraphs 2. through 6. of this Section E.

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

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

6. The school district may not discriminate against any employee in termination, discharge, or any term of condition of employment or otherwise penalize an employee based upon an employee registered patient's positive drug test for cannabis components or metabolites, unless the employee used, possessed, or was impaired by medical cannabis on school district property during the hours of employment.
7. An employee must be given access to information in his or her personnel file relating to positive test result reports and other information acquired in the drug and alcohol testing process and conclusions drawn from and actions taken based on the reports or other acquired information.

H. Chain-of-Custody Procedures

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

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

I. Privacy, Confidentiality and Privilege Safeguards

1. Privacy Limitations

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

2. Confidentiality Limitations

With respect to employees, test result reports and other information acquired in the drug or alcohol testing process are private data on individuals as that phrase is defined in Minn. Stat. Ch. 13, and may not be

disclosed by the school district or laboratory to another employer or to a third-party individual, governmental agency, or private organization without the written consent of the employee tested.

3. Exceptions to Privacy and Confidentiality Disclosure Limitations

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

4. Privilege

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

J. Notice of Testing Policy to Affected Employees

The school district shall provide written notice of this drug and alcohol testing policy to all affected employees upon adoption of the policy and to a previously non-affected employee upon transfer to an affected position under the policy. Affected employees will acknowledge receipt of this written notice in the form of Attachment ~~4G~~ to this policy.

V. POSTING

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

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. Ch. 43A (State Personnel Management)
Minn. Stat. § 152.22 (Medical Cannabis; Definitions)
Minn. Stat. § 152.23 (Medical Cannabis; Limitations)
Minn. Stat. § 152.32 (Protections for Registry Program Participation)
Minn. Stat. §§ 181.950-181.957 (Drug and Alcohol Testing in the Workplace)
Minn. Stat. § 221.031 (Motor Carrier Rules)

49 U.S.C. § 31306 (Omnibus Transportation Employee Testing Act of 1991)

49 U.S.C. § 521(b) (Civil and Criminal Penalties for Violations)

49 C.F.R. Parts 40 and 382 (Department of Transportation Rules Implementing Omnibus Transportation Employee Testing Act of 1991)

Cross-References:

304	Records: Data Management
413	Drug-Free Workplace
413.01	Chemical Use and Abuse
414	Tobacco-Free Environment
405	Records: Personnel Records

Adopted: 8/10/1976
Revised: 2/1/1994; 6/17/2008

Saint Paul Public Schools Policy

516.00

516.00 STUDENTS: MEDICATIONS/ MEDICAL PROCEDURES

PURPOSE

In order to remove health related barriers to learning, students may require medication and medical procedures that allow students access to education. Individual plans, including individual health plans, emergency care plans, Section 504 plans, and individualized education plans (IEPs) guide the care of students with health conditions and disabilities.

1. The following provisions shall be followed when administering medications or medical procedures to students at school.
2. Medications and medical procedures that must be administered during the school day in order for a student to attend school shall be administered by the school nurse or by a designee of the school administrator whom the school nurse has trained and delegated the function of medication administration or provision of medical procedures.
3. The parent or guardian will supply the medications to school in the original, labeled container. The nurse or designee will administer the medication according to the label.
4. The parent or guardian will notify the school nurse or designee when medication must be administered during the school day.
 - a. For medication needed at school for a period of two weeks or longer, a written order signed by a prescribing health professional and the custodial parent or guardian is required. Such orders shall be renewed annually and whenever medication, dosage, or administration changes.
 - b. For medication needed at school for a period of less than two weeks, a written request for administration signed by the custodial parent or guardian is required.
5. Medications that must be administered during an overnight field trip or outside of the school day must be in the original, labeled container with a written request from a custodial parent or guardian.
6. A student may be allowed to self-administer and/or self-carry medication upon written recommendation of the prescribing health professional and custodial parent or guardian and consultation of the school nurse.
7. A secondary student may possess and use nonprescription pain relief medication in a manner consistent with the labeling if the school nurse has received a written authorization from the custodial parent or guardian permitting the student to self-administer and self-carry the medication. Such authorizations must be renewed annually. A student's privilege to possess and use nonprescription pain relievers may be revoked if it is determined the student is abusing the privilege.
8. Medications and medical procedures that can be administered to the student appropriately before or after school will be the responsibility of the parent(s) or guardian.
9. Controlled substances prescribed to students must always be kept in a locked cabinet and shall never be carried by a student or self-administered.
10. Emergency medication will be provided to students when provided by the family and ordered by the student's health care provider, as part of the student's Emergency Care Plan. Emergency medication may also be made

available to students for specific conditions following a protocol developed with a medical director or advanced practice registered nurse.

