

# **HOPE Community Academy Policy Manual**

(Last Revised: April 2026)

**TABLE of CONTENTS**

**Board of Directors**

101 School Board Legal Status *(Reviewed 12/2019) p. 5*

102 Power and Duties of the Board of Directors *(Reviewed 12/2019) p. 6*

104 Development, Adoption, and Implementation of Policies *(Reviewed 12/2019) p. 7*

105 Code of Ethics *(Reviewed 12/2019) p. 9*

106 Open Meetings and Closed Meetings *(Reviewed 12/2019) p. 12*

107 Board of Directors Meeting Minutes *(Reviewed 12/2019) p. 13*

108 Operations of the Board of Directors-Governing Rules *(Reviewed 12/2019) p. 15*

109 Board of Directors Officers *(Reviewed 12/2019) p. 16*

110 Board of Directors Committees *(Reviewed 12/2019) p. 18*

111-114 Intentionally not used

115 Staff Involvement in Decision-Making *(Reviewed 12/2019) p. 20*

120 Director-Chief Administrative Officer *(Reviewed 12/2019) p. 21*

121 Public Participation in School Board Meetings *(Adopted 11/2024) p. 22*

**Personnel**

202 Disability Nondiscrimination Policy *(Reviewed 10/2022) p. 22*

204 Tobacco Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices and Electronic Delivery Devices; Vaping Awareness and Prevention Instruction *(Reviewed 10/2022) p. 23*

205 Teacher Health Requirement *(Reviewed 11/2022) p. 26*

206 Drug-Free Workplace, Drug-Free School *(Reviewed 11/2022) p. 27*

207 Basic School Day & Preparation Time *(Reviewed 11/2022) p. 28*

208 Employment Background Checks *(Reviewed 11/2022) p. 29*

209 Professional Evaluation System *(Reviewed 11/2022) p. 33*

210 Intentionally not used

211 Instructional Assignments *(Reviewed 11/2022) p. 33*

- 212 Equal Opportunity/Affirmative Action *(Reviewed 11/2022) p. 34*
- 213 Intentionally not used
- 214 Public and Private Personnel Data *(Reviewed 11/2022) p. 35*
- 215 Employee Rights to Know – Exposure to Hazardous Substances *(Reviewed 11/2022) p. 37*
- 216 Social Media, Blogging, and Online Communication *(Reviewed 11/2022) p. 39*
- 217 Harassment and Violence *(Adopted 3/2023) p. 41*
- 218 Title IX Sex Nondiscrimination Policy, Grievance Procedure and Process *(Reviewed 8/2024)*
- 219 Group Health Insurance Coverage *(Adopted 01/2025)*

**Students**

- 301 Entrance Ages *(Reviewed 2/2020) p. 65*
- 302 Early Entrants Policy Application Procedure *(Reviewed 2/2020) p. 66*
- 303 Policy for Enrollment *(Reviewed 04 /2026) p. 67*
- 304 Student Attendance *(Reviewed 12/2020) p. 70*
- 305 Student Disability Nondiscrimination *(Reviewed 12/2020) p. 72*
- 306 Student Discipline *(Reviewed 12/2020) p. 73*
- 307 Compulsory Attendance *(Reviewed 12/2020) p. 84*
- 308 Student Records-Data Privacy *(Reviewed 12/2020) p. 85*
- 309 Student Searches and Criminal Investigations *(Reviewed 12/2020) p. 102*
- 310 Student Medications *(Reviewed 12/2020) p. 103*
- 311 Head Lice *(Reviewed 12/2020) p. 106*
- 312 Communicable Diseases/Bloodborne Pathogens *(Reviewed 12/2020) p. 108*
- 313 Intentionally not used
- 314 Student Classroom Placement *(Reviewed 12/2020) p. 109*
- 315 Procedures for Pupil Retention and Acceleration *(Reviewed 12/2020) p. 110*
- 316 Bullying Prohibition *(Reviewed 12/2020) p. 113*
- 317 Interviews of Students by Outside Agencies *(Reviewed 12/2020) p. 118*

HOPE Community Academy

- 318 Records Retention (*Reviewed 12/2020*) p. 120
- 319 Cell Phone and Other Electronics (*Added 07/2024*)
- 320 School-Sponsored Student Publications and Activities (*Adopted 01/2025*)

**Instruction**

- 401 Mission Statement (*Reviewed 12/2021*) p. 123
- 402 Pupil-Staff Ratio (*Reviewed 11/2021*) p. 125
- 403 Intentionally not used
- 404 Religion in the Schools (*Reviewed 11/2021*) p. 126
- 405 Intentionally not used
- 406 Field Trips (*Reviewed 11/2021*) p. 127
- 407 Whistleblower (*Reviewed 11/2021*) p. 128
- 408 Library Materials (*Adopted 01/2025*) p. 129

**HOPE Community Academy**

- 501 Closing of School Facilities Due to Weather/Emergency Conditions (*Reviewed 12/2022*) p. 130
- 502 Printing and Duplicating Services – Copyright Policy (*Reviewed 12/2022*) p. 131
- 503 Intentionally not used
- 504 Technology and Internet Acceptable Use Policy (*Reviewed 12/2022*) p. 132
- 505 Accommodations, Modifications, and Exemptions for Students with an Individual Education Plan, or a Section 504 Accommodation and Students with Limited English Proficiency involved with Basic Standards Testing, Minnesota Comprehensive Assessment and other Grade-Wide Standardized Assessments (*Reviewed 12/2022*) p. 139
- 506 Facility Neutrality and Equal Access for Boy Scouts Title 36 and Other Outside Youth Community Group (*Reviewed 12/2022*) p. 140
- 507 Food Policies on Cooking p. 143
- 508 Food Policies on Holding Hot and Cold p. 145
- 509 Food Policies on Personal Hygiene p. 147
- 510 Food Policies on Receiving Deliveries p. 149

511	Food Policies on Refrigeration Log <i>p. 151</i>
512	Food Policies on Serving Food <i>p. 152</i>
513	Food Policies on Using Suitable Utensils when Handling RTE <i>p. 153</i>
514	Food Policies on Washing Hands <i>p. 155</i>
515	Facility Neutrality and Equal Access for Student Non-Curricular Groups <i>p. 157</i>
516	Intentionally not used
517	Visitors to HOPE Community Academy <i>(Reviewed 11/2020) p. 160</i>
518	Face Coverings Policy <i>(Added 11/2021) p. 165</i>
519	Investments Policy <i>(Added 12/2021) p. 174</i>
520	Fund Balance Reserve Level Policy <i>(Added 5/2024) p. 177</i>
521	Capital Assets Capitalization Policy <i>(Added 5/2024) p. 179</i>
522	Purchasing, Procurement, and Contracting <i>(Added 7/2024)</i>
550	Maintenance Policy <i>(Reviewed 08/2024) p. 180</i>

**101** *(Reviewed 12/2019)*

### **School Board Legal Status**

The care, management and control are vested by statutory and constitutional authority in the school board. The school board shall carry out the mission of the school district with diligence, prudence, and dedication to the ideals of providing the finest education. The purpose of this policy is to define the authority, duties, and powers of the school board in carrying out its mission.

The board is the governing body of the school district. As such, the school board has responsibility for the care, management, and control over public schools in the school district. Generally elected members of the school board have binding authority only when acting as a school board legally in session, except where specific authority is provided to school board members or officers individually. Generally, the school board is not bound by an action or statement on the part of an individual school board member unless the action is specifically directed or authorized by the board.

The Board of Directors of the HOPE Community Academy will consist of seven directors -- three community members, two teacher members, and two parent members-- selected from within the served area, together with an appointed Director of the School, who serves as an ex officio member.

***Legal References:***     *Minnesota Statute 124E.06, subdivision 1, para (a)*  
                                  *Minnesota Statute 123B.09, subdivision 1*

**102** (Reviewed 12/2019)

## **Power and Duties of the Board of Directors**

In compliance with M.S. 124E.01 and in accordance with its own locally developed policies, rules, regulations, and objectives, the Board will exercise its powers and perform the duties listed below in directing, managing and controlling the affairs of the School.

Formal guidelines are necessary to ensure the school community responds to its mission and operates in an effective, efficient and consistent manner. A set of written policy statements shall be maintained and modified as needed. Policies should define the desire and intent of the board of directors and should be in a form which is sufficiently explicit to guide administrative action.

### **I. POLICY MAKING**

- A.** Assuming as its primary responsibility the development of School policy to guide the Director and staff in the operation of the School.
- B.** Delegates to the Director the responsibility for development of rules and regulations necessary to implement Board policies.
- C.** Reviews and updates School policies on an ongoing basis.

### **II. EDUCATIONAL LEADERSHIP AND PROFESSIONAL GROWTH AND DEVELOPMENT**

- A.** Encourages and facilitates personal and institutional exploration, development and growth.
- B.** Participates in activities and reads materials that will contribute to expanded awareness of educational issues and Board of Director functions.
- C.** Participates in activities that will enhance its functioning as a leadership team.
- D.** Provides awareness of and opportunities for all members to acquire the knowledge and skills essential for being an effective board member.

### **III. PERSONNEL**

- A.** Selects and hires the Director who in turn is delegated authority to employ and place other staff in accordance with Board policy.

104 (Reviewed 12/2019)

## **DEVELOPMENT, ADOPTION, AND IMPLEMENTATION OF POLICIES**

### **I. PURPOSE**

The purpose of this policy is to emphasize the importance of the policy-making role of the school board and provide the means for it to continue to be an ongoing effort.

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

Formal guidelines are necessary to ensure the school community that the school system responds to its mission and operates in an effective, efficient and consistent manner. A set of written policy statements shall be maintained and modified as needed. Policies should define the desire and intent of the school board and should be in a form which is sufficiently explicit to guide administrative action.

### **III. DEVELOPMENT OF POLICY**

- A.** The school board has jurisdiction to legislate policy for the school district with the force and effect of law. School board policy provides the general direction as to what the school board wishes to accomplish while delegating implementation of policy to the administration.
- B.** The school board's written policies provide guidelines and goals to the school community. The policies shall be the basis for the formulation of guidelines and directives by the administration. The board shall determine the effectiveness of the policies by evaluating periodic reports from the administration.
- C.** Policies may be proposed by a school board member, employee, student or resident of the school district. Proposed policies or ideas shall be submitted to the Director for review prior to possible placement on the school board agenda.

### **IV. ADOPTION OF POLICY**

- A.** The school board shall give notice of proposed policy changes or adoption of new policies by placing the item on the agenda of two school board meetings. Policy proposals should be submitted to the Board, through the Director prior to a regularly scheduled meeting. Final action on new policies or amended policies should be taken no earlier than the next meeting following the one at which the proposal is made.
- B.** The final action taken to adopt the proposed policy shall be approved by a simple majority vote of the school board at a subsequent meeting after the meeting at which public input was received. The policy will be effective on the later of the date of passage or the date stated in the motion.
- C.** In the case of an emergency, a new or modified policy may be adopted by a majority vote of a quorum of the board. A statement regarding the emergency and the need for immediate adoption of the policy shall be included in the minutes. The emergency policy shall expire within one year following the emergency action unless the policy adoption procedure stated above is

following and the policy is reaffirmed. The board shall have discretion to determine what constitutes an emergency situation.

- D. If a policy is modified because of a legal change over which the school board has no control, the modified policy may be approved at one meeting at the discretion of the school board.

**V. IMPLEMENT OF POLICY**

- A. It shall be the responsibility of the Director to implement school board policies, and to develop administrative guidelines and directives to provide greater specificity and consistency in the process of implementation. These guidelines and directives, including employee and student handbooks, shall be subject to annual review and approval by the school.
- B. Each board member shall have a copy of the policy manual, and a copy shall be placed in the office of the school.
- C. It shall be the responsibility of the Executive Director, employees designated by the Executive Director and individual school board members to keep the policy manuals current.
- D. The Director shall be responsible for developing a system of periodic review of policies.
- E. When there is no board policy in existence to provide guidance on a matter, the Director is authorized to act appropriately under the circumstances keeping in mind the educational philosophy and financial condition of the school. Under such circumstances, the Director shall advise the school board of the need for a policy and present a recommended policy to the school board for approval.

**Legal References:**     *Minnesota Statute 123B.09 Subdivision 1*  
                              *Minnesota Statute 123B.02 Subdivision 1*

105 (Reviewed 12/2019)

## **CODE OF ETHICS**

### **I. PURPOSE**

The purpose of this policy is to assist the individual school board member in understanding his or her role as part of a school board and in recognizing the contribution that each member must make to develop an effective and responsible school board.

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

Each school board member shall follow the code of ethics stated in this policy.

#### **A. AS A MEMBER OF THE SCHOOL BOARD I WILL:**

1. Attend school board meetings.
2. Come to the meetings prepared for discussion of the agenda items.
3. Listen to the opinions and views of others (including, but not limited to, other school board members, administration, staff, students, and community members).
4. Vote my conscience after informed discussions, unless I abstain because of a conflict of interest exists.
5. Support the decision of the school board, even if my position concerning the issue was different.
6. Recognize the integrity of my predecessors and associates and appreciate their work.
7. Be primarily motivated by a desire to provide the best possible education for the students of my school district.
8. Inform myself about the proper duties and functions of a school board member.

#### **B. IN PERFORMING THE PROPER FUNCTIONS OF A SCHOOL BOARD I WILL:**

1. Focus on education policy as much as possible.
2. Remember my responsibility is to set policy - not to implement policy.
3. Consider myself a trustee of public education and do my best to protect, conserve, and advance its progress.
4. Recognize that my responsibility, exercised through the actions of the school board as a whole, is to see that the school is properly run - not to run it myself.
5. Work through the Director - not over or around the Director.
6. Delegate the implementation of school board decisions to the Director.

#### **C. TO MAINTAIN RELATIONS WITH OTHER MEMBERS OF THE SCHOOL BOARD I WILL:**

1. Respect the right of others to have and express opinions.
2. Recognize that authority rests with the school board in legal session-not with the individual members of the school board except as authorized by law.
3. Make no disparaging remarks, in or out of school board meetings, about other member of the school board or their opinions.
4. Keep an open mind about how I will vote on any proposition until the board has met and fully discussed the issue.

5. Make decisions by voting in school board meetings after all sides of debatable questions have been presented.
6. Delegate details of board action to administrative employees.
7. Insist that committees be appointed to serve only in an advisory capacity to the school board.

**D. IN MEETING MY RESPONSIBILITIES TO MY COMMUNITY I WILL:**

1. Attempt to appraise and plan for both the present and future educational needs of the school and community.
2. Attempt to obtain adequate financial support for the school's programs.
3. Insist that business transactions of the school district be ethical and open.
4. Strive to uphold my responsibilities and accountability to the taxpayers in my school district.

**E. IN WORKING WITH THE DIRECTOR AND STAFF I WILL:**

1. Hold the director responsible for the administration of the school.
2. Give the director authority to commensurate with his or her responsibilities.
3. Assure that the school will be administered by the best professional personnel available.
4. Consider the recommendation of the director in hiring employees.
5. Participate in school board action after considering the recommendation of the director and only after the director has furnished adequate information supporting the recommendation.
6. Insist the director to keep the school board adequately informed at all times.
7. Offer the director counsel and advice.
8. Recognize the status of the director as the chief executive officer and a non-voting e officio member of the school board.
9. Refer all complaints to the proper administrative officer or insist that they be presented in writing to the whole school board for proper referral according to the chain of command.
10. Present any personal criticisms of employees to the director.
11. Provide support for the director and employees of the school so they may perform their proper functions on a professional level.

**F. IN FULFILLING MY LEGAL OBLIGATIONS AS A SCHOOL BOARD MEMBER, I WILL:**

1. Comply with all federal, state, and local laws relating to my work as a school board member.
2. Comply with all school district policies as adopted by the school board.
3. Abide by all rules and regulations as promulgated by the Minnesota Department of Education and other state and federal agencies with jurisdiction over school districts.
4. Recognize that school business may be legally transacted only in an open meeting of the school board.
5. Avoid conflicts of interest and refrain from using my school board position for personal gain.
6. Take no private action that will compromise the school board or administration.
7. Guard the confidentiality of information that is protected under applicable law.

**Legal References:**     *Minnesota Statute 123B.09*  
                              *Minnesota Statute 123B.143, subdivision 1*  
                              *Minnesota Statute 123B.02, subdivision 1*

**106** (Reviewed 12/2019)

**OPEN MEETINGS AND CLOSED MEETINGS**

**I. PURPOSE**

- A. The school board embraces the philosophy of openness in the conduct of its business, in the belief that openness produces better programs, more efficiency in administration of programs, and an organization more responsive to public interest and less susceptible to private interest. The school board shall conduct its business under a presumption of openness. At the same time, the school board recognizes and respects the privacy rights of individual as provided by law. The school board also recognizes that there are certain exceptions to the Minnesota Open Meeting Law as recognized in statute where it has been determined that, in limited circumstances, the public interest is best served by closing a meeting of the school board.
- B. The purpose of this policy is to provide guidelines to assure the rights of the public to be present at school board meetings, while also protecting the individual's right to privacy under law, and to close meetings when the public interest so requires as recognized by law.

**Legal References:**     *Minnesota Statute 13D.01*

107 (Reviewed 12/2019)

## **BOARD OF DIRECTORS MEETING MINUTES**

### **I. PURPOSE**

The purpose of the policy is to establish procedures relating to the maintenance of records of the school board and the publication of its official proceedings.

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

It is the policy of the school to maintain its records so that they will be available for inspection by members of the general public and to provide for the publication of its official proceedings in compliance with law.

### **III. MAINTAINANCE OF MINUTES AND RECORDS**

The clerk shall keep and maintain permanent records of the school board, including records of the minutes of school board meetings and other required records of the school board. All votes taken at meetings required to be open to the public pursuant to the Minnesota Open Meeting Law shall be recorded in a journal kept for that purpose. Public records maintained by the school shall be available for inspection by members of the public during the regular business hours of the school. Minutes of meetings shall be available for inspection at the administrative offices of the school after they have been prepared. Minutes of a school board meeting shall be approved or modified by the school board at a subsequent meeting, which action shall be reflected in the official proceeding of that subsequent meeting.

### **IV. PUBLICATION OF OFFICIAL PROCEEDINGS**

- A.** The school board shall cause its official proceedings to be published once in the official newspaper of the school within thirty (30) days of the meeting at which the proceedings occurred; however, if the school board conducts regular meetings not more than once every thirty ( ) days, the school board need not publish the minutes until ten (10) days after they have approved by the school board.
- B.** The proceedings to be published shall be sufficiently full to fairly set forth the proceedings. They must include the substance of all official actions taken by the school board at any regular or special meeting, and at a minimum must include the subject matter of a motion, the persons making and seconding the motion, a listing of how each member present voted on the motion, the character of resolutions offered including a brief description of their subject matter and whether adopted or defeated. The minutes and permanent records of the school board may include more detail than is required to be published with the official proceedings. If the proceedings have not yet been approved by the school board, the proceedings to be published may reflect that fact.
- C.** The proceedings to be published may be a summary of the essential elements of the proceedings, and/or of resolutions and other official actions of the school board. Such a summary shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When a summary is published, the publication shall clearly indicate that the published material is only a summary and that the full text is available for public inspection at the administrative offices of the school, and that a copy of the

proceedings, other than attachments to the minutes, is available without cost at the offices of the school.

***Legal References:***     *Minnesota Statute 123B.09, subdivision 10(publishing proceedings)*  
                                  *Minnesota Statute 123B.14, subdivision 7 (clerk records)*  
                                  *Minnesota Statute 331A.01 (definition)*  
                                  *Minnesota Statute 13D.01 (Open Meeting Law)*

108 (Reviewed 12/2019)

## **OPERATION OF THE BOARD OF DIRECTORS – GOVERNING RULES**

### **I. PURPOSE**

The purpose of this policy is to provide governing rules for the conduct of meetings of the school board.

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

An orderly school board meeting allows school board members to participate in discussion and decision of school district issues. Rules of order allow school board members the opportunity to review school-related topics, discuss school business items, and bring matters to conclusion in a timely and consistent manner.

### **III. RULES OF ORDER**

Rules of order for school board meetings shall be as follows:

- A. Minnesota statutes where specified.
- B. Specific rules of order as provided by the school board consistent with Minnesota statutes; and
- C. *Robert's Rules of Order* (11th Edition, Revised 2011) where not inconsistent with A and B above.

**Legal References:**    *M.S. § 123B.09, subdivisions 6, 7, and 10*  
                              *M.S. § 123B.14, subdivision 1 (Officer Selection)*  
                              *M.S. § 13D.01 (Open Meeting Law)*

**109** (Reviewed 12/2019)

## **BOARD OF DIRECTORS OFFICERS**

### **I. PURPOSE**

Board of Directors officers are charged with the duty of carrying out the responsibilities entrusted to them for the care, management, and control of the public schools of the school district. The purpose of this policy is to delineate those responsibilities.

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

- A.** The Board of Directors shall meet annually and organize by selecting a chair, a secretary, a treasurer and such other officers as determined by the board.
- B.** The Board shall appoint a director who shall be an ex officio, nonvoting member of the board.

### **III. ORGANIZATION**

The Board of Directors shall meet annually and organize by selecting a chair, a secretary, a treasurer, and such other officers as determined by the board. These officers shall hold office for one year and until their successors are elected and qualify.

- A.** The persons who perform the duties of clerk and treasurer need not be members of the board.
- B.** The board by resolution may combine the duties of the offices of clerk and treasurer in a single person in the office of business affairs.

### **IV. OFFICER'S RESPONSIBILITIES**

- A. Chair:**
  - 1. The chair when present shall preside at all meetings of the board, countersign all orders upon the treasurer for claims allowed by the board, represent the school in all actions and perform all duties a chair usually performs.
- B. Treasurer:**
  - 1. The treasurer shall deposit the funds of the school district in the official depository.
  - 2. The treasurer shall make all reports which may be called for by the board and perform all duties a treasurer usually performs.
  - 3. In the event there are insufficient funds on hand to pay valid orders presented to the treasurer, the treasurer shall receive, endorse, and process the orders in accordance with Minn. Stat.123B.12.
- C. Secretary:**

1. The secretary shall serve as chair in the absence of the board chair, and perform other duties prescribed by the Board. The Board may appoint or employ a recording secretary to take the minutes of the Board meetings.
2. The secretary shall keep a record of all meetings in the book provided.
  - a. File with the school board a report of the revenues, expenditures and balances in each fund for the preceding fiscal year.
  - b. Make and transmit to the commissioner of children families and learning the required certified reports.
  - c. Revenues and expenditures in detail, and such other financial information required by law, rule, or as may be called for by the commissioner;
  - d. Other items of information as called for by the commissioner

**D. Director:**

1. The director shall be an ex officio, nonvoting member of the board of directors.

**Legal References:**     *M.S. § 123B.14, subdivision 1(officers)*  
                              *M.S. § 123B.12(finance)*

110 (Reviewed 12/2019)

## **BOARD OF DIRECTOR COMMITTEES**

### **1. PURPOSE**

The purpose of this policy is to provide the structure and the operation of committees or subcommittees of the Board of Directors.

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

- A.** It is the policy of the board to designate school board committees or subcommittees when it is determined that a committee process facilitates the mission of the board.
- B.** The board has determined that certain permanent standing committees, as described in this policy, do facilitate the operation of the board and the school.
- C.** A board of director committee or subcommittee will be formed by board resolution which shall outline the duties and purpose of the committee or subcommittee.
- D.** A committee or subcommittee is advisory in nature and has only such authority as specified by the board of directors.
- E.** The Board of Directors will receive reports or recommendations from a committee or subcommittee for consideration. The board, however, retains the right and has the duty to make all final decisions related to such reports or recommendations.
- F.** The board also may establish such ad hoc committees for specific purposes as it deems appropriate.
- G.** The board reserves the right to limit, create or abolish any standing or ad hoc committee as it deems appropriate.
- H.** A committee of the board of directors may establish such ad hoc subcommittees for specific purposes as it deems appropriate.

### **III. APPOINTMENT OF COMMITTEES**

- A.** The board of directors hereby appoints the following standing committees:
  - 1. Executive Committee
  - 2. Finance Committee
  - 3. Operations Committee
- B.** The board of directors will establish, by resolution, for each standing or ad hoc committee the number of members, the term and the charge or mission of each such committee.

### **IV. PROCEDURES FOR BOARD OF DIRECTOR COMMITTEES**

- A. All meetings of committees or subcommittees shall be open to the public in compliance with the Open Meeting Law, and if required, notice shall be given as prescribed by law.
- B. A committee or subcommittee shall act only within the guidelines and mission established for that committee or subcommittee.
- C. Actions of a committee or subcommittee shall be by majority vote and be consistent with the governing rules of the board.
- D. The committee or subcommittee shall designate a secretary who will record the minutes of actions or the board committee.
- E. The power of committee or subcommittee of the board is advisory only and is limited to making recommendations to the board of directors.
- F. A committee or subcommittee of the board of directors shall, when appropriate, clarify in any dealings with the public that its powers are only advisory to the board.

**Legal References:**     *Minnesota Statute 13D.01 (Open Meeting Law)*

**115** *(Reviewed 12/2019)*

**STAFF INVOLVEMENT IN DECISION-MAKING**

There is an underlying premise of the mission of the school that there be a process of involvement of staff in decision making in the instructional programs of the school. With that in mind it is understood that all staff must embody and maintain the philosophy of the school.

**120** *(Reviewed 12/2019)*

**DIRECTOR-CHIEF ADMINISTRATIVE OFFICER**

The board shall select and employ a chief school administrator to direct the affairs and programs of the School; the position shall be designated as the Director. The Director shall be responsible for the direction of the administration of the school in conformity with federal, state, and municipal statutes, rules and regulations of the Minnesota Department of Children, Families, and Learning, and the policies and resolutions of the board of directors.

121 (Adopted 11/2024)

**PUBLIC PARTICIPATION IN SCHOOL BOARD MEETINGS/COMPLAINTS ABOUT PERSONS AT SCHOOL BOARD MEETINGS AND DATA PRIVACY CONSIDERATIONS**

**I. PURPOSE**

- A. The school board recognizes the value of participation by the public in deliberations and decisions on school district matters. At the same time, the school board recognizes the importance of conducting orderly and efficient proceedings, with opportunity for expression of all participants' respective views.
- B. The purpose of this policy is to provide procedures to assure open and orderly public discussion as well as to protect the due process and privacy rights of individuals under the law.

**II. GENERAL STATEMENT OF POLICY**

- A. The policy of the school board is to encourage discussion by persons of subjects related to the management of the school district at school board meetings. The school board may adopt reasonable time, place, and manner restrictions on public expression in order to facilitate free discussion by all interested parties.
- B. The school board shall, as a matter of policy, protect the legal rights to privacy and due process of employees and students.

**III. DEFINITIONS**

6t

- A. "Personnel data" means government data on individuals maintained because the individual is or was an employee or applicant for employment. For purposes of this policy, "employee" includes a volunteer or an independent contractor.

