Melrose Area Public Schools
Regular Board Meeting
Monday, November 28, 2022 - 6:30 p.m.

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Agenda Item I: Call Meeting to Order
Commentary by Pat Heller

Background:

The Board Chair will call the meeting to order.

Administration Recommendation: Board Action not required.

Agenda Item II: Pledge of Allegiance
Commentary by Pat Heller

Background:

The Board Chair will call the Pledge of Allegiance.

Administration Recommendation: Board Action not required.

Agenda Item III: Roll Call
Commentary by Pat Heller

Background:

The Board Chair will take roll call. A quorum must be established in order for the meeting to proceed.

Board Members:
Pat Heller, Board Chair
Randy Dufner, Vice-Chair
Mark Heidgerken, Treasurer
Becky Feldewerd, Clerk
Lee Uphoff, Director
Kyle Klasen, Director
Becky Klassen, Director

Administration Recommendation: Board Action not required.

Agenda Item IV: Approve the Agenda
Commentary by Pat Heller

Background:

Once quorum has been established the Board Chair will request approval of the meeting agenda.

Administration Recommendation: To approve the meeting agenda.

Motion to approve the meeting agenda made by: _____ Seconded by: _____
Action: _____

Agenda Item V: Communications/Recognition - A: *Open Forum Report*
Commentary by: Greg Winter

Background:

Open Forum Report:

Administration Recommendation: Board Action not required.

Agenda Item VI: Board Committees
Commentary by: Committee Members

Background

A. WBWF (Lee U. Becky K.)
B. Professional Development (Lee U.)
C. WCED Governance (Lee U.)
D. PTA (Becky K.)

Administration Recommendation: Board Action not required.

Agenda Item VII: Administrative Reports
Commentary by: Administration

Background:

Administration will provide an update to the School Board.
Chad Doetkott, High School Principal
Robert Anderson, Middle School Principal
Terryl Pearson, Elementary Principal
Greg Winter, Superintendent

Administration Recommendation: Board Action not required.

Agenda Item VIII: Non Action A: Willow (Comfort Dog)
Commentary by: Greg Winter

Background:

Jennifer Nietfeld will introduce Willow to the School Board and community.

Administration Recommendation: Board Action not required.

Agenda Item IX: Consent Agenda
Commentary by: Pat Heller

Background:

A. October 24, 2022 Regular School Board Minutes
B. November 15, 2022 Special School Board Minutes
C. Bills & Wire Transfers
    a. A copy of the Bills and Wire Transfers have been available for your review
D. Personnel Action
    a. A summary of personnel actions for this month is attached, including hires, retirements, leaves of absence, change in assignments, additional assignments, resignations and terminations.
    b. Coaches are present for any questions in regard to additional coaching staff requested.

Any items Board members wish to have considered as separate action?

Board approval of Consent Agenda is needed.

Administration Recommendation: To approve the Consent agenda.

Motion to approve the Consent Agenda made by: _____ Seconded by: _____
Action_____

Melrose Area Public Schools
Regular Board Meeting
Monday, November 28, 2022 - 6:30 p.m.

Regular School Board Minutes - Melrose Area Public Schools
Monday, October 24, 2022

Chair Heller called the meeting to order at 6:30 pm. The Pledge of Allegiance was recited. The following members were present: Mr. Heller, Mr. Heidgerken, Mr. Dufner, Mrs. Uphoff, Mrs. Klassen, Mr. Klasen, & Mrs. Feldewerd. Also present were: Mr. Winter, Ms Noska, Mrs. Pearson, Mr. Doekott, & Mr. Anderson.

Mr. Dufner moved, with a second by Mr. Heidgerken, to approve the agenda. The Motion was unanimously carried.

There was a few Community Members there with concerns at Open Forum. No action was Taken.

Gymnastics & Swim teams thanked the Board for the pit in the gymnastics gym and the starting blocks for the swim team. No action was taken.

Board reports were given. No action was taken.

Administrative reports were given. No action was taken.

The Board & Mr. Winter held a second review of Policy 417 - Chemical Use & Abuse. No action was taken.

The Board & Mr. Winter held a second review of Policy 418 - Drug-Free Workplace/School. No action was taken.

The Board & Mr. Winter held a second review of Policy 506 - Student Discipline. No action was taken.

Mrs. Uphoff moved, with a second by Mrs. Klassen, to approve the following Consent Agenda Items:

- September 26, 2022 Regular School Board Minutes
- September 26, 2022 Special School Board Minutes
- October 12, 2022 Special School Board Minutes
- Bills & Wires in the amount of $1,737,091.63
- New Hire - Amairany Torres Becerra (Step 1) - Paraprofessional - Elementary - Full time - Effective 10-7-22
- New Hire - Karen Westbrock (Step 3) - Paraprofessional - Elementary - Full time - Effective 10-17-22
- New Hire - Katie Meyer (Step 2) - Head Girls Golf Coach - High School - Part time - Effective 3-20-23
- New Hire - Abby Jemmings (Step 1) - GBB Coach - Middle School - Part time - Effective 10-25-22

- New Hire - Cassie Herkenhoff (Step 1) - GBB Coach - Middle School - Part time - Effective 10-25-22
- New Hire - Isaac Herkenhoff - GBB Coach - Middle school - Volunteer - Effective 10-25-22
- New Hire - Estafani Raya (Step 3) - Asst. Danceteam Coach - High School - Part time - Effective 10-24-22
- New Hire - Mallari Funk - Preschool Asst. - Community Education - Par time - Effective 11-3-22
- Resignation - Amy Primus - Preschool Asst. - Community Education - Part time - Effective 10-26-22
- Discharge - Probationary Para - Paraprofessional - Elementary - Full time - Effective 10-19-22
- Change of Assignment - Lenae Glasener - Preschool Asst. - Community Education - Effective 10-10-22
- Change of Assignment - Makenna Heidgerken - DEC Student Lead - Community Education - Part time - Effective 10-4-22
- Leave - Sydney Ortiz - Teacher - MS/HS - Full time - Approx. 4-1-23

The Motion was unanimously carried.

Mr. Dufner moved, with a second by Mrs. Uphoff, to approve the Treasurer's Report. The Motion was unanimously carried.

Mr. Heidgerken moved, with a second by Mr. Klasen, to approve the following donations:

- 9-23-22 - Steven & Sandra Rasmussen - High School - $ for swim warm ups - $3,000.00
- 9-28-22 - Freeport State Bank - High School - $ for swim warm ups - $750.00
- 9-29-22 - Great River Federal Credit Union - Elementary - Supplies - $100.00
- 9-29-22 - Freeport Lions - High School - $ for swim warm ups - $500.00
- 10-7-22 - St. Rosa Jaycee's - High School - $ for swim warm ups - $500.00
- 10-7-22 - Land O' Lakes - High School - $ for swim warm ups - $2,000.00
- 10-12-22 - KLN Industries - High School - $ for swim warm ups - $500.00
- 10-20-22 - Leedstone - High School - $ for swim warm ups - $84.00
- 10-20-22 - Melrose Lions - High School - Football for Guardian Caps - $3,400.00

The Motion was unanimously carried.

Mr. Klasen moved, with a second by Mr. Dufner, to approve the Resolution Combining Polling Places. The Motion was unanimously carried.

Mrs. Klassen moved, with a second by Mrs. Uphoff, to approve the Resolution Calling the Election and Issuance of School Bonds. The Moton was unanimously carried.

Mrs. Uphoff moved, with a second by Mr. Klasen, to approve the 2022-23 Custodial Seniority List. The Motion was unanimously carried.

Mr. Heidgerken moved, with a second by Mr. Dufner, to approve the 2022-23 Paraprofessional Seniority List. The Motion was unanimously carried.

Mr. Klasen, moved, with a second by Mrs. Uphoff, to approve the 2022-23 Preschool Teacher Seniority List. The Motionw as unanimously carried.

Mr. Heidgerken moved, with a second by Mr. Dufner, to approve the 2022-23 Teacher Seniority List. The Motion was unanimously carried.

Mrs. Uphoff moved, with a second by Mr. Klasen, to approve the MSHSL Foundation Grant. The Motion was unanimously carried.

Mr. Heidgerken moved, with a second by Mr. Dufner, to approve the Melrose Bus Service Addendum. The Motion was unanimously carried.

Mrs. Uphoff moved, with a second by Mr. Klasen, to approve the New Munich Bus Service Addendum. The Motion was unanimously carried.

Mr. Klasen moved, with a second by Mr. Heidgerken, to approve the Michael Kraemer Bus Service Addendum. The Motion was unanimously carried.

Mrs. Klassen moved, with a second by Mrs. Uphoff, to approve the Williams Bus Service Addendum. The Motion was unanimously carried.

Mr. Dufner moved, with a second by Mr. Klasen, to approve Stacey Austing-Jacobson's contract for the 2022-23, 2023-24 & 2024-25 school years. The Motion was unanimously carried.

Mr. Dufner moved, with a second by Mrs. Uphoff, to adjourn the meeting at 7:16 pm. The Motion was unanimously carried.

_____
Becky Feldewerd, Clerk

Melrose Area Public Schools
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Special School Board Minutes - Melrose Area Public School
Tuesday, November 15, 2022

Mr. Dufner called the meeting to order at 7:00 am. The Pledge of Allegiance was recited. The following members were present:: Mr. Dufner, Mr. Heidgerken, Mrs. Feldewerd, Mrs. Klassen, Mrs. Uphoff & Mr. Klasen. Mr. Heller was absent. Also present was Mr. Winter.