LEGAL REFERENCES:

Minn. Stats. §§ 121A.22 to 121A.222

CROSS REFERENCES:

Minnesota Guidelines for Medication Administration in Schools

Revised June 2015, Division of Community and Family Health, Minnesota Department of Health.

Written in collaboration with:

Minnesota Board of Nursing

Minnesota Department of Education

Minnesota Department of Human Services

Student Health and Wellness documents

Components of Asthma Management in the School

Components of Diabetes Management in the School

Components of Anaphylaxis Management in the School

Components of ADHD Management in the School (Tara and Jennifer are updating)

Authorization for the Administration of Medication/Treatment H-25

Authorization for the Administration of Medication/Treatment Asthma,

Anaphylaxis, Diabetes, Seizure H-25 AADS

Self Carry/Self Administer Medication Agreement H-76

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3. The parent or guardian will supply the medications ~~Medications must be supplied by the parent or guardian and brought to school in the original, labeled container. The nurse or designee will administer the medication according to the label.~~
4. The parent or guardian will notify the school nurse or designee ~~school nurse shall be notified in writing by the parent or guardian~~ when medication must be administered during the school day.
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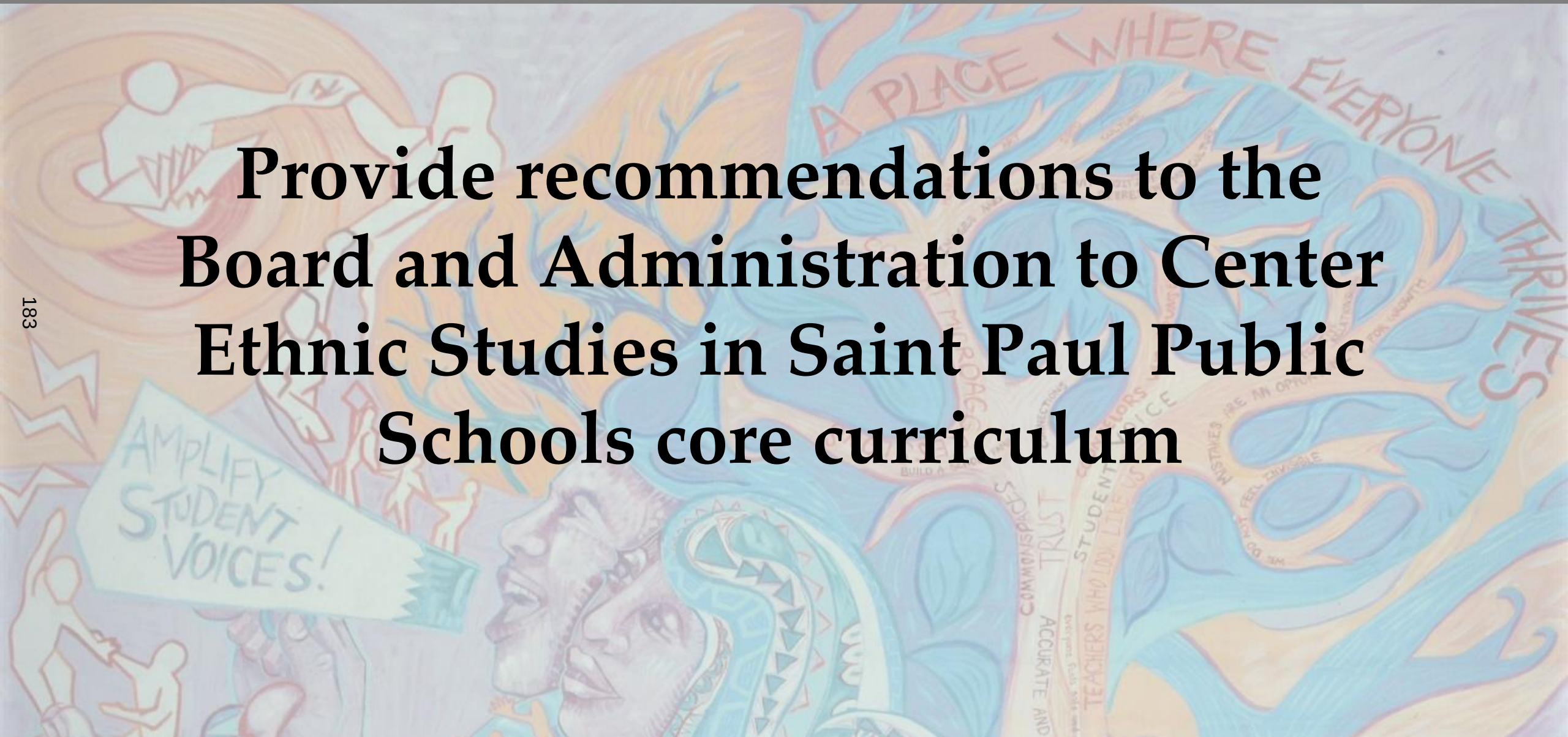
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Centering Ethnic Studies in St. Paul Public Schools