- B. Personnel data on current and former employees that is "public" includes:

Name; employee identification number, which must not be the employee's social security number; actual gross salary; salary range; terms and conditions of employment relationship; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary; bargaining unit; job title; job description; education and training background; previous work experience; date of first and last employment; the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action; the final disposition of any disciplinary action as defined in Minn. Stat. § 13.43, Subd. 2(b), together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body; the complete terms of any agreement settling any dispute arising out of the employment relationship, including a buyout agreement as defined in Minn. Stat. § 123B.143, Subd. 2, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money; work location; work telephone number; badge number; work-related continuing education; honors and awards received; and payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data.

- C. Personnel data on current and former applicants for employment that is “public” includes:  
Veteran status; relevant test scores; rank on eligible list; job history; education and training; and work availability. Names of applicants shall be private data except when certified as eligible for appointment to a vacancy or when applicants are considered by the appointing authority to be finalists for a position in public employment. For purposes of this subdivision, “finalist” means an individual who is selected to be interviewed by the appointing authority prior to selection.
- D. “Educational data” means data maintained by the school district which relates to a student.
- E. “Student” means an individual currently or formerly enrolled or registered in the school district, or applicants for enrollment, or individuals who receive shared time services.
- F. Data about applicants for appointments to a public body, including a school board, collected by the school district as a result of the applicant’s application for appointment to the public body are private data on individuals, except that the following are public: name; city of residence, except where the appointment has a residency requirement that requires the entire address to be public; education and training; employment history; volunteer work; awards and honors; prior government service; any data required to be provided or that is voluntarily provided in an application to a multimember agency pursuant to Minn. Stat. § 15.0597; and veteran status. Once an individual has been appointed to a public body, the following additional items of data are public: residential address; either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee; the first and last dates of service on the public body; the existence and status of any complaints or charges against an appointee; and, upon completion of an investigation of a complaint or charge against an appointee, the final investigative report unless access to the data would jeopardize an active investigation. Any electronic mail address or telephone number provided by a public body for use by an appointee shall be public. An appointee may use an electronic mail address or telephone number provided by the public body as the designated electronic mail address or telephone number at which the appointee can be reached.

#### **IV. RIGHTS TO PRIVACY**

- A. School district employees have a legal right to privacy related to matters which may come before the school board, including, but not limited to, the following:
1. right to a private hearing for teachers, pursuant to Minn. Stat. § 122A.40, Subd. 14 (Teachers Discharge Hearing);
  2. right to privacy of personnel data as provided by Minn. Stat. § 13.43 (Personnel Data);
  3. right to consideration by the school board of certain data treated as not public as provided in Minn. Stat. § 13D.05 (Not Public Data);
  4. right to a private hearing for licensed or nonlicensed head varsity coaches to discuss reasons for nonrenewal of a coaching contract pursuant to Minn. Stat. § 122A.33, Subd. 3.
- B. School district students have a legal right to privacy related to matters which may come before the school board, including, but not limited to, the following:
1. right to a private hearing, Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing);

2. right to privacy of educational data, Minn. Stat. § 13.32 (Educational Data); 20 U.S.C. § 1232g (FERPA);
3. right to privacy of complaints as provided by child abuse reporting and discrimination laws, Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors) and Minn. Stat. Ch. 363A (Minnesota Human Rights Act).

## **V. THE PUBLIC'S OPPORTUNITY TO BE HEARD**

The school board will strive to give all persons an opportunity to be heard and to have complaints considered and evaluated, within the limits of the law and this policy and subject to reasonable time, place, and manner restrictions. Among the rights available to the public is the right to access public data as provided by Minn. Stat. § 13.43, Subd. 2 (Public Data).

## **VI. PROCEDURES**

### **A. Agenda Items**

1. Persons who wish to have a subject discussed at a public school board meeting are encouraged to notify the Executive Director's office in advance of the school board meeting. The person should provide his or her name, the name of group represented (if any), and the subject to be covered or the issue to be addressed.
2. Persons who wish to address the school board on a particular subject should identify the subject and identify agenda item(s) to which their comments pertain.
3. The school board chair will recognize one speaker at a time and will rule out of order other speakers who are not recognized. Only those speakers recognized by the chair will be allowed to speak. Comments by others are out of order. Individuals who interfere with or interrupt speakers, the school board, or the proceedings may be directed to leave.
4. The school board retains the discretion to limit discussion of any agenda item to a reasonable period of time as determined by the school board. If a group or organization wishes to address the school board on a topic, the school board reserves the right to require designation of one or more representatives or spokespersons to speak on behalf of the group or organization.
5. Matters proposed for placement on the agenda which may involve data privacy concerns, which may involve preliminary allegations, or which may be potentially libelous or slanderous in nature shall not be considered in public, but shall be processed as determined by the school board in accordance with governing law.
6. The school board chair shall promptly rule out of order any discussion by any person, including school board members, that would violate the provisions of state or federal law, this policy or the statutory rights of privacy of an individual.
7. Personal attacks by anyone addressing the school board are unacceptable. Persistence in such remarks by an individual shall terminate that person's privilege to address the school board.

8. Depending upon the number of persons in attendance seeking to be heard, the school board reserves the right to impose such other limitations and restrictions as necessary in order to provide an orderly, efficient, and fair opportunity for those present to be heard.

B. Complaints

1. Routine complaints about a teacher or other employee should first be directed to that teacher or employee or to the employee's immediate supervisor.
2. If the complaint is against an employee relating to child abuse, discrimination, racial, religious, or sexual harassment, or other activities involving an intimidating atmosphere, the complaint should be directed to the employee's supervisor or other official as designated in the school district policy governing that kind of complaint. In the absence of a designated person, the matter should be referred to the Executive Director.
3. Unresolved complaints from Paragraph 1. of this section or problems concerning the school district should be directed to the Executive Director's office.
4. Complaints which are unresolved at the Executive Director's level may be brought before the school board by notifying the school board in writing.

C. Open Forum

The school board shall normally provide a specified period of time when persons may address the school board on any topic, subject to the limitations of this policy. The school board reserves the right to allocate a specific period of time for this purpose and limit time for speakers accordingly.

The school board may decide to hold certain types of public meetings where the public will not be invited to address the school board. Possible examples are work sessions and board retreats. The public will still be entitled to notice of these meetings and will be allowed to attend these meetings, but the public will not be allotted time during the meeting to address the board.

D. No Board Action at Same Meeting

Except as determined by the school board to be necessary or in an emergency, the school board will not take action at the same meeting on an item raised for the first time by the public.

**VII. PENALTIES FOR VIOLATION OF DATA PRIVACY**

- A. The school district is liable for damages, costs and attorneys' fees, and, in the event of a willful violation, punitive damages for violation of state data privacy laws. (Minn. Stat. § 13.08, Subd. 1)
- B. A person who willfully violates data privacy or whose conduct constitutes the knowing unauthorized acquisition of not public data is guilty of a misdemeanor. (Minn. Stat. § 13.09)

- C. In the case of an employee, willful violation of the Minnesota data practices law, Chapter 13, and any rules adopted thereunder, including any action subject to a criminal penalty, constitutes just cause for suspension without pay or dismissal. (Minn. Stat. § 13.09)

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 13.43 (Personnel Data)  
Minn. Stat. § 13.601, Subd. 3 (Applicants for Appointment)  
Minn. Stat. § 13D.05 (Meetings Having Data Classified as Public)  
Minn. Stat. § 121A.47, Subd. 5 (Exclusion and Expulsion Procedures; Closed or Open Meeting)  
Minn. Stat. § 122A.33, Subd. 3 (License and Degree Exemption for Head Coach; Notice of Nonrenewal; Opportunity to Respond)  
Minn. Stat. § 122A.40, Subd. 14 (Employment; Contracts; Termination; Hearing Procedures)  
Minn. Stat. § 122A.44 (Contracting with Teachers; Substitute Teachers)  
Minn. Stat. § 123B.02, Subd. 14 (General Powers of Independent School Districts; Employees; Contracts for Services)  
Minn. Stat. § 123B.143, Subd. 2 (Executive Directors; Disclose Past Buyouts or Contract is Void)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
Minn. Op. Atty. Gen. 852 (July 14, 2006)

**Cross References:** MSBA/MASA Model Policy 205 (Open Meetings and Closed Meetings)  
MSBA/MASA Model Policy 207 (Public Hearings)  
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA School Law Bulletin "C" (Minnesota's Open Meeting Law)

Adapted from MSBA School Law Bulletin *MSBA/MASA Model Policy 206* - Orig. 1995

202 (Reviewed 10/2022)

## **DISABILITY NONDISCRIMINATION POLICY**

### **I. PURPOSE**

The purpose of this policy is to provide a fair employment setting for all persons and to comply with state and federal law.

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

- A.** The school shall not discriminate against qualified individuals with disabilities, because of the disabilities, with regard to job application procedures, hiring, advancement, discharge, compensation, job training, or any other term, condition or privilege of employment.
- B.** The school shall not engage in contractual or other arrangements that have the effect of subjecting its qualified applicants or employees with disabilities to discrimination on the basis of disability. The school district shall not exclude or otherwise deny equal jobs or job benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association.

The school shall make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the accommodation would impose undue hardship on the operation-of the school.

Any job applicant or employee wishing to discuss the need for a reasonable accommodation, or other matters related to a disability or the enforcement and application of this policy, should contact the Human Resources person at the school. The individual who is the school's appointed AON Section 504 coordinator.

*29 U.S.C. 794 et seq. (§ 504 of Rehabilitation Act of 1973)*

*42 U.S.C. Ch. 126 § 12112 (American with Disabilities)*

204 (Reviewed 10/2022)

**TOBACCO FREE ENVIRONMENT; POSSESSION AND USE OF TOBACCO, TOBACCO-RELATED DEVICES, AND ELECTRONIC DELIVERY DEVICES; VAPING AWARENESS AND PREVENTION INSTRUCTION**

**PURPOSE**

The purpose of this policy is to maintain a learning and working environment that is tobacco-free.

**I. GENERAL STATEMENT OF POLICY**

- A.** It shall be a violation of this policy for any student, teacher, administrator, other school personnel of the school or person to smoke or use tobacco, tobacco-related devices, or carry or use an activated electronic delivery device in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school owns, leases, rents, contracts for, or controls. In addition, this prohibition includes vehicles used, in whole or in part, for work purposes, during hours of school operation, if more than one person is present. This prohibition includes all school property and all off-campus events sponsored by the school.
- B.** It shall be a violation of this policy for any student to possess any type of tobacco or tobacco-related device, or electronic delivery device in school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school owns, leases, rents, contracts for, or controls. This prohibition includes all school property and all off-campus school sponsored events.
- C.** The school 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 is found to have violated this policy.
- D.** The school will not solicit or accept any contributions or gifts of money, curricula, materials, or equipment from companies that directly manufacture and are identified with tobacco products, tobacco-related devices, or electronic delivery devices. The school will not promote or allow promotion of tobacco products or electronic delivery devices on school property or at school-sponsored events.

**II. DEFINITIONS**

- A.** "Electronic delivery device" means any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of aerosol or vapor from the product. Electronic delivery devices includes, but is not limited to, devices manufactured, marketed, or sold as electronic cigarettes, electronic cigars, electronic pipe, vape pens, modes, tank systems, or under any other product name or descriptor. Electronic delivery devices include any component part of a product, whether or not marketed or sold separately. Electronic delivery devices exclude drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.

- B.** “Heated tobacco product” means a tobacco product that produces aerosols containing nicotine and other chemicals which are inhaled by users through the mouth.
- C.** “Tobacco” means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including but not limited to, cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes any drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.
- D.** “Tobacco-related devices” means cigarette papers or pipes for smoking or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.
- E.** “Smoking” means inhaling, or exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. Smoking includes carrying or using an activated electronic delivery device.
- F.** “Vaping” means using an activated electronic delivery device or heated tobacco product.

### **III. EXCEPTIONS**

- A.** An Indian is a person who is a member of an Indian tribe as defined under Minnesota Statutes section 260.755, subdivision 12. As an exception to the general rule prohibiting the possession of tobacco on school property, an Indian may possess tobacco for spiritual or cultural-related practices while on school property, and an Indian who is over the age of 18 may furnish tobacco to an Indian under the age of 18 if the tobacco is furnished as part of a traditional Indian spiritual or cultural ceremony that is held on school property. Additionally, an Indian who is 18 years of age or older may light tobacco on school property as part of a traditional Indian spiritual or cultural ceremony that is held on school property. However, in accordance with State law, no student, including an Indian student, may use or consume tobacco while on school property, on a school vehicle, or at a school sponsored event or activity.
- B.** A violation of this policy does not occur when an adult nonstudent possesses a tobacco or nicotine product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose. Nothing in this exception authorizes smoking or use of tobacco, tobacco-related devices, or electronic delivery devices on school property or at off-campus events sponsored by the school.

### **IV. VAPING PREVENTION INSTRUCTION**

- A.** The school must provide vaping prevention instruction at least once to students in grades 6 through 8.

The school may use instructional materials based upon the Minnesota Department of Health's school e-cigarette toolkit or may use other smoking prevention instructional materials with a focus on vaping and the use of electronic delivery devices and heated tobacco products. The instruction may be provided as part of the school's locally developed health standards.

**205** *(Reviewed 11-2022)*

**TEACHER HEALTH REQUIREMENT**

Any teacher whose condition of physical or mental health is, in the opinion of the Director, thought to be inimical to the welfare of pupils or other employees may be required to undergo a health examination by a licensed physician at the expense of the school pursuant to Minnesota Statute 122A.40, subdivision 12.

206 (Reviewed 11/2021)

## **DRUG-FREE WORKPLACE, DRUG-FREE SCHOOL**

### **I. PURPOSE**

The purpose of this policy is to maintain a healthful environment for employees and students by prohibiting the use of alcohol, toxic substances and controlled substances without a physician prescription.

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

- A. Use and possession of controlled substances, toxic substances, and alcohol before, during, or after school hours, at school or in any other school location, is prohibited as general policy. Paraphernalia associated with controlled substances is prohibited.
- B. It shall be a violation of this policy for any student, teacher, administrator, other school district personnel, or member of the public to use alcohol, toxic substances, 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, 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 U.S.C. § 812, including analogues and look-alike drugs.
- C. "Toxic substances" includes glue, cement, aerosol paint, or other substances used or possessed with the intent of inducing intoxication or excitement of the central nervous system.
- D. "Use" includes to sell, buy, manufacture, distribute, dispense, possess, use, or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration or consideration.
- E. "Possess" means to have on one's person, in one's effects, or in an area subject to one's control.
- F. "School district location" includes any school building or on any school premises; on any school-owned vehicle or at any other school-approved function.

**207** *(Reviewed 11/2022)*

**BASIC SCHOOL DAY AND PREPARATION TIME**

- A. The basic teacher's day shall be eight (8) hours. This does not preclude a teacher leaving early on occasion, with the approval of the Director and/or Director's designee.
- B. The specific hours at any individual building may vary according to the needs of the educational program of the school. Therefore, the specific hours for the school building will be designated by the Director.
- C. In addition to the basic school day, teachers will be required to participate reasonably in school activities beyond the basic day as is normally required in the School and as designated by the Board.
- D. The normal teaching and classroom assignment for each teacher in the school system will be designated by the Director and/or Director's designee. That part of the basic school day during which a teacher does not have assigned classes or other assignments shall be used for planning time. During this planning time, the teacher shall be available to students for individual help or for facility, departmental, or curriculum meetings, or such other activities as may be approved by the director.

208 (Reviewed 11/2022)

## **EMPLOYMENT BACKGROUND CHECKS**

### **I. PURPOSE**

The purpose of this policy is to maintain a safe and healthful environment in the school in order to promote the physical, social and psychological well-being of its students. To that end, the district will seek a criminal history background check for applicants who receive an offer of employment with the school, and on all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services or such other background checks as provided by this policy. The district may also elect to do background checks of substitutes, independent contractors, student employees, board members, or volunteers in the school.

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

- A. The board shall require that applicants for school positions who receive an offer of employment and all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic or academic series to the school district, regardless of whether any compensation is paid, to submit to a criminal history background check. The offer of employment shall be conditioned upon a determination by the school that an applicant's criminal history does not preclude that applicant from employment with the school.
- B. The school specifically reserves any and all rights it may have to conduct background checks regarding current employees or applicants without the consent of such individuals.
- C. Adherence to this policy by the school shall in no way limit the school's right to require additional information, or to use procedures currently in place or other procedures to gain additional background information concerning employees, applicants, independent contractors, student employees, or volunteers.

### **III. PROCEDURES**

- A. Normally an individual will not commence employment until the school receives the results of the criminal history background check. The district may conditionally hire an applicant pending completion of the background check, but shall notify the individual that the individual's employment may be terminated based on the result of the background check. Background checks will be performed by the McDowell Agency Inc. The school reserves the right to also have criminal history background checks conducted by other organizations or agencies.
- B. An individual who is offered employment must sign a criminal history consent form, which provides permission for the school to conduct a criminal history background check. If the individual fails to provide the district with a signed Informed Consent Form at the time the individual receives a job offer, the individual will be considered to have voluntarily withdrawn the application for employment or request to provide services.

- C. The school, in its discretion, may elect not to request a criminal history background check on an applicant who holds an entrance license issued by the state board of teaching or the commissioner of education within the 12 months preceding an offer of employment.
- D. The school district may use the results of a criminal background check conducted at the request of another school hiring authority if:
  - 1. The results of the criminal background check are on file with the other school hiring authority or otherwise accessible;
  - 2. The other school hiring authority conducted a criminal background check within the previous 12 months;
  - 3. The applicant executes a written consent form giving the school district access to the results of the check; and
  - 4. There is no reason to believe that the applicant has committed an act subsequent to the check that would disqualify the applicant for employment.
- E. For all non-state residents who are offered employment with the school district, the school district shall request a criminal history background check on such applicants from the superintendent of the BCA and from the government agency performing the same function in the resident state, or if no government entity performs the same function in the resident state, from the Federal Bureau of Investigation. Such applicants must provide an executed criminal history consent form.
- F. When required, candidates must provide fingerprints to assist in a criminal history background check. If the fingerprints provided by the candidate are unusable, the candidate will be required to submit another set of prints.
- G. Copies of this policy shall be available in the school district's employment office and will be distributed to applicants for employment upon request. The need to submit to a criminal history background check may be included with the basic criteria for employment or provision of services in the position posting and position advertisements.
- H. The applicant will be informed of the results of the criminal background check(s) to the extent required by law.
- I. If the criminal history background check precludes employment with the school district, the individual will be so advised.
- J. The school district may apply these procedures to substitutes, independent contractors, student employees, board members or volunteers.

### **BACKGROUND CHECK GUIDELINES**

HOPE Community Academy conducts criminal background checks through the McDowell Agency Inc. on potential volunteers (including Board members) and staff members, in order to ensure that the students and the school are protected from various types of wrongdoing.

HOPE Community Academy seeks written permission from all individuals prior to conducting background checks. If permission is not granted, that individual will not be allowed to serve as a volunteer or Board member. Background checks will be conducted through the school office, by the office manager, and HOPE Community Academy will incur the cost associated with conducting the background check.

A successful background check must be completed on new volunteers and staff members before they begin their work with HOPE Community Academy.

Results of the background checks will be kept in the strictest confidence. The Director and/or Director's designated Human Resources person will perform the initial check. The HR manager and the Executive Director will have access to the results and evaluate them. If it is determined that the results require further questioning, the board chair will be made aware of the results in question. The results of all background checks will be destroyed at the end of the term of employment or volunteer activity.

The Director and/or Director's designee will evaluate all of the background check data. All prior convictions will be reviewed on a case-by-case basis, with the following being cause for immediate disqualification:

- Any prior felony or misdemeanor convictions which involved children
- Any prior felony convictions involving financial fraud (for Board members, staff members or any volunteers with access to HOPE Community Academy funds)
- Any felony convictions within the last 5 years
- All other felony and misdemeanor charges will be scrutinized but are not immediate cause for disqualification. The administrator will discuss any potentially disqualifying background check results with the board chair and come up with an action plan

**209** *(Reviewed 11/2022)*

### **PROFESSIONAL EVALUATION SYSTEM**

The appraisal of professional skills and effectiveness for the staff at HOPE is a process that has been developed with the following objectives:

- A. To accelerate the program of all students to a performance level of proficiency or higher in relation to the grade level academic standards;
- B. To contribute to self-directed improvement by school administrators in practices that will accelerate student achievement;
- C. To recognize and celebrate improvements in student achievement, in implementation of the school design and in administrative practice and leadership as motivation for administrators to maintain high levels of effective effort;
- D. To generate a method of providing financial rewards to school staff which is perceived as fair and equitable.

**211** *(Reviewed 11/2022)*

**INSTRUCTIONAL ASSIGNMENTS**

It is the policy of the HOPE Community Academy to recruit and select the best possible professional staff for available positions with the school. Instructional positions shall be open to qualified applicants from either the internal professional staff or external applicants on equal basis.

The assignment of staff to classes, grade levels, and activities are completely under the authority of the Executive Director or his/her designee.

212 (Reviewed 11/2022)

## **EQUAL OPPORTUNITY/AFFIRMATIVE ACTION**

In recognition of the essential and protected civil rights of our students, employees, and applicants for employment, HOPE Community Academy will strive to provide equality of opportunity, gender-inclusive, and disability-sensitive.

In compliance with all applicable federal and state laws and regulations prohibiting discrimination, HOPE Community Academy affirms that we will not discriminate against, harass, or tolerate the harassment of any person on the basis of race, color, creed, religion, national origin, sex, disability, age, marital status, sexual orientation, gender expression or status with regard to public assistance. The school district also makes reasonable accommodations for disabled students.

The school will take all reasonable affirmative actions to identify and eliminate evidence of discrimination in employment of personnel (including recruitment, selection, assignment, compensation, benefits, promotions, transfers, disciplinary actions, layoffs, recall from layoffs, and terminations); in education programs, services, and opportunities offered to students and staff; in location and use of facilities; and in educational materials.

The school will make reasonable efforts to afford communities of color and female business enterprises with opportunity to participate in the performance of contracts for which the school solicits bids.

The school will establish and maintain an educational and employment environment in which students and staff can develop the knowledge, skills, and attitudes necessary to lead healthy, productive, fulfilling and socially responsible lives in a pluralistic society.

The school will commit the appropriate time and resources, both financial and human, to demonstrate our good faith effort toward achievement of the goals of equal opportunity and affirmative action. Affirmative action will be the means to ensure that equal opportunities are extended to persons of color, women, persons with disabilities, and veterans in all levels of employment. The school is committed to seek out, address, and remedy the effects of discrimination that may present barriers to the full employment of persons in these protected groups.

Every school employee will be expected to support the implementation of this policy and the Affirmative Action Plan, and noncompliance will be subject to appropriate disciplinary action.

**Legal References:** *Title VI, Civil Rights Act of 1964... Executive Order 11246, as amended by E.O. 11375... Civil Rights Act of 1991*  
*Title VII, Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972*  
*Individuals with Disabilities Education Act (IDEA) (PL101-476)... Equal Pay Act, as amended by the Education Amendments of 1972... Title IX, Education Amendments of 1972... Section 504 of the Rehabilitation Act of 1973... Vietnam Era Veterans Readjustment Assistance Act of 1974... Minnesota Human Rights Act (Statute Ch. 363)... Americans With Disabilities Act of 1990*

214 (Reviewed 11/2022)

## **PUBLIC AND PRIVATE PERSONNEL DATA**

### **I. PURPOSE**

The purpose of this policy is to provide guidance to school district employees as to the data the school collects and maintains regarding its personnel.

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

- A. All data on individuals collected, created, received, maintained or disseminated by the school district, which is classified by statute or federal law as public, shall be accessible to the public pursuant to the procedures established by the school.
- B. All other data on individuals is private or confidential.

### **III. DEFINITIONS**

- A. "Public" means that the data is available to anyone who requests it.
- B. "Private" means the data is available to the subject of the data and to school staff who need it to conduct the business of the school.
- C. "Confidential" means the data is not available to the subject.
- D. "Personnel data" means data on individuals collected because they are or were employees of the school district, or an individual was an applicant for employment.
- E. "Finalist" means an individual who is selected to be interviewed by the Board of Directors for a position.
- F. "Protected health information" means individually identifiable health information transmitted in electronic form by a school district acting as a health care provider. It excludes health information in education records covered by FERPA and employment records held by a school district in its role as an employer.

### **IV. PUBLIC PERSONNEL DATA**

- A. The following information on employees, including volunteer and independent contractors, is public:
  - 1. name
  - 2. actual gross salary
  - 3. salary range
  - 4. contract fees
  - 5. job title
  - 6. education and training background

7. previous work experience
8. date of first and last employment
9. work location
10. work telephone number
11. work-related continuing education

**V. PRIVATE PERSONNEL DATA**

- A. All other personnel data is private and will only be shared with school district staff whose work requires such access. Private data will not be otherwise released unless authorized by law or by the employee's informed written consent.
- B. Data created, collected or maintained by the school district to administer employee assistance programs are private.

**VI. RESPONSIBLE AUTHORITY**

The school has designated the Executive Director as the authority responsible for personnel.

***Legal References:***     *Minnesota Statute Ch. 13 subdivision 13.02*  
                                  *Minnesota Statute 13.43*

215 (Reviewed 11/2022)

## **EMPLOYEE RIGHTS TO KNOW – EXPOSURE TO HAZARDOUS SUBSTANCES**

### **I. PURPOSE**

The purpose of this policy is to provide school district employees a place of employment and conditions of employment free from recognized hazards that are likely to cause death or serious injury or harm. (*Minnesota Statute 182.653, Subdivision 2*)

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

It is the policy of this school district to provide information and training to employees who may be routinely exposed to a hazardous substance, harmful physical agent, infectious agent, or blood borne pathogen.

### **III. DEFINITIONS**

- A. "Commissioner" means the Commissioner of Labor and Industry.
- B. "Routinely exposed" means that there is a reasonable potential for exposure to normal course of assigned work or when an employee is assigned to an area where a hazardous substance has been spilled.
- C. "Hazardous substance" means a chemical or substance, or mixture of chemicals and substances, which:
  - 1. is regulated by the Federal Occupational Safety and Health Administration under the Code of Federal Regulations, title 29, part 1910, subpart z; or
  - 2. is either toxic or highly toxic; an irritant; corrosive; a strong oxidizer; a strong sensitizer, combustible; either flammable or extremely flammable; dangerously reactive; pyrophoric; pressure-generating; compressed gas; carcinogen; teratogen; mutagen; reproductive toxic agent; or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance; or
  - 3. is determined by the commissioner as a part of the standard for the chemical or substance or mixture of chemicals and substances to present a significant risk to worker health and safety or imminent danger of death or serious physical harm to an employee as a result of foreseeable use, handling, accidental spill, exposure, or contamination.
- D. "Harmful physical agent" means a physical agent determined by the commissioner as a part of the standard for that agent to present a significant risk to worker health or safety or imminent danger of death or serious physical harm to an employee. This definition includes but is not limited to radiation, whether ionizing or nonionizing.
- E. "Infectious agent" means a communicable bacterium, rickettsia, parasites, virus, or fungus determined by the commissioner by rule, with approval of the commissioner of health, which according to documented medical or scientific evidence causes substantial acute or chronic illness

or permanent disability as a foreseeable and direct result of any routine exposure to the infectious agent. Infectious agent does not include an agent in or on the body of a patient before diagnosis.