Mr. Heidgerken moved, with a second by Mrs. Uphoff, to approve the agenda. The Motion was unanimously carried.

Mr. Klasen moved, with a second by Mrs. Klassen, to approve the November 8, 2022 election results. The Motion was unanimously approved.

Mr. Heidgerken moved, with a second by Mrs. Uphoff, to adjourn the meeting at 7:04 am.

_____
Becky Feldewerd, Clerk

Melrose Area Public Schools
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		NEW HIRES			
Name	Title	Building	Status	Effective	
Samantha Housman	Reading Interventionist	Elementary	Full time	11/14/2022	
Caroline Braun	DEC Asst.	Community Education	Part time	11/14/2022	
Donna Welle	Food Service Asst.	High School	Full time	11/28/2022	
Brenda Tschida	Preschool Wrap Around	Community Education	Full time	12/5/2022	
Eli Revering	DEC Asst.	Community Education	Part time	11/28/2022	
		RESIGNATIONS/ TERMINATION/ RETIREMENT			
Name	Title	Building	Status	Effective	Action
Amber Wieling	Preschool Wrap Around	Community Education	Full time	11/15/2022	Resignation
Lisa Wiechmann (6 years)	Food Service Asst.	High School	Part time	12/31/2022	Retirement
Monica Hince (18 years)	Teacher	Elementary	Full time	6/30/2024	Retirement
Mary Decker (27 years)	Food Service Asst.	High School	Full time	12/5/2022	Retirement
Tammy Wiechmann (32 years)	Teacher	High School	Full time	8/27/2023	Retirement
Mauricio Perez	Head Boys Soccer Coach	High School	Part time	11/1/2022	Resignation
Katie Meyer	Asst. Volleyball Coach	High School	Part time	11/2/2022	Resignation
Spencer VanBeck	Asst. Boys Swim Coach	High School	Part time	11/28/2022	Resignation
		CHANGE OF ASSIGNMENTS/ LANE CHANGES/ CONTRACTS			
Name	Title	Building	Status	Effective	
Lindsay Anderson MA+15 to MA+30)	Teacher	High School	Full time	7/1/2022	

Andria Beste (MA+30 to MA+45)	Teacher	High School	Full time	7/1/2022	
Nicky Depute (MA+15 to MA+30)	Teacher	Elementary	Full time	7/1/2022	
Brian Krause (MA to MA+15)	Teacher	MS/HS	Full time	7/1/2022	
Amanda Mackedanz (BA+30 to BA+45)	Teacher	Elementary	Full time	7/1/2022	
Callista Mayers (MA+30 to MA+45)	Teacher	Elementary	Full time	7/1/2022	
Caitlin Mayo (MA to MA+15)	Teacher	Middle School	Full time	7/1/2022	
Millisa Peterson (MA+30 to MA+45)	Teacher	Middle School	Full time	7/1/2022	
Jake Pundsack (BA to BA+15)	Teacher	Elementary	Full time	7/1/2022	
Paula Ruoff (MA+30 to MA+45)	Teacher	Elementary	Full time	7/1/2022	
Briana Schmiesing (BA+15 to MA)	Teacher	Elementary	Full time	7/1/2022	
Chelsey Traut (BA+15 to BA+45)	Teacher	MS/HS	Full time	7/1/2022	
Emily Welle (BA+15 to BA+45)	Teacher	Elementary	Full time	7/1/2022	
Emily Zachmann (MA to MA+15)	Teacher	Elementary	Full time	7/1/2022	
		LEAVE REQUESTS			
Name	Title	Building	Status	Effective	
Karen Jo Meyer	Paraprofessional	Elementary	Full time	Various Dates	
		POSITION AUTHORIZATION			
Name	Title	Building	Status	Effective	
	JV BBB Coach				

Agenda Item X: Treasurer's Report
Commentary by: Greg Winter, Erin Noska

Background:

Mr. Winter, Ms. Noska, and Mr. Heidegerken will give recommendations for the Treasurer's report subject to audit. The Board Treasurer and Business Manager meet once a month to review the previous month's financial activity. Reports that are reviewed are the treasurer's report, payment registers, and employee receipts.

Administration Recommendation: To approve the treasurer's report subject to audit.

Motion to approve the Treasurer's Report made by: _____ Seconded by: _____
Action: _____

Revenue/Expenditure Document is in School Board Folder

The following checks were issued in paying claims: Wires transfers and checks 67472 - 67669	
Expenditures:	
01 General Fund	$869,966.26
02 Food Service	$65,679.18
04 Community Service	$30,001.80
07 Debt Redembtion Fund	$0.00
15 Student Activities	$60,392.97
30 Internal Services (Dental)	$7,726.10
Total AP	$1,033,766.31
Payroll ACH	$589,496.61
Total	$1,623,262.92

Agenda Item XI: Action Item A: Gifts and Donations
Commentary by: Greg Winter

Background: Therefore the Superintendent recommends the following resolution:

WHEREAS, School Board Policy #706 establishes guidelines for acceptance of gifts/donations to the District; and

WHEREAS, Minnesota Statute 465.03 states the School Board may accept a gift, grant, or devise of real or personal property only by the adoption of a resolution approved by two-thirds of its members; and

BE IT RESOLVED that the School Board of Melrose Area Public Schools accept with appreciation the following gifts/donations and permit their use as designated by the donor(s)

Administration Recommendation: To adopt resolution

Motion to approve donations made by: _____ Seconded by: _____

Roll Call Vote:
Pat Heller: _____
Becky Klassen _____
Randy Dufner _____
Becky Feldewerd _____
Mark Heidgerken _____
Lee Uphoff _____
Kyle Klasen _____

Date	Donor	Site	Item/Nature of Gift/Donation	Value/Amount
11-1-22	Harvest Church	District	Speaker	$3,050.00
11-2-22	Freeport Screen Print	High School	Renaissance	$200.00
11-2-22	CAP Enterprises	High School	Renaissance	$50.00
11-2-22	St. Rosa Jaycee's	High School	Renaissance	$100.00
11-2-22	American Legion	High School	Renaissance	$200.00
11-2-22	Spring Hill Recreation	High School	Renaissance	$250.00
11-2-22	Melrose Lions	High School	Renaissance	$1,500.00
11-2-22	Jim's Wholesale	High School	Renaissance	$30.00
11-2-22	Commercial Contractors of Melrose	High School	Renaissance	$250.00
11-2-22	Freeport Electric	High School	Renaissance	$100.00
11-2-22	FAMO Feeds	High School	Renaissance	$25.00
11-2-22	Kraemer Lumber Co., Inc	High School	Renaissance	$100.00
11-2-22	Rahn's Oil & Propane, Inc.	High School	Renaissance	$100.00
10/27/22	Alex Tech&CC	High School	Used speed glass welding helmet	$150.00
10/28/22	Joyce Tereway	High School	4 push mowers	$100.00
11-11-22	True North Marketplace	High School	Renaissance	% off Drinks
11-11-22	Melrose 1 Stop	High School	Renaissance	Free sold a with purchase
11-11-22	Midwest Screen Print	High School	Renaissance	% off Dutchmen Apparel
11-17-22	Rahn's Oil & Propane, Inc.	High School	Donated $ Back from the Raffle	$500.00
11-18-22	Jara & Jason Malchow	High School	2005 Chevy Equinox	$1,700.00
11-23-22	MAPS to Food Shelf	District	4 turkeys	$100.00

Agenda Item XI: Action Item B: Approve FY22 Audit
Commentary by: Greg Winter

Background:
Schlenner Wenner will present our FY22 Audit.

AdministrationRecommendation: Approve the resolution

Motion to approve the FY22 Audit made by: _____ Seconded by: _____ Action: _____

Agenda Item XI: Action Item C: Policy 417 - Chemical Use & Abuse
Commentary by: Greg Winter

Background:
This is the third and final review of this policy

Policy Review Committee Recommendation: Approve the resolution

Motion to approve the Policy 417 - Chemical Use & Abuse made by: _____ Seconded by: _____
Action: _____

Melrose Area Public Schools

Adopted: 8-24-09

Revised: 7-22-19

~~MSBA/MASA Model~~ Policy 417
Orig. 1995
Rev. ~~2015~~ 2022

417 CHEMICAL USE AND ABUSE

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

A. Use or possession of controlled substances, toxic substances, medical cannabis, ~~toxic substances,~~ and alcohol before, during, or after school hours, at school or in any other school location, is prohibited in ~~the school setting~~ in accordance with school district policies with respect to a Drug-Free Workplace/Drug-Free School.

B. The ~~policy of this~~ school district shall develop, implement, and evaluate comprehensive programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievement. ~~is to provide an instructional program in every elementary and secondary school in chemical abuse and the prevention of chemical dependency.~~

C. Every ~~The~~ school ~~district~~ that participates in a school district chemical abuse program shall establish ~~and maintain in every school~~ a chemical abuse preassessment team. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.