St. Paul Public Schools' Student Engagement and Advancement Board

Purpose

Provide recommendations to the Board and Administration to Center Ethnic Studies in Saint Paul Public Schools core curriculum



SEAB's Definition of Ethnic Studies

1. The centered presence of people of color in our curriculum
2. Critical Pedagogy
 - An analysis of power, oppression and organized resistance
 - Not being taught at; but learning critically



Insert video

Past SEAB Presentation on Inclusivity

Only 50% of students of color say their identity is present and accurately portrayed in the curriculum always or most of the time

Indigenous/ Native American/ American Indian



Black/ African American/ of African descent



Always Most of the time About half the time Sometimes Never

Ethnic Studies National Data

Ethnic studies has been shown to:

- **Increase attendance**
- **Increase GPA's**
- **Increase graduation rates**

Ethnic studies develops critical thinking and provides a more accurate world view



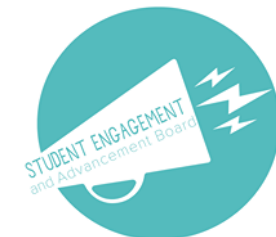
Existing SPPS Policy

Policy 602.1 - sought to include (not center)

Adopted: 2/21/1978 Saint Paul Public Schools Policy 602.01
Revised: 5/7/1991; 6/17/2008, 1/18/11 (Renumbered)

602.01 MULTICULTURAL, INTERCULTURAL, NON-RACIST, NON-SEX-BIASED, GENDER AND DISABILITY FAIR EDUCATION

The Superintendent shall adopt and each school shall teach a multicultural, intercultural, non-racist, non-sex-biased, gender and disability-fair curriculum in all subject areas. This curriculum shall integrate the existing course content of all disciplines' learning experiences, which include the history, culture, heritage, contributions, and perspectives of all peoples in an equitable and accurate manner. Instruction shall prepare students to live productively in a pluralistic society by engaging them in multicultural, gender and disability-fair activities that respect human dignity and enhance the development of self-worth of students and staff.