#### **IV. TARGET JOB CATEGORIES**

Annual training will be provided to all full and part-time employees who are routinely exposed to a hazardous substance, harmful physical agent, infectious substance, or blood borne pathogen as set forth above.

#### **V. TRAINING SCHEDULE**

Training will be provided to employees before beginning a job assignment as follows:

- A. Any newly-hired employee assigned to a work area where he or she is determined to be "routinely exposed" under the guidelines above.
- B. Any employee reassigned to a work area where he or she is determined to be "routinely exposed" under the above guidelines.

***Legal References:***     *Minnesota Statute 182.673*  
                                  *Minnesota Statute Ch. 182 5205 & 5206*

216 (Reviewed 11/2022)

## **SOCIAL MEDIA, BLOGGING, AND ONLINE COMMUNICATION**

HOPE Community Academy recognizes the expanding use of networking sites and blogs (on-line message postings and informational and opinion exchanges such as Facebook or Twitter) as a valuable component of shared media. HOPE is also aware that social media will not be used exclusively for school business and that many are utilizing blogs and social networking sites for personal use. This policy has been developed for HOPE employees who maintain personal blogs, post comments on the blogs of others, and/or maintain personal social networking sites. The sites covered by this policy include any electronic form of communication, including social networking; professional networking sites; and live blogging tools, as well as employees' personal blogs and those hosted by other organizations for which HOPE employees either write or post comments.

When employees create their own blogs, comment on a blog, create a LinkedIn profile, Twitter, use Facebook and/or contribute to or through any of the other online media (i.e., Wikis, blogs, chat rooms, Internet forums, electronic mailing lists, etc.), such use of social media can pose risks to HOPE's confidential and proprietary information, reputation and brands, can expose HOPE to discrimination and harassment claims and can jeopardize HOPE's compliance with rules and laws that govern it as a nonprofit, tax-exempt corporation. It is also important to keep in mind that what is posted is track-able, traceable and permanent.

To minimize these business and legal risks, avoid loss of productivity and distraction from employees' job performance and ensure HOPE's IT resources and communications systems are used appropriately as explained below, HOPE expects employees to adhere to the following guidelines and rules regarding use of social media as provided in this policy.

Additionally, employees who engage in the use of online social media are expected to adhere to all applicable HOPE policies at all times. This policy is in addition to, and not in place of, those other policies.

This policy is not intended to preclude or dissuade discussions or activities involving employees' terms and conditions of employment or other legally protected or required activities.

### **Setting Up Social Media**

Social media identities, login IDs and user names may not use HOPE's name without prior approval from the Executive Director.

### **Do Not Use or Disclose Proprietary or Personal Information**

Disclosure of HOPE Community Academy's proprietary or personal information is prohibited for an employee's blog or posts. The HOPE Community Academy logo, trademarks and/or images may not be used without written HOPE's approval. In addition, information related to HOPE's students, families, policies, strategies and methods, research, financials and services that are not "public data," as it is defined in the Minnesota Government Data Practices Act, Minn. Stat. Chapter 13, cannot appear in an employee's posting under any circumstances. Any improper postings including but not limited to disclosure of HOPE information and/or student information can expose HOPE to liability and may lead to disciplinary action up to and including termination of employment.

## **Protect HOPE Employees**

HOPE employees should not be cited or referenced without their approval.

## **Be Professional and Respectful**

Blogs and social networking sites are public and searchable. Any posting referencing HOPE or your affiliation with HOPE should not contain information that you would not be comfortable seeing on the evening news or showing to your parent, spouse or children. No employee may publish or post any statement (including a photograph or other visual image) about HOPE that damages the reputation of HOPE if (a) the employee knows the statement is false or reasonably should have known the statement was false; or (b) the employee is acting maliciously and without any legitimate purpose protected by law; or (c) implies affiliation or endorsements by HOPE of employee's post. No employee may publish or post anything that a student or a student's family or another employee of HOPE would reasonably consider to be hostile, offensive, threatening, or intimidating.

## **Identify Yourself and Do Not Make Unauthorized Statements on Behalf of HOPE**

Employees participating in an online community and commenting or publishing on topics related to HOPE should identify themselves as HOPE employees. Employees must make it clear that their opinions are their own and that they are not speaking for HOPE Community Academy, unless authorized to do so. When necessary, use disclaimers such as "***The postings on this site are my own and don't necessarily represent HOPE's positions, strategies or opinions.***" Posted material will be around for a long time, so employees should consider the content carefully and also be cautious about disclosing personal details.

## **Be Responsible**

Employees are legally responsible for their commentary. Individuals may be held personally liable for any content found to be defamatory, obscene, proprietary, or libelous. For these reasons, employees should use common sense and exercise caution with regard to content, exaggeration, colorful language, guesswork, obscenity, copyrighted materials, legal conclusions, illegal activities and derogatory remarks or characterizations.

**Any violation of this policy or other HOPE policies while blogging or while using other online social media, even outside of work, may result in disciplinary action, up to and including termination of employment.**

## **217 HARASSMENT AND VIOLENCE**

### **I. PURPOSE**

The purpose of this policy is to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability.

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

A. The policy of the school district is to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability. The school district prohibits any form of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability.

B. A violation of this policy occurs when any student, teacher, administrator, or other school district personnel harasses a student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel through conduct or communication based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability, as defined by this policy. (For purposes of this policy, school district personnel include school board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the district.)

C. A violation of this policy occurs when any student, teacher, administrator, or other school district personnel inflicts, threatens to inflict, or attempts to inflict violence upon any student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability.

D. The school district will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability, and to discipline or take appropriate action against any student, teacher, administrator, or other school district personnel who is found to have violated this policy.

E. Because there are multiple, overlapping laws governing the school district's response to allegations of sexual harassment, all allegations of sexual harassment are subject to Policy 218.

### **III. DEFINITIONS**

A. "Assault" is:

1. an act done with intent to cause fear in another of immediate bodily harm or death;
2. the intentional infliction of or attempt to inflict bodily harm upon another; or
3. the threat to do bodily harm to another with present ability to carry out the threat.

B. "Harassment" prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals' race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability when the conduct:

1. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
3. otherwise adversely affects an individual's employment or academic opportunities.

C. "Immediately" means as soon as possible but in no event longer than 24 hours.

D. Protected Classifications: Definitions

1. "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:
  - a. has a physical, sensory, or mental impairment which materially limits one or more major life activities;
  - b. has a record of such an impairment; or
  - c. is regarded as having such an impairment.
2. "Familial status" means the condition of one or more minors being domiciled with:
  - a. their parent or parents or the minor's legal guardian; or
  - b. the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against harassment on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.
3. "Marital status" means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.
4. "National origin" means the place of birth of an individual or of any of the individual's lineal ancestors.
5. "Sex" includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
6. "Sexual orientation" means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness. "Sexual orientation" does not include a physical or sexual attachment to children by an adult.
7. "Status with regard to public assistance" means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.

E. “Remedial response” means a measure to stop and correct acts of harassment or violence, prevent acts of harassment or violence from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of acts of harassment or violence.

F. Sexual Violence; Definition

1. Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another’s intimate parts or forcing a person to touch any person’s intimate parts. Intimate parts, as defined in Minn. Stat. § 609.341, includes the primary genital area, groin, inner thigh, buttocks, or breast, as well as the clothing covering these areas.
2. Sexual violence may include, but is not limited to:
  - a. touching, patting, grabbing, or pinching another person’s intimate parts, whether that person is of the same sex or the opposite sex;
  - b. coercing, forcing, or attempting to coerce or force the touching of anyone’s intimate parts;
  - c. coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another; or
  - d. threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

G. Violence; Definition

Violence prohibited by this policy is a physical act of aggression or assault upon another or group of individuals because of, or in a manner reasonably related to, race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability.

**IV. REPORTING PROCEDURES**

A. Any person who believes he or she has been the target or victim of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability by a student, teacher, administrator, or other school district personnel, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel should report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report conduct which may constitute harassment or violence anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.

B. The school district encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available from the school district office, but oral reports shall be considered complaints as well.

C. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a school district human rights officer or to the superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.

D. In Each School Building. The building principal, the principal’s designee, or the building supervisor (hereinafter the “building report taker”) is the person responsible for receiving oral or written reports of

harassment or violence prohibited by this policy at the building level. Any adult school district personnel who receives a report of harassment or violence prohibited by this policy shall inform the building report taker immediately. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant. The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as a primary contact on policy and procedural matters.

E. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include acts of harassment or violence. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute harassment or violence shall make reasonable efforts to address and resolve the harassment or violence and shall inform the building report taker immediately. School district personnel who fail to inform the building report taker of conduct that may constitute harassment or violence or who fail to make reasonable efforts to address and resolve the harassment or violence in a timely manner may be subject to disciplinary action.

F. Upon receipt of a report, the building report taker must notify the school district human rights officer immediately, without screening or investigating the report. The building report taker may request, but may not insist upon, a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the building report taker to the human rights officer. If the report was given verbally, the building report taker shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any harassment or violence report or complaint as provided herein may result in disciplinary action against the building report taker.

G. In the District. The school board hereby designates the HR Coordinator as the school district human rights officer(s) to receive reports or complaints of harassment or violence prohibited by this policy. If the complaint involves a human rights officer, the complaint shall be filed directly with the superintendent.<sup>[1]</sup>

H. The school district shall conspicuously post the name of the human rights officer(s), including mailing addresses and telephone numbers.

I. Submission of a good faith complaint or report of harassment or violence prohibited by this policy will not affect the complainant or reporter's future employment, grades, work assignments, or educational or work environment.

J. Use of formal reporting forms is not mandatory.

K. Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.

L. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

M. Retaliation against a victim, good faith reporter, or a witness of violence or harassment is prohibited.

N. False accusations or reports of violence or harassment against another person are prohibited.

O. A person who engages in an act of violence or harassment, reprisal, retaliation, or false reporting of violence or harassment, or permits, condones, or tolerates violence or harassment shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures.

Consequences for students who commit, or are a party to, prohibited acts of violence or harassment or who engage in reprisal or intentional false reporting may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion.

Consequences for employees who permit, condone, or tolerate violence or harassment or engage in an act of reprisal or intentional false reporting of violence or harassment may result in disciplinary action up to and including termination or discharge.

Consequences for other individuals engaging in prohibited acts of violence or harassment may include, but not be limited to, exclusion from school district property and events and/or termination of services and/or contracts.

## **V. INVESTIGATION**

A. By authority of the school district, the human rights officer, within three (3) days of the receipt of a report or complaint alleging harassment or violence prohibited by this policy, shall undertake or authorize an investigation. The investigation may be conducted by school district officials or by a third party designated by the school district.

B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

C. In determining whether alleged conduct constitutes a violation of this policy, the school district should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

D. In addition, the school district may take immediate steps, at its discretion, to protect the target or victim, the complainant, and students, teachers, administrators, or other school district personnel pending completion of an investigation of alleged harassment or violence prohibited by this policy.

E. The alleged perpetrator of the act(s) of harassment or violence shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.

F. The investigation will be completed as soon as practicable. The school district human rights officer shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, the report may be filed directly with the school board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

## **VI. SCHOOL DISTRICT ACTION**

A. Upon completion of an investigation that determines a violation of this policy has occurred, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and applicable school district policies and regulations.

B. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the parent(s) or guardian(s) of targets or victims of harassment or violence and the parent(s) or guardian(s) of alleged perpetrators of harassment or violence who have been involved in a reported and confirmed harassment or violence incident of the remedial or disciplinary action taken, to the extent permitted by law.

C. In order to prevent or respond to acts of harassment or violence committed by or directed against a child with a disability, the school district shall, where determined appropriate by the child's individualized education program (IEP) or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in acts of harassment or violence.

## **VII. RETALIATION OR REPRISAL**

The school district will discipline or take appropriate action against any student, teacher, administrator, or other school district personnel who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged harassment or violence prohibited by this policy, who testifies, assists, or participates in an investigation of retaliation or alleged harassment or violence, or who testifies, assists, or participates in a proceeding or hearing relating to such harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the harassment or violence. Remedial responses to the harassment or violence shall be tailored to the particular incident and nature of the conduct.

## **VIII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES**

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

## **IX. HARASSMENT OR VIOLENCE AS ABUSE**

A. Under certain circumstances, alleged harassment or violence may also be possible abuse under Minnesota law. If so, the duties of mandatory reporting under Minn. Stat. § 626.556 may be applicable.

B. Nothing in this policy will prohibit the school district from taking immediate action to protect victims of alleged harassment, violence, or abuse.

**X. DISSEMINATION OF POLICY AND TRAINING**

- A. This policy shall be conspicuously posted throughout each school building in areas accessible to students and staff members.
- B. This policy shall be given to each school district employee and independent contractor who regularly interacts with students at the time of initial employment with the school district.
- C. This policy shall appear in the student handbook.
- D. The school district will develop a method of discussing this policy with students and employees.
- E. The school district may implement violence prevention and character development education programs to prevent and reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, resourcefulness, and/or sexual abuse prevention.
- F. This policy shall be reviewed at least annually for compliance with state and federal law.

*Legal References:* Minn. Stat. § 120B.232 (Character Development Education)

Minn. Stat. § 120B.234 (Child Sexual Abuse Prevention Education)

Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)

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

Minn. Stat. Ch. 363A (Minnesota Human Rights Act)

Minn. Stat. § 609.341 (Definitions)

Minn. Stat. § 626.556 *et seq.* (Reporting of Maltreatment of Minors)

20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)

29 U.S.C. § 621 *et seq.* (Age Discrimination in Employment Act)

29 U.S.C. § 794 (Rehabilitation Act of 1973, § 504)

42 U.S.C. § 1983 (Civil Action for Deprivation of Rights)

42 U.S.C. § 2000d *et seq.* (Title VI of the Civil Rights Act of 1964)

42 U.S.C. § 2000e *et seq.* (Title VII of the Civil Rights Act)

42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)

*Cross References:* MSBA/MASA Model Policy 102 (Equal Educational Opportunity)

MSBA/MASA Model Policy 401 (Equal Employment Opportunity)

MSBA/MASA Model Policy 402 (Disability Nondiscrimination Policy)

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)

MSBA/MASA Model Policy 406 (Public and Private Personnel Data)

MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)

MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)

MSBA/MASA Model Policy 506 (Student Discipline)

MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)

MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)

MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)

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 528 (Student Parental, Family, and Marital Status Nondiscrimination)

---

[1] In some school districts the superintendent may be the human rights officer. If so, an alternative individual should be designated by the school board.

218 (Reviewed 08/2024)

## TITLE IX SEX NONDISCRIMINATION POLICY, GRIEVANCE PROCEDURE AND PROCESS

### I. GENERAL STATEMENT OF POLICY/ NOTICE OF NONDISCRIMINATION

- A. The school district does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in employment.
- B. Inquiries about Title IX may be referred to the Title IX Coordinator(s), the United States Department of Education's Office for Civil Rights, or both. The school district's Title IX Coordinator(s) is/are:

**Katie Kruger**  
**HR Manager**  
**(651) 796-4581**  
**720 Payne Ave St. Paul, 55130**  
[katiekruger@hope-school.org](mailto:katiekruger@hope-school.org)

**Andy Sharp**  
**Dean of Students**  
**(651) 796-4500**  
**720 Payne Ave St. Paul, 55130**  
[anydsharp@hope-school.org](mailto:anydsharp@hope-school.org)

- C. To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please contact the Title IX Coordinator identified above or refer to: [Annual Reports and School Policies - HOPE Community Academy](#)  
**URL: <https://hopecommunityacademy.org/annual-reports-and-archives/>**
- D. The school district's nondiscrimination policy and grievance procedures can be located on the school district's website as Policy 218.
- E. The effective date of this policy is August 1, 2024, and applies to alleged violations of this policy occurring on or after August 1, 2024.

### II. DEFINITIONS

For the purposes of this policy and its Addendum, the following definitions apply.

- A. "Complaint" means an oral or written request to the school district that objectively can be understood as a request for the school district to investigate and make a determination about alleged discrimination under Title IX or its regulations.
- B. "Day" or "days" means, unless expressly stated otherwise, business days (i.e. day(s) that the school district office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).
- C. "Disciplinary sanctions" means consequences imposed on a respondent following a determination under Title IX that the respondent violated the school district's prohibition on sex discrimination.
- D. "Parental status" means the status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is:
  - 1. A biological parent;
  - 2. An adoptive parent;

3. A foster parent;
  4. A stepparent;
  5. A legal custodian or guardian;
  6. In loco parentis with respect to such a person; or
  7. Actively seeking legal custody, guardianship, visitation, or adoption of such a person.
- E. "Party" means a complainant or respondent.
- F. "Peer retaliation" means retaliation by a student against another student.
- G. "Program or activity" and "program" means all of the operations of the school district.
- H. "Relevant" means related to the allegations of sex discrimination under investigation . Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.
- I. "Remedies" means measures provided, as appropriate, to a complainant or any other person the school district identifies as having had their equal access to the school district's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the school district's education program or activity after a determination that sex discrimination occurred.
- J. "Respondent" means a person who is alleged to have violated the school district's prohibition on sex discrimination.
- K. "Retaliation" means intimidation, threats, coercion, or discrimination against any person by the school district, a student, or an employee or other person authorized by the school district to provide aid, benefit, or service under the school district's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.
- L. "Sex-based harassment" prohibited by Title IX and its regulations is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:
1. *Quid pro quo harassment.*  
  
An employee, agent, or other person authorized by the school district to provide an aid, benefit, or service under the school district's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
  2. *Hostile environment harassment.*  
  
Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies

a person's ability to participate in or benefit from the school district's education program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- a. The degree to which the conduct affected the complainant's ability to access the school district's education program or activity;
- b. The type, frequency, and duration of the conduct;
- c. The parties' ages, roles within the school district's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- d. The location of the conduct and the context in which the conduct occurred; and
- e. Other sex-based harassment in the school district's education program or activity; or

3. *Specific offenses.*

- a. Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
- b. Dating violence meaning violence committed by a person:
  - i. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - ii. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - (a) The length of the relationship;
    - (b) The type of relationship; and
    - (c) The frequency of interaction between the persons involved in the relationship;
- c. Domestic violence meaning felony or misdemeanor crime(s) committed by a person who:
  - i. is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the state of Minnesota, or a person similarly situated to a spouse of the victim;
  - ii. is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
  - iii. shares a child in common with the victim; or
  - iv. commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
- d. Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - i. Fear for the person's safety or the safety of others; or

ii. Suffer substantial emotional distress.

- M. "Student" means a person who has gained admission.
- N. "Student with a disability" means a student who is an individual with a disability as defined in the Rehabilitation Act of 1973, as amended, or a child with a disability as defined in the Individuals with Disabilities Education Act.
- O. "Supportive measures" means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:
  - 1. Restore or preserve that party's access to the school district's education program or activity, including measures that are designed to protect the safety of the parties or the school district's educational environment; or
  - 2. Provide support during the school district's grievance procedures or during the informal resolution process.
- P. "Title IX" means Title IX of the Education Amendments of 1972, as amended.

### **III. DESIGNATION OF TITLE IX COORDINATOR AND DESIGNEES**

- A. The school district will designate and authorize at least one Title IX Coordinator to coordinate its efforts to comply with its obligations under Title IX and its regulations. If the school district has more than one Title IX Coordinator, it will designate one of its Title IX Coordinators to retain ultimate oversight over the responsibilities and ensure the school district's consistent compliance with its responsibilities under Title IX and its regulations.
- B. As appropriate, the Title IX Coordinator may delegate specific duties to one or more designees.

### **IV. REPORTING PROHIBITED CONDUCT**

- A. Any student who believes they have been the victim of unlawful sex discrimination or sexual harassment, or any person (including the parent of a student) with actual knowledge of conduct which may constitute unlawful sex discrimination or sexual harassment toward a student should report the alleged acts as soon as possible to the Title IX Coordinator.
- B. All employees must notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX or its regulations. This requirement does not apply to an employee who has personally been subject to conduct that reasonably may constitute sex discrimination under Title IX or its regulations.
- C. Any employee of the school district who has experienced, has knowledge of, or has witnessed unlawful sex discrimination, including sexual harassment, or who otherwise becomes aware of unlawful sex discrimination, including sexual harassment, must promptly report the allegations to the Title IX Coordinator without screening or investigating the report or allegations.
- D. A report of unlawful sex discrimination or sexual harassment may be made at any time, including during nonbusiness hours, and may be made in person, by mail, by telephone, or by email using the Title IX Coordinator's contact information. A report may also be made by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

- E. Sexual harassment may constitute both a violation of this policy and criminal law. To the extent the alleged conduct may constitute a crime, the school district may report the alleged conduct to law enforcement authorities. The school district encourages complainants to report criminal behavior to law enforcement immediately.

## **V. RETALIATION**

The school district prohibits retaliation, including peer retaliation, in its education program or activities. Upon receiving a complaint alleging retaliation, the school district will initiate its grievance procedures or, as appropriate, an informal resolution process.

## **VI. GRIEVANCE PROCEDURE AND PROCESS**

The grievance procedure and process adopted by the school district shall be included with the Policy as an addendum, and may be reviewed and revised as deemed appropriate by the school district administration.

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

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

Revised by Squires, Waldspurger & Mace, P.A., August 6, 2024

**Title IX Grievance Procedure and Process  
Addendum to Policy 218**

**I. GRIEVANCE PROCEDURES FOR THE PROMPT AND EQUITABLE RESOLUTION OF COMPLAINTS OF SEX DISCRIMINATION**

A. General

These grievance procedures apply only to sex discrimination complaints alleging that a person violated the school district's prohibition on sex discrimination. When a sex discrimination complaint alleges that a school district's policy or practice discriminates on the basis of sex, the school district is not considered to be a respondent.

B. Core Requirements of Grievance Procedures

1. The school district treats complainants and respondents equitably.
2. The school district requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The decisionmaker may be the same person as the Title IX Coordinator or investigator.
3. The school district presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of the grievance procedures.
4. The school district has established the following reasonably prompt timeframes for the major stages of the grievance procedures:
  - a. Any informal resolution process must be completed within thirty (30) calendar days following the parties' agreement to participate in such informal process.
  - b. An appeal of a decision dismissing a complaint must be received by the school district within five (5) days of the date the notice of dismissal was provided to the parties.
  - c. Any appeal of a dismissal will be decided within thirty (30) calendar days of the day the appeal was received by the school district.
  - d. The school district will seek to conclude the grievance process, including any appeal, within 120 calendar days of the date the complaint was received by the school district.
  - e. Although the school district strives to adhere to the timelines described above, in each case, the school district may extend the time frames for good cause. Good cause may include, without limitation: the complexity of the allegations; the severity and extent of the alleged misconduct; the number of parties, witnesses, and the types of other evidence (e.g., forensic evidence) involved; the availability of the parties, advisors, witnesses, and evidence (e.g., forensic evidence); concurrent law enforcement activity; intervening school district holidays, breaks, or other closures; the need for language assistance or accommodation of disabilities; and/or other unforeseen circumstances.
  - f. The school district has established the following process for reasonable extension of timeframes on a case-by-case basis for good cause as set forth above: Any party or an investigator or decisionmaker may make a request to the Title IX Coordinator to extend the timeline for good cause. If the Title IX Coordinator determines the

reason for the extension constitutes good cause, the Title IX Coordinator will notify the parties of the reason for delay.

5. The school district will take reasonable steps to protect the privacy of the parties and witnesses during the pendency of the grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses, subject to the prohibition against retaliation; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures.
6. The school district will objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.
7. The following types of evidence, and questions seeking that evidence, as impermissible (i.e., will not be accessed or considered, unless an exception below applies ; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:
  - a. Evidence that is protected under a privilege as recognized by federal or Minnesota law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
  - b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the school district has that party's or witness's voluntary, written consent for use in the grievance procedures; and
  - c. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred; and

#### C. Complaints

1. The following people have the right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that the school district investigate and make a determination about alleged discrimination under Title IX:
  - a. A "complainant," which includes:
    - i. a student or employee of the school district who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
    - ii. a person other than a student or employee of the school district who is alleged to have been subjected to conduct that could constitute sex discrimination at a time when that individual was participating or attempting to participate in the school district's education program or activity;

- b. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- c. The school district's Title IX Coordinator.

The individuals above are entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator submits the complaint.

- 2. With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have the right to make a complaint:
  - a. Any student or employee of the school district; or
  - b. Any person other than a student or employee who was participating in or attempting to participate in the school district's education program or activity at the time of the alleged sex discrimination.

D. Notice of Allegations

Upon initiation of the school district's grievance procedures, the school district will notify the parties of the following:

- 1. The school district's grievance procedures, and if applicable, any informal resolution process;
- 2. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s), to the extent that information is available to the school district;
- 3. Retaliation is prohibited; and
- 4. The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. If the school district provides a description of the evidence, the parties are entitled to an equal opportunity to access to the relevant and not otherwise impermissible evidence upon the request of any party.

If, in the course of an investigation, the school district decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice, the school district will provide notice of the additional allegations to the parties whose identities are known.

E. Dismissal of a Complaint

- 1. The school district may dismiss a complaint of sex discrimination if:
  - a. The school district is unable to identify the respondent after taking reasonable steps to do so;
  - b. The respondent is not participating in a school district education program or activity and is not employed by the school district;

- c. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the school district determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or,
    - d. The school district determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the school district will make reasonable efforts to clarify the allegations with the complainant.
2. Upon dismissal, the school district will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the school district will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.
3. The school district will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the school district will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:
  - a. Procedural irregularity that would change the outcome;
  - b. New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
  - c. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.
4. If the dismissal is appealed, the school district will:
  - a. Notify the parties of any appeal, including notice of the allegations if notice was not previously provided to the respondent;
  - b. Implement appeal procedures equally for the parties;
  - c. Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
  - d. Ensure that the decisionmaker for the appeal has received training required by Title IX;
  - e. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
  - f. Notify the parties of the result of the appeal and the rationale for the result.
5. When the school district dismisses a complaint, it must, at a minimum:
  - a. Offer supportive measures to the complainant as appropriate;
  - b. If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and

c. Take other appropriate prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the school district's education program or activity.