~~D. The superintendent, with the advice of the school board, shall be responsible for establishing a school and community advisory team to address chemical abuse problems in the district.~~

D. ~~E.~~ The school district shall establish ~~and maintain~~ a drug-free awareness program ~~to~~ for ~~educate and assist~~ employees. ~~students and others in understanding this policy and the goals of achieving drug-free schools and workplaces.~~

[Note: School districts are required to establish a drug-free awareness program for school district employees pursuant to the Drug-Free Workplace Act. In addition, state law requires that the written districtwide school discipline policy must include procedures for detecting and addressing chemical abuse problems of a student while on the school premises. Further, school districts are required to develop, implement, and evaluate comprehensive programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic

achievement if receiving funding under the federal Student Support and Academic Enrichment Grants law.]

III. DEFINITIONS

A. "Chemical abuse" as applied to students means use of any psychoactive or mood-altering chemical substance, without compelling medical reason, in a manner that induces mental, emotional, or physical impairment and causes socially dysfunctional or socially disordering behavior, to the extent that the student's normal function in academic, school, or social activities is chronically impaired.

~~B. "Chemicals" includes, but is not limited to, alcohol, toxic substances, medical cannabis, and controlled substances as defined in the school district's Drug-Free Workplace/Drug-Free School policy.~~

B. "Controlled substances," as applied to the chemical abuse assessment of students, means a drug, substance, or immediate precursor in Schedules I through V of Minnesota Statutes section 152.02 and "marijuana" as defined in Minnesota Statutes section 152.01, subdivision 9 but not distilled spirits, wine, malt beverages, intoxicating liquors or tobacco. As otherwise defined in this policy, "controlled substances" include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 United States Code section 812, including analogues and look-alike drugs.

C. "Drug prevention" means prevention, early intervention, rehabilitation referral, recovery support services, or education related to the illegal use of drugs, such as raising awareness about the consequences of drug use that are evidence based.

~~C. "Use" includes to sell, buy, manufacture, distribute, dispense, use, or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration.~~

~~D. "School location" includes any school building or on any school premises; on any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district; or during any period of time such employee is supervising students on behalf of the school district or otherwise engaged in school district business.~~

D. "Teacher" means all persons employed in a public school or education district or by a service cooperative as members of the instructional, supervisory, and support staff including superintendents, principals, supervisors, secondary vocational and other classroom teachers, librarians, counselors, school psychologists, school nurses, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, and speech therapists.

IV. STUDENTS

A. Districtwide School Discipline Policy

Procedures for detecting and addressing chemical abuse problems of a student while on school premises are included in the districtwide school student discipline policy.

B. ~~A.~~ Instruction

1. ~~Every~~ The school district shall develop, implement, and evaluate comprehensive ~~provide an instructional~~ programs programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievements. The programs and activities may include, among other programs and activities, drug prevention activities and programs that may be evidence based, including programs to educate students against the use of alcohol, tobacco, marijuana, smokeless tobacco products, and electronic cigarettes. ~~in chemical abuse and the prevention of chemical dependency. The school district may involve parents, students, health care professionals, state department staff, and members of the community in developing the curriculum.~~

2. As part of its drug-free programs, the school district may implement the drug abuse resistance education program (DARE) that enables peace officers to undergo the training to teach a curriculum on drug abuse resistance in schools.

~~2. Each school shall have age-appropriate and developmentally based activities that:~~

~~a. address the consequences of violence and the illegal use of drugs, as appropriate;~~

~~b. promote a sense of individual responsibility;~~

~~c. teach students that most people do not illegally use drugs;~~

~~d. teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use;~~

~~e. teach students about the dangers of emerging drugs;~~

~~f. engage students in the learning process; and~~

~~g. incorporate activities in secondary schools that reinforce prevention activities implemented in elementary schools.~~

~~3. Each school shall have activities that involve families, community sectors (which may include appropriately trained seniors), and a variety of drug and violence prevention providers in setting clear expectations against violence and illegal use~~

~~of drugs and appropriate consequences for violence and illegal use of drugs.~~

~~4. Each school shall disseminate drug and violence prevention information within the school and to the community.~~

~~5. Each school shall have professional development and training for, and involvement of, school personnel, student services personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to drug and violence prevention.~~

~~6. Each school shall have drug and violence prevention activities that may include the following:~~

~~a. Community-wide planning and organizing activities to reduce violence and illegal drug use, which may include gang activity prevention.~~

~~b. The hiring and mandatory training, based on scientific research, of school security personnel who interact with students in support of youth drug and violence prevention activities under this policy that are implemented in the school.~~

~~c. Conflict resolution programs, including peer mediation programs that educate and train peer mediators and a designated faculty supervisor, and youth anti-crime and anti-drug councils and activities.~~

~~d. Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance provided by qualified school-based mental health services providers and the training of teachers by school-based mental health services providers in appropriate identification and intervention techniques for students at risk of violent behavior and illegal use of drugs.~~

~~e. Programs that encourage students to seek advice from, and to confide in, a trusted adult regarding concerns about violence and illegal drug use.~~

C. ~~B.~~ Reports of Use, Possession, or Transfer of Alcohol or a Controlled Substance ~~Chemical Use and Abuse~~

~~1. In the event that a school district employee knows that a student is abusing, possessing, transferring, distributing, or selling chemicals in a school location:~~

~~a. The employee shall immediately either take the student to an administrator or notify an appropriate administrator of the observation and continue to observe the student until the administrator arrives.~~

~~b. The administrator will notify the student's parents. If there is a medical emergency, the administrator will notify the school nurse and/or outside medical personnel as appropriate.~~

~~c. The administrator will notify law enforcement officials, the student's counselor, and the chemical pre-assessment team.~~

~~d. The administrator and/or law enforcement officials will confiscate the chemicals and/or conduct a search of the student's person, effects, locker, vehicle, or areas within the student's control. Searches by school district officials shall be in accordance with school board policies regarding search and seizure.~~

~~e. The school district will take appropriate disciplinary action in compliance with the student discipline code. Such discipline may include immediate suspension, initiation of expulsion proceedings, and/or referral to a detoxification center or medical center.~~

~~2. If a school district employee has reason to believe that a student is abusing, possessing, transferring, distributing, or selling chemicals:~~

~~a. The employee shall notify the building administrator or a member of the preassessment team and shall describe the basis for the suspicion. The building administrator and/or team will determine what action should be taken. Action may include conducting an investigation, gathering data, scheduling a conference with the student or parents, or providing a meeting between a single member of the team and the student to discuss the behaviors that have been reported and attempting to ascertain facts regarding chemical abuse.~~

~~b. The team may determine there is no chemical abuse. If the team determines there is chemical abuse, the team will select an appropriate course of action, which may include referral to a school counselor; referral to a treatment program; referral for screening, assessment, and treatment planning; participation in support groups; or other appropriate measures.~~

1. A teacher in a nonpublic school participating in a school district chemical use program, or a public school teacher, who knows or has reason to believe that a student is using, possessing, or transferring alcohol or a controlled substance while on the school premises or involved in school-related activities, shall immediately notify the school's chemical abuse pre-assessment team, or staff member assigned duties similar to those of such a team, of this information.

[Note: School districts are not required to participate in a chemical abuse program or establish a chemical abuse pre-assessment team pursuant to state law. Schools are required to have procedures for detecting student chemical abuse and can obtain federal funding if they establish drug prevention, detection, intervention, and recovery support services. Thus, it is recommended that schools establish these programs and activities. For those schools that do not establish a chemical abuse pre-assessment team, those obligations could be assigned to a specified staff member such

a school counselor or administrator.]

~~3.~~ 2. Students involved in the abuse, possession, transfer, distribution, or sale of chemicals ~~shall~~ may be suspended and proposed for expulsion in compliance with the student discipline policy and the Pupil Fair Dismissal Act, Minnesota Statutes section ~~§~~ 121A.40-121A.56, and proposed for expulsion.

~~4.~~ 3. Searches by school district officials in connection with the ~~ab~~use, possession, or transfer, ~~distribution, or sale~~ of alcohol or a controlled substance ~~chemicals~~ will be conducted in accordance with school board policies related to search and seizure.

4. Nothing in paragraph IV.B.1. prevents a teacher or any other school employee from reporting to a law enforcement agency any violation of law occurring on school premises or at school sponsored events.

D. ~~C.~~ Preassessment Team

1. Every school that participates in a school district chemical abuse program shall establish ~~have~~ a chemical abuse pre assessment team designated by the superintendent or designee. The team must ~~will~~ be composed of classroom teachers, administrators, and to the extent they exist in the school, school nurse, school counselor or psychologist, social worker, chemical abuse specialist and other appropriate professional staff. ~~to the extent they exist in each school, such as the school nurse, school counselor or psychologist, social worker, chemical abuse specialist, or others.~~ For schools that do not have a chemical abuse program and team, the superintendent or designee will assign these duties to a designated school district employee.

2. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.

3. Within forty-five (45) days after receiving an individual reported case, the team shall make a determination whether to provide the student and, in the case of a minor, the student's parents with information about school and community services in connection with chemical abuse.

E. ~~D.~~ Data Practices

1. Student data may be disclosed without consent in health and safety emergencies pursuant to Minn. Stat. § 13.32 and applicable federal law and regulations.

2. Destruction of Records

   a. If the pre assessment team decides not to provide a student and, in the case of a minor, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the determination is made.

b. If the team decides to provide the student and, in the case of a minor or a dependent student, the student's parents with ~~such~~ information about school or community services in connection with chemical abuse, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the student is no longer enrolled in the district.

c. ~~This section shall govern~~ Destruction of records identifying individual students shall be governed by paragraph IV.E.2. notwithstanding ~~provisions of the Records Management Act,~~ Minnesota Statutes sections § 138.163 (Preservation and Disposal of Public Records.).