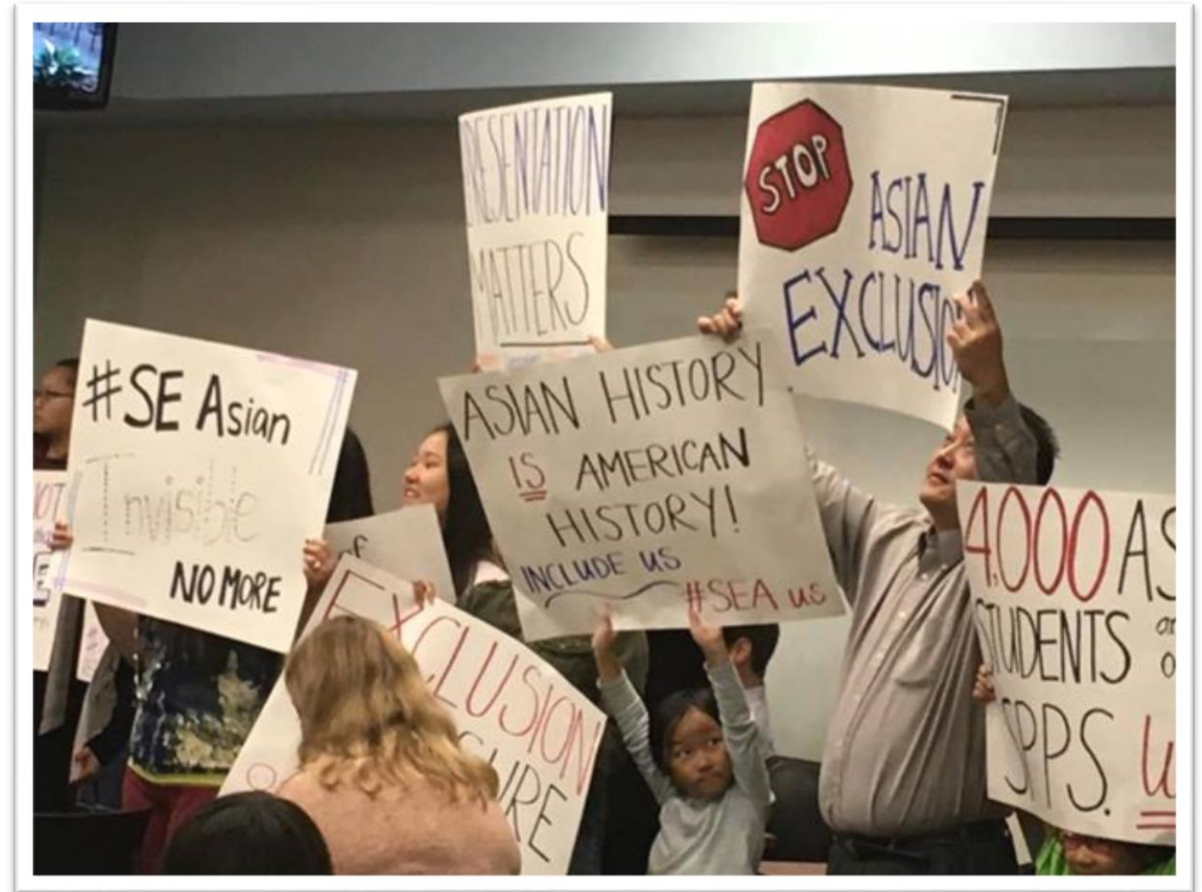
Ethnic Studies Movement

- Ethnic studies has been implemented as core curriculum in public districts: Los Angeles, San Francisco, Santa Barbara, Bridgeport, Philadelphia
- At the state level: Indiana, Oregon, California
- Widely known student battle for Ethnic Studies in Tucson



Why are we not there, yet?

- 12 interviews with decision makers and experts
- Overwhelmingly the answer to “why are we not there yet?” was: white supremacy
- Their advice on how to fix it was more varied