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

E. Investigation

1. The school district will provide for adequate, reliable, and impartial investigation of complaints.

2. The burden is on the school district – not on the parties – to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred;

3. The school district will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible;

4. The school district will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

5. The school district will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible in the following manner:

a. The school district will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If the school district provides a description of the evidence, it will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;

b. The school district will provide a reasonable opportunity to respond to the evidence or to the accurate description of the evidence; and

c. The school district will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

F. Questioning Parties and Witnesses to Aid in Evaluating Allegations and Assessing Credibility

The school district will enable the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

G. Determination Whether Sex Discrimination Occurred

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the school district will:

1. Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. This standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex

discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.

2. Notify the parties in writing of the determination whether sex discrimination occurred under Title IX or its regulations including the rationale for such determination;
3. Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination;
4. If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
  - a. Coordinate the provision and implementation of remedies to a complainant and other persons the school district identifies as having had equal access to the school district's education program or activity limited or denied by sex discrimination;
  - b. Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
  - c. Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the school district's education program or activity;
4. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
5. Not discipline a party, witness, or others participating in school district's grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the school district's determination whether sex discrimination occurred.

H. Informal Resolution

In lieu of resolving a complaint through the school district's grievance procedures, the parties may instead elect to participate in an informal resolution process offered by the school district.

I. Provisions Limited to Sex-Based Harassment Complaints

1. Supportive measures may be made available to complainants and respondents, as appropriate. Available supportive measures include: reassignment of classes, transportation changes, no-contact directives, alternate passing times, escorts, extensions of deadlines or course-related requirements, counseling or support from designated adults, and other measures that are necessary and appropriate to ensure complainants and respondents are not denied equal access to the school district's education program and activity.
2. Following a determination that sex-based harassment occurred by a student-respondent, the school district may impose discipline consistent with Policy 306. Following a determination that sex-based harassment occurred by an employee-respondent, the school district may impose discipline consistent with any applicable personnel policy, collective bargaining agreement, or Minnesota law, including suspension without pay and termination or discharge. Available remedies may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual or unilateral restrictions on contact between the parties, leaves of absence, monitoring of certain areas of school district buildings or property, transfer, transportation changes, and other remedies determined appropriate by the Title IX Coordinator.

## **II. INFORMAL RESOLUTION OF A COMPLAINT**

- A. At any time prior to determining whether sex discrimination occurred, the school district a complainant and respondent may participate in an informal resolution process, unless the complaint includes allegations that an employee engaged in sex-based harassment of a student or such a process would conflict with federal, Minnesota, or local law
1. Subject to the limitations in Paragraph A. above, the school district has discretion to determine whether it is appropriate to offer an informal resolution process when it receives information about conduct that reasonably may constitute sex discrimination under Title IX or its regulations or when a complaint of sex discrimination is made, and may decline to offer informal resolution despite one or more of the parties' wishes.
  2. In addition to the limitations in Paragraph A. above, circumstances when the school district may decline to allow informal resolution include but are not limited to when the school district determines that the alleged conduct would present a future risk of harm to others.
- B. The school district will not require or pressure the parties to participate in an informal resolution process. The parties must voluntarily consent to the informal resolution process. The school district will not require waiver of the right to an investigation and determination of a complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right.
- C. Before initiation of an informal resolution process, the school district will provide the parties notice of the following:
1. The allegations;
  2. The requirements of the informal resolution process;
  3. That, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the school district's grievance procedures;
  4. That the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;
  5. The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
  6. What information the school district will maintain and whether and how the school district could disclose such information for use in grievance procedures, if grievance procedures are initiated or resumed.
- D. The facilitator for the informal resolution process will not be the same person as the investigator or the decisionmaker in the school district's grievance procedures.
- E. Potential terms that may be included in an informal resolution agreement include but are not limited to:
1. Restrictions on contact; and
  2. Restrictions on the respondent's participation in one or more of the school district's programs or activities or attendance at specific events, including restrictions the school district could have imposed as remedies or disciplinary sanctions had the school district

determined at the conclusion of the school district's grievance procedures that sex discrimination occurred.

219 (Adopted 01/2025)

## **GROUP HEALTH INSURANCE COVERAGE**

### **I. PURPOSE**

The purpose of this policy is to comply with the provisions of Minnesota law applicable to charter schools that procure group health insurance coverage for their employees.

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

- A. This policy informs charter school employees of the charter school's policy for purchasing group health insurance coverage.
- B. A charter school with at least 25 employees shall request group health insurance coverage proposals and fulfill the proposal and notifications processes set forth in this policy.
- B. A board of directors of a charter school with employees organized under Minnesota Statutes, section 124E.12, subdivision 3 must comply with Minnesota Statutes, section 471.6161 governing group insurance.

### **III. SEALED PROPOSAL PROCESS**

- A. The charter school must implement a sealed proposal process.
- B. The charter school will request sealed proposals for group health insurance from a minimum of three sources at least every two years. The requests will be made at a reasonable time before the date set by the charter school to open the sealed proposals.
- C. All sealed proposals will be opened on the date set by the charter school. This date shall be at a reasonable time prior to the plan's renewal date.
- D. The charter school administration will recommend the bid that appears to be in the charter school's interest to the charter school board. The charter school may reject any or all of the proposals submitted.
- E. The charter school administration will notify employees covered under the group health insurance coverage before the effective date of changes in the group coverage policy contract.
- F. Upon opening the proposals according to this policy, the proposals become public data under Minnesota Statutes, chapter 13.

**Legal References:** Minn. Stat. Ch. 13 (Government Data Practices)  
Minn. Stat. § 124E.12 (Employment)  
Minn. Stat. § 471.6161 (Group Insurance; Governmental Units)

**Cross References:** MSBA/MASA Model Policy 411 Charter (Group Health Insurance Coverage)

**301** *(Reviewed 02/27/2020)*

**ENTRANCE AGES**

Minnesota Statute 120A.20, subdivision 1 requires children to be at least five years of age on September 1 of the school year for which the pupil seeks admission in order to be admitted to kindergarten, but permits school boards to establish a policy for admission at an earlier age.

Recognizing that a limited number of underage children may be ready for early school entry, families shall have opportunity to enter into kindergarten children whose birthdays occur no later than October 15. However, since decisions for early entry should be made only after careful deliberation, parents of children whose fifth birthdays occur September 2 through October 15 must participate in a School-sponsored parent-education/information meeting in order for their children to be eligible for kindergarten entrance. This meeting, which shall be well-publicized and conducted on a timely and convenient schedule, will present information designed to help parent/guardians reach decisions about that state of kindergarten readiness of children who are less than five years of age by September 1. An early entrance review team shall be made available at the school building if parents/guardians request assistance in making this important decision.

In no case will children whose fifth birthday occurs September 2 through October 15 be admitted to kindergarten later than 10 days after the official start of the school year.

Minnesota Statute 120A.20, subdivision 1 requires children to be at least six years of age on September 2 through October 15 be admitted for which they seek admission, or to have completed kindergarten, in order to be admitted to first grade. Admission of children to other grades shall involve a consideration of chronological age, previous school history, and apparent readiness to meet the expectations of those grades.

**302** (Reviewed 02/27/2020)

### **EARLY ENTRANTS POLICY APPLICATION PROCEDURE**

The parents of any child whose birthday falls between September 2 and October 15 may request consideration for early entrance to kindergarten. The procedures to be followed are outlined below.

- A. Parent contacts the School Director for information.
- B. Parent information meeting held in April/early May – letter sent to parents who have expressed interest and notice meeting.  
Information included in parent meeting –
  - \* developmental information on five and six year old children
  - \* information on kindergarten (expectation, curriculum)
  - \* early entrants research – advantages and disadvantages
  - \* other options (preschools, activities)
- C. Parent and child meeting at elementary school – Parent with director, counselor, and other appropriate staff (psychologist, ESL Teacher, etc.) child with kindergarten teacher.
- D. School staff reaches decision on a recommendation for or against early admittance. If a family moves into the school area in the summer, informational handouts from the parent session will be shared with the parent. A team of school staff will meet with the parents and the child.

**303** *(Reviewed & revised 04/2026)*

## **POLICY FOR ENROLLMENT**

The HOPE Community Academy desires to provide enrollment options for students in grades PreK through 12th that meet the diverse needs and interest of HOPE Community Academy students and shall review these options as needed.

The Director and School Board shall determine the capacity of each grade level at the school and establish a random, unbiased selection process for the admission of students not presently enrolled at the school, consistent with the requirements of Minnesota law, as follows.

Minnesota Statutes Section 124E.11, subdivision (b) provides: “A charter school shall enroll an eligible pupil who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In this case, pupils must be accepted by lot. The charter school must develop and publish, including on its Web site, a lottery policy and process that it must use when accepting pupils by lot”

Minnesota Statutes Section 124E.11, subdivision (c) provides: Admission to a charter school must be free to any eligible pupil who resides within the state. A charter school must give enrollment preference to a Minnesota resident pupil over pupils that do not reside in Minnesota. A charter school must require a pupil who does not reside in Minnesota to annually apply to enroll in accordance with paragraphs (a) to (f). A charter school must give enrollment preference to a sibling of an enrolled pupil and to a foster child of that pupil's parents and may give preference for enrolling children of the school's staff before accepting other pupils by lot. A staff member eligible for an enrollment preference for their child, including a foster child, must be an individual employed at the school whose employment is stipulated in advance to total at least 480 hours in a school calendar year. “A charter school shall give enrollment preference to a sibling of an enrolled pupil and to a foster child of that pupil's parents and may give preference for enrolling children of the school's staff before accepting other pupils by lot.”

Minnesota Statutes Section 124E.11, subdivision (d) provides: “A person shall not be admitted to a charter school (1) as a kindergarten pupil, unless the pupil is at least five years of age on September 1 of the calendar year in which the school year for which the pupil seeks admission commences, or (2) as a first grade student, unless the pupil is at least six years of age on September 1 of the calendar year in which the school year for which the pupil seeks admission commences or has completed kindergarten, except that a charter school may establish and publish on its Web site a policy for admission of selected pupils at an earlier age, consistent with the enrollment process in paragraphs (b) and (c).”

Minnesota Statutes Section 124E.11, subdivision (e) provides, “Except as permitted in paragraph (d), a charter school may not limit admission to pupils on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability; and may not establish any criteria or requirements for admission that are inconsistent with this section.”

Minnesota Statutes Section 124E.11, subdivision (f) provides, “The charter school shall not distribute any services or goods of value to students, parents, or guardians as an inducement, term or condition of enrolling a student in a charter school.”

### **Enrollment Procedures:**

HOPE Community Academy establishes admission limits by grade level based upon the capacity of its programs, classes, grade levels, or building. The deadline for parents to submit applications for enrollment of their child or children is May 15 prior to the start of the school year. In case of multiple births (twins, triplets, etc.), each student seeking admission must complete an application (i.e. not one application for the family), and each student receives an individual number/lot in the lottery. A student whose application is received prior to May 15 will be admitted if there is space available in the grade for which the student is applying. Within ten (10) days of a new student's entry, teachers/staff will provide an orientation to the enrolling student and family. Once enrolled, a student must fill out an annual registration packet form. The school shall have discretion to determine whether it will provide transportation outside of the school's attendance area.

This enrollment procedure will be posted on the school's Web site.

**Lottery Policy and Process:**

If HOPE Community Academy receives more applications for a grade level than the number of spaces available, a lottery (by grade level) will be held within a week following May 15. Families who submit applications after the May 15 deadline will be entered into a July 1 lottery for any open spaces, along with families whose students were not admitted following the May lottery. Each lottery will include all students with current and complete applications, except that first preference for enrollment shall be given to siblings of currently enrolled students and to foster children of such students' parents, and secondary preference shall be given to children of the school staff.

After preference is given to siblings of currently enrolled students, foster children of such students' parents, and to children of school staff, the school will perform a randomized selection process to determine which remaining students will receive enrollment offers. Lotteries shall occur from lowest grade to highest grade. All students who are not admitted following the July lottery will be placed on an Application Waiting List. The Application Waiting List does not carry over from year to year and is valid only for the upcoming school year.

**Continuous Enrollment:**

Once enrolled, a student who resides in Minnesota remains continuously enrolled at HOPE Community Academy until the student formally withdraws, the school receives a request for the student's education records from another school, the parent or guardian provides written notice of withdrawal, or the student is expelled in accordance with the Pupil Fair Dismissal Act, consistent with Minnesota Statute §124E.11(g).

**Age of Entrance Procedures:**

Purpose: The purpose of this regulation is to implement the Entrance Ages Policy (Policy 301) by making provisions for the most appropriate placement of each student.

**General Statement of Regulation**

A. Kindergarten Admission

1. Children whose fifth (5<sup>th</sup>) birthday is on or before September 1 of the calendar year in which they are seeking admission to kindergarten are eligible for kindergarten entrance without assessment.
2. Children whose fifth (5<sup>th</sup>) birthday is on September 2 or thereafter through October 15 of the calendar year in which they are seeking admission to kindergarten may be considered for admission to kindergarten based upon an assessment procedure that is described in Policy 302, "Early Entrants Policy Application Procedure".

3. Children whose fifth (5<sup>th</sup>) birthday is on September 2 or thereafter but who have already started kindergarten in another public or a nonpublic school may be admitted to HOPE Community Academy kindergarten.
- B. First Grade Admission of Children Not Previously in School  
If a child is six years old on or before September 1 of the calendar year in which the child is seeking admission to first grade at HOPE Community Academy, the school and family will determine the most appropriate grade placement.
- C. Underage Children Previously in School, but Entering HOPE Community Academy for the First Time  
Children who have attended kindergarten for a year in a nonpublic school will be recommended for a comprehensive evaluation for cognitive, social, and emotional development per **HOPE Grade Acceleration Process (see below)**.
- D. After a Kindergarten student or newly enrolling first grade student is enrolled, they will be required to present a birth certificate, a physician's certificate, passport, a baptismal or religious certificate, adoption record, health records, immunization records, immigration records, previously verified school records, early childhood screening records, MN Immunization Information Connection records, or an affidavit from a parent to verify the student's age.

### **Assessment Procedure for Early Admission to Kindergarten**

- A. At the request of parents or legal guardians of a student whose fifth birthday falls between September 1 and October 15, HOPE Community Academy will screen the student for early admission to kindergarten.
- B. The early kindergarten assessment process will be consistent with the requirements of Minnesota Statute Section 124E.11:
  1. The student's academic and cognitive readiness will be assessed by school staff, using valid and reliable instrumentation and processes that are aligned with state kindergarten expectations and abilities and are developmentally appropriate. The school will be responsible for any costs associated with the evaluation:
    - A letter will be sent to the family notifying them of the date, location and time of the assessment.
    - A parent or legal guardian and the student will attend the assessment together.
    - The child will be assessed by the preschool screening team.
    - The parent or legal guardian will complete a parent interview with a member of the preschool screening team.
    - The preschool screening team will make a decision based on the results of the assessment and the parent interview.
    - The preschool screening team will send a letter notifying the family of the results and decision to admit or not admit the student into kindergarten. A copy of letter will be retain with the student's records.
  2. The student's parent or legal guardian must provide a report to the school, in a format requested by the school, of the child's knowledge, skills, and abilities.

## **HOPE Grade Acceleration Process**

### **Introduction:**

Acceleration is an intervention that moves students through an educational program at rates faster or at younger ages than typical. It means matching the level, complexity, and pace of the curriculum to the readiness and motivation of the student.

Prior to beginning the referral process for full-grade acceleration, the information in this packet must be reviewed. If you believe the student would be a good candidate for full-grade acceleration after reviewing this information, the referral process can begin. **Requests will be accepted at the end of quarter 1 and must be made at least 60 days before the end of a school year.** Questions should be addressed to HOPE Community Academy's Elementary Principal at 651-796-4500.

### **Process:**

**Step 1** The **Request for Full-Grade Acceleration** form should be submitted to the Principal or Gifted and Talented Teacher. Every attempt will be made to decide within 60 days of receipt of the **Request for Full-Grade Acceleration** form. An initial meeting is held with the parent/guardian(s), Principal, Gifted Education Teacher, and classroom teacher to review the process.

**Step 2** Gifted and Talented Teacher gathers information/data:

- Request for Full-Grade Acceleration form, with signature allowing any necessary testing
- Teacher Information Form
- Student Interview
- Assessment data (Data over two years old is not accepted), for ability, Cognitive Abilities Test 7 (CogAT7), for achievement & aptitude (Woodcock Johnson Achievement Testing)

**Step 3** School site team meets to review data, complete the Iowa Acceleration Scale, 3<sup>rd</sup> Edition, make recommendations, and, if appropriate, develop an acceleration plan or a non-acceleration plan. Team includes:

- School Principal
- Gifted and Talented Teacher
- Current teacher and teacher at grade level to which the student may be accelerated
- Social Worker

**Step 4** A second meeting with parents/guardians is scheduled to discuss the acceleration decision and plan to support the student. Written notification will also be sent.

**Step 5** The student will be monitored by school personnel according to plan. Progress, concerns, or adjustments will be reported to parents/guardians and other stakeholders.

**Step 6** Spring of each school year, families are asked to provide feedback about student progress and support. The school team meets to assess progress, determine any necessary adjustments or support.

### **Types of Acceleration:**

#### **Full-Grade**

The student is moved ahead of their standard grade placement (i.e., placing a third-grader into fourth grade). This acceleration may be done at the beginning or during the school year, depending on when the acceleration process is completed. **Remember, acceleration requests are not accepted until after the first quarter.**

**Single-Subject**

The student is placed for part of the day with students at a more advanced grade level for one or more subjects without being assigned to a higher grade level. This may be accomplished by the student physically moving to a higher level class for instruction (i.e., a third-grader going to a fifth-grade math class OR using high-level curricular materials. Single subject acceleration may also be accomplished outside of the general instructional schedule (e.g., summer school or after school) or by using higher-level instructional activities continuously while leaving the placement with chronological-age peers.

**ACCELERATION REQUEST FORM:  
TO BE COMPLETED BY PARENT/GUARDIAN**

HOPE strives to provide an education with high academic standards and rigor which will promote the maximum academic, social-emotional and physical development of each student.

Acceleration is an educational intervention that moves students through an education program at a significantly faster pace or at a younger than typical age. Prior to completing this form, please read the attached information. **Acceleration requests will not be accepted for the current school year until after the first quarter and all acceleration requests for the next school year must be submitted 60 days prior to the last day of school.**

Name of Student:	Parent or Guardian completing form:
Date of Birth:	Email:
School:	Address:
Current Grade:	Phone Number:
Teacher:	

Please attach a written narrative that provides specific examples that you have observed of how your child functions at a significantly high level. Please address each of the following:

(Thov koj sau ib cov lus qhia txog koj tus me nyuam tej yam uas nws ua tau zoo thiab piav txog tej yamuas koj pom thiab muaj pov thawj hais tias nws ua tau zoo heev. Thov koj piav ib qho zuj zus raws li nram qab no):

**1. Overall academic performance**

(Kev kawm tag nrho tau zoo li cas

**2. Ability to apply, analyze and evaluate ideas at an advanced level**

(Kev muaj peev xwm ua tau, txheeb tau, thiab ntsuas tau zoo)

**3. Ability to think creatively and solve complex problems**

(Kev muaj peev xwm xav thiab muaj tswv yim daws tau tej yam teeb meem tsis yooj yim)

**4. Motivation for new challenges/advanced work**

(Kev txhawb siab txog kev sib tw tshiab/kev kawm tej qho siab)

**5. Passion exhibited for topic(s) of interest**

(Muaj siab rau tej yam nthuav tawm ua nws nyiam)

**6. Social-emotional development (behavior, response to feedback, relationships with peers)**

(Kev sib raug zoo—kev loj hlob ntawm kev xav (tus cwj pwm, kev teb txog kev muab tswv yim/qhia(thuam), kev sib raug zoo nrog phooj ywg)

**7. Participation in non-school extra-curricular activities**

(Kev sib koom txog kev ua si uas tsis yog txog kev kawm)

**8. Any special recognitions**

(Tej yam tshwj xeeb uas ua tau zoo thiab muaj kev qhuas txog)

Please sign below to allow for any additional testing necessary for a complete acceleration evaluation.

\_\_\_\_\_  
Parent/Guardian

\_\_\_\_\_  
Date

304 (Reviewed 12/2020)

## **STUDENT ATTENDANCE**

### **I. PURPOSE**

- A. The board of directors believes that regular school attendance directly relates to success in academic work, benefits students socially, provides opportunities for important communications between teachers and students and establishes regular habits of dependability important to the future of the student. The purpose of this policy is to encourage regular school attendance.
- B. This policy also recognizes that class attendance is a joint responsibility to be shared by the student, parent or guardian, teacher and administrators. This policy will assist students in attending class.

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

#### **A. Responsibilities.**

##### **1. Student.**

It is the student's right to be in school. It is also the student's responsibility to attend all assigned classes every day that school is in session and to be aware of and follow the correct procedures when absent from an assigned class or study hall. Finally, it is the student's responsibility to request any missed assignments due to an absence.

##### **2. Parent or Guardian.**

It is the responsibility of the student's parent or guardian to ensure the student is attending school, to inform the school in the event of a student absence, and to work cooperatively with the school and the student to solve any attendance problems that may arise.

##### **3. Teacher.**

It is the teacher's responsibility to take daily attendance and to maintain accurate attendance records in each assigned class. It is also the teacher's responsibility to be familiar with all procedures governing attendance and to apply those procedures uniformly. It is also the teacher's responsibility to provide any student who has been absent with any missed assignments upon request. Finally, it is the teacher's responsibility to work cooperatively with the student's parent or guardian to solve any attendance problems that may arise.

##### **4. Administration.**

It is the administrators' responsibility to require students to attend all assigned classes. It is also the administrators' responsibility to be familiar with all procedures governing attendance and to apply these procedures uniformly to all students, to maintain accurate records on student attendance, to inform the student's parent or guardian of the student's attendance and to work cooperatively with them and the student to solve attendance problems. In accordance with the regulations of the Minnesota Department of Children, Families and Learning and the Minnesota

Compulsory Instruction Law, Minnesota Statute 120A.22, the students of the school are REQUIRED to attend all assigned classes every day school is in session.

B. Attendance Procedures

Attendance procedures shall be presented to the board for review and approval.

Attendance procedures will be annually disseminated to students and parents through the school's student handbook.

**III. REQUIRED REPORTING**

A. Continuing Truant

Minnesota Statute 260A.02 provides that a continuing truant is a student who is subject to the compulsory instruction requirements of Minnesota Statute 120A.22 and is absent from instruction in a school, as defined in Minnesota Statute 05, without valid excuse within a single school year for:

1. Three consecutive days if the child is in elementary school.

B. Reporting Responsibility

When a student is initially classified as a continuing truant, Minnesota Statute 260A.03 provides that the school attendance officer or other designated school official shall notify the student's parent or legal guardian, by first class mail or other reasonable means, of the following:

1. That the child is truant;
2. That the parent or guardian should notify the school if there is a valid excuse for the child's absences;
3. That the parent or guardian is obligated to compel the attendance of the child at school pursuant to Minnesota Statute 120A.22 and parents or guardians who fail to meet this obligation may be subject to prosecution under Minnesota Statute 120A.34;
4. That this notification serves as the notification required by Minnesota Statute 120A.34;
5. That alternative educational programs and services may be available in the school;
6. That the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the child's truancy;
7. That if the child continues to be truant, the parent and child may be subject to juvenile court proceedings under Minnesota Statute Cha. 260.

C. Habitual Truant

1. A Habitual truant is a child under the age of 16 years who is absent from attendance at school without lawful excuse for seven school days if the child is in elementary school or for one or more class periods on seven days if the child is in middle school, junior high school, or high school.
2. A school attendance officer shall refer a habitual truant child and the child's parent or legal guardian to appropriate services and procedures, under *Minnesota Statute* Ch. 260A.

**Legal References:**     *Minnesota Statute 120A.22 (Compulsory Instruction)*  
                              *Minnesota Statute 120A.24(Reporting)*  
                              *Minnesota Statute 120A.26(Enforcement and Prosecution)*



305 (Reviewed 12/2020)

## **STUDENT DISABILITY NONDISCRIMINATION**

### **I. PURPOSE**

The purpose of this policy is to protect disabled students from discrimination on the basis of disability and to identify and evaluate learners who, within the intent of Section 504 of the Rehabilitation Act of 1973, need special services, accommodations, or programs in order that such learners may receive the required free appropriate public education.

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

- A. Disabled students are protected from discrimination on the basis of a disability.
- B. It is the responsibility of the school district to identify and evaluate learners who within, the intent of Section 504 of the Rehabilitation Act of 1973, need special services, accommodations, or program in order that such learners may receive the required free appropriate public education.
- C. For this policy, a learner who is protected under Section 504 is one who:
  - 1. has a physical or mental impairment that substantially limits one or more major life activities, including learning; or
  - 2. has a record of such impairment; or
  - 3. Is regarded as having such impairment.
- D. Learners may be protected from disability discrimination and be eligible for services under the provisions of Section 504 even though they do not require IEP services pursuant to the Individuals with Disabilities Education Act.

### **III. COORDINATOR**

Persons who have questions, comments, or complaints should contact the Executive Director regarding grievances or hearing requests regarding disability issues. This person is the school district's ADA/504 Coordinator.

**Legal References:** 29 U.S.C. § 794 et seq. (§ 504 Rehabilitation Act of 1973) and regulations at CFR 104.3j)

306 (Reviewed 12/2020)

## **STUDENT DISCIPLINE**

### **I. PURPOSE**

The purpose of this policy is to ensure that students are aware of and comply with the school's expectations for student conduct. Such compliance will enhance the school's ability to maintain discipline and ensure that there is no interference with the educational process. The school 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 Board of Directors recognizes that individual responsibility and mutual respect are essential components of the educational process. The Board of Directors further recognizes that the nurturance of the maturing process for each student is of primary importance and is closely linked with the balance that must be maintained between 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 that 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. It is the position of the school that a fair and equitable 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, Minnesota Statute 121A.40 - 121A.56.

In view of the foregoing and in accordance with Minnesota Statute 121A.55, the board, with the participation of school administrators, teachers, employees, students, parents and 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.

### **III. AREAS OF RESPONSIBILITY**

- A. The Board of Directors holds all school personnel responsible for the maintenance of order within the school and supports all personnel acting within the framework of this discipline policy.
- B. The Executive Director 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 Executive Director 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 board of directors for approval and shall be attached as an addendum to this policy.

- C. The Executive Director is given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy, subject to final board approval. The school director shall give direction and support to all school personnel performing their duties within the framework of this policy. The Executive Director 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.
- D. 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.
- E. 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 director.
- F. 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. All students shall be held individually responsible for their behavior and for knowing and obeying the Code of Student Conduct and this policy.
- H. 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.