F. ~~E.~~ Consent

Any minor may give effective consent for medical, mental, and other health services to determine the presence of or to treat conditions associated with alcohol and other drug abuse, and the consent of no other person is required. (pursuant to Minnesota Statutes § 144.341-.347)

[Note: State law permits schools to provide these services to minor students without the consent of a parent. If, however, a school district provides these or other services pursuant to a grant received under the Student Support and Academic Enrichment Grants law, this funding could be jeopardized if the requirements of federal law, to obtain prior written, informed consent from the parent of each child who is under 18 years of age is not obtained.]

~~F. School and Community Advisory Team~~

~~1. The superintendent, with the advice of the school board, shall establish a school and community advisory team to address chemical abuse problems. The advisory team will be composed of representatives from the school pre assessment teams to the extent possible, law enforcement agencies, county attorney's office, social service agencies, chemical abuse treatment programs, parents, and the business community.~~

~~2. The advisory team shall:~~

~~a. build awareness of the problem within the community, identify available treatment and counseling programs for students, and develop good working relationships and enhance communication between the schools and other community agencies; and~~

~~b. develop a written procedure clarifying the notification process to be used by the chemical abuse pre assessment team when a student is believed to be in possession of or under the influence of alcohol or a controlled substance. The procedure must include contact with the student and the student's parents or guardian in the case of a minor student.~~

V. EMPLOYEES

A. The school district ~~superintendent or designee shall undertake and maintain~~ a drug-free awareness ~~and prevention~~ program to inform employees, ~~students, and others~~ about:

1. The dangers ~~and health risks of chemical~~ of drug abuse in the workplace~~/school~~.

2. The school district's ~~drug-free workplace/drug-free school~~ policy maintaining a drug-free workplace..

3. A~~ny available~~ drug ~~or alcohol~~ counseling, ~~treatment,~~ rehabilitation, ~~re-entry,~~ and~~/or~~ employee assistance programs ~~available to employees and/or students.~~

4. The penalties that may be imposed on employees for drug abuse violations.

B. The school district ~~superintendent or designee~~ shall notify a~~ny~~ federal granting agency required to be notified under the Drug-Free Workplace Act within ten (10) days after receiving notice from the employee or otherwise receiving actual notice of any criminal drug statue conviction of ~~an employee for a criminal drug statute violation~~ occurring in the workplace. ~~To facilitate the giving of such notice, any employee aware of such a conviction shall report the same to the superintendent.~~

Legal References:

Minn. Stat. § 13.32 (Educational Data)
Minn. Stat. § 121A.25-121A.29 (Chemical Abuse)
Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.61 Discipline & Removal of Students from Class)
Minn. Stat. § 124D.695 (Approved Recovery Program Fuding)
Minn. Stat. § 126C.44 (State Schools Levy)
Minn. Stat. § 138.163 (Preservation and Disposal of Public Records) ~~(Records Management Act)~~
Minn. Stat. § 144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse, Abortion)
Minn. Stat. § 152.01 (Definitions)
Minn. Stat. § 152.2 (Schedules of Controlled Substances, Administration of Chapter)
Minn. Stat. § 152.22 (~~Medical Cannabis;~~ Definitions; Medical Cannabis)
Minn. Stat. § 152.23 ~~(Medical Cannabis;~~ Limitations; Medical Cannabis)
Minn. Stat. § 299A.33 (DARE Program)
Minn. Stat. § 466.07, subd. 1 (Indemnification Required)
Minn. Stat. § 609.101, subd. 3(e) (Controlled Substance Offences, Minimum Fines)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
20 U.S.C. §§ 7101-71~~65~~ 22 (Student Support and Academic Enrichment Grants) ~~(Safe and Drug-Free Schools and Communities Act)~~
20 U.S.C. § 5812 (National Education Goals)
20 U.S.C. § 7175 (Local Activities)
41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)
34 C.F.R. Part 84 (Government-wide Requirements for Drug-Free Workplace)

Cross References:

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 416 (Drug and Alcohol Testing)
MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug Free School)

MSBA/MASA Model Policy 419 (Tobacco-Free Environment; Possession And Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices; Vaping Awareness and Prevention Instruction)
MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA/MASA Model Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)

Agenda Item XI: Action Item D: Policy 418 - Drug-Free Workplace/School
Commentary by: Greg Winter

Background:
This is the third and final review of this policy.

Policy Review Committee Recommendation: Approve the resolution

Motion to approve Policy 418 - Drug-Free Workplace/School made by: _____ Seconded by: _____ Action: _____

Melrose Area Public Schools

Adopted: 3-23-09

Revised: 4-15-19

~~*MSBA/MASA Model*~~ *Policy 418*
Orig. 1995
Rev. ~~*2015*~~*2022*

418 DRUG-FREE WORKPLACE/DRUG-FREE SCHOOL

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

A. Use or possession of alcohol, ~~controlled substances,~~ toxic substances, medical cannabis, nonintoxicating cannabinoids (including edible cannabinoid products, and controlled substances ~~alcohol~~ before, during, or after school hours, at school or in any other school location, is prohibited as a general policy. Paraphernalia associated with controlled substances is prohibited.

B. A violation of this policy occurs when any student, teacher, administrator, other school district personnel, or member of the public uses or possesses alcohol, toxic substances, ~~controlled substances, or~~ medical cannabis, nonintoxicating cannabinoids (including edible cannabinoid products), or controlled substances in any school location.

C. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or member of the public who violates this policy.

III. DEFINITIONS

A. "Alcohol" includes any alcoholic beverage, containing more than one-half of one percent alcohol by volume, ~~malt beverage, fortified wine, or other intoxicating liquor.~~

B. "Controlled substances" include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 United States Code ~~U.S.C. §~~ 812, including analogues and look-alike drugs.

C. "Edible cannabinoid product" means any product that is intended to be eaten or consumed as a beverage by humans, contains a cannabinoid in combination with food ingredients, and is not a drug.

D. "Nonintoxicating cannabinoid" means substances extracted from certified hemp plants that do not produce intoxicating effects when consumed by any route of

administration.

E. ~~C.~~ "Medical cannabis" means any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins, and is delivered in the form of: (1) liquid, including, but not limited to, oil; (2) pill; (3) vaporized delivery method with use of liquid or oil but which does not require the use of dried leaves or plant form; (4) combustion with use of dried raw cannabis; or (5) any other method, ~~excluding smoking,~~ approved by the commissioner.

F. "Possess" means to have on one's person, in one's effects, or in an area subject to one's control.

G. "School location" includes any school building or on any school premises; in any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district; or during any period of time such employee is supervising students on behalf of the school district or otherwise engaged in school district business.

H. ~~D.~~ "Toxic substances" includes glue, cement, aerosol paint, containing toluene, benzene, xylene, amyl nitrate, butyl nitrate, nitrous oxide, or containing other aromatic hydrocarbon solvents, but does not include glue, cement, or paint contained in a packaged kit for the construction of a model automobile, airplane, or similar item; (2) butane or a butane lighter; or (3) any similar substance declared to be toxic to the central nervous system and to have a potential for abuse, by a rule adopted by the commissioner of health. ~~or other substances used or possessed with the intent of inducing intoxication or excitement of the central nervous system.~~

I. "Use" includes to sell, buy, manufacture, distribute, dispense, possess, use, or be under the influence of alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids (including edible cannabinoid products), and/or controlled substances, whether or not for the purpose of receiving remuneration or consideration.

IV. EXCEPTIONS

A. A violation of this policy does not occur when a person brings onto a school location, for such person's own use, a controlled substance, except medical cannabis, which has a currently accepted medical use in treatment in the United States and the person has a physician's prescription for the substance. The person shall comply with the relevant procedures of this policy.

B. A violation of this policy does not occur when a person possesses an alcoholic beverage in a school location when the possession is within the exceptions of Minnesota Statutes Section ~~§~~ 624.701, Subd. 1a (experiments in laboratories; pursuant to a temporary license to sell liquor issued under Minnesota laws or possession after the purchase from such a temporary license holder).

V. PROCEDURES

A. Students who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, must comply with the school district's student medication policy.

B. Employees who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or syringe. The employee must inform his or her supervisor. The employee may be required to provide a copy of the prescription.

C. Each employee shall be provided with written notice of this Drug-Free Workplace/Drug-Free School policy and shall be required to acknowledge that he or she has received the policy.

[Note: The Drug-Free Workplace Act requires that school district employees be notified by a published statement of the prohibition of the use of controlled substances and actions that will be taken against employees for violations of such prohibition. 41 United States Code section 8103; 34 Code of Federal Regulations Part 84. An acknowledgment will document satisfaction by the school district of this federal requirement.]

D. Employees are subject to the school district's drug and alcohol testing policies and procedures.

E. Members of the public are not permitted to possess controlled substances in a school location except with the express permission of the superintendent.

F. No person is permitted to possess or use medical cannabis on a school bus or van; or on the grounds of any preschool or primary or secondary school; or on the grounds of any child care facility. This prohibition includes (1) vaporizing or combusting medical cannabis on any form of public transportation where the vapor or smoke could be inhaled by a minor child or in any public place, including indoor or outdoor areas used by or open to the general public or place of employment; and (2) operating, navigating, or being in actual physical control of any motor vehicle or working on transportation property, equipment or facilities while under the influence of medial cannabis.