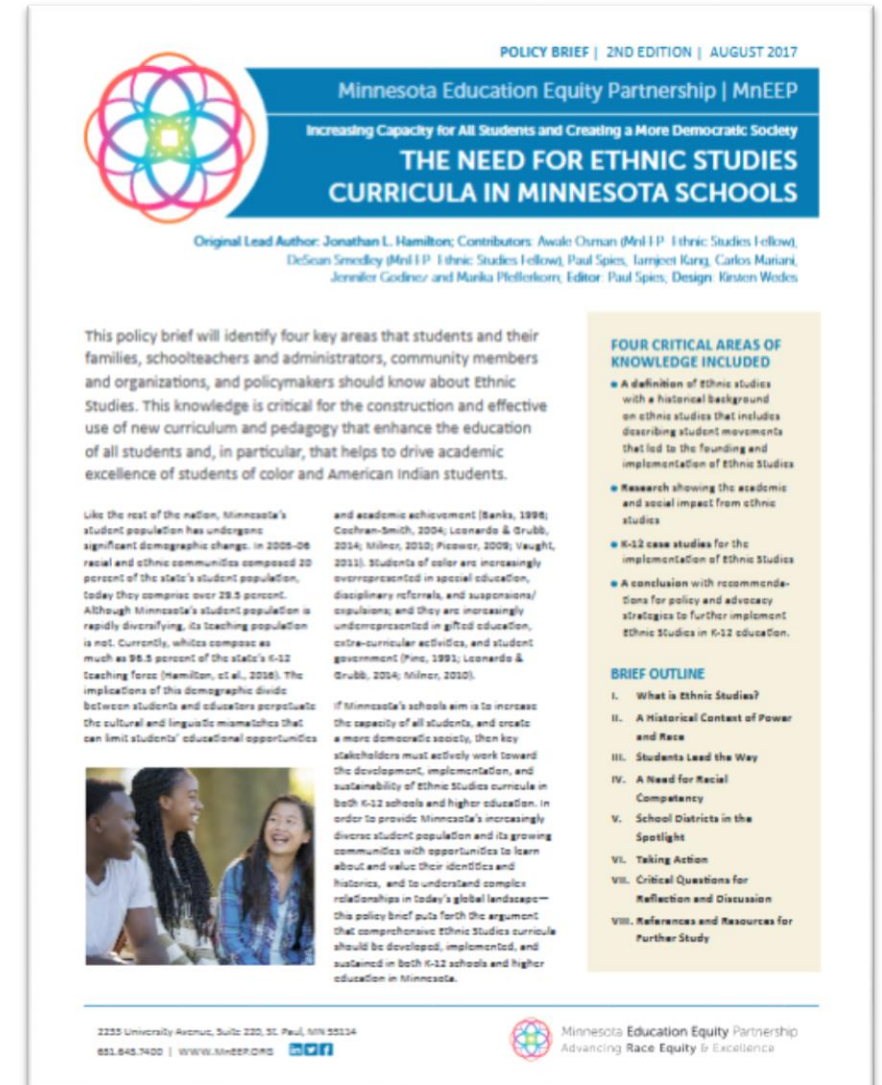


Coalition of Asian American Leaders action at SPPS
Board of Education Meeting, September 2018

Ethnic Studies in MN

- August 2017, MNEEP wrote a legislative brief on the importance of Ethnic Studies in MN
- Recommended all MN secondary students be required to take Ethnic Studies by 2020

191



Currently in SPPS...

- Cultural Studies electives in some high schools
- Some teachers are doing work to center ethnic studies
- We do not have a comprehensive or centered structure of Ethnic Studies



Our Community

65 stakeholders participated in a collaborative session on centering ethnic studies in SPPS



Our Community

Petition Signatures

“Understanding our differences is vital to our growth as human beings. Providing education to leverage that understanding is even more important.”



Our Community

“Our culture is our story. It is our identity. It provides a type of grounding for us that informs our past, present, and future. We need to make sure our school system is reflecting how we want our students to show up as they live in a world...”



Recommendation 1

**Create new Ethnic Studies course
that all SPPS students take
in high school**



R1: Action Steps

Board:

- [Update Policy 510.00.03](#) to Replace Human Geography with with comprehensive Critical Ethnic Studies as a graduation requirement

Adopted: 9/12/2018

Revised: --

Saint Paul Public Schools Procedure 510.00.03

510.00.03 GRADUATION REQUIREMENTS

The graduation requirements for students attending Saint Paul Public Schools (SPPS) meet those of the Minnesota Department of Education and are consistent across district schools and programs. The following procedure provides a summary of the credit requirements, recommendations for elective course work to support college and career readiness, and communication of this guidance.