#### **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 conduct themselves in an appropriate physical or verbal manner; and
- M. 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. 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, 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. 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 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;
  - 5. Attendance problems including but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission;
  - 6. Violent opposition to authority;
  - 7. Using, possessing, or distributing tobacco or tobacco paraphernalia;

8. Using, possessing, distributing or being under the influence of alcohol or other intoxicating substances;
9. Using, possessing, distributing items or articles that are illegal or harmful to persons or property including, but not limited to, drug paraphernalia;
10. Using, possessing or distributing weapons or other dangerous objects;
11. Possession of ammunition including, but not limited to bullets or other projectiles designed to be used in or as a weapon;
12. Possession, use or distribution of explosives or any compound or mixture, the primary or common purpose or intended use of which is to function by explosion;
13. 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;
14. Violation of any local, state or federal law as appropriate;
15. 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;
16. Possession of nuisance devices or objects which cause distractions 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; and may facilitate cheating including, but not limited to phones;
17. Violation of school bus or transportation rules or the school bus safety policy;
18. 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;
19. Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker;
20. Possession or distribution of slanderous, libelous or pornographic materials;
21. 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;
22. Criminal activity;
23. Falsification of any records, documents, notes or signatures;
24. Tampering with, changing, or altering records or documents of the school by any method including, but not limited to, computer access or other electronic means;
25. Scholastic dishonesty that includes, but is not limited to, cheating on a school assignment, plagiarism or collusion;
26. Impertinent or disrespectful language toward teachers or other school district personnel;
27. Sexual abuse and/or harassment;
28. 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;
29. Committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;

30. Violations against persons, including, but not limited to, assault or threatened assault, fighting, harassment, interference or obstruction, attack with a weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure;
31. Verbal assaults, or verbally abusive behavior, including, but not limited to, use of language that is discriminatory, abusive, obscene, threatening, intimidating or that degrades other people;
32. Physical or verbal threats, including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;
33. 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;
34. Violation of school rules, regulations, policies or procedures;
35. Other acts, as determined by the school, which are disruptive of the educational process or dangerous or detrimental to the student or other students, school 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 of operations of the school or the safety or welfare of students or employees.

## **VII. DISCIPLINARY ACTION OPTION**

It is the general policy of the school 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 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. Disciplinary action may include, but is not limited to, one or more of the following:

- A. Student conference with teacher, Executive Director, counselor or other school personnel, and verbal warning;
- B. Parent contact;
- C. Parent conference;
- D. Removal from class;
- E. In-school suspension;
- F. Suspension from extracurricular activities;
- G. Detention or restriction of privileges;
- H. Loss of school privileges;
- I. In-school monitoring or revised class schedule;
- J. Referral to community resources or outside agency services;
- K. Financial restitution;
- L. Referral to police, other law enforcement agencies, or other appropriate authorities;
- M. Petition County Court for juvenile delinquency adjudication;
- N. Out-of-school suspension under the Pupil Fair Dismissal Act;
- O. Preparation of an admission or readmission plan;
- P. Expulsion under the Pupil Fair Dismissal Act;
- Q. Other disciplinary action as deemed appropriate by the school district.

## **VIII. REMOVAL OF STUDENTS FROM CLASS**

- A. 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/legal guardians. 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, Executive Director, 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. The Executive Director must approve a student's removal from class that exceeds one day.

Grounds for removal from class shall include the following:

1. Willful conduct that materially and substantially disrupts the rights of others to an education;
2. Willful conduct that endangers school employees, surrounding persons, 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.

## **IX. DISMISSAL**

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

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

The school 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 expulsion, and/or exclusion. A student may be dismissed on the following grounds:
1. willful violation of any reasonable school regulation, including those found in this policy;
  2. willful conduct which materially and substantially disrupts the rights of others to an education; and
  3. willful conduct which endangers the student or other students, or surrounding persons, or the property of the school.

- C. Suspension Procedures

1. "Suspension" means an action taken by the school administration, under rules promulgated by the school's board of directors, 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 Executive Director with a reason for the longer terms of suspension. This definition does not apply to dismissal for one (1) school day or less, except as may be provided in federal law for a student with a disability.
2. Each suspension action may include a readmission plan. The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission and may not be used to extend the current suspension. 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 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.
3. In the case of a student with a disability, the school shall comply with applicable federal law.
4. The school administration shall implement alternative educational services when the suspension exceeds five (5) days.
5. 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.
6. 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, Minnesota Statutes 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 certified mail within 48 hours of the conference.
7. 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.
8. 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 48 hours of the suspension. Service by mail shall be complete upon mailing.
9. Notwithstanding the foregoing provisions, the student may be suspended pending the Board of Directors' 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 board action to prohibit an enrolled student from further attendance up to twelve (12) months from the date the student is expelled. The authority to expel rests with the Board of Directors.
2. "Exclusion" means an action taken by the Board of Directors to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the school year.
3. All expulsion and exclusion proceedings will be held pursuant to and in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minnesota Statutes 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, Minnesota Statutes 121A.40 - 121A.56; describe alternative educational services accorded to 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 shall advise the student's parents 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. The school shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense.
8. 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 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 MDE.
9. 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 the student's records and allowing the representative to obtain copies thereof.
10. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by the school. 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.
11. At a reasonable time prior to the hearing, the student, parent or guardian, or authorized representative shall be given access to all school records pertaining to the student, including records upon which the proposed dismissal action may be based.
12. The student, parent or guardian, or authorized representative, shall have the right to compel the presence of any school 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.

13. The student, parent or guardian, or authorized representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.
14. The student cannot be compelled to testify in the dismissal proceedings.
15. The hearing officer shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to the Board of Directors and served upon the parties within two (2) days after the close of the hearing.
16. The Board of Directors 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 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's Board of Directors 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.
17. A party to an expulsion or exclusion decision made by the board may appeal the decision to the Commissioner within 21 calendar days of school board action, pursuant to the Pupil Fair Dismissal Act, Minnesota Statute 121A.49. The decision of the school board shall be implemented during the appeal to the Commissioner.
18. The school 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.
19. The school shall report each expulsion or exclusion with thirty (30) days of the effective date of the action to the Commissioner. This report shall 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 include state student identification number of affected students on all dismissal reports required by the department.
20. 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 school.

#### **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 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.

#### **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, school director or other school official may provide additional notification as deemed appropriate.

## **XII. STUDENT DISCIPLINE RECORDS**

It is the policy of the HOPE Community Academy 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, Minnesota Statutes Chapter 13.

## **XIII. DISABLED STUDENTS**

Students who are currently identified as disabled under IDEA or Section 504 will be subject to the provisions of this policy providing that their misbehavior is not a manifestation of the student's disability, unless an educational program has specified a necessary modification.

When a disabled student is removed from class, the building's special needs committee will review the educational plan and current assessment data. The committee will determine the placement was appropriate and recommend, if necessary, other methods of dealing with the behavior. The committee may also make exceptions as necessary and appropriate based on the disabling conditions of the student involved. Such exceptions may be reflected in the student's educational plan.

For students with IEPs, a team meeting is required within five (5) school days of a suspension or prior to an expulsion or exclusion. If a student is placed on in-school suspension status according to school policy established for all students, for all or part of the day for two (2) or more consecutive days or three (3) times in one (1) month, a team meeting must be held. A student disabled under Section 504 but not under IDEA shall be entitled to such a meeting only pending expulsion, exclusion or suspension over (10) days. The team shall (a) determine whether the misconduct is related to the disability; (b) review any assessments and determine the need for further assessment; and (c) review the adequacy of the current IEP and amend the goals and objectives or develop an alternative IEP program as appropriate. If it is determined that a student's misconduct is related to the student's disability, the student may not be expelled, and an alternative program shall be sought.

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 shall continue to provide special education and related services after a period of suspension, if suspension is imposed. The school shall initiate a review of the student's individual education plan within five (5) school days of the commencement of an expulsion, exclusion, or a suspension.

## **XIV. DISTRIBUTION OF POLICY**

The school 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 the Director's office.

## **XV. REVIEW OF POLICY**

The Executive Director and representative of parents, students and staff shall confer when necessary 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 Executive Director for consideration by the school Board of Directors.

**Legal References:** *Minnesota Statute Ch. 13 (Minnesota Government Data Practices Act)*  
*Minnesota Statute 125A.03 (Special Instruction for children with a disability) and IDEA 1997*  
*Minnesota Statutes 121A.40 - 121A.56 (Pupil Fair Dismissal Act)*  
*Minnesota Statute 121A.60 - 121A.65 (Removal from Class)*  
*Goals 2000: Educate America Act 20, U.S.C. 580 et seq.*  
*29 U.S.C. § 794 et seq. (Section 504 of the Rehabilitation Act of 1973)*

307 (Reviewed 12/2020)

**COMPULSORY ATTENDANCE**

- A. Every resident student between the age of 7 and 16 shall attend at least 170 days per year pursuant to Minnesota Statute, a public or approved nonpublic school. A parent may withdraw a child under the age of seven from enrollment at any time.  
For the purpose of compulsory attendance; a “school” means a public school or a nonpublic school, church or religious organization, or home-school in which a child is provided instruction in compliance with Minnesota Law Sections 120A.22 and 120A.24.
  
- B. Upon application of the parents to the Board, a student less than 16 years of age may be excused if the parent(s) of the child demonstrate(s) to the satisfaction of the Board of Directors that:
  - 1. the child’s bodily or mental condition is such as to prevent attendance at school or application to study for the period required; or
  - 2. the parent(s) wish(es) to permit the child to attend religious instruction up to three hours per week. (Minnesota Statute, Section 120A.22, Subdivision 12(3)).
  
- C. The school shall provide special instruction and services for handicapped children who are residents of the district and who are handicapped as defined in Minnesota Statute 125A.03.
  
- D. A pupil may be suspended or expelled from school pursuant to the rules and regulations of the School and the laws of the State of Minnesota.

308 (Reviewed 12/2020)

## **STUDENT RECORDS-DATA PRIVACY**

### **I. PURPOSES**

Educational records of individual pupils maintained by HOPE Community Academy shall serve three main purposes:

- A. To enable persons legitimately interested in the pupil's educational progress to have available a ready source of information to aid with that pupil's learning.
- B. To assist in effecting transfers between schools and providing necessary information for employers, trade and vocational schools, and college admissions officers.
- C. To present the basic data sources for child accounting, curriculum research, and state financial aid systems.

Information about students, which is considered essential in accomplishing these purposes of the schools and in promoting the welfare of the students, shall be collected and maintained in accordance with these policies and procedures. The collection, maintenance, accessibility, dissemination, and retention of such information shall be controlled by procedures designed to implement the primary tasks of the school, while protecting individual rights of the students and preserving the private or confidential nature of various types of records in accordance with state and federal law.

### **II. RESPONSIBILITY FOR STUDENT RECORDS**

- A. The overall responsibility authority for student records at HOPE shall be the Executive Director. He/she or delegates shall implement the policies and procedures set forth in this Policy and shall develop appropriate procedures to assure protection and privacy of pupil's records in circumstances, which are not specifically addressed in this Policy.

### **III. SELECTED STATUTES AND REGULATIONS WHICH MAKE REFERENCE TO DATA PRIVACY**

#### **FEDERAL:**

Family Education Rights and Privacy Act of 1974, as amended – 20 U.S.C. 1232g 34 C.F.R. Part 99

#### **STATE:**

Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, Minnesota Rules Part 1205 Official Records Act, *Minnesota Statute* 15.17.

All references to statutes and rules set forth above are references to such statutes and rules as in effect on the date of adoption of this Policy. The following procedures and policies regarding the protection and privacy of parents and students are adopted by HOPE Community Academy, and intended to be consistent with 20 U.S.C. Section 1232g, et seq., regulations promulgated thereunder, and the requirements of the Minnesota Government Data Practices Act, *Minnesota Statute* 13.01 et seq. and rules promulgated thereunder.

#### IV. DEFINITIONS

- A. **Confidential Data:** “Confidential data” is data which is not public by state or federal law and which is not accessible to the individual subject of the data.
- B. **Directory Information:** “Directory information” means information, the release of which would not generally be considered harmful or an invasion of privacy and includes the following information relating to a student; the student’s name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance (i.e., entry and exit dates) grade levels completed, degrees and awards received and the most recent previous educational agency or institution attended by the student. Directory information does not include identifying data that references religion, race, color, social position or nationality.
- C. **Educational Records:** “Educational records” means that records that are directly related to a student and are maintained by the School District.
1. The term does not include:
    - a. Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which;
      - (1) Are in the sole possession of the maker of the records;
      - (2) Are destroyed at the end of the school year, and
      - (3) Are not accessible or revealed to any other individual except a substitute. For the purpose of this definition, a “substitute” means an individual who performs on a temporary basis the duties of the individual who made the record, and does not refer to an individual who permanently succeeds the maker of the record in his or her position.
    - b. Records of a law enforcement unit of the School District, provided educational records maintained by the School District are not disclosed to the law enforcement unit, and the law enforcement records are;
      - (1) Maintained separate and apart from other records maintained by the School District;
      - (2) Created and maintained solely for law enforcement purposes; and
      - (3) Not disclosed to individuals other than law enforcement officials of the same jurisdiction.
    - c. Records relating to an individual, including a student, who is employed by the School District which:
      - (1) Are made and maintained in the normal course of business;
      - (2) Relate exclusively to the individual in that individual’s capacity as an employee; and

However, records of a student in attendance at the School District who is employed as a result of his or her status as a student are educational records.

- d. Records relating to an **eligible** student that are:

- (1) Created or maintained by a physician, psychiatrist, psychologist, or other recognized professional acting in his or her professional capacity or assisting in that capacity, whether such physician, psychiatrist, psychologist or other recognized professional or paraprofessional is an employee of the School District or is acting as an independent contractor for the School District;
- (2) Created, maintained, or used only in connection with the provision of treatment to the student; and
- (3) Not disclosed to anyone other than individuals providing the treatment; provided, that upon receiving a Release signed by the student in accordance with Section IV of this Policy, the records can be personally reviewed by a physician or other appropriate professional of the student's choice.

For the purpose of this definition, "treatment" does not include remedial educational activities or activities which are part of the program of instruction within the School District.

- e. Records that contain information about an individual after he or she is no longer a student is District school.
- D. **Eligible Student:** "Eligible student" means a HOPE student who has attained eighteen years of age or is attending an institution of post-secondary education.
- E. **Legitimate Educational Interest:** "Legitimate educational interest" includes interests directly related to classroom instruction, teaching, student achievement and progress, discipline or a student, and student health and welfare. It includes a person's need to know in order to:
1. Perform an administrative talk required in the school;
  2. Perform a supervisory or instructional task directly related to the student's education or
  3. Perform a service or benefit for the student or the student's family such as a health care, counseling, student job placement or student financial aid and like services.
- F. **Parent:** "Parent" includes a parent, a guardian, or an individual acting as a parent of a student in the absence of a parent or guardian. The School District shall presume the parent has the authority to exercise the rights inherent in the applicable law and set out in this Policy unless it has been provided with evidence that there is a State law or court order governing such matters as divorce, separation or custody, or a legally binding instrument that specifically revokes these rights. If the School District believes such a law or court order exists with respect to a non-custodial parent, the School District may, but shall not be required to, make inquiry of the custodial parent as to the status of the non-custodial parent's rights, the School District shall presume that the non-custodial parent has the rights of a parent under this Policy.
- G. **Personally Identifiable:** "Personally identifiable" means that the data information include (a) the name of a data subject, or if the data, or if the data subject, or if the data subject or, if the data subject social security number or student number; (d) a list of personal characteristics which would make the data subject's identity easily traceable; or (e) other information which would make the data subject's identity easily traceable.
- H. **Private Data:** "Private data" is data that is not public by state or federal law and is accessible to the individual subject of the data.

- I. **Public Data:** “Public data” is data that is accessible to the public.
- J. **Record:** “Record” means any information or data recorded in any medium, including, but not limited to: handwriting, print, tapes, film, microfilm, computer, and microfiche.
- K. **Responsible Authority:** “Responsible authority” means the Director or designee.
- L. **School Official:** “School Official” includes:
  - 1. A person duly elected to the School Board;
  - 2. A person employed by the School Board in an administrative, supervisory, instructional or other professional position;
  - 3. A person employed by the School Board as a temporary substitute in a professional position for the period of his or her performance as a substitute;
  - 4. A person employed by, or under contract to, the School Board to perform a special task (e.g., secretary, clerk, an attorney or an auditor) for the period of his or her performance as an employee or contractor, and
  - 5. A person who at the direction of a school administrator or designee is conducting an activity or event sponsored by the school for students or former students.
- M. **Student:** “Student” includes any individual currently or formerly enrolled or registered or any applicant for enrollment or registration with the School District and, with respect to whom the School District maintains educational records.
- N. **Summary Data:** “Summary data” means statistical records derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify an individual is ascertainable.
- O. **All Other Terms and Phrases Shall be Defined in Accordance with Applicable Law or Ordinary Custom and Usage.**

### III. GENERAL

Education records are private data on individuals and shall not be disclosed except in accordance with applicable law and in accordance with this Policy. “Private data” means records which are made not public by state or federal law but which are accessible to the student subject of the data and if the student is not an eligible student, to his/her parents. For the purposes herein, “confidential data” means records which are made not public by state or federal law and which are not accessible to the student and his/her parent.

### IV. COLLECTING PRIVATE DATA AND CONSENT TO RELEASING DATA

- A. **Collection of Private Data:** Prior to collecting private or confidential data from a student or a student’s parents, a School District official or employee or any party acting on behalf of the School District shall inform the student and/or the parents, orally or in writing, of the following:

1. The purpose and intended use of the requested data within the School District;
2. Whether the student or parent may refuse or is legally required to supply the requested data;
3. Any known consequences arising from supplying or refusing to supply the requested data; and
4. The identity of other person or entities authorized by state or federal law to receive the data.

**B. Eligible Student Consent:** Whenever a student has attained eighteen years of age or enrolls in an institution of post-secondary education, the rights accorded to and the consent required of the parent of the student shall thereafter only be accorded to and required of the eligible student and shall no longer be accorded to or required of the student's parents.

**C. Consent to Disclosure of Information Required:**

1. The School District shall obtain the written consent of the parent of a student or the eligible student before disclosing personally identifiable information from the educational records of a student, other than directory information, except as provided herein.
2. The written consent required by the above must be signed and dated by the parent of the student or the eligible student giving the consent, which shall include:
  - a. A specification of the records to be disclosed;
  - b. The purpose or purposes of the disclosure and the intended use of the requested data;
  - c. The party or class of parties to whom the disclosure may be made; and
  - d. As appropriate, a termination date for the consent. Whenever a disclosure is made under this subdivision, if the parent of an eligible student requests, the School District will provide him or her with a copy of the records disclosed.

**D. Prior Consent for Disclosure Not Required:** The School District may disclose personally identifiable information from the education records of a student without the written consent of the parent of the student or the eligible student unless disclosure is:

1. To other School Officials, including teachers, within the School District whom the School District determines have a legitimate educational interest in such records;
2. To non-employee persons, the functions normally performed by officials or other employees of the School District (e.g. attorneys and social workers), provided with respect to each disclosure that (a) the disclosure is for a legitimate educational interest, (b) such person's work assignment reasonably requires access to the records and (c) such person has agreed to be bound by the limitations on redisclosure set forth in Article VIII of this Policy;
3. To officials of other schools or school district in which the student seeks or intends to enroll, provided that such disclosure must be made in accordance with this Policy;
4. To authorized representatives of the Comptroller General of the United States, other federal educational authorities as provided by 20 U.S.C. Sections 1221e-3 © and 1232g, and the Commissioner of the State Department of Education;
5. In connection with a student's application for, or receipt of, financial aid;
6. To state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statutes adopted;

- a. Before November 19, 1974, if the allowed reporting or disclosure concerns of juvenile justice system and such system's ability to effectively serve, prior adjudication, the student whose records are released; or
  - b. After November 19, 1974, if the allowed reporting or disclosure concerns of juvenile justice system and such system's ability to effectively serve, prior adjudication, the student whose records are released **and** the officials and authorities to whom such information is disclosed certify **in writing** to the School District that the information will not be disclosed to any other party except as provided under state law without the prior written consent of the parent of the student.
  - c. "Juvenile Justice System" includes criminal justice agencies and the judiciary when involved in juvenile justice activities.
  - d. The request for disclosure and a record of the release will be maintained in the student's file. Upon request, the following educational data will be disclosed to the juvenile justice system: A student's full name, home address, telephone number, date of birth; a student's school schedule, attendance record, and photographs, if any; and parents' name, home addresses, and telephone numbers. In addition, other educational data specifically permitted to be disclosed to juvenile justice authorities under state and federal law may be provided.
7. To organizations conducting studies for, or on behalf of educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction; provided, that the studies are conducted in a manner which will not permit the personal identification of students and their parents by individuals other than representatives of the organization and the information will be destroyed when no longer needed for the purposes for which the study was conducted; the term "organization" includes, but is not limited to, federal, state and local agencies, and independent organizations;
  8. To accrediting organization in order to carry out their accrediting functions;
  9. To parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1954 (Generally, either parent has the right of access to education records of a dependent student, unless the School District has been provided with evidence that there is a court order, state statute or legally binding document to the contrary.);
  10. To comply with a judicial order or lawfully issued subpoena, provided that the School District makes a reasonable effort to notify the parent of the student or the eligible student of the order or subpoena in advance of compliance therewith and otherwise complies with the procedures set forth in this Policy;
  11. To appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. Factors to be considered in determining disclosure include:
    - a. The seriousness of the threat to the health or safety of the student or other individuals;
    - b. The need for the information to meet the emergency;
    - c. Whether the parties to whom the information is disclosed are in a position to deal with the emergency; and
    - d. The extent to which time is of the essence in dealing with the emergency.
  12. The information disclosed is information the School District has designated as "directory information" and the disclosure is made in compliance with this Policy.

13. To volunteers working at the direction of a school administrator or designee who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the School District for students or former students.
14. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiological investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted.
15. When disclosure is required for institutions that participate in a program under Title IV of the Higher Education Act, 20 U.S.C. Chapter 1092.
16. To appropriate School District officials to the extent necessary to indicate the extent and content of remedial instruction, including the results of assessment testing and academic performance at a post-secondary institution during the previous academic year by a student who graduated from the School District within two years before receiving the remedial instruction.
17. To the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals.
18. When the Executive Director receives a disposition order pursuant to Minnesota Statute 260B.171, subd.5, the Executive Director will place the order in the student's permanent education record and will also immediately notify any counselor directly supervising or reporting on the behavior or progress of the student. In addition, the Executive Director will immediately notify any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom the Executive Director believes needs the data to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The Executive Director may also notify other district employees, substitutes, and volunteers who are in direct contact with the student, if the Executive Director determines these individuals need the data to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. When provided in the disposition order, the notice given the Executive Director will identify the student, outlined the offense, and describe any conditions of probation about which the school must provide information. The data received from the Executive Director may not be further disseminated by the teacher, counselor, staff member, administrator, substitute or volunteer except as necessary to serve the student, to protect students or staff, and as otherwise required or permitted by law.
19. As otherwise permitted or required by state or federal law.

## **V. RELEASE OF DIRECTORY INFORMATION**

### **A. Directory information is public except herein.**

**B. Former Students:** The School District may disclose directory information from the education records generated by its regarding an individual who is no longer in attendance within the School District without meeting the requirements of Part C of this Section V.

### **C. Present Students:**

1. The School District may disclose directory information from the education records of a student without the prior written consent of the parent of the student or eligible student except as provided herein. Prior to such disclosure the School District shall:
  - a. Give public notice in a newspaper of general circulation of the categories of personally identifiable information it has designated as directory information.
  - b. Allow a reasonable period of time after such notice has been given for a parent or eligible student to inform the School District in writing that any or all the information so designated should not be disclosed without prior written consent (except to the officials or agencies outlined above).
2. Procedure for Obtaining Non-Disclosure of Directory Information: The parent's or eligible student's written notice shall be directed to the Responsible Authority and shall include the following:
  - a. Name of Student.
  - b. Home address.
  - c. School presently attended by student.
  - d. Legal relationship to student.
  - e. Specific categories of directory information to be made not public without the parent's or eligible student's prior written consent.

## VI. DISCLOSURE OF PRIVATE RECORDS

- A. **Private Records:** For the purposes herein, private records are records which are made not public by state and federal law and which are accessible only to the student subject of the data and, if he/she is not an eligible student, to his/her parent. The School District may not disclose private records or their contents, except as summary data and except as provided in Section D herein, without the prior written consent of the parent or of an eligible student.
- B. **Private Records Not Accessible to Parent:** In certain cases, state law intends and clearly provides that certain information contained in the education records of the School District pertaining to a student be accessible to the student alone, and to the parent only under special circumstances, if at all.
  1. By request of a minor.

The responsible authority may deny access to private data by a parent when a minor student who is the subject of that data requests that the responsible authority deny such access. The minor student's request must be submitted in writing setting forth such access. The minor student's request must be submitted in writing setting forth the reasons for denying access to the parent and must be signed by the minor. Upon receipt of such request the responsible authority shall determine if honoring the request to deny access to the parent access would be in the best interest of the minor data subject. In making this determination the responsible authority shall consider the following factors:

    - a. Whether the minor is of sufficient age and maturity to be able to explain the reasons for and understand the consequences of the request to deny access;
    - b. Whether the personal situation of the minor is such that denying parental access may protect the minor data subject from physical or emotional harm;
    - c. Whether there are grounds for believing that the minor data subject's reasons for precluding parental access are reasonably accurate;

- d. Whether the data in question is such a nature that disclosure of it to the parent may lead to physical or emotional harm to the minor data subject; and
- e. Whether the data concerns medical, dental or other health services provided pursuant to Minnesota Statute 144.341-.347, in which case the data may be released only if the failure to inform the parent would seriously jeopardize the health of the minor.

2. Without request from a minor.

Without a request from a minor, the responsible authority may deny parental access to private data on a minor, pursuant to the provisions of Minnesota Statute 144.335 or any other statute or federal law that allows or requires the responsible authority to prevent parental access to records.

3. Private records not accessible to student.

Students shall not be entitled to access private data concerning financial records and statements of the student's parent or any information contained therein.

## VII. DISCLOSURE OF CONFIDENTIAL RECORDS

A. **Confidential Records:** Confidential records are those records and data contained therein which are not made public and which are inaccessible to the student and his/her parent.

B. **Reports Under the Maltreatment of Minors Act:** Pursuant to Minnesota Statute 626.556, reports and information pertaining to students who are neglected and/or physically abused and/or sexually abused will only be accessible to appropriate welfare and law enforcement agencies as designated by state law:

1. Reports.

The School District shall not make such reports available to the parent, the student, or the subject of the data. The data subject, however, may obtain a copy of the report from either the local welfare agency, county sheriff or the local police department subject to the provisions of Minnesota Statute 626.556, subd. 11.

2. Interviews of Students.

Interviews of students regarding reports of maltreatment may take place at school subject to the provisions of Minnesota Statute 626.556, subdivision 10. All notifications and orders related to any interviews or investigation of maltreatment are confidential. The School District will not make this information available to the parent, the student or the subject or the data unless the School District has received written confirmation from the school welfare or law enforcement agency that the investigation or assessment has been concluded. Until that time, the local welfare or law enforcement agency is the sole entity responsible for disclosing any information regarding the nature of the assessment or investigation.