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

VI. ENFORCEMENT

A. Students

1. Students may be required to participate in programs and activities that

provide education against the use of alcohol, tobacco, marijuana, smokeless products, electronic cigarettes, and nonintoxicating cannabinoids cannabinoid products), tobacco (including edible

2. Students may be referred to drug or alcohol assistance or rehabilitation programs; school based mental health services, mentoring and counseling, including early identification of mental health symptoms, drug use and and appropriate referral to direct individual or group counselling may be provide by school based mental health services to law enforcement officials when appropriate. violence service. which providers; and/or referral

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

~~2. The student may be referred to a drug or alcohol assistance or rehabilitation program and/or to law enforcement officials when appropriate.~~

B. Employees

1. As a condition of employment in any federal grant, each employee who is engaged either directly or indirectly in performance of a federal grant shall abide by the terms of this policy and shall notify his or her supervisor in writing of his or her conviction of any criminal drug statute for a violation occurring in any of the places listed above on which work on a school district federal grant is performed, no later than five (5) calendar days after such conviction. Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

2. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, termination, or discharge as deemed appropriate by the school board.

3. In addition, any employee who violates the terms of this policy may be required to satisfactorily participate in a drug and/or alcohol abuse assistance or rehabilitation program approved by the school district. Any employee who fails to satisfactorily participate in and complete such a program is subject to non-renewal, suspension, or termination as deemed appropriate by the school board.

4. Sanctions against employees, including non-renewal, suspension, termination, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and school district policies.

C. The Public

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

Legal References:

Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)
Minn. Stat. § 121A.40-§ 121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 151.72 (Sale of Certain Cannabinoid Products)
Minn. Stat. § 152.22, subd. 6 (Definitions; Medical Cannabis;)
Minn. Stat. § 152.23 (Limitations;Medical Cannabis)
Minn. Stat. § 340A.403 (3.2 Percent Malt Liquor Licenses)
Minn. Stat. § 340A.404 (Intoxicating Liquor; On-Sale Licenses)
Minn. Stat. § 609.684 (~~Sale of Toxic Substances to Children;~~ Abuse of Toxic Substances)
Minn. Stat. § 624.701 (Alcohol in Certain Buildings or Grounds)
20 U.S.C. § 7101-71~~65~~ 22 (~~Safe and Drug-Free Schools and Communities Act)~~ (Student Support and Academic Enrichment Grants)
21 U.S.C. § 812 (Schedules of Controlled Substances)
41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)
21 C.F.R. §§ 1308.11-1308.15 (Controlled Substances)
34 C.F.R. Part 84 (Government-wide Requirements for Drug-Free Workplace)

Cross References:

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 416 (Drug and Alcohol Testing)
MSBA/MASA Model Policy 417 (Chemical Use and Abuse)
MSBA/MASA Model Policy 419 (Tobacco-Free Environment; Possession and use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices; Vaping Awareness and Prevention Instruction)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 516 (Student Medication)

Agenda Item XI: Action Item E: Policy 506 - Student Discipline
Commentary by: Greg Winter

Background:
This is athe third and final review of this policy.

Policy Review Committee Recommendation: Approve the resolution

Motion to approve Policy 506 - Student Discipline made by: _____ Seconded by: _____ Action: _____

Melrose Area Public Schools

Adopted: 11-30-09

Revised:

MSBA/MASA Model Policy 506
Orig. 1995
Rev. ~~2017~~ 2019

506 STUDENT DISCIPLINE

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

I. PURPOSE

The purpose of this policy is to ensure that students are aware of and comply with the school district's expectations for student conduct. Such compliance will enhance the school district's ability to maintain discipline and ensure that there is no interference with the educational process. The school district will take appropriate disciplinary action when students fail to adhere to the Code of Student Conduct established by this policy.

II. GENERAL STATEMENT OF POLICY

The school board recognizes that individual responsibility and mutual respect are essential components of the educational process. The school board further recognizes that nurturing the maturity of each student is of primary importance and is closely linked with the balance that must be maintained between authority and self-discipline as the individual progresses from a child's dependence on authority to the more mature behavior of self-control.

All students are entitled to learn and develop in a setting which promotes respect of self, others, and property. Proper positive discipline can only result from an environment which provides options and stresses student self-direction, decision-making, and responsibility. Schools can function effectively only with internal discipline based on mutual understanding of rights and responsibilities.

Students must conduct themselves in an appropriate manner that maintains a climate in which learning can take place. Overall decorum affects student attitudes and influences student behavior. Proper student conduct is necessary to facilitate the education process and to create an atmosphere conducive to high student achievement.

Although this policy emphasizes the development of self-discipline, it is recognized that there are instances when it will be necessary to administer disciplinary measures. The position of the school district is that a fair and equitable district-wide student discipline policy will contribute to the quality of the student's educational experience. This discipline policy is adopted in accordance with and subject to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56.

In view of the foregoing and in accordance with Minn. Stat. § 121A.55, the school board, with the participation of school district administrators, teachers, employees, students, parents, community members, and such other individuals and organizations as appropriate, has developed this policy which governs student conduct and applies to all students of the school district.

III. AREAS OF RESPONSIBILITY

A. The School Board. The school board holds all school personnel responsible for the maintenance of order within the school district and supports all personnel acting within the framework of this discipline policy.

B. Superintendent. The superintendent shall establish guidelines and directives to carry out this policy, hold all school personnel, students, and parents responsible for conforming to this policy, and support all school personnel performing their duties within the framework of this policy. The superintendent shall also establish guidelines and directives for using the services of appropriate agencies for assisting students and parents. Any guidelines or directives established to implement this policy shall be submitted to the school board for approval and shall be attached as an addendum to this policy.

C. Principal. The school principal is given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy, subject to final school board approval. The principal shall give direction and support to all school personnel performing their duties within the framework of this policy. The principal shall consult with parents of students conducting themselves in a manner contrary to the policy. The principal shall also involve other professional employees in the disposition of behavior referrals and shall make use of those agencies appropriate for assisting students and parents. A principal, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.

D. Teachers. All teachers shall be responsible for providing a well-planned teaching/learning environment and shall have primary responsibility for student conduct, with appropriate assistance from the administration. All teachers shall enforce the Code of Student Conduct. In exercising the teacher's lawful authority, a teacher may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.

E. Other School District Personnel. All school district personnel shall be responsible for contributing to the atmosphere of mutual respect within the school. Their responsibilities relating to student behavior shall be as authorized and directed by the superintendent. A school employee, school bus driver, or other agent of a school district, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student or prevent bodily harm or death to another.

F. Parents or Legal Guardians. Parents and guardians shall be held responsible for the behavior of their children as determined by law and community practice. They are expected to cooperate with school authorities and to participate regarding the behavior of their children.

G. Students. All students shall be held individually responsible for their behavior and for knowing and obeying the Code of Student Conduct and this policy.

H. Community Members. Members of the community are expected to contribute to the establishment of an atmosphere in which rights and duties are effectively acknowledged and fulfilled.

IV. STUDENT RIGHTS

All students have the right to an education and the right to learn. ~~See student handbooks for additional information.~~

V. STUDENT RESPONSIBILITIES

All students have the responsibility:

A. For their behavior and for knowing and obeying all school rules, regulations, policies, and procedures;

B. To attend school daily, except when excused, and to be on time to all classes and other school functions;

C. To pursue and attempt to complete the courses of study prescribed by the state and local school authorities;

D. To make necessary arrangements for making up work when absent from school;

E. To assist the school staff in maintaining a safe school for all students;

F. To be aware of all school rules, regulations, policies, and procedures, including those in this policy, and to conduct themselves in accord with them;

G. To assume that until a rule or policy is waived, altered, or repealed, it is in full force and effect;

H. To be aware of and comply with federal, state, and local laws;

I. To volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with school staff as appropriate;

J. To respect and maintain the school's property and the property of others;

K. To dress and groom in a manner which meets standards of safety and health and common standards of decency and which is consistent with applicable school district policy;

L. To avoid inaccuracies in student newspapers or publications and refrain from indecent or obscene language;

M. To conduct themselves in an appropriate physical or verbal manner; and

N. To recognize and respect the rights of others.

VI. CODE OF STUDENT CONDUCT

A. The following are examples of unacceptable behavior subject to disciplinary action by the school district. These examples are not intended to be an exclusive list. Any student who

engages in any of these activities shall be disciplined in accordance with this policy. This policy applies to all school buildings, school grounds, and school property or property immediately adjacent to school grounds; school-sponsored activities or trips; school bus stops; school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes; the area of entrance or departure from school premises or events; and all school-related functions, school-sponsored activities, events, or trips. School district property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting unacceptable behavior subject to disciplinary action at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events. This policy also applies to any student whose conduct at any time or in any place interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student, other students, or employees.