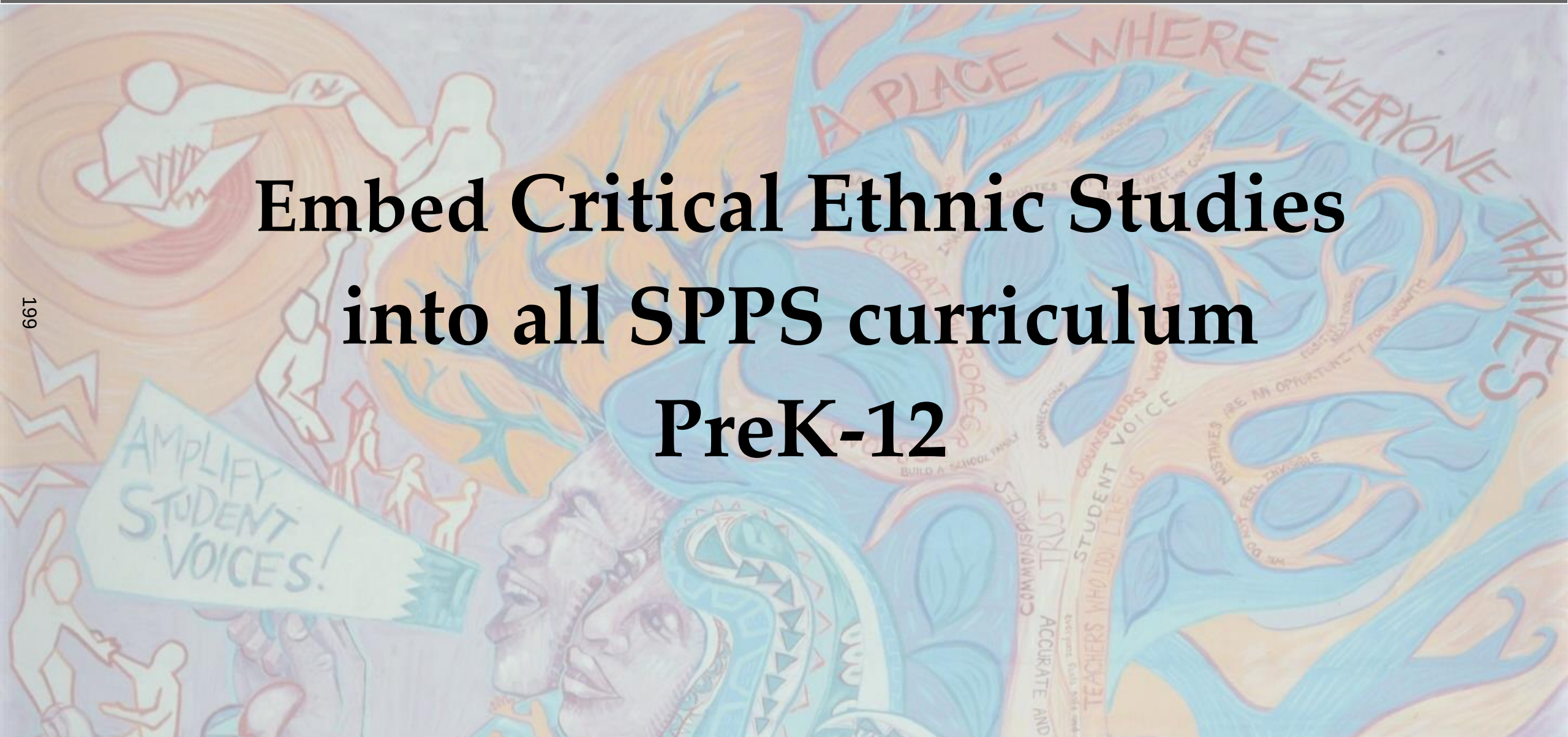
R1: Action Steps

Administration:

- Create a student/staff team responsible for guiding the creation of Critical Ethnic Studies
- Create a new staff position responsible for creation and implementation
- Support alternative licensure to get “woke” teachers

Recommendation 2

**Embed Critical Ethnic Studies
into all SPPS curriculum
PreK-12**



R2: Action Steps

Board:

- Update Policy 602 to include and reporting procedure that defines how student voice will be captured to ensure our goals are happening

602.00	CURRICULUM DEVELOPMENT, INSTRUCTION, AND ACCOUNTABILITY
	SYSTEMS ACCOUNTABILITY (1)
	1. The district will establish a system to review and improve instruction, curriculum, and assessment which will include input by students, parents or guardians, and local community members to meet the Minnesota academic standards. The school district will be accountable to the public and the state through annual reporting. 2. Systems Accountability procedures are intended to ensure student, parent or guardian, and local community member participation in planning for instruction and curriculum affecting academic standards. 3. A district curriculum advisory committee shall provide assistance at the request of the superintendent. The advisory membership shall be a reflection of the community and, to the extent possible, shall reflect the diversity of the district and its learning sites, and shall include representation from parents or guardians, teachers, support staff, students, community residents, and administration.

R2: Action Steps

Board:

- [Update Policy 602.01](#) by adding an accountability procedure

602.01

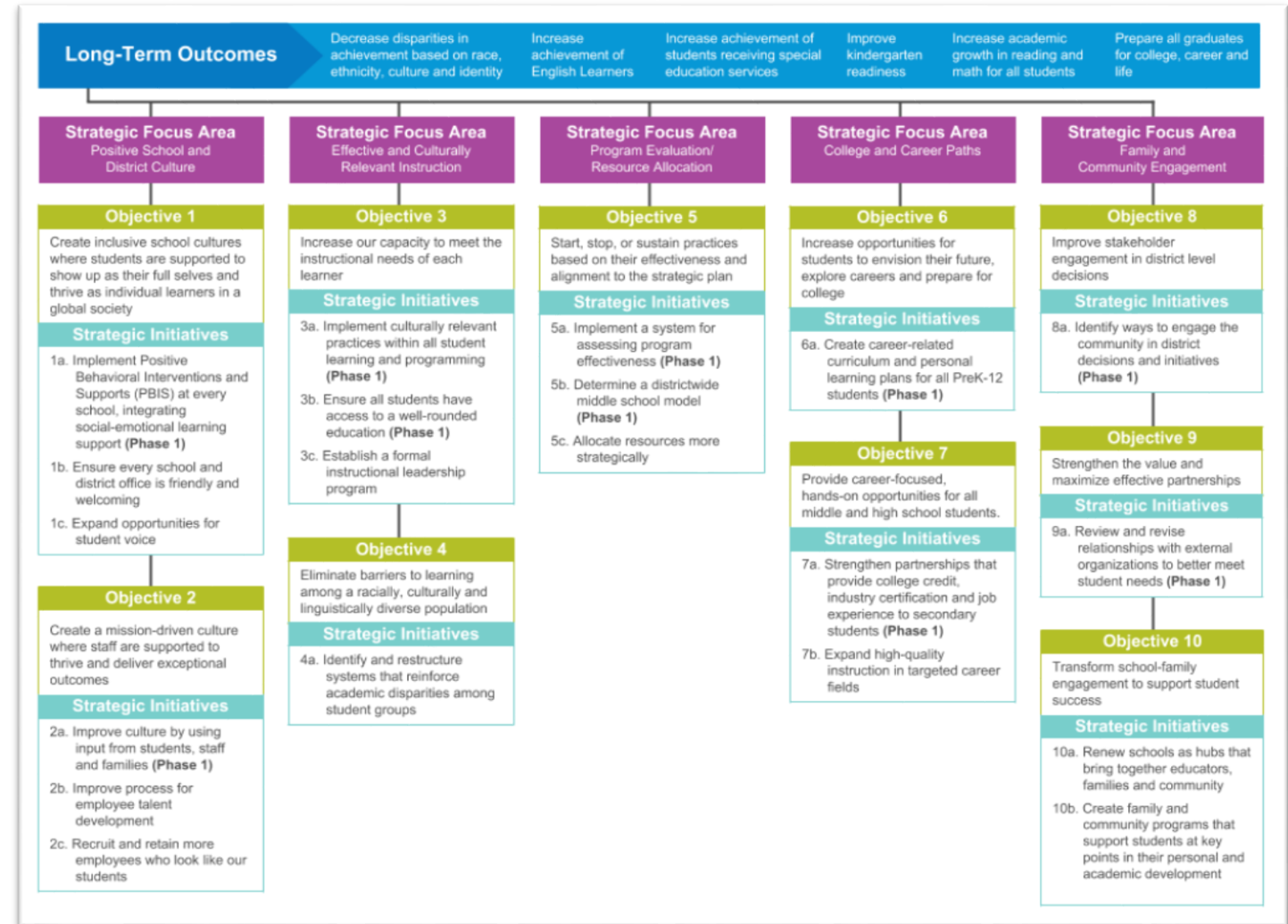
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R2: Action Steps

Administration:

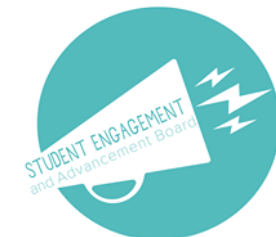
- Include Critical Pedagogy in [Strategic Plan](#) Objective 3
- Include instructor and curriculum evaluation by students in [Strategic Plan](#) Objective 2a



R2: Action Steps

Administration:

- Expand cultural studies electives offered in high schools and expand to middle schools
- Fund instructional training on Critical Pedagogy
- Utilize new Ethnic Studies position to oversee “infusion” of Ethnic Studies IB/AP/CIS social studies
- Name Ethnic Studies as a Student Right in *Rights and Responsibilities*



R2: Action Steps

Administration:

- Bring community in as instructors and pay them for their expertise
- Fund and provide support for elementary schools to critically analyze their curriculum and embed ethnic studies
- Fund position or time for creation of student feedback process and follow through

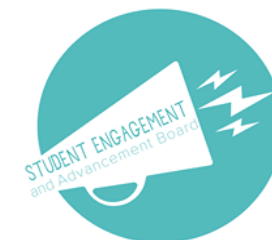




spps.org/seab
seab@spps.org

Facebook:
 Student Engagement and
 Advancement Board

Twitter & Instagram:
 SPPSSEAB





ECFE Logo Redesign

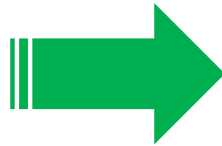
Jackie Turner, Chief Operations Officer

February 19, 2019
Board of Education Meeting

Logo Work Rationale

Feedback from Parents, Faculty and Staff

- The old logo looks outdated
- It doesn't represent the diversity of Saint Paul.
- It looks scary!
- It doesn't represent ECFE (Family).
- Enrollment is struggling. Rebranding will refresh and attract new and diverse families.



Saint Paul
PUBLIC SCHOOLS



ECFE Artwork Project Timeline

208

- **Nov. 5: City-wide Parent Advisory Council Meeting**
 - 23 parents from 11 sites present
 - 23/23 parents advised for a logo change
 - April, CE Marketing Manager, presented 11 options.
 - The group narrowed down and gave input on edits.
- **Nov. 11: Updates Made to Selected Artwork (3 versions created)**
 - Monica sent updates to the PAC.
 - Feedback received and sent to April for edits.
- **Nov. 27: Updated artwork sent to Monica to review.**
- **Nov. 30: Lead Teacher Meeting**
 - 28 teachers present.
 - 22/28 teachers liked the idea of the logo change.
 - 1 Teacher polled staff on which artwork they liked the best (was the option the parents preferred).
- **Dec. 3: City-wide Parent Advisory Council Meeting**
 - 18 parents present.
 - Parents suggested hiring out design project.
 - April presented idea of using state ECFE logo with placement of the SPPS logo.
- **Dec. 18: Logo combinations created. Logo project awaiting approval process.**
- **February 15: All ECFE Staff Meeting.** Staff reviewed the options and provided additional feedback.