3. Order for Destruction.

Records regarding a report of maltreatment, including any notification, order, or information related to an interview or investigation, received by the School District will be destroyed by the School District only after the School District is ordered to destroy the documents by the agency conducting the assessment or investigation.

- C. **Investigative Data:** Data collected by the School District, as part of an active investigation undertaken for the purpose of the commencement or defense of pending civil legal action, or which are retained in anticipation of a pending civil legal action are classified as protected non-public data in the case of data not on individuals, and confidential data in the case of data on individuals.
1. The School District may make any data classified as protected non-public or confidential pursuant to this Subdivision accessible to any person, agency or the public if the School District determines that such access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.
  2. Once a civil investigation becomes inactive, civil investigative data becomes public unless the release of data would jeopardize another pending civil legal action, except for those portions of such data that are classified as not public data under state or federal law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. For purposes of this provision, a civil investigation becomes inactive upon the occurrence of any of the following events:
    - a. A decision by the School District, or by the chief attorney for the School District, not to pursue the civil legal action. However, such investigation may subsequently become active if the School District or its attorney decides to renew the civil legal action;
    - b. The expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil legal action; or
    - c. The exhaustion or expiration of rights of appeal by either party to the civil legal action.
  3. A "pending civil legal action" for purposes of this Subdivision is defined as including, but not limited to, judicial, administrative or arbitration proceedings.
- D. **Confidential Records from Other Agencies:** Data on individuals received from outside agencies, which is classified confidential in accordance with state or federal law, shall be treated as confidential by the School District. The burden as to whether the data is properly classified as confidential shall be upon the outside agency, which provided it.

## VIII. LIMITATIONS ON REDISCLOSURE

- A. If a person, institution, agency, organization or other entity is entitled to access to private or confidential personally identifiable information from the education records of a student, the School District may disclose such information only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior written consent of the parent of the student or the eligible student, except that the personally identifiable information which is disclosed to an institution, agency or organization may be used by its officers, employees and agents, but only for the purposes for which the disclosure was made.
- B. Paragraph VIII A of this section does not preclude the School District from disclosing private or confidential personally identifiable information under Section IV herein with the understanding that the party receiving the information may make further disclosures of the information to other parties who are also entitled to access under that section; provided that the record keeping

requirements set forth in this Policy are met with respect to each of those parties. For example, if a professional acting under contract for the School District intends to engage the services of other professionals with respect to a particular student, the professional under contract must provide information to the other professionals with whom the information will be shared.

- C. The School District shall, except for disclosure of directory information under Section V and release in response to a court order or validly issued subpoena in section D, inform the party to whom a disclosure is made of the requirement set forth in paragraph A of this section.

## **IX. RESPONSIBLE AUTHORITY, RECORD SECURITY, AND RECORDKEEPING**

- A. **Responsible Authority:** The responsible authority for the maintenance and security of student records shall be the Director.
- B. **Record Security:** The administration of HOPE shall be the records manager of his/her school and shall have the duty of maintaining and securing the privacy and/or confidentiality of student records.

The Director of Special Education shall be the records manager for student records maintained in the Office and shall have the duty of maintaining and securing the privacy and/or confidentiality of the special education records stored there.

- C. **Written Plan for Securing Records:** The written plan shall contain the following information:
  - 1. Name of person(s) responsible for the security of student records.
  - 2. Location of student records, by category, in the building.
  - 3. Means of securing student records.
  - 4. Procedures for access and disclosure.

### **D. Record Keeping:**

- 1. The Executive Director shall for each request and for each disclosure of personally identifiable information from the education records of a student, maintain a record (Log of Access to Records or Log of Access to File) kept with the education records of the student, which indicates:
  - a. The parties who have requested or obtained personally identifiable information from the education records of the student;
  - b. The legitimate interests the parties had in requesting or obtaining the information;
  - c. The date of the request; and
  - d. Whether or not the request was granted and, if it was, the date access was permitted or the disclosure was made.
- 2. In the event the School District discloses personally identifiable information from the educational record of a student pursuant to section B of this Policy, the record of disclosure required under this Section also includes:
  - a. The name of the additional parties to which the receiving party may disclose the information on behalf of the School District; and

- b. The legitimate interest under this Policy, which each additional party has in requesting or obtaining the information.
3. Paragraphs 1 and 2 of this section does not apply to disclosures to:
  - a. A parent of a student;
  - b. An eligible student,
  - c. A party with written consent of a parent of a student or an eligible student when the consent is specific with respect to the party or parties to whom the disclosure is to be made;
  - d. Disclosures to school officials under paragraph IV C 1;
  - e. To disclosures of directory information under Section V; or
  - f. A party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or agency has ordered that the existence of contents of the subpoena or information furnished in response to the subpoena not be disclosed.
4. The record of disclosures may be inspected:
  - a. By the parent of the student or the eligible student;
  - b. By the director of the student or the eligible student;
  - c. By parties authorized by law to audit the record-keeping procedures of the School District maintains educational records of the student.
5. The record requests and disclosures will be kept with, but will not be part of, each student's cumulative education records and will be maintained for as long as the School District maintains educational records of the student.

#### **X. RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS**

- A. A School District shall permit the parents of a student or an eligible student who is or has been in attendance in the School District to inspect and review the education records of the student except he records, which are made confidential by state or federal law. The School District shall comply with request immediately, if possible, or within ten days of the date of the request, excluding Saturdays, Sundays and legal holidays.
- B. The right to inspect and review education records under paragraph A. of this section includes:
  1. The right to a response from the School District to reasonable requests for explanations and interpretations of the records; and
  2. The right to obtain copies of the records from the School District if failure of the School District to provide the copies would effectively prevent a parent or eligible student from exercising the right to inspect and review the educational records.
- C. The School District may presume that either parent of the student has authority to inspect and review the education records of the student unless the School District has been provided with evidence that there is a legally binding instrument, or a state law or court order governing such matters as divorce, separation of custody, which provides to the contrary. If the School District believes such a law or court order exists with respect to a non-custodial parent, the School District may, but shall not be required to, make inquiry of the non-custodial parent's rights. Unless the custodial parent furnishes the School District with an original or a certified copy of a court

order or other document revoking the non-custodial parent's rights, the School District shall presume that the non-custodial parent has the rights of a parent under this Policy.

- D. If the educational records of a student contain information on more than one student, the parent or eligible student may inspect, review, or be informed of only the information about the student.
- E. The School District shall charge a reasonable fee for providing copies of record. In determining the amount of the reasonable fee, the School District shall consider the following:
  - 1. The cost of materials, including paper, used to provide the copies;
  - 2. The cost of the labor required to prepare the copies;
  - 3. Any schedule of standard copying charges established by the School District in its normal course of operations;
  - 4. Any special costs necessary to produce such copies from machine based recordkeeping systems including, but not limited to, computers and microfilm systems; and
  - 5. Mailing costs.
    - a. The cost providing copies shall be borne by the parent or eligible student.
    - b. The responsible authority, however, may not impose a fee for copy of an education record made for a parent or eligible student if doing so would effectively prevent the parent or eligible student from exercising their right to inspect or review the student's education records.
    - c. The School District reserves the right to make a charge for copies such as transcripts if forwards to potential employees or post-secondary institutions for employment or admissions purposes. The fee for such copies and other copies forwarded to third parties with prior consent as a convenience will be actual search/retrieval and copying costs, plus postage, if that is involved.

## **XI. REQUEST TO AMEND RECORDS: PROCEDURES TO CHALLENGE DATA**

### **A. Request to Amend Education Records:**

- 1. The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate, misleading, incomplete or violates the privacy or other rights of the student, may request that the School District amend the records.
- 2. The request shall be in writing, shall identify the item the requester believes to be inaccurate, misleading and incomplete or in violation of the privacy of other rights of the student, shall state the reason for this belief, and shall be signed and dated by the requester.
- 3. The Executive Director shall decide whether to amend the education records of the student in accordance with the request within a reasonable period of time after receipt of the request, not to exceed thirty (30) days.
- 4. If the Executive Director refuses to amend the education records of the student as requested, he/she shall so inform the parent of the student or the eligible student of the refusal, and advise the parent or the eligible student of the right to a hearing under paragraph XI B.
- 5. If the Director decides to amend the education records, the District shall attempt to notify past recipients of the data, including recipients named by the requester.

**B. Right to Hearing:**

1. The School District shall, on request, provide an opportunity for a hearing in order to challenge the content of a student's education records on the grounds that information in the education records of the student is inaccurate, misleading, incomplete or otherwise in violation of the privacy or other rights of the students. The hearing shall be conducted in accordance with paragraph XI C.
2. If, as a result of the hearing, the School District decides that the information is inaccurate, misleading, incomplete or otherwise in violation of the privacy or other rights of students, it shall amend the education records of the student accordingly and inform the parent of the student or the eligible student of the amendment in writing and attempt to also notify past recipients of the data.
3. If, as a result of the hearing, the School District decides that the information is inaccurate, misleading, incomplete or otherwise in violation of the privacy or other rights of the students, it shall inform the parent or eligible student of the right to place in the education records of the student a statement commenting upon the contested information in the education records and/or setting forth any disagreeing with the decision of the agency or institution.
4. Any statement placed in the education records of the student under paragraph 3 of this section shall:
  - a. Be maintained by the School District as part of the education records of the student for as long as the record or contested portion thereof is maintained by the School District; and
  - b. If the education records of the student or the contested portion thereof are disclosed by the School District to any party, the explanation shall also be disclosed to that party.

**C. Conduct of Hearing:**

1. The hearing shall be held within a reasonable period of time, not to exceed forty-five (45) days, after the School District has received the request for the hearing from the parent or eligible student. The parent of the student or the eligible student shall be given notice of the date, place and time reasonably in advance of the hearing.
2. The hearing may be conducted by the Executive Director, a designee of the Director or other individual who does not have a direct interest in the outcome of the hearing. The School Board attorney may be in attendance to present the School District's position and to advise the Director or designated representative on legal and evidentiary matter.
3. The parent of the student or eligible student shall be given a full and fair opportunity to present evidence relevant to the issues raised under paragraphs A and B of this section. The parent or eligible student may be assigned by individuals of his/her choice at his/her own expense, including an attorney.
4. The Director or designated representative shall make his/her decision in writing after a reasonable period of time after the conclusion of the hearing. The decision shall be based solely on evidence presented at the hearing and must include a summary of the evidence and reasons for the decision.
5. The decision of the Director or designated representative shall be the final decision of the School District.

- D. **Appeal:** The decision of the Director (responsible authority) or designated hearing officer may be appealed in accordance with the applicable provisions of the State Administrative Procedures Act, Minnesota Statute Chapter 14, relating to contested cases.

## **XII. ANNUAL NOTIFICATION OF RIGHTS (SFR-8)**

- A. **Annual Notice:** The School District shall give parents of students in attendance or eligible students in attendance annual notice by such means as are reasonably likely to inform them of the following.
1. That the parent or eligible student has a right to inspect and review the student's education records;
  2. That the parent or eligible student has a right to request the amendment of the student's education records to ensure that those records are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
  3. That the parent or eligible student has a right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that federal and state law and the regulations promulgated thereunder authorized disclosure without consent;
  4. That the parent or eligible student has a right to file a complaint with the U.S. Department of Education regarding alleged failures by the School District to comply with requirements of U.S.C. § 1232g, and the rules promulgated thereunder, and;
  5. The annual notice will also include:
    - a. The procedure for exercising the right to inspect and review education records;
    - b. The procedure for requesting amendment of records; and
    - c. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest in regard to release of information to school official without consent as provided in Section IV of this Policy.
- B. **Notice When Language Other Than English:** The School District shall provide for effectively communicating the notice required by Section XIV A to parents of students identified as having a primary or home language other than English.
- C. **Notification to Parents of Eligible Students who are Disabled:** The School District shall provide for the need to effectively notify parents and eligible students who are disabled.

## **XIII. DESTRUCTION AND RETENTION OF RECORDS**

The destruction and retention of records by the School District shall be controlled by state and federal law and shall be in accord with the School District's General Records Retention Schedule.

## **XIV. TRANSFER OF STUDENT RECORDS TO PRIVATE SCHOOLS OR TO OTHER SCHOOL DISTRICTS**

This provision shall serve as notice that the School District forwards education records on request to a school in which a student seeks or intends to enroll and that the District will not further notify parents or eligible students prior to such a transfer. Upon request, the School District shall furnish to the student's parent or the

eligible student a copy of the record, which was transferred and shall give the parent or eligible student an opportunity for a hearing to challenge the accuracy of the record under Article XI of this Policy.

Nothing in this Policy prevents the School District from including in the student's educational records appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of the student in the new school or others, or from sharing information related to such disciplinary actions from other schools if the school officials have a legitimate educational interest in the behavior of the student.

Records of a student's expulsion or withdrawal, or transfer after an expulsion action is initiated against a student, in regard to a weapons violation shall be included in the educational records transmitted to the School District in which the student seeks or intends to enroll. Unless the information is otherwise public, the disclosure may be made only in connection with the possible admission of the student into the other school district. However, nothing in this provision limits or restricts the School District's ability to make a report of incidents involving the use or possession of dangerous weapons in school zones to the Commissioner Education as set forth in Minnesota Statute 121A.06.

## **XV. RELEASING RECORDS IN RESPONSE TO A SUBPOENA OR COURT ORDER**

- A. Discuss with the Director of Special Services before proceeding. The Director of Special Services shall determine (a) whether the court order has been issued after consideration by the presiding judicial officer of the privacy interests involved and (b) whether the court order is in proper form to advise the School District of the information to be released and to whom the information is to be released. Ordinarily, a subpoena of records issued without court review will not satisfy these criteria. If it is determined that the court order has not been issued after consideration by the presiding judicial officer of the privacy interests involved or that the court is not in proper form to advise the School District of the information to be released or to whom the information is to be released, the Director of Special Services shall request of the Superintendent that the advice of legal counsel be sought.
- B. If you are advised to respond as ordered:
  1. Assembled necessary information. Do not include more than requested.
  2. Unless the subpoena or court or agency order prohibits disclosure of the existence of the subpoena or order, phone a parent (or verbally notify the eligible student):
    - a. Inform the parent (or eligible student) that records will be released to a subpoena or court order;
    - b. If a parent or the eligible student cannot be reached by telephone, send a brief not to the parent or eligible student indicating that records will be released in response to a court order. This notification should be sent BEFORE responding to the subpoena or court order. A copy of the letter is to be placed in the student's record; and
    - c. Insert a signed, dated, statement in the student record indicating receipt of the subpoena or court order, the date of receipt, the call to the Director of Special Education and advice received, and the notification of the parent or eligible student.

3. Respond to the subpoena or court order as directed. Notification Prohibited: The School District will not notify the parent or eligible student of the court order or subpoena if the court or issuing agency has ordered that the existence of or contents of the subpoena or order not be disclosed.

## **XVI. UNIQUE SITUATIONS**

If unique situations cannot be resolved after reference to regulations and procedures governing release of information, assistance may be sought from the Executive Director.

## **XVII. NOTICE WHEN SPECIAL EDUCATION RECORDS NO LONGER NEEDED**

The School District shall provide written notice informing the parents of a student receiving special education services under the Individuals with Disabilities Education Act, 20 U.S.C. § 1401, et seq. or the eligible student when personally identifiable information from the student's special education record is no longer needed to provide educational services to the student and the parents' or eligible student's right under 34 C.F.R. § 300.573 to have the student's special education record destroyed. If such notice has not been earlier given, such notice shall be given seven years after the student has ceased to be a student of the School District. Upon receipt of such notice, the student's parents or the eligible student may request that the special education record be destroyed, in which case the School District shall destroy the student's special education record. The School District shall retain as part of the student's cumulative record a record of the student's name, address, telephone number, grades, attendance record, classes attended, grade level completed and year completed. This information shall be retained in accordance with the School District's General Records Retention Policy.

## **XVIII. COMPLAINTS FOR NON-COMPLIANCE**

Complaints regarding alleged violations of rights accorded parents and eligible students by 20 U.S.C. § 1232g, and rules promulgated thereunder, may be submitted in writing to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue S.W., Washington, D.C. 20202-4605.

**309** *(Reviewed 11/2020)*

## **STUDENT SEARCHES AND CRIMINAL INVESTIGATIONS**

Students at HOPE are provided with desks as part of their attendance in our schools. This policy is set forth to reaffirm students' constitutional rights and the school's authority to conduct reasonable searches, without student consent, pursuant to policy guidelines. This may include lockers, desks, a student's person or effects on school property.

### **A. Search and Seizure**

1. A student's person or personal effects may be searched whenever a school official has reasonable suspicion to believe that the student is in possession of illegal materials.

Searches of a student's outer clothing may be conducted. If a pat down search of a student's person is warranted, it will be conducted in private, by a school official of the same sex, in the presence of a witness.

2. Lockers and desks are the property of the district. School officials have the right to conduct a comprehensive or random inspection of all lockers or desks, without prior warning or consent, at any time during the school year.
3. An individual desk or locker search may be conducted without student consent only when the school official has a reasonable suspicion that a prohibited object or substance is present, based upon articulable facts.
4. If there is evidence that a student's personal effects, desk, or locker contain items in violation of school policy, but not statute, the school retains the right to impound the items. The student and parents will be notified and directed to remove the items within a reasonable time. Items not removed in a reasonable time will be discarded. Appropriate disciplinary actions will be taken on school policies and rules.

#### **B. Police Questioning and Apprehension**

1. If there is reasonable suspicion that a student's person, effects, automobile, desk, or locker contain items or substances in violation of statute, the student's parents and the police will be notified. The school retains the right to impound items until police arrive.
2. Law enforcement officers may not remove a student from the school building for questioning unless a warrant for a student's arrest or an order signed by a judge for the student's removal is presented. Questioning a suspected student will be permitted at the school only with the presence of the student's parent or legal guardian.
3. Students interviewed as witnesses to a suspected or actual crime may be questioned by the police within the school setting with an administrator present. Parent permission is not required but they will be contacted by the school authorities or law enforcement personnel at the time of the questioning.

#### **C. Student Rights**

1. A student's constitutional rights shall at all times be recognized and protected.
2. The student's rights to data privacy will be respected. It is expected that the Director will provide a confidential setting in which law enforcement personnel meet with the Student.

**310** *(Reviewed 11/2020)*

### **STUDENT MEDICATIONS**

#### **I. PURPOSE**

The purpose of this policy is to set forth the provisions that must be followed when administering nonemergency medication to students during the school day.

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

The school acknowledges that some students may require medication during the school day to function as near to their potential as possible.

### **III. AUTHORIZATION TO DISPENSE MEDICATION**

Medication will be given by or under the direction of the school nurse.

- A. Medication will be defined as those prescription or nonprescription medications taken for a specific medical condition.
- B. Medications will be administered when the parent or guardian has signed the medication authorization form. Medication prescribed for longer than two weeks and/or a controlled substance requires a written order from a physician.
- C. A medication authorization form must be completed annually (and/or when a change in a prescription occurs).
- D. Prescription medication needs to be brought to school in the pharmacist's labeled container appropriately labeled for the student. Over the counter medications should be in their original container or one that clearly identifies the medication, the dosage, and directions for administration.
- E. Parents or guardians grant permission for the school to contact the prescribing physician regarding any medication concerns.
- F. The administration of the medication will be discontinued upon request from the parent or guardian to the school's nurse or building health assistant.
- G. Any changes in the dosage, frequency, or time of administration of prescription medication will be implemented only upon written request from the parent or guardian and authorization of the physician.
- H. A parent or guardian who requests and authorizes designate school personnel to give medication in dosages prescribed by physicians thereby release school personnel from liability should reactions result from the medications.
- I. Medications are generally not to be carried by the student. If a parent or guardian requests that their child carry and/or self-administer a medication, a written agreement between the student's parent or guardian, medical doctor, and school nurse will be completed. Medications used at school should be stored in the health office unless an authorization to carry is approved by the parent or guardian and school nurse. Controlled substances such as: Ritalin, Dexedrine, and Codeine will not be allowed for self-medication.

### **IV. SCHOOL PERSONNEL DESIGNATED TO ADMINISTER MEDICATION**

- A. All medications will be dispensed in accord with the provisions of Minnesota Statute 121A.22. School personnel designated by the school nurse to administer medication to students will:
  1. administer prescription medication according to the written authorization of the parent or guardian and in compliance with label directions.
  2. administer nonprescription medication upon written authorization of the parent or guardian and in compliance with label directions.
  3. keep a record indicating the date, time, and dosage of all medications given.
  4. keep medication in a locked cabinet. Medications requiring refrigeration will be kept in the refrigerator in the health office.
  5. maintain an inventory of the current supply. Notify the parent or guardian when the current inventory needs to be replenished.

6. dispose of unused portions of the medications or return them to the parent or guardian in accord with the procedures outlined in the Communicable Diseases, Exclusions, Immunizations, and Guidelines (Blue Binder in the Health Office). It is reviewed regularly by the school nurse.
- B. On field trips, medications will be given by person designated by the school nurse.

**V. THE SCHOOL RETAINS THE RIGHT TO:**

- A. Permit designated licensed school nurse to contact the prescribing physician regarding any medication concerns.
- B. Request that a supplemental Emergency Action Plan be written to provide added clarification of the procedures, roles and responsibilities related to PRN medications given in response to crisis intervention. This plan will be developed through consultation with the parent or guardian and physician and must be signed by the parent or guardian, physician and school nurse.
- C. Reject requests for administration of medications on a case-by-case basis.

**VI. STUDENT UNAUTHORIZED USE OF MEDICATIONS**

The parent or guardian will be notified when students are observed self-administering medication if not in compliance with this policy.

**VII. NOT COVERED BY THIS POLICY**

- A. Special health treatments, such as catheterization, tracheotomy, suctioning, and gastronomy feeding do not constitute administration of drugs and medicine.
- B. Emergency health procedures, including emergency administration of drugs and medicine are not subject to this policy.
- C. Drugs or medicine provided or administered by a public health agency to prevent or control an illness or a disease outbreak are not governed by this policy.
- D. Drugs or medicines used at school in connection with services for which a minor may give effective consent are not governed by this policy.
- E. Medications that are used:
  1. off school grounds;
  2. in connection with athletics or extracurricular activities; or
  3. in connection with activities that occur before or after the regular school day.

311 (Reviewed 11/2020)

## **HEAD LICE POLICY**

### **I. PURPOSE**

The pediculosis (head Lice) policy for HOPE Community Academy is intended to outline the roles, responsibilities and expectations of the school community to assist with controlling head lice in a consistent and coordinated manner. The school is committed to maximizing students' academic performance and physical well-being in a healthy and safe environment. A head lice policy based on the evidence-based recommendations of the state and national health organizations will prevent unnecessary absences and the potential negative effects on academic performance. HOPE Community Academy recognizes that head lice infestations do not pose a health hazard, are not signs of uncleanliness and are not responsible for the spread of any disease. It is the school's position that the management of pediculosis should not disrupt the education process. Data does not support school exclusion for nits. Children found with live head lice will be referred to the parent for treatment and temporarily excluded from school. School staff shall maintain the privacy of students at all times.

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

- a. Suspected cases of head lice will be referred to the Licensed School Nurse (LSN) or Health Assistant (HA) for screening.
  - i. The LSN/HA will screen children's heads for lice at the request of the child's parent, at the request of the child, or if live crawling lice are observed, or the child is observed scratching their head more than usual by staff.
  - ii. If live lice are found and for those children whose parents report that they have discovered lice and treated the student at home, the LSN/HA will screen the child:
    1. Upon return to school.
    2. At one-week post-return to school.
    3. More often if the child has nits.
  - iii. The LSN/HA will screen siblings and members of the same household of those who have been identified as having lice.
  - iv. Screen an entire classroom (classroom or school-wide surveillance) will not be done. Rather parents should regularly inspect their children for head lice at home.
- b. If live lice are identified:
  - i. Children found with live head lice should remain in class, but be discouraged from close direct head contact with others.
  - ii. The child's parents/legal guardian will be called and provided information on the biology of head lice, methods to eliminate the infestation and directions to examine the household for head lice. If the parent has further questions regarding treatment options, the LSN/HA will refer the parent to consult with their health care provider. A sheet will be sent home as well.
  - iii. It is the responsibility of the parent to rid the child of head lice.
  - iv. The parents shall be encouraged to communicate with the parents of their child's close contacts/playmates that they may have been exposed to head lice.
- c. If nits are identified, but no live lice are found:
  - i. The child may return to class. Students with nits and no evidence of live lice will not be excluded from school.

- ii. The LSA/HA will contact the parents and inquire if the child has been treated for lice.
- d. Children will be excused from school for one day for each occurrence of live lice. Days missed from school beyond one day for each occurrence of live lice will be unexcused absences.
- e. Parent notification:
  - i. Periodic notices will be posted in the school's website and teachers' newsletters to keep parents updated regarding the status of head lice in the school and remind them to check their children's heads regularly for head lice.
  - ii. When there are three or more students found to or reported by parents to have live head lice within a two-week period in a classroom or 5% or more of the student population within a two-week period in the building, a letter will be sent home and an automated call will be placed with the class/building to inform parents of the increased incidence of head lice and remind them to check their children for head lice.

**312** *(Reviewed 11/2020)*

### **COMMUNICABLE DISEASES/BLOODBORNE PATHOGENS**

HOPE Community Academy has a vital interest in the health and safety of its students, staff, and community. The school assumes a partnership with families and the community to provide an educational environment where students and employees learn about serious communicable or infectious diseases. This policy will focus on non-readily transmittable diseases such as human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS) and other bloodborne pathogens. To this end, the Director will ensure that health/social services are provided and will achieve the following objectives:

1. utilize standard universal precautions for all body fluids.
2. include students and staff, who may be infected with communicable diseases, in the regular school environment until the health of students, staff or others may be compromised.
3. develop, implement and maintain a comprehensive program for teaching students about prevention of serious communicable or infectious diseases, including HIV/AIDS/STI (sexually transmitted infections).
4. maintain employment procedures that do not exclude staff from attending to their customary employment so long as they are physically, mentally and emotionally able to safely perform tasks assigned to them and so long as their employment does not create a substantial risk for transmission of illness to students, staff or others in the school.
5. plan and conduct educational presentations for all school employees, in order to help them prevent the spread of bloodborne pathogens by ensuring that employees have current and accurate information.
6. comply with Minnesota reporting procedures, Minnesota Communicable Disease Reporting Rule.
7. apply the same strict confidentiality requirements that pertain to any medical disclosure, with the knowledge that affected persons shall be entitled to the full protection of laws prohibiting discrimination on the basis of medical disability.

**314** *(Reviewed 11/2020)*

## **STUDENT CLASSROOM PLACEMENT**

### **I. PURPOSE**

The purpose of this policy is to provide direction to school administrators in preparing classroom lists for students in grades K-12.