1. Violations against property including, but not limited to, damage to or destruction of school property or the property of others, failure to compensate for damage or destruction of such property, arson, breaking and entering, theft, robbery, possession of stolen property, extortion, trespassing, unauthorized usage, or vandalism;

2. The use of profanity or obscene language, or the possession of obscene materials;

3. Gambling, including, but not limited to, playing a game of chance for stakes;

4. ~~Hazing~~ Violation of the school district's Hazing Prohibition Policy;

5. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission;

6. Violation of the school district's Student Attendance Policy;

7. Opposition to authority using physical force or violence;

8. Using, possessing, or distributing tobacco, tobacco-related devices, electronic cigarettes, or tobacco paraphernalia in violation of the school district's Tobacco-Free Environment Policy;

9. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of alcohol or other intoxicating substances or look-alike substances;

10. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of narcotics, drugs, or other controlled substances (except as prescribed by a physician), or look-alike substances (these prohibitions include medical marijuana or medical cannabis, even when prescribed by a physician, and one student sharing prescription medication with another student);

11. Using, possessing, or distributing items or articles that are illegal or harmful to

persons or property including, but not limited to, drug paraphernalia;

12. Using, possessing, or distributing weapons, or look-alike weapons or other dangerous objects;

13. Violation of the school district's Weapons Policy;

14. Violation of the school district's Violence Prevention Policy;

15. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;

16. Possession, use, or distribution of explosives or any compound or mixture, the primary or common purpose or intended use of which is to function as an explosive;

17. Possession, use, or distribution of fireworks or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation;

18. Using an ignition device, including a butane or disposable lighter or matches, inside an educational building and under circumstances where there is a risk of fire, except where the device is used in a manner authorized by the school;

19. Violation of any local, state, or federal law as appropriate;

20. Acts disruptive of the educational process, including, but not limited to, disobedience, disruptive or disrespectful behavior, defiance of authority, cheating, insolence, insubordination, failure to identify oneself, improper activation of fire alarms, or bomb threats;

21. Violation of the school district's Internet Acceptable Use and Safety Policy;

22. Possession of nuisance devices or objects which cause distractions and may facilitate cheating including, but not limited to, pagers, radios, and phones, including picture phones;

23. Violation of school bus or transportation rules or the school district's Student Transportation Safety Policy;

24. Violation of parking or school traffic rules and regulations, including, but not limited to, driving on school property in such a manner as to endanger persons or property;

25. Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker;

26. Violation of the school district's Search of Student Lockers, Desks, Personal Possessions, and Student's Person Policy;

27. Violation of the school district's Student Use and Parking of Motor Vehicles;

Patrols, Inspections, and Searches Policy;

28. Possession or distribution of slanderous, libelous, or pornographic materials;

29. Violation of the school district' Bullying Prohibition Policy;

30. Student attire or personal grooming which creates a danger to health or safety or creates a disruption to the educational process, including clothing which bears a message which is lewd, vulgar, or obscene, apparel promoting products or activities that are illegal for use by minors, or clothing containing objectionable emblems, signs, words, objects, or pictures communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership;

31. Criminal activity;

32. Falsification of any records, documents, notes, or signatures;

33. Tampering with, changing, or altering records or documents of the school district by any method including, but not limited to, computer access or other electronic means;

34. Scholastic dishonesty which includes, but is not limited to, cheating on a school assignment or test, plagiarism, or collusion, including the use of picture phones or other technology to accomplish this end;

35. Impertinent or disrespectful words, symbols, acronyms, or language, whether oral or written, related to ~~toward~~ teachers or other school district personnel;

36. Violation of the school district's Harassment and Violence Policy;

37. Actions, including fighting or any other assaultive behavior, which causes or could cause injury to the student or other persons or which otherwise endangers the health, safety, or welfare of teachers, students, other school district personnel, or other persons;

38. Committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;

39. Violations against persons, including, but not limited to, assault or threatened assault, fighting, harassment, interference or obstruction, attack with a weapon, or look-alike weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure;

40. Verbal assaults or verbally abusive behavior including, but not limited to, use of words, symbols, acronyms, or language, whether oral or written, that ~~is~~ are discriminatory, abusive, obscene, threatening, intimidating, ~~or that~~ degrad~~es~~ing to other people, or threatening to school property;

41. Physical or verbal threats including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;

42. Inappropriate, abusive, threatening, or demeaning actions based on race, color, creed, religion, sex, marital status, status with regard to public assistance, disability, national origin, or sexual orientation;

43. Violation of the school district's Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees Policy;

44. Violation of the school district's one-to-one device rules and regulations;

45. Violation of school rules, regulations, policies, or procedures, including, but not limited to, those policies specifically enumerated in this policy;

46. Other acts, as determined by the school district, which are disruptive of the educational process or dangerous or detrimental to the student or other students, school district personnel or surrounding persons, or which violate the rights of others or which damage or endanger the property of the school, or which otherwise interferes with or obstruct the mission or operations of the school district or the safety or welfare of students or employees.

VII. DISCIPLINARY ACTION OPTIONS

The general policy of the school district is to utilize progressive discipline to the extent reasonable and appropriate based upon the specific facts and circumstances of student misconduct. The specific form of discipline chosen in a particular case is solely within the discretion of the school district. At a minimum, violation of school district rules, regulations, policies, or procedures will result in discussion of the violation and a verbal warning. The school district shall, however, impose more severe disciplinary sanctions for any violation, including exclusion or expulsion, if warranted by the student's misconduct, as determined by the school district. Disciplinary action may include, but is not limited to, one or more of the following:

A. Student conference with teacher, principal, counselor, or other school district personnel, and verbal warning;

B. Confiscation by school district personnel and/or by law enforcement of any item, article, object, or thing, prohibited by, or used in the violation of, any school district policy, rule, regulation, procedure, or state or federal law. If confiscated by the school district, the confiscated item, article, object, or thing will be released only to the parent/guardian following the completion of any investigation or disciplinary action instituted or taken related to the violation.

C. Parent contact;

D. Parent conference;

E. Removal from class;

F. In-school suspension;

G. Suspension from extracurricular activities;

H. Detention or restriction of privileges;

I. Loss of school privileges;

J. In-school monitoring or revised class schedule;

K. Referral to in-school support services;

L. Referral to community resources or outside agency services;

M. Financial restitution;

N. Referral to police, other law enforcement agencies, or other appropriate authorities;

O. A request for a petition to be filed in district court for juvenile delinquency adjudication;

P. Out-of-school suspension under the Pupil Fair Dismissal Act;

Q. Preparation of an admission or readmission plan;

R. Saturday school;

S. Expulsion under the Pupil Fair Dismissal Act;

T. Exclusion under the Pupil Fair Dismissal Act; and/or

U. Other disciplinary action as deemed appropriate by the school district.

VIII. REMOVAL OF STUDENTS FROM CLASS

A. The teacher of record shall have the general control and government of the classroom. Teachers have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement, assigning detention or other consequences, or contacting the student's parents. When such measures fail, or when the teacher determines it is otherwise appropriate based upon the student's conduct, the teacher shall have the authority to remove the student from class pursuant to the procedures established by this discipline policy. "Removal from class" and "removal" mean any actions taken by a teacher, principal, or other school district employee to prohibit a student from attending a class or activity period for a period of time not to exceed five (5) days, pursuant to this discipline policy.

Grounds for removal from class shall include any of the following:

1. Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;

2. Willful conduct that endangers surrounding persons, including school district employees, the student or other students, or the property of the school;

3. Willful violation of any school rules, regulations, policies or procedures, including

the Code of Student Conduct in this policy; or

4. Other conduct, which in the discretion of the teacher or administration, requires removal of the student from class.

Such removal shall be for at least one (1) activity period or class period of instruction for a given course of study and shall not exceed five (5) such periods.

A student must be removed from class immediately if the student engages in assault or violent behavior. "Assault" is an act done with intent to cause fear in another of immediate bodily harm or death; or the intentional infliction of, or attempt to inflict, bodily harm upon another. The removal from class shall be for a period of time deemed appropriate by the principal, in consultation with the teacher.

B. If a student is removed from class more than ten (10) times in a school year, the school district shall notify the parent or guardian of the student's tenth removal from class and make reasonable attempts to convene a meeting with the student's parent or guardian to discuss the problem that is causing the student to be removed from class.

[Note: The following Sections C. - K. must be developed and inserted by each school district based upon individual district practices, procedures, and preferences.]

C. Procedures for Removal of a Student From a Class.

1. Specify procedures to be followed by a teacher, administrator or other school district employee to remove a student from a class;

2. Specify required approvals necessary;

3. Specify paperwork and reporting procedures.

D. Responsibility for and Custody of a Student Removed From Class.

1. Designation of where student is to go when removed;

2. Designation of how student is to get to designated destination;

3. Whether student must be accompanied;

4. Statement of what student is to do when and while removed;

5. Designation of who has control over and responsibility for student after removal from class.

E. Procedures for Return of a Student to a Class From Which the Student Was Removed.

1. Specification of procedures;

2. Actions or approvals required such as notes, conferences, readmission plans.

F. Procedures for Notification.

1. *Specify procedures for notifying students and parents/guardians of violations of the rules of conduct and resulting disciplinary action;*

2. *Actions or approvals required, such as notes, conferences, readmission plans.*

G. Disabled Students; Special Provisions.

1. *Procedures for consideration of whether there is a need for further assessment;*

2. *Procedures for consideration of whether there is a need for a review of the adequacy of the current Individualized Education Program (IEP) of a disabled student who is removed from class or disciplined; and*

3. *Any procedures determined appropriate for referring students in need of special education services to those services.*

H. Procedures for Detecting and Addressing Chemical Abuse Problems of Students While on School Premises.

1. *Establishment of a chemical abuse preassessment team pursuant to Minn. Stat. § 121A.26;*

~~2. *Establishment of a school and community advisory team to address chemical abuse problems in the district pursuant to Minn. Stat. § 121A.27; and*~~

~~3.~~ 2. *Establishment of teacher reporting procedures to the chemical abuse preassessment team pursuant to Minn. Stat. § 121A.29.*

I. Procedures for Immediate and Appropriate Interventions Tied to Violations of the Code of Student Conduct.

J. Any Procedures Determined Appropriate for Encouraging Early Involvement of Parents or Guardians in Attempts to Improve a Student's Behavior.