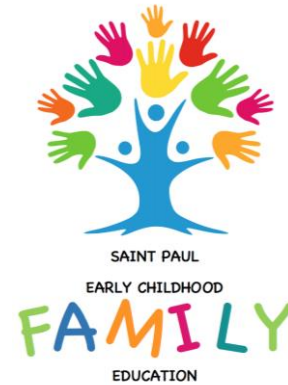


Phase 1: November 5 Options



Phase 2: November 11 Options

210



Phase 3: December 18 Final Choice

- This is the logo that most surveyed preferred. This is also the state level logo (Mnafee) which means it has existing brand equity.

211



**EARLY CHILDHOOD
FAMILY EDUCATION**

Next Steps

- February BOE Presentation
 - Survey
 - Ongoing Feedback
- Parents
- District Staff
- Targeted Partners
 - Communications Department Review
 - Meeting with vendor(s)





Questions

BOARD OF EDUCATION | 2018-2020SY MEETING DATES

	COB	BOE
TIME	4:30pm (unless otherwise noted)	Public Comment 5:30 Board of Education Meeting 6:05pm
2018-2019SY		
JAN	1/8/2019 4:30 pm	1/8/2019 6:00 pm Annual Meeting
		1/22/2019
FEB	2/5/2019	2/19/2019
MAR	3/5/2019	3/19/2019
APR	4/9/2019	4/23/2019
MAY	5/7/2019	5/21/2019
JUNE	6/11/2019	6/11/2019 Special Non-Renewals
		6/18/2019
JULY		7/23/2019
AUG	Wed. 8/7/2019 Rescheduled to Wed. – NNO	8/20/2019

2019-2020SY		
SEPT	9/10/2019	9/17/2019
OCT	10/8/2019	10/22/2019
NOV	11/12/2019	11/19/2019
DEC	12/3/2019	12/17/2019
JAN	1/7/2020 4:30 pm	1/7/2020 6:45 pm Annual Meeting
		1/21/2020
FEB	2/11/2020	2/18/2020
MAR	3/10/2020	3/24/2020

APR	4/7/2020	4/21/2020
MAY	5/5/2020	5/19/2020
JUNE	6/9/2020	6/9/2020 Special Non-Renewals
		6/23/2020
JULY		7/21/2020
AUG	Wed. 8/5/2020 Wed. – NNO	8/18/2020

INDEPENDENT SCHOOL DISTRICT NO. 625

SAINT PAUL PUBLIC SCHOOLS

BOARD OF EDUCATION MEETINGS

The following Board of Education Meetings will be held in the district's Administration Building at 360 Colborne Street unless otherwise noted.

FEBRUARY 11, 2019

4:30 pm

CLOSED MEETING

Labor Negotiations Strategy

FEBRUARY 19, 2019

5:30 pm

6:05 pm

REGULAR MEETING OF THE BOARD OF EDUCATION

Public Comment

Regular Meeting

FEBRUARY 25, 2019

4:30 pm

CLOSED MEETING

Labor Negotiations Strategy

FUTURE BOARD OF EDUCATION MEETINGS

Committee of the Board

2019

March 5

April 9

May 7

June 11

August 7 (Wed.)

September 10

October 1

November 12

December 3

Board of Education

March 19

April 23

May 21

June 11 (Special | Non-Renewals)

June 18

July 23

August 20

September 17

October 22

November 19

December 17

2020

January 7, 2020

February 11

March 10

April 7

May 5

June 9

August 5 (Wed.)

January 7, 2020 (Annual Meeting)

January 21

February 18

March 24

April 21

May 19

June 9 (Special | Non-Renewals)

June 23

July 21

August 18

OTHER EVENTS BOARD MEMBERS ARE SCHEDULED TO ATTEND

February 13, 2019

State of the District

8:00am | Washington Tech

February 23, 2019

Thinking College Early Fair

10:30am | Harding High School

* Please note that the Committee of the Board meeting and the Public Comment sessions will also constitute a special meeting of the Board of Education.