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

This policy is to assure that the educational needs of all learners are considered in developing elementary classroom placement. The building administrators will seek and consider input from teachers and parents regarding student learning styles and other qualities that should be used to develop the most appropriate classroom placement for all students.

The ultimate decision on classroom placement is the responsibility of the Executive Director.

315 (Reviewed 12/2020)

## **PROCEDURES FOR PUPIL RETENTION AND ACCELERATION**

### **I. PURPOSE**

The purpose of this policy is to ensure that all students are placed in a setting most appropriate for continuity and continuous progress in their learning.

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

The desire of HOPE Community Academy is to challenge all learners and by this policy establish a procedure for students who are unable to engage in optimal learning within his or her current classroom placement. Many reasons may cause a student not to be engaged in learning in a classroom, including previous mastery of the material, missing prerequisite material, and a variety of other circumstances.

### **III. DEFINITIONS**

Retention is defined as “an educational practice that results in a student repeating a grade or a program in more than the commonly allotted time.”

Acceleration is defined as “an educational practice that results in a student completing a school program in less than the commonly allotted time.”

Grade acceleration is grade skipping.

Split acceleration is placing single content area talented students into a higher grade level for one or more subject areas.

In practice, the HOPE Community Academy only retains or accelerates students in exceptional circumstances. Reasons for retention could include age, injury, or any other factors that would indicate that retention would benefit the student.

### **IV. PROCESS FOR RECOMMENDATION OF ACCELERATION OR RETENTION**

The process for considering a student for grade acceleration or retention may be initiated by the director, a staff member, or a parent.

A preliminary data gathering conference with the Building Assessment Team will be held to determine if the student is a strong candidate for retention or acceleration and to plan procedures.

The Building Assessment Team will include the following school personnel: director, current year’s classroom teacher, previous year’s classroom teacher, the gifted coordinator (for acceleration only), psychologist, and other specialists as deemed necessary by the director.

Prior to Building Assessment Team conference, the gifted coordinator and special education staff members (for acceleration) or special education teacher (for retention) will conduct interviews with the teacher, students, and parent.

The Building Assessment Team will determine if any additional information is needed. Parent permission is mandatory for any further testing.

### **A. Acceleration**

Possible assessment and other considerations for acceleration will include:

- An intellectual ability evaluation by the school psychologist.
- An individual achievement test(s) by school personnel.
- The child should not show any serious social or emotional adjustment problems other than problems that can be attributed to a lack of academic challenge.
- The child should possess a high degree of persistence and motivation for acceleration.
- The child should not feel unduly pressured to advance a grade, but wants to make the move him or herself.

The following criteria should serve as a guideline for determining if a recommendation for grade acceleration is appropriate:

- A high level of achievement should be present in most areas of the curriculum with special emphasis place upon reading, writing, and mathematics.
- An intellectual ability screening should indicate ability that is two standard deviations above the norm. An achievement test should indicate that the student is at the 98<sup>th</sup> percentile or above in more than one curriculum area.
- The social and emotional maturity of the student should be stable.
- The interest and motivation of the student to be accelerated must be present.

The following criteria should serve as a guideline for determining if a recommendation for acceleration in one or more courses is appropriate:

- The student is scoring at the 98<sup>th</sup> percentile on an achievement test in the particular subject.
- A high level of achievement in the subject as indicated by previous grades.
- The social and emotional maturity of the student must be considered.
- The interest and motivation of the student to be accelerated must be considered.

### **B. Retention**

The committee should consider the following factors before retaining a child:

- The child is younger than his or classmates.
- The child has missed a considerable amount of school due to illness or accident.
- The child would benefit from retention.
- The child's parents are in favor of retention.

If acceleration or retention is determined to be an appropriate option, the following procedures should be followed:

- The receiving and sending teacher will be a part of all acceleration or retention planning.
- A support plan for the student, parent, and receiving teacher will be created which will include an opportunity to become familiar with the material that will be skipped or repeated and teachers receive instruction in areas where a deficit has been determined. This plan will become part of the student's permanent record.
- A time-line for transition will be established. The optimum time for retaining or accelerating a student is at the beginning of a new school year.

- The grade advancement or retention should be arranged on a trial basis, preferably six weeks after which the student or parent should have the right to request a return to the original grade or class.

If acceleration is not determined to be appropriate, an individual learning plan to provide for the student's talents within the current grade level will be written.

If retention is not determined to be appropriate, an individual educational plan to provide for the student's remediation needs within the current grade level will be written.

Parent permission for testing is mandatory. Possible assessments for retention will include:

- An individual ability test.
- An individual achievement test.
- A physician's report if appropriate.

Following the assessments and building conferences, the Building Assessment Team will recommend for or against acceleration or retention.

316 (Reviewed 11/2020)

## **BULLYING PROHIBITION**

### **I. PURPOSE**

HOPE Community Academy strives to provide safe, secure and respectful learning environments for all students in school buildings, on school grounds, on school buses, and at school-sponsored activities. Bullying is conduct that interferes with a student's ability to learn and a teacher's ability to educate.

This policy protects students against bullying and harassment on the basis of actual or perceived race, ethnicity, color, creed, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation, including gender identity and expression, academic status related to student performance, disability, status with regard to public assistance, age, military status, unfavorable discharge from military service, association with a person or a group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic defined in Chapter 363A. This policy also protects any student who voluntarily participates in any district function or activity, whether the student is enrolled in the district or not.

### **DEFINITIONS**

- Prohibited conduct (bullying) means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students creating an actual or perceived imbalance of power between the student engaging in bullying and the target of bullying that has or can be reasonably predicted by repeated forms of pattern to have one or more of the following effects:
  - Placing the student in reasonable fear of harm to the student's person or property.
  - Causing a substantially detrimental effect on the student's physical or mental health.
  - Substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.
  - Bullying may take various forms, including without limitation, one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. This list is meant to be illustrative and non-exhaustive.
- "Cyberbullying" means using electronic information and communication technologies to bully. This may include, but is not limited to a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network, Internet, website or forum, transmitted through a computer, cell phone, or other electronic device.
- "Remedial response" means a measure to stop and correct prohibited conduct, prevent conduct from recurring, and protect, support, and intervene on behalf of the student who is the target of the prohibited conduct. Remedial response also means a measure to stop and correct retaliation for asserting, alleging, reporting or providing information about prohibited conduct (retaliation) or knowingly making a false report about prohibited conduct (false report), prevent retaliation or false reports from recurring and protect, support and intervene on behalf of the student who is the target of the prohibited conduct.
- "Immediately" means as soon as possible but in no event longer than 24 hours.
- "School employee" includes school board members, administrators, educators, aids, school counselors, social workers, psychologists, other school mental health professionals, nurses and other school-

based/linked medical providers/health professionals, cafeteria workers, custodians, bus drivers, athletic coaches, extracurricular activities advisors, paraprofessionals, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the school and its students.

## **PROHIBITIONS**

Bullying of a student or group of students is prohibited:

1. During any school-sponsored or school-sanctioned programs, activities, events or trips.
2. In school buildings, school property, on school buses or other school district-provided transportation, and at designated locations for students to wait for buses and other school district-provided transportation.
3. Through the transmission of information from a school district computer or computer network, or other electronic school equipment.
4. When communicated through any electronic technology or personal electronic device while on school property, on school buses or other school-provided transportation, at bus stops, and at school-sponsored or school-sanctioned events or activities.
5. Off campus communication and use of electronic technology which seriously disrupts any student's education.

Apparent permission or consent by a student being bullied does not lessen the prohibitions contained in this policy. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited. False accusations or reports of bullying against another student are also prohibited.

## **RESPONSE**

The Dean of Students is responsible for receiving reports of bullying at the building level. They will ensure this policy and its procedures are fairly and fully implemented and serve as the primary contact on the policy and procedural matters implicating both the school and department. If the complaint involves the Dean of Students; the complaint shall be made or filed directly with the Executive Director.

When investigating a complaint, the Dean of Students may take into account the following factors:

- The developmental ages and maturity levels of the parties involved.
- The levels of harm, surrounding circumstances, and nature of the behavior.
- Past incidences or past or continuing patterns of behavior.
- The relationship between the parties involved.
- The context in which the alleged incidents occurred.

Investigation of a bullying incident shall be initiated within three school days of the receipt of the report and be completed within 10 school days, unless the Dean of Students grants in writing an additional five-day extension due to extenuating circumstances. *See attachment A for a template of the investigation process.*

## **Attachment A – Template for Investigation Process**

### **SCHOOL DISTRICT ACTION**

The assistant director shall perform the investigation.

1. Investigation of a bullying incident shall be initiated within three school days of receipt of a report and be completed within 10 days, unless Dean of Students grants in writing an additional five day extension due to extenuating circumstances. The Dean of Students shall document the extension in the investigation report and shall notify the parties involved. Every effort will be made to protect the confidentiality of those who report bullying incidents and is responsible for keeping and protecting access to any written records of the investigation.
2. Prior to the investigation of the incident, the Dean of Students will take immediate steps, at its discretion, to protect the alleged actor(s), target(s), bystander(s) or reporter pending completion of an investigation. Once an investigation is concluded, further steps will be taken as needed to assure the continued safety of the complainant from additional incidents of bullying or retaliation.
3. The purpose of the investigation is to make a determination as to whether a reported incident constitutes a case of bullying. These determinations will be made in consideration of the totality of the facts and the circumstances surrounding the incident, such as the nature of the behavior, past incidents or continuing patterns of behavior, the relationship between the parties involved and the context in which the alleged incident occurred.
  - a. Identifying the alleged actor(s), target(s) and bystander(s), as well as any adult who witnessed the incident or may have reliable information about it.
  - b. Conducting an individual interview in a private setting with the alleged actor and target. The alleged actor and target should never be interviewed together or in public. Individual interview shall also be conducted in private with student and adult bystanders. The investigation may also consist of any other methods and documents deemed pertinent by the assistant director.
  - c. Determining how often the conduct occurred, any past incident or continuing pattern of behavior, and whether the target's education, including but not limited to, a negative impact on academic performance, educational opportunities and participation in school activities was affected.
  - d. Assessing the individual and school-wide effects of the incident relating to safety, and assigning school staff to create and implement a safety plan to prevent the recurrence of an incidence that will restore a sense of safety for the target and other students who have been impacted.
  - e. If the Dean of Students determines the reported incident may involve criminal activity of the basis for criminal charges, information about the incident must be conveyed to the appropriate law enforcement authorities. As part of making this determination, the Dean may wish to consult with either a law enforcement officer or legal counsel. Law enforcement shall only be contacted if all other available remedies have been exhausted.
  - f. When appropriate, preparing a report identifying his/her recommendation for individual consequences.
  - g. Comprehensively documenting the details of the investigation.
  - h. When the investigation is complete, the Dean of Students shall ensure the investigation report is attached to the incident report.

#### **Attachment B – Additional Information on Disciplinary Actions**

**Remedial actions may include:**

**For the student harmed:** protect, support and intervene on behalf of the student who is the target of the prohibited conduct.

Support may include: referral to student support staff for one-to-one support or social skills training; daily check-in and check-out with a trusted adult in the school; choice to participate in a restorative process, facilitated by a trained facilitator.

**For the student who violated the prohibited conduct policy:** schools may use multi-tiered levels of response that are individualized, consistent, reasonable, fair, age-appropriate and should match the severity of the student's behavior; consequences must be paired with meaningful instruction and guidance; and must be carefully planned with well-defined outcomes.

Consequences may include: A referral to appropriate staff for teaching and re-enforcing appropriate school behavior: mini courses or skill modules to guide restitution; a referral to participate in restorative process facilitated by a trained facilitator if the student admits to having caused harm; a coordinated behavior plan that may include behavior contracts with a plan to prevent the prohibited conduct from recurring; individual counseling and one-to-one support to change behavior.

Consequences may also include warning, suspension, exclusion, expulsion or transfer. Schools should avoid using punitive discipline (detention, suspension and expulsion) if any other method or consequence can be used with fidelity. The school may review school-wide behavior data as well as the data relate to the person who did the harm and the person harmed. If the investigator determines that a violation of this policy may be a result of the school climate needs, the district may conduct classroom, school or district-wide training.

When an investigation determines bullying has occurred, the Dean of Students shall explain the consequences in a non-hostile manner and shall impose any consequences immediately and consistently. The Dean of Students shall keep communicating and working with all parties involved until the situation is resolved. Some key indicators of resolution include:

- The actor is no longer bullying and is interacting civility with the target.
- The target reports feeling safe and is interacting civility with the actor.
- School staff observes an increase in positive behavior and social-emotional competency in the actor and/or the target.
- School staff observes a more positive climate in the physical location where the bullying incidents were high.

#### **REMEDIAL RESPONSE AND REFERRALS**

The School Social Worker shall design and implement remedial measures to correct the problem behavior, prevent another occurrence of the problem, protect and provide support for the target of the bullying, and take corrective action for documented systemic problems related to bullying. Students who bully shall be referred to positive-behavior small-group interventions (for anger management, trauma or social skills) within the school, if possible, to reinforce the behavioral expectation they violate and increase their social-emotional competency. The Dean of Students or School Social Worker shall ask a school mental health professional to refer targets of bullying to individual or group therapy where they can openly express their feelings about their bullying experience, or social-skills training and/or groups where they can practice assertiveness and coping mechanisms.

### **Attachment C – Student Instruction**

Administration is encouraged to take such action as deemed appropriate to accomplish the following goals:

- Engage students in creating a safe and supportive school environment.
- Partner with parents and other community members to develop and implement prevention and intervention programs.
- Engage all students and adults in integrating education, intervention and other remedial responses into the school environment.
- Train student bystanders to intervene in and report incidents of bullying and other prohibited conduct.
- Teacher students to advocate for themselves and others.
- Prevent inappropriate referrals to special education of students who may engage in bullying or other prohibited conduct.
- Foster student collaboration to create a more conducive environment for a supportive school climate.

Possible unites of instruction could include:

1. Social emotional learning.
2. Appropriate behavior online/on social media and cyberbullying awareness and response.
3. Valuing diversity in school and society.
4. Advocacy skills for themselves and others.
5. Skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying.

The age-appropriate unit of instruction may be incorporated into the current courses of study regularly taught. Schools shall satisfy the documentation requirements established by the director or designee to ensure compliance with this curricular requirement.

317 (Reviewed 12/2020)

## **INTERVIEWS OF STUDENTS BY OUTSIDE AGENCIES**

### **I. PURPOSE**

There are occasions in which persons other than school district officials and employees find it necessary to speak with a student during the school day. Student safety and disruption of the educational program is of concern to the school district. The purpose of this policy is to establish the procedures for access to students by authorized individuals during the school day.

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

- A. Generally, students may not be interviewed during the school day by persons other than a student's parents, school district officials, employees and/or agents, except as otherwise provided by law and/or this policy.
- B. Requests from law enforcement officers and those other than a student's parents, school district officials, employees and/or agents to interview students shall be made through the principal's office. Upon receiving a request, it shall be the responsibility of the principal to determine whether the request will be granted. Prior to granting a request, the principal shall attempt to contact the student's parents to inform them of the request, except where otherwise prohibited by law.

### **III. INTERVIEWS CONDUCTED UNDER THE MALTREATMENT OF MINORS ACT**

- A. In the case of an investigation pursuant to the Maltreatment of Minors Act, *Minnesota Statute* 626.556, Subdivision 10, a local welfare agency, the agency responsible for investigating the report, and a local law enforcement agency may interview, without parental consent, an alleged victim and any minors who currently reside with or who have resided with the alleged perpetrator. The interview may take place at school and during school hours. School district officials will work with the local welfare agency, the agency responsible for investigating the report, or law enforcement agency to select a place appropriate for the interview. The interview may take place outside the presence of the perpetrator or parent, legal custodian, guardian, or school district official.
- B. If the interview took place or is to take place on school district property, an order of the juvenile court pursuant to Minnesota Statute 626.556, Subdivision 10 (c) may specify that school district officials may not disclose to the parent, legal custodian, or guardian the contents of the notification of intent to interview the child on school district property and/or any other related information regarding the interview that may be a part of the child's record. The school district official must receive a copy of the order from the local welfare or law enforcement agency.
- C. When the local welfare agency, local law enforcement agency, or agency responsible for assessing or investigating a report of maltreatment determines that an interview should take place on school district property, school district officials must receive written notification of intent to interview the child on school district property prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school district property. Where the interviews are conducted by the

local welfare agency, the notification must be signed by the chair of the local social services agency or the chair's designee. The notification is private educational data on the student. School district officials may not disclose to the parent, legal custodian or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded, unless a school employee or agent is alleged to have maltreated the child. Until school district officials receive said notification, all inquiries regarding the nature of the investigation or assessment should be directed to the local welfare or law enforcement agency or the agency responsible for assessing or investigating a report of maltreatment shall be solely responsible for any disclosure regarding the nature of the assessment or investigation.

- D. School district officials shall have discretion to reasonably schedule the time, place, and manner of an interview by a local welfare or local law enforcement agency on school district premises. However, where the alleged perpetrator is believed to be a school district official or employee, the local welfare or local law enforcement agency will have discretion to determine where the interview will be held. The interview must be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school district officials and the local welfare or law enforcement agency. However, school district officials must yield to the discretion of the local welfare or law enforcement agency concerning other persons in attendance at the interview. School district officials will make every effort to reduce the disruption to the educational program of the child, other students, or school staff when an interview is conducted on school district premises.
- E. Students shall not be taken from school district property without the consent of the principal and without proper warrant.

**Legal References:** *Minnesota Statute 13.32* (Educational Data)  
*Minnesota Statute 626.556, Subd. 10(c) and (d)* (Duties of Local Welfare Agency and Local Law Enforcement Agency Upon Receipt of a Report)

318 (Reviewed 12/2020)

**RECORDS RETENTION**

HOPE Community Academy (HOPE) takes seriously its obligations to preserve information relating to litigation, audits, and investigations.

The information listed in the retention schedule below is intended as a guideline and may not contain all the records HOPE may be required to keep in the future. Questions regarding the retention of documents not listed in this chart should be directed to the Executive Director.

From time to time, the Executive Director may issue a notice, known as a “legal hold,” suspending the destruction of records due to pending, threatened, or otherwise reasonably foreseeable litigation, audits, government investigations, or similar proceedings. No records specified in any legal hold may be destroyed, even if the scheduled destruction date has passed, until the legal hold is withdrawn in writing by the Executive Director.

<b>FILE CATEGORY</b>	<b>ITEM</b>	<b>RETENTION PERIOD</b>
<b>Corporate Records</b>	Bylaws and Articles of incorporation	Permanent
	Corporate resolutions	Permanent
	Board meeting agendas and minutes	Permanent
	Conflict of Interest disclosure forms	4 years
<b>Finance and Administration</b>	Audited financial statements	7 years
	Auditor management letters	7 years
	Payroll records	7 years
	Check register and checks	7 years
	Bank deposits and statements	7 years
	Chart of Accounts	7 years
	General ledgers and journals (includes bank reconciliations)	7 years
	Equipment files and maintenance records	7 years after disposition
	Contracts and agreement	7 years after all obligations end
	Correspondence – general	3 years
<b>Insurance Records</b>	Policies – occurrence type	Permanent
	Policies –claims made type	Permanent
	Accident reports	7 years
	Safety (OSHA) reports	7 years
	Claims (after settlement)	7 years
	Group disability records	7 years after end of benefits
<b>Real Estate</b>	Deeds	Permanent
	Leases (expired)	7 years after all obligations end
	Mortgages, security agreements	7 years after all obligations end

<b>Tax</b>	IRS exemption determination and related correspondence	Permanent
	IRS Form 990's	7 years
	Charitable Organizations Registration Statements (filed with Minnesota Attorney General)	7 years
<b>Human Resources</b>	Employee personnel files	Permanent
	Retirement plan benefits (plan descriptions, plan documents)	Permanent
	Employee handbooks	Permanent
	Workers comp claims (after settlement)	7 years
	Employee orientation and training materials	7 years after use ends
	Employment applications	1 year
	IRS For I-9 (store separate from personnel file)	Greater of 1 year after end of service, or three years
	Withholding tax statements	7 years
	Timecards	3 years
<b>Representation</b>	Case files	10 years
	Non- client correspondence	3 years
<b>Technology</b>	Software licenses and support agreement	7 years after all obligations end

**1. Electronic Documents and Records.**

Electronic documents will be retained as if they were paper documents. Therefore, any electronic files that fall into one of the document types on the above schedule will be maintained for the appropriate amount of time. If a user has sufficient reason to keep an e-mail message, the message should be printed in hard copy and kept in the appropriate file or moved to an "archive" computer file folder. Backup and recovery methods will be tested on a regular basis.

**2. Emergency Planning.**

HOPE's records will be stored in a safe, secure, and accessible manner. Documents and financial files that are essential to keeping **HOPE's** operating in an emergency will be duplicated or backed up at least every week and maintained off-site.

**3. Document Destruction.**

The Executive Director is responsible for the ongoing process of identifying its records, which have met the required retention period, and overseeing their destruction. Destruction of financial and personnel-related documents will be accomplished by shredding and removing of all known electronic documents in the system.

**4. Compliance.**

Failure on the part of employees to follow this policy can result in possible civil and criminal sanctions against HOPE and its employees and possible disciplinary action against responsible individuals. The

Executive Director will periodically review these procedures with legal counsel or the organization's certified public accountant to ensure that they are in compliance with new or revised regulations.

319 (Added 07/2024)

## **CELL PHONES AND OTHER ELECTRONICS POLICY**

### **PURPOSE**

The purpose of this policy is to set forth the provisions that must be followed for student possession and use of cell phones and other electronic devices during the school day.

### **GENERAL STATEMENT OF POLICY**

While HOPE Community Academy school personnel acknowledge that cell phones and other electronic devices are widespread, convenient, and integral to the daily lives of many students for socializing and communication, their use during instructional hours poses a distraction to the learning environment and compromises the safe operation of the school. Typical concerns include:

- A. Disruptions to the educational environment and learning process, encompassing academic integrity, cheating, harassment, and confidentiality issues;
- B. Theft or loss of personal devices;
- C. The misuse of phones or electronic devices, including the possession, viewing, sending, or sharing of video or audio content containing sexual, violent, or threatening material on school premises or during school events, is strictly prohibited and may lead to disciplinary measures;
- D. Taking any photos or videos without permission;
- E. Right of privacy of students & staff.

### **RESPONSIBILITY FOR PERSONAL DEVICES**

- A. Students who choose to bring a personal device to school assume all responsibility and risks relating to the possession of personal devices. If their electronics are lost, ~~or~~ stolen, damaged, or vandalized, the school **is not** responsible for search, replacement, or reimbursement of that device. If the device is taken by another student, the student in question will be disciplined according to the HOPE Behavior Matrix.
- B. School personnel will not be responsible for storing or safeguarding any student's personal electronic devices, except for violations of this policy that result in a student's device being taken by school personnel.

### **STUDENT USE OF PERSONAL DEVICES.**

#### A. Student Use of Personal Devices During the School Day

- 1. Devices **must be turned off** during the school day.
- 2. Devices **must be stored in a backpack, bag, or locker.**
- 3. Use of cell phones or other personal devices must not violate any other school policies, including those regarding student privacy, copyright, cheating, plagiarism, student code of conduct, electronic technologies acceptable use, or harassment. If a violation occurs involving more than one school policy, consequences for each policy violation may apply.

#### B. Student Use of Personal Devices During Standardized Testing

- 1. During testing, students are prohibited from using or accessing cell phones, wearable technology, or any other electronic devices, even during breaks or after testing has finished.
- 2. Should a student be found with a cell phone or any device during a Minnesota Comprehensive Assessment (MCA), Minnesota Test of Academic Skills (MTAS) or the ACT session, their test will be considered compromised and must be invalidated, regardless of whether the device was used or not.

C. Respect for Privacy Rights

1. Students shall not record, photograph or video other students or school personnel on school property, on a school bus or at school-sponsored activities without their knowledge and consent, except for activities considered to be in the public arena (e.g., sporting events, public meetings, academic competitions or public performances outside of the school day). School social events and activities sponsored by student clubs are not considered to be in the public arena.
2. Students shall not e-mail, text, post to the internet or social media, or otherwise electronically transmit images of other individuals taken at school without their knowledge and consent except for activities considered to be in the public arena.
3. Recording, photographing, or making video of others is strictly prohibited in locker rooms, dressing rooms, health offices and restrooms, where individuals have an expectation of privacy.

**VIOLATIONS OF THIS POLICY**

Students who violate this policy will be subject to disciplinary actions as defined by the Student Discipline Policy. Multiple violations and/or illegal or unethical use of a personal device may result in the device being taken, parent notification, removal from class, or other disciplinary action as deemed appropriate by the school and contemplated in the Student Discipline Policy.

**DISTRIBUTION OF THIS POLICY**

This policy shall be included in the Student/Parent Handbook, posted to the Academy's website, and available upon request in the Executive Director's office.

**320** (Adopted 01/2025)

**SCHOOL-SPONSORED STUDENT PUBLICATIONS AND ACTIVITIES**

**I. PURPOSE**

The purpose of this policy is to protect students' rights to free speech in production of school-sponsored media and activities while at the same time balancing the HOPE Community Academy's role in supervising student publications and the operation of public schools.

**II. GENERAL STATEMENT OF POLICY**

- A. The charter school may exercise editorial control over the style and content of student expression in school-sponsored media and activities.
- B. Expressions and representations made by students in school-sponsored media and activities are not expressions of official charter school policy. Faculty advisors shall supervise student writers to ensure compliance with the law and charter school policies.
- C. Students who believe their right to free expression has been unreasonably restricted in school-sponsored media or activity may seek review of the decision by the building principal. The principal shall issue a decision no later than three (3) school days after review is requested.
  - 1. Students producing school-sponsored media and activities shall be under the supervision of a faculty advisor and the school principal. School-sponsored media and activities shall be subject to the guidelines set forth below.
  - 2. School-sponsored media may be distributed at reasonable times and locations.

**III. DEFINITIONS**

- A. "Distribution" means circulation or dissemination of material by means of handing out free copies, selling or offering copies for sale, accepting donations for copies, posting or displaying material, or placing materials in internal staff or student mailboxes.
- B. "Material and substantial disruption" of a normal school activity means:
  - 1. Where the normal school activity is an educational program of the charter school for which student attendance is compulsory, "material and substantial disruption" is defined as any disruption which interferes with or impedes the implementation of that program.
  - 2. Where the normal school activity is voluntary in nature (including, without limitation, school athletic events, school plays and concerts, and lunch periods) "material and substantial disruption" is defined as student rioting, unlawful seizures of property, conduct inappropriate to the event, participation in a school boycott, demonstration, sit-in, stand-in, walk-out, or other related forms of activity.

For expression to be considered disruptive, there must exist specific facts upon which the likelihood of disruption can be forecast, including past experience in the school, current events influencing student activities and behavior, and instances of actual or threatened disruption relating to the written material in question.