K. Any Procedures Determined Appropriate for Encouraging Early Detection of Behavioral Problems.

IX. DISMISSAL

A. "Dismissal" means the denial of the current educational program to any student, including exclusion, expulsion and suspension. Dismissal does not include removal from class.

The school district shall not deny due process or equal protection of the law to any student involved in a dismissal proceeding which may result in suspension, exclusion or expulsion.

The school district shall not dismiss any student without attempting to provide alternative educational services before dismissal proceedings, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons

or property.

B. Violations leading to suspension, based upon severity, may also be grounds for actions leading to expulsion, and/or exclusion. A student may be dismissed on any of the following grounds:

1. Willful violation of any reasonable school board regulation, including those found in this policy;

2. Willful conduct that significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities; or

3. Willful conduct that endangers the student or other students, or surrounding persons, including school district employees, or property of the school.

C. Suspension Procedures

1. "Suspension" means an action by the school administration, under rules promulgated by the School Board, prohibiting a student from attending school for a period of no more than ten (10) school days; provided, however, if a suspension is longer than five (5) school days, the suspending administrator shall provide the superintendent with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) school day or less where a student with a disability does not receive regular or special education instruction during that dismissal period.

2. If a student's total days of removal from school exceed ten (10) cumulative days in a school year, the school district shall make reasonable attempts to convene a meeting with the student and the student's parent or guardian before subsequently removing the student from school and, with the permission of the parent or guardian, arrange for a mental health screening for the student at the parent or guardian's expense. The purpose of this meeting is to attempt to determine the student's need for assessment or other services or whether the parent or guardian should have the student assessed or diagnosed to determine whether the student needs treatment for a mental health disorder.

3. Each suspension action may include a readmission plan. The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission which must not be used to extend the current suspension. A readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. School administration must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening, or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of a charge of child abuse, child neglect, or medical or educational neglect. The school administration may not impose consecutive suspensions against the same student for the same course of conduct, or incident of misconduct, except where the student will create an immediate and substantial danger to self or to surrounding persons or property or where the school district is in the process of

initiating an expulsion, in which case the school administration may extend the suspension to a total of fifteen (15) days.

4. A child with a disability may be suspended. When a child with a disability has been suspended for more than five (5) consecutive days or ten (10) cumulative school days in the same year, and that suspension does not involve a recommendation for expulsion or exclusion or other change in placement under federal law, relevant members of the child's IEP team, including at least one of the child's teachers, shall meet and determine the extent to which the child needs services in order to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the child's IEP. That meeting must occur as soon as possible, but no more than ten (10) days after the sixth (6^{th}) consecutive day of suspension or the tenth (10^{th}) cumulative day of suspension has elapsed.

5. The school administration shall implement alternative educational services when the suspension exceeds five (5) days. Alternative educational services may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessments, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center under Minn. Stat. § 123A.05 selected to allow the student to progress toward meeting graduation standards under Minn. Stat. § 120B.02, although in a different setting.

6. The school administration shall not suspend a student from school without an informal administrative conference with the student. The informal administrative conference shall take place before the suspension, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension. At the informal administrative conference, a school administrator shall notify the student of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the student may present the student's version of the facts. A separate administrative conference is required for each period of suspension.

7. After school administration notifies a student of the grounds for suspension, school administration may, instead of imposing the suspension, do one or more of the following:

   a. strongly encourage a parent or guardian of the student to attend school with the student for one day;

   b. assign the student to attend school on Saturday as supervised by the principal or the principal's designee; and

   c. petition the juvenile court that the student is in need of services under Minn. Stat. Ch. 260C.

8. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of the

Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56, shall be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent or guardian by mail within forty-eight (48) hours of the conference. (See attached sample Notice of Suspension.)

9. The school administration shall make reasonable efforts to notify the student's parent or guardian of the suspension by telephone as soon as possible following suspension.

10. In the event a student is suspended without an informal administrative conference on the grounds that the student will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the student and the student's parent or guardian within forty-eight (48) hours of the suspension. Service by mail shall be complete upon mailing.

11. Notwithstanding the foregoing provisions, the student may be suspended pending the school board's decision in an expulsion or exclusion proceeding, provided that alternative educational services are implemented to the extent that suspension exceeds five (5) days.

D. Expulsion and Exclusion Procedures

1. "Expulsion" means a school board action to prohibit an enrolled student from further attendance for up to twelve (12) months from the date the student is expelled. The authority to expel rests with the school board.

2. "Exclusion" means an action taken by the school board to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the school year. The authority to exclude rests with the school board.

3. All expulsion and exclusion proceedings will be held pursuant to and in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§121A.40-121A.56.

4. No expulsion or exclusion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent or guardian.

5. The student and parent or guardian shall be provided written notice of the school district's intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and his or her parent or guardian personally or by mail, and shall contain a complete statement of the facts; a list of the witnesses and a description of their testimony; state the date, time and place of hearing; be accompanied by a copy of the Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56; describe alternative educational services accorded the student in an attempt to avoid the expulsion proceedings; and inform the student and parent or guardian of their right to: (1) have a representative of the student's own choosing, including legal counsel at the hearing; (2) examine the student's records before the hearing; (3) present evidence; and (4) confront and cross-examine witnesses. The school district shall advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Minnesota Department of Education

(MDE).

6. The hearing shall be scheduled within ten (10) days of the service of the written notice unless an extension, not to exceed five (5) days, is requested for good cause by the school district, student, parent, or guardian.

7. All hearings shall be held at a time and place reasonably convenient to the student, parent, or guardian and shall be closed, unless the student, parent, or guardian requests an open hearing.

8. The school district shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense.

9. The student shall have a right to a representative of the student's own choosing, including legal counsel, at the student's sole expense. The school district shall advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from MDE. The school board may appoint an attorney to represent the school district in any proceeding.

10. If the student designates a representative other than the parent or guardian, the representative must have a written authorization from the student and the parent or guardian providing them with access to and/or copies of the student's records.

11. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by the school district. The hearing shall be conducted in a fair and impartial manner. Testimony shall be given under oath and the hearing officer shall have the power to issue subpoenas and administer oaths.

12. At a reasonable time prior to the hearing, the student, parent or guardian, or authorized representative shall be given access to all school district records pertaining to the student, including any tests or reports upon which the proposed dismissal action may be based.

13. The student, parent or guardian, or authorized representative, shall have the right to compel the presence of any school district employee or agent or any other person who may have evidence upon which the proposed dismissal action may be based, and to confront and cross-examine any witnesses testifying for the school district.

14. The student, parent or guardian, or authorized representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.

15. The student cannot be compelled to testify in the dismissal proceedings.

16. The hearing officer shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to the school board and served upon the parties within two (2) days after the close of the hearing.

17. The school board shall base its decision upon the findings and recommendation of the hearing officer and shall render its decision at a meeting held within five (5) days after receiving the findings and recommendation. The school board may provide the parties with the opportunity to present exceptions and comments to the hearing officer's findings and recommendation provided that neither party presents any evidence not admitted at the hearing. The decision by the school board must be based on the record, must be in writing, and must state the controlling facts on which the decision is made in sufficient detail to apprise the parties and the Commissioner of Education (Commissioner) of the basis and reason for the decision.

18. A party to an expulsion or exclusion decision made by the school board may appeal the decision to the Commissioner within twenty-one (21) calendar days of school board action pursuant to Minn. Stat. § 121A.49. The decision of the school board shall be implemented during the appeal to the Commissioner.

19. The school district shall report any suspension, expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.

20. The school district must report, through the MDE electronic reporting system, each expulsion or exclusion within thirty (30) days of the effective date of the action to the Commissioner. This report must include a statement of alternative educational services given the student and the reason for, the effective date, and the duration of the exclusion or expulsion. The report must also include the student's age, grade, gender, race, and special education status. The dismissal report must include state student identification numbers of affected students.

21. Whenever a student fails to return to school within ten (10) school days of the termination of dismissal, a school administrator shall inform the student and his/her parent or guardian by mail of the student's right to attend and to be reinstated in the school district.

X. ADMISSION OR READMISSION PLAN

A school administrator shall prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. The plan may include measures to improve the student's behavior, including completing a character education program consistent with Minn. Stat. § 120B.232, Subd. 1, and require parental involvement in the admission or readmission process, and may indicate the consequences to the student of not improving the student's behavior. The readmission plan must not obligate parents to provide a sympathomimetic medication for their child as a condition of readmission.

XI. NOTIFICATION OF POLICY VIOLATIONS

Notification of any violation of this policy and resulting disciplinary action shall be as provided herein, or as otherwise provided by the Pupil Fair Dismissal Act or other applicable law. The teacher, principal or other school district official may provide additional notification as deemed appropriate.

In addition, the school district must report, through the MDE electronic reporting system, each physical assault of a school district employee by a student within thirty (30) days of the assault. This report must include a statement of the alternative educational services or other sanction, intervention, or resolution given to the student in response to the assault and the reason for, the effective date, and the duration of the exclusion or expulsion or other sanction, intervention, or resolution. The report must also include the student's age, grade, gender, race, and special education status.