- C. "Minor" means any person under the age of eighteen (18).
- D. "Obscene to minors" means:

1. The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest of minors of the age to whom distribution is requested;
  2. The material depicts or describes, in a manner that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors of the age to whom distribution is requested, sexual conduct such as intimate sexual acts (normal or perverted), masturbation, excretory functions, or lewd exhibition of the genitals; and
  3. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.
- E. "School activities" means any activity of students sponsored by the school including, but not limited to, classroom work, library activities, physical education classes, official assemblies and other similar gatherings, school athletic contests, band concerts, school plays and other theatrical productions, and in-school lunch periods.
- F. "School-sponsored media" means material that is:
1. prepared, wholly or substantially written, published, broadcast, post electronically, or otherwise disseminated by a student journalist enrolled in the charter school;
  2. distributed or generally made available to students in the school; and
  3. prepared by a student journalist under the supervision of a student media adviser.
- School-sponsored media does not include material prepared solely for distribution or transmission in the classroom in which the material is produced, or a yearbook.
- G. "Student journalist" means a charter school student in grades 6 through 12 who gathers, compiles, writes, edits, photographs, records, or otherwise prepares information for dissemination in school-sponsored media.
- H. "Student media adviser" means a qualified teacher, as defined in Minnesota Statutes, section 122A.16, that the charter school employs, appoints, or designates to supervise student journalists or provide instruction relating to school-sponsored media.

#### **IV. GUIDELINES**

- A. Except as provided in paragraph B below, a student journalist has the right to exercise freedom of speech and freedom of the press in school-sponsored media regardless of whether the school-sponsored media receives financial support from the school, uses school equipment or facilities in its production, or is produced as part of a class or course in which the student journalist is enrolled. Freedom of speech includes freedom to express political viewpoints. Consistent with paragraph B below, a student journalist has the right to determine the news, opinion, feature, and advertising content of school-sponsored media. The school must not discipline a student journalist for exercising rights or freedoms under this paragraph or the First Amendment of the United States Constitution.
- B. Student expression in school-sponsored media, a yearbook, or school-sponsored activity is prohibited when the material:
1. is obscene to minors;

2. is defamatory;
  3. is profane, harassing, threatening, or intimidating;
  4. constitutes an unwarranted invasion of privacy;
  5. violates federal or state law;
  6. causes a material and substantial disruption of school activities;
  7. is directed to inciting or producing imminent lawless action on school premises or the violation of lawful school policies or rules, including a policy adopted in accordance with Minnesota Statutes, section 121A.03 or 121A.031.
  8. advertises or promotes any product or service not permitted for minors by law;
  9. expresses or advocates sexual, racial, or religious harassment or violence or prejudice; or
  10. is distributed or displayed in violation of time, place, and manner regulations.
- C. The charter school must not retaliate or take adverse employment action against a student media adviser for supporting a student journalist exercising rights or freedoms under paragraph A above or the First Amendment of the United States Constitution.
- D. Notwithstanding the rights or freedoms of this Article or the First Amendment of the United States Constitution, nothing in this Article inhibits a student media adviser from teaching professional standards of English and journalism to student journalists. These professional standards may include, but are not limited to, the following:
1. assuring that participants learn whatever lessons the activity is designed to teach;
  2. assuring that readers or listeners are not exposed to material that may be inappropriate for their level of maturity;
  3. assuring that the views of the individual speaker are not erroneously attributed to the school;
  4. assuring that the school is not associated with any position other than neutrality on matters of political controversy;
  5. assuring that the sponsored student speech cannot reasonably be perceived to advocate conduct otherwise inconsistent with the shared values of a civilized social order;
  6. assuring that the school is not associated with expression that is, for example, ungrammatical, poorly written, inadequately researched, biased or prejudiced, vulgar or profane, or unsuitable for immature audiences.
- E. Time, Place, and Manner of Distribution
- Students shall be permitted to distribute written materials at school as follows:
1. Time
- Distribution shall be limited to the hours before the school day begins, during lunch hour and after school is dismissed.

2. Place

Written materials may be distributed in locations so as not to interfere with the normal flow of traffic within the school hallways, walkways, entry ways, and parking lots. Distribution shall not impede entrance to or exit from school premises in any way.

3. Manner

No one shall induce or coerce a student or staff member to accept a student publication.

**V. POSTING**

The charter school must adopt and post on the school website a student journalist policy consistent with this section.

**Legal References:** Minn. Stat. § 121A.03 (Model Policy)  
Minn. Stat. § 121A.031 (School Student Bullying Policy)  
Minn. Stat. § 121A.80 (Student Journalism; Student Expression)  
U. S. Const., amend. I  
*Morse v. Frederick*, 551 U.S. 393 (2007)  
*Hazelwood School District v. Kuhlmeier*, 484 U.S. 260 (1988)  
*Bystrom v. Fridley High School, I.S.D. No. 14*, 822 F. 2d 747 (8<sup>th</sup> Cir. 1987)

**Cross References:** MSBA/MASA Model Policy 512 Charter (SCHOOL-SPONSORED STUDENT PUBLICATIONS AND ACTIVITIES)  
MSBA/MASA Model Policy 505 (Distribution of Nonschool-Sponsored Materials on Charter School Premises by Students and Employees)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 904 (Distribution of Materials on Charter School Property by Nonschool Persons)

401 (Reviewed 12/2021)

## **MISSION STATEMENT**

**The mission of the HOPE (Hmong Open Partnership in Education) Community Academy is to provide students in grades Pre-K to 12 with a rigorous bilingual academic foundation, focusing on the mastery of fundamental and higher-order thinking skills that prepare them for lifelong learning, while instilling in them the finest Hmong and American values.**

## **IMPLEMENTATION**

The Director will collaborate with the HOPE Academy Board to establish meaningful partnerships with other local community-based and national organizations. Our goal is to create for students a support network that includes concerned and committed individuals and institutions from the local community as well as the broader society.

Our vision is to create a charter school that will benefit the local Hmong Community, and the Hmong Community world, by developing a multilingual curriculum, with integrated instruction, that enables students to stay focused and committed as they develop their spirits, mind, and bodies.

We envision a school, located in St. Paul, which is easily accessible from all parts of the city and that will teach Hmong Language Skills and Hmong Arts. Thus, fostering self-respect through academic accomplishments and knowledge of cultural heritage.

The location and physical design of HOPE Community Academy will mirror its philosophy and will be patterned after a “campus” style. Other community collaborators will occupy buildings on the campus setting, providing intergenerational programs.

Our expectations are these: student attendance will be exemplary; parental involvement will be high; faculty and staff will be exceptionally qualified and dedicated; and our students will eventually take their place in society as self-sufficient young adults, who contribute to the greater good of their communities.

The goals and standards of our educational program incorporate the expectations for students to develop the following:

- Intellectual habits and skills that make them lifelong learners, who confidently read, think, write, and speak at high levels about a wide variety of subjects and issues.
- Interest in and skills for thinking across disciplines about important issues.
- Solid grounding in mathematics, science, and technology on which to base career and work choices. These include challenging and financially rewarding work in those fields.
- Knowledge and understanding of American history and culture and Hmong history and culture enabling them to think and act as world citizens.
- Connections of knowledge to personal and civil responsibility and action.

## **OUR COMMITMENT**

- We will enable students to develop their intellectual capabilities fully. We will address such deficits as below grade-level development in language arts, math and science. We are confident that many students will achieve well beyond the school’s high academic standards.

- We will help our students develop the foundational characteristics of strong leaders, including self-confidence, personal responsibility, and the understanding that expectation and effort are the primary determination of success.
- We will strive to graduate all students and, as part of our curriculum, will offer our students the opportunity to master technology skills and obtain industry-recognized technical certification(s).
- Our long-term goal is to ensure that *all* our students have the skills, expand self-confidence to assume meaningful roles in the “knowledge-economy”.

## **OUR BELIEF**

- Given appropriate time, individualization, and support, all students will demonstrate mastery of high academic standards.
- Children are unique with individual needs and learning styles, and our educational programs must be tailored to address their individual needs.
- Students achieve and excel in a culture of high expectations in which students are empowered to take responsibility for meeting those high expectations through effort.
- Students flourish best when parents, students, and faculty work together to create and maintain a culture of high expectations for all.
- Parent involvement is critical and fundamental. Parents are expected and encouraged to be involved in creating school culture, ensuring student academic success, and contributing their skills and knowledge to the school community. The school and its resources are available to parents when appropriate.
- All staff embodies and maintains the philosophy of the school.
- Learning is a direct result of effective teaching, and all professional staff will be held accountable for learning outcome.
- Students are considered fully educated only if they are equipped with the skills to function effectively in a multi-cultural society.
- Students are considered fully educated only if they possess the technological skills required for the 21<sup>st</sup> century.
- Learning experiences should broaden students’ thinking and perspectives on the opportunities and options available to them on a local and global level.

**402** *(Reviewed 11/2021)*

**PUPIL-STAFF RATIO**

In order to provide for the continuity in instruction and relationships among teachers, students, and their families, the school will maintain small class sizes.

**404** *(Reviewed 11/2021)*

## **RELIGION IN THE SCHOOLS**

Religious belief and disbelief are matters of personal consideration rather than governmental authority. The First Amendment to the Constitution of the United States established this principle in these words: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof..."

The proper role that religion plays in the public schools is its educational value rather than its observance or celebration. Because the schools are made up of people from diverse religious backgrounds, it is not the purpose of the schools to convert, proselytize, or favor one religion to the exclusion of no religion.

The goal of this policy is to foster respect for and understanding of the diverse religious and nonreligious beliefs and practices of the people of the world. The public school is a meeting place for children of all backgrounds and beliefs. The schools have an invaluable opportunity and duty to bring about knowledge, understanding and mutual respect among those in their care.

The study of religious materials, customs, beliefs, and holidays must be keeping with the following guidelines:

- A. The proposed activity must have a secular purpose.
- B. The primary objective of the activity must be one that neither advances nor inhibits religion.
- C. The activity must not foster excessive governmental relationship with religion.

**406** *(Reviewed 11/2021)*

**FIELD TRIPS**

Field trips of the school building and grounds may afford invaluable direct learning experiences for students. Such trips shall be encouraged when they: a) have educational values that can best be realized by direct observation of, or participation in the community; and b) provide important group experiences for class discussion, creative expression, or cultural growth.

The following processes must be followed:

- A. All field trips must have the approval of the Executive Director.
- B. Parent-guardian permission slips are required of all students participating in the field trip.

407

## **WHISTLEBLOWER** *(Reviewed 11/2021)*

### **1. Purpose.**

The HOPE charter school requires board members, committee members and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities, and all directors, committee members and employees to comply with all applicable laws and regulatory requirements.

### **2. Reporting Responsibility.**

HOPE seeks to have an “Open Door Policy” and encourages board members and employees to share their questions, concerns, suggestions or complaints regarding HOPE and its operations with someone who can address them properly. In most cases, a board member or committee member should present his or her concerns to the Chair of the Board. The Executive Director is generally in the best position to address an employee’s area of concern. However, if a board member is not comfortable speaking with the Board Chair or is not comfortable with the Board Chair’s response, or if an employee is not comfortable speaking with the Executive Director or if the employee is not satisfied with the Executive Director’s response, the board member, committee member or employee is encouraged to speak with anyone on the Board whom the employee is comfortable in approaching.

### **3. No Retaliation.**

No board member, committee member, or employee who in good faith reports a violation of a law or regulation requirement shall suffer harassment, retaliation or adverse employment consequence. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. This Whistleblower Policy is intended to encourage and enable persons to raise serious concerns within HOPE prior to seeking resolution outside HOPE.

### **4. Compliance Officer.**

HOPE’s Executive Director, working with the Chair of the Board, will act as HOPE’s Compliance Officer. The Compliance Officer is responsible for investigating and resolving all employee complaints and allegations concerning violations of General Accounting Principles and/or the Internal Revenue Service Code. The Board Chair or his or her designee will take on the Compliance Officer role if the complaint involves the Executive Director. If the complaint involves both the Executive Director and Board Chair, the State’s Attorney General’s office will carry out the functions of the Compliance Officer.

### **5. Accounting and Auditing Matters.**

The Finance Committee of the Board of Directors shall address all reported concerns or complaints regarding corporate accounting practices, internal controls or auditing. The Compliance Officer shall immediately notify the Finance Committee of any such complaint and work with the Committee until the matter is resolved.

### **6. Requirement of Good Faith.**

Anyone filing a complaint concerning a violation or suspected violation of the law or regulation requirements must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a

violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

### **7. Confidentiality.**

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

### **8. Handling of Reported Violations.**

The Compliance Officer, or the person responsible for carrying out the Compliance Officer's role with respect to a reported or suspected violation, will acknowledge receipt of the reported violation or suspected violation by writing a letter (or e-mail) to the complainant within five business days. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.



**408 (Adopted 12/2025)**

**LIBRARY MATERIALS**

**I. PURPOSE**

The purpose of this policy is to provide direction and to delegate responsibility for selection and reconsideration of library materials.

**II. GENERAL STATEMENT OF PURPOSE**

The charter school board recognizes that library materials serve as a vital component of a student's education by enriching the breadth of the curriculum as a whole and meeting the needs and interests of individual students. The purpose of library materials is to meet the needs of all students. Therefore, questions regarding selection and reconsideration of library materials should be handled differently than those concerning textbooks and instructional materials.

To ensure that library materials fulfill this role, the school board delegates to the executive director or the executive director's designee responsibility for administering a process for selection of library materials. Responsibility for selection shall rest with professionally trained charter school staff, with recognition that the school board has the final authority on selection of library materials. Parents and guardians have the right and the responsibility to determine their children's access to library materials.

**III. DEFINITIONS**

A. "Library" is the charter school resource that holds the library collection that serves the information and independent reading needs of students and supports the curriculum needs of teachers and staff. The term "library" includes a school library media center. The term also includes access to electronic materials.

For charter schools with multiple school buildings, the term "library" refers to the resource within a specific school building.

Minnesota Statutes, section 124D.991, states that a charter school or charter school library or school library media center provides equitable and free access to students, teachers, and administrators and that a school library or school library media center must have the following characteristics:

1. ensures every student has equitable access to resources and is able to locate, access, and use resources that are organized and cataloged;
2. has a collection development plan that includes but is not limited to materials selection and deselection, a challenged materials procedure, and an intellectual and academic freedom statement;
3. is housed in a central location that provides an environment for expanded learning and supports a variety of student interests;
4. has technology and Internet access; and
5. is served by a licensed school library media specialist or licensed school librarian.

B. "Library collection" consists of the library materials made available to students.

C. "Library materials" are the books, periodicals, newspapers, manuscripts, films, prints, documents, videotapes, subscription content, electronic and digital materials (including e-books, audiobooks, and databases), and related items made available to students in a school building or through access to electronic materials. This term does not include materials made available to students as part of the curriculum.

- D. "Library media specialist" is a teacher holding a Library Media Specialist teaching license issued by the Professional Educator Licensing and Standards Boards and who is trained to deliver library services to students and staff in a library. A library media specialist is authorized under Minnesota Rules to provide to students in kindergarten through grade 12 instruction that is designed to provide information and technology literacy skills instruction, to lead, collaborate, and consult with other classroom teachers for the purpose of integrating information and technology literacy skills with content teaching, and to administer media center operations, programming, and resources.

#### **IV. RESPONSIBILITY FOR SELECTION OF LIBRARY MATERIALS**

- A. The school board recognizes the expertise of the charter school's professional staff and the vital need of such staff to be responsible for selection of library materials.
- B. While recommendations by administrators, faculty members, students, parents, and other community members may be considered, the final responsibility for selection of library materials shall rest with the library media specialist.
- C. The procedures for selection and reconsideration set forth in this policy will be administered by:
  - 1. a licensed library media specialist under Minnesota Rules, part 8710.4550;
  - 2. an individual with a master's degree in library science or library and information science; or
  - 3. a professional librarian or a person trained in library collection management.
- D. The school board may decline to purchase, lend, or shelve or remove access to library materials legitimately based on:
  - 1. practical reasons, including but not limited to shelf space limitations, rare or antiquarian status, damage, or obsolescence;
  - 2. legitimate pedagogical concerns, including but not limited to the appropriateness of potentially sensitive topics for the library's intended audience, the selection of library materials for a curated collection, or the likelihood of causing a material and substantial disruption of the work and discipline of the school; or
  - 3. compliance with state or federal law.

#### **V. SELECTION OF LIBRARY MATERIALS**

- A. Selection Criteria: The library materials selection process should result in a library collection that, when considered as a whole, is consistent with the following criteria:
  - 1. Library materials shall support and be consistent with the general educational goals of the state and the charter school and the aims and objectives of individual schools and specific courses;
  - 2. Library materials shall be chosen to enrich and support the curriculum as well as to promote reading for pleasure by responding to the personal needs and interests of student users;
  - 3. Library materials shall not be excluded because of the race, nationality, religion, sex, gender, or political views of the writer;

4. Library materials shall be appropriate to and reflect the needs, ages, maturity level, emotional development, ability levels, learning styles, social development, background, diversity, and needs and interests of the students for whom the materials were selected;
  5. Library materials shall meet high standards of quality in one or more of these categories (presented alphabetically):
    - a. Artistic quality and/or literary style;
    - b. Authenticity;
    - c. Critical thinking;
    - d. Educational significance;
    - e. Factual content;
    - f. High interest for intended audience; and
    - g. Readability.
  6. The selection of library materials shall conform to the constraints of the charter school budget.
- B. The library media specialist shall consult sources and specialists experienced in library materials collections appropriate for the building's students and that are reputable, experienced, unbiased, and professionally trained in school library materials.
- C. The executive director or the executive director's designee shall be responsible for keeping the school board informed of progress on review and selection of each building's library materials.
- D. Library materials that are outdated, inaccurate, no longer useful for curricular support or reading enrichment, or have not been utilized for an extended period of time may be removed. Library materials that are in poor physical condition may be removed or replaced as determined by the library media specialist or the principal.
- E. Gifts and Donations of Library Materials

Materials offered for donation or gifted to a school library may be accepted if they comply with the library collection selection criteria and approved by the library media specialist. The charter school's libraries welcome donations of books and other resource materials from individuals and organizations, but also reserve the right to decline to accept library materials that do not meet the criteria for selection. In addition, financial donations to benefit charter school's libraries will be accepted with the understanding that funds will be used to purchase materials that are needed for libraries based on the needs of the individual schools.

#### **VI. INDIVIDUAL STUDENT ACCESS TO SPECIFIC LIBRARY MATERIAL**

A parent or guardian may request that access to specific material in the library materials collection be restricted from their student. The school shall take reasonable steps to fulfill this request. This type of request will not result in removal of specific library collection material from the library or restrictions upon any other student accessing specific library materials.

#### **VII. RECONSIDERATION OF SPECIFIC LIBRARY MATERIAL**

- A. The school board seeks to uphold students' access to library materials that meet the educational goals and selection criteria set forth in this policy.
- B. A charter school employee, student, or a parent or guardian of a charter school student may request reconsideration of specific library material on the basis of appropriateness. Access to the material in question shall not be restricted until the procedures listed below have been fully completed and a decision to remove or restrict the materials has been made.
- C. Informal Request for Reconsideration of Specific Library Material
  - 1. Requests for reconsideration of specific library material shall be directed to the library media specialist and the building principal. The building principal and the library media specialist shall assume responsibility for processing the request on an informal basis.
  - 2. The building principal and/or the library media specialist shall provide an explanation to the individual who submitted the request. The explanation shall include the particular selection criteria that the material in question met in order to be included in the library as curriculum support or as an independent reading choice for students in the building.
  - 3. If the request is not resolved informally, the principal shall submit a report on the matter to the executive director or the executive director's designee. The requestor will have an option to initiate a Formal Request for Reconsideration.
- D. Formal Request for Reconsideration of Specific Library Collection Material
  - 1. A Formal Request for Reconsideration of specific library material is initiated upon submission of a completed *Formal Request for Reconsideration of Specific Library Collection Material* form. The form must be completed in its entirety for each work that is subject to a request for reconsideration. The principal shall notify the executive director or the executive director's designee and the library media specialist of receipt of a completed Formal Request form.

If specific library material is the subject of a Formal Request for Reconsideration and a final decision is made to retain the specific library material, then the specific library material shall not be subject to additional requests for reconsideration for three years following the date of final resolution of the initial Formal Request for Reconsideration.
  - 2. On an annual basis, the Executive director or the executive director's designee shall appoint a Library Materials Review Committee (Review Committee). This committee shall include:
    - a. One member of the charter school administration
    - b. One principal
    - c. Two teachers
    - d. One library media specialist (or charter school media specialist or public librarian if the charter school does not have a library media specialist)
    - e. Two members of the charter school community with no direct connection with the request for reconsideration
    - f. Two student representatives (as appropriate to the specific request).
  - 3. The Review Committee shall establish a date upon which it will discuss the request and whether the specific library collection material conforms to the selection criteria set forth in this policy.

4. The Review Committee
  - a. may consult individuals, organizations, and other resources with relevant professional knowledge on school library material;
  - b. shall examine the specific library material as a whole;
  - c. shall examine the specific library material as to its conformance with the criteria for selection of library materials; and
  - d. shall submit a written report to the executive director or the executive director's designee containing the Review Committee's decision on whether to retain, to remove, or to take other action regarding the specific library material.
5. The executive director or the executive director's designee shall inform the requestor and the school board of the Review Committee's decision. The requestor may appeal the Review Committee's decision to the executive director or the executive director's designee by submitting a written appeal to the executive director or the executive director's designee within fourteen (14) days of submission of the Review Committee's decision to the requestor. The executive director or the executive director's designee shall provide a written decision on a requestor's appeal within a reasonable time period.
6. The requestor shall have the right to appeal the decision of the executive director or the executive director's designee to the school board.

### **VIII. CHALLENGE REPORT**

Upon the completion of a content challenge or reconsideration process in accordance with this policy, the school board must submit a report of the challenge to the Commissioner of the Minnesota Department of Education that includes:

- A. the title, author, and other relevant identifying information about the material being challenged;
- B. the date, time, and location of any public hearing held on the challenge in question, including minutes or transcripts;
- C. the result of the challenge or reconsideration request; and
- D. accurate and timely information on who from the school district the Department of Education may contact with questions or follow-up.

### **IX. PROHIBITION ON RETALIATION**

The school district may not discriminate against or discipline an employee for complying with Minnesota Statutes, section 134.51.

**Legal References:** Minn. Stat. § 120A.22, Subd. 9 (Compulsory Instruction)  
Minn. Stat. § 124E.03 (Applicable Law)  
Minn. Stat. § 124E.07 (Board of Directors)  
Minn. Stat. § 124D.991 (Public School Libraries and Media Centers)  
Minn. Stat. § 134.51 (Access to Library Materials and Rights Protected)  
Minn. Rules Part 8710.4550 (Library Media Specialists)  
*Bd. of Educ., Island Trees Union Free Sch. Dist. No. 26 v. Pico*, 457 U.S. 853 (1982)

*Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943)

**Cross References:** MSBA/MASA Model Policy 606.5 (Library Materials)  
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)  
MSBA/MASA Model Policy 606 (Textbooks and Instructional Materials)

**501** *(Reviewed 12/2021)*

**CLOSING OF SCHOOL FACILITIES DUE TO WEATHER/EMERGENCY CONDITIONS**

The Director or designee is empowered to close any or all district facilities or to dismiss students and staff early in the event of hazardous weather or conditions that threaten the health and safety of students and School personnel. The Director or designee is responsible for the development of school procedures and guidelines to be used in the event of facilities closing.

Factors to be considered in a facility-closing decision will include:

- A. Both existing and predicted weather conditions.
- B. Opinion of the bus contractor concerning driving, drivers, traffic and parking conditions affecting all transportation, private and public.
- C. Actual occurrence or imminent possibility of any emergency condition which would make facilities operation difficult or dangerous.
- D. Inability of adult personnel to report for duty, which might result in inadequate operation of school facilities and deficient supervision of students.
- E. Altered facility starting or earlier ending times as an alternative result in inadequate operation of school facilities and deficient supervision of students.

Emergency closing procedures and routines will be publicized in each school year and each actual closing will be announced over one or more metropolitan media.

When emergency closings occur, staff and faculty members will observe the terms of their respective contracts concerning reporting for work.

The school will develop a facility plan detailing procedures for faculty-specific emergency closing.

**502** *(Reviewed 12/2021)*

**PRINTING AND DUPLICATING SERVICES-COPYRIGHT POLICY**

In adherence to the current Federal Copyright Law of the United States, Pub. L. No. 94-553, 90 stat. 2541, the Board recognizes that it is illegal to duplicate copyrighted materials without permission, except for certain exempt purposes.

The Board further realizes that severe penalties are provided for unauthorized copying of audio, visual, or printed materials, unless the copying falls within the bounds for the “fair use” doctrine.

Any duplication of copyrighted materials by HOPE Community Academy employees will not be honored unless the reproduction is legally permissible. When an individual is not certain he or she should assume the responsibility of obtaining permission of the copyright holder, or assure that it falls within the bounds of “fair use” as set forth in guidelines available from the Director.

504 (Reviewed 12/2022)

## **TECHNOLOGY AND INTERNET ACCEPTABLE USE POLICY**

### **I. PURPOSE**

The purpose of this policy is to set forth policies and guidelines for access to the school's computer system and acceptable and safe use of the Internet, including electronic communications.

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

In making decisions regarding student and employee access to the school district's computer system, and the Internet, the school considers its own stated educational mission, goals, and objectives. Electronic information research skills are now fundamental to preparation of citizens and future employees. Access to the school computer system and to the Internet enables students and employees to explore thousands of libraries, databases, bulletin boards, and other resources while exchanging messages with people around the world. The school expects that faculty will blend thoughtful use of the school's computer system and the Internet throughout the curriculum and will provide guidance and instruction to students in their use.

### **III. LIMITED EDUCATIONAL PURPOSE**

The school is providing students and employees with access to the school district's computer system, which includes Internet access. The purpose of the system is more specific than providing students and employees with general access to the Internet. The school's system has a limited educational purpose, which includes use of the system for classroom activities, professional or career development, and limited high-quality, self-discovery activities. Users are expected to use Internet access through the district system to further educational and personal goals consistent with the mission of the school district and school policies. Uses which might be acceptable on a user's private personal account on another system may not be acceptable on this limited purpose network.

### **IV. USE OF SYSTEM IS A PRIVILEGE**

The use of the school's system and access to the Internet is a privilege, not a right. Depending on the nature and degree of the violation and the number of previous violations, unacceptable use of the school's system or the Internet may result in one or more of the following consequences: suspension or cancellation of use of access privileges; payments for damages and repairs; discipline under other appropriate school policies, including suspension, expulsion, exclusion or termination of employment; or civil or criminal liability under other applicable laws.

### **V. UNACCEPTABLE USES**

- A. The following uses of the school system and Internet resources or accounts are considered unacceptable:
  1. Users will not use the school system to access, review, upload, download, store, print, post, receive, transmit or distribute:
    - a. pornographic, obscene or