XII. STUDENT DISCIPLINE RECORDS

The policy of the school district is that complete and accurate student discipline records be maintained. The collection, dissemination, and maintenance of student discipline records shall be consistent with applicable school district policies and federal and state law, including the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13.

XIII. DISABLED STUDENTS

Students who are currently identified as eligible under the IDEA or Section 504 will be subject to the provisions of this policy, unless the student's IEP or 504 plan specifies a necessary modification.

Before initiating an expulsion or exclusion of a student with a disability, relevant members of the child's IEP team and the child's parent shall, consistent with federal law, conduct a manifestation determination and determine whether the child's behavior was (i) caused by or had a direct and substantial relationship to the child's disability and (ii) whether the child's conduct was a direct result of a failure to implement the child's IEP. If the student's educational program is appropriate and the behavior is not a manifestation of the student's disability, the school district will proceed with discipline – up to and including expulsion – as if the student did not have a disability, unless the student's educational program provides otherwise. If the team determines that the behavior subject to discipline is a manifestation of the student's disability, the team shall conduct a functional behavioral assessment and implement a behavioral intervention plan for such student provided that the school district had not conducted such assessment prior to the manifestation determination before the behavior that resulted in a change of placement. Where a behavioral intervention plan previously has been developed, the team will review the behavioral intervention plan and modify it as necessary to address the behavior.

When a student who has an IEP is excluded or expelled for misbehavior that is not a manifestation of the student's disability, the school district shall continue to provide special education and related services during the period of expulsion or exclusion.

XIV. OPEN ENROLLED STUDENTS

The school district may terminate the enrollment of a nonresident student enrolled under an Enrollment Option Program (Minn. Stat. § 124D.03) or Enrollment in Nonresident District (Minn. Stat. § 124D.08) at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy (Minn. Stat. Ch. 260A), and the student's case has been referred to juvenile court. The school district may also terminate the enrollment of a nonresident student over the age of seventeen (17) enrolled under an Enrollment Options Program if the student is absent without lawful excuse for one or more periods on fifteen (15) school days and has not lawfully withdrawn from school.

XV. DISTRIBUTION OF POLICY

The school district will notify students and parents of the existence and contents of this policy in such manner as it deems appropriate. Copies of this discipline policy shall be made available to all students and parents at the commencement of each school year and to all new students and parents upon enrollment. This policy shall also be available upon request in each principal's office.

XVI. REVIEW OF POLICY

The principal and representatives of parents, students and staff in each school building shall confer at least annually to review this discipline policy, determine if the policy is working as intended, and to assess whether the discipline policy has been enforced. Any recommended changes shall be submitted to the superintendent for consideration by the school board, which shall conduct an annual review of this policy.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 120B.02 (Educational Expectations for Minnesota Students)
Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 121A.26 (School Preassessment Teams)
Minn. Stat. § 121A.29 (Reporting; Chemical Abuse)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.575 (Alternatives to Pupil Suspension)
Minn. Stat. § 121A.582 (Reasonable Force)
Minn. Stat. §§ 121A.60-121A.61 (Removal From Class)
Minn. Stat. § 122A.42 (General Control of Schools)
Minn. Stat. § 123A.05 (Area Learning Center Organization)
Minn. Stat. § 124D.03 (Enrollment Options Program)
Minn. Stat. § 124D.08 (Enrollment in Nonresident District)
Minn. Stat. Ch.125A (Students With Disabilities)
Minn. Stat. § 152.22 (Medical Cannabis; Definitions)
Minn. Stat. § 152.23 (Medical Cannabis; Limitations)
Minn. Stat. Ch. 260A (Truancy)
Minn. Stat. Ch. 260C (Juvenile Court Act)
20 U.S.C. §§ 1400-1487 (Individuals with Disabilities Education Improvement Act of 2004)
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)
34 C.F.R. § 300.530(e)(1) (Manifestation Determination)

Cross References:

MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 501 (School Weapons)
MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)
MSBA/MASA Model Policy 503 (Student Attendance)
MSBA/MASA Model Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)
MSBA/MASA Model Policy 525 (Violence Prevention)
MSBA/MASA Model Policy 526 (Hazing Prohibition)

MSBA/MASA Model Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)
MSBA/MASA Model Policy 610 (Field Trips)
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)
MSBA/MASA Model Policy 711 (Video Recording on School Buses)
MSBA/MASA Model Policy 712 (Video Surveillance Other Than on Buses)

Agenda Item XI: Action Item F: Resolution Concerning Active Transportaion Grant
Commentary by: Greg Winter

Background:

This resolution if passed by the school board will support the city to acquire funding for the construction of a walking path along County Rd. 168.

Administration Recommendation: Approve the resolution

Motion to approve the Resolution Concerning Active Transportation Grant made by: _____
Seconded by: _____ Action: _____

RESOLUTION NO. _____

**RESOLUTION SUPPORTING APPLICATION FOR
MINNESOTA STATE ACTIVE TRANSPORTATION INFRASTRUCTURE GRANT**

WHEREAS, $3.5 million in Active Transportation funding is available, with a minimum of $50,000 and cap of $500,000 for each project.

WHEREAS, The City of Melrose has determined a need to construct a sidewalk from 5th Avenue NE to 11th Avenue NE along 5th Street NE/CSAH 168. This area is heavily residential including an existing residential single family development.

WHEREAS, This portion of CSAH 168/5th Street NE has a steep embankment, and is lacking a shoulder, making it dangerous for the increasing numbers of walkers and bikers. There is an incline in the road which causes visibility concerns.

WHEREAS, The single family homes in the neighborhood are largely owned by families with young children. It is a road which provides access for farmers to their lands, and is utilized by tractors, trailers, and other implements.

WHEREAS, This sidewalk would provide a much safer transportation plan, and connect to the City's park and recreational spaces, including baseball fields, soccer fields, and playgrounds, as well as the downtown area. It also connects to Melrose Community Education offerings.

WHEREAS, The City of Melrose has adopted a Bicycle and Pedestrian Master Plan, and Comprehensive Plan which both call for the inclusion of this sidewalk/trail. Representatives from Independent School District #740 were on the committee which studied, drafted, and made these recommendations in the Master Plan.

WHEREAS, The construction cost estimate for this project is $360,000 and planned construction is for 2023.

WHEREAS, the City has sought and received the support of Stearns County as a sponsoring agency for this grant application.

WHEREAS, the property is located partially on property owned by Independent School District #740.

THEREFORE, BE IT RESOLVED THAT:

1. Independent School District #740 supports the construction of the project;

2. Independent School District #740 supports submittal of the Active Transportation application by the City of Melrose and Stearns County;

I CERTIFY THAT the above resolution was adopted by the Independent School District #740 School Board on November 28, 2022.

SIGNED: **WITNESSED:**

_____ _____

Agenda Item XI: Action Item G: Administrative Assistant to the Office of the Superintendent Contract
Commentary by: Greg Winter

Background:

The District Office Negotiating Committee has reached a tentative agreement with Tammy Oliver for the 2022-24 school years.

District Office Negatiation Committee Recommendation: Approve the resolution

Motion to approve Tammy Oliver's Contract for the 2022-24 school years made by: _____ Seconded by: _____ Action: _____

Agenda Item XI: Action Item H: Business Manager Contract
Commentary by: Greg Winter

Background:

The District Office Negotiating Committee has reached a tentative agreement with Erin Noska for the 2022-25 school years.

District Office Negotiation Committee Recommendation: Approve the resolution

Motion to approve Erin Noska's contract for the 2022-25 school years made by: _____ Seconded by: _____ Action: _____

Agenda Item XI: Action Item I: Payroll Benefits Manager Contract
Commentary by: Greg Winter

Background:

The District Office Negotiating Committee has reached a tentative agreement with Makayla Wiechmann for the 2022-24 school years.

District Office Negotiation Committee Recommendation: Approve the resolution

Motion to approve Makayla Wiechmann's contract for the 2022-24 school years made by: _____
Seconded by: _____ Action: _____

Agenda Item XI: Action Item J: Food Service Notice of Assignment 2022-24
Commentary by: Greg Winter

Background:

The Notice of Assignment Committee has reached a tentative agreement with the Food Service Staff for the 2022-24 school years.

Notice of Assignment Committee Recommendation: Approve the resolution

Motion to approve Food Service Notice of Assignment for the 2022-24 school years made by: _____
Seconded by: _____ Action: _____

Agenda Item XI: Action Item K: MOU - E-Learning Plan
Commentary by: Greg Winter

Background:

The District and MFT came to an agreement on the E-learning Plan for the 2022-23 school year.

Administration Recommendation: Approve the resolution

Motion to approve the MOU E-Learning Plan made by: _____ Seconded by: _____ Action: _____

Agenda Item XI: Action Item L: World's Best Workforce
Commentary by: Greg Winter

Background:
This is the annual approval of the World's Best Workforce Plan/Academic & Integration Report.

Administration Recommendation: Approve the resolution

Motion to approve the World's Best Workforce/Academic & Integration Report made by: _____
Seconded by: _____ Action: _____

Agenda Item XII: Adjournment
Commentary by: Pat Heller

Background:
Adjourn meeting

Administration Recommendation: Approve the resolution

Motion to adjourn the meeting made by: _____ Seconded by: _____
Action: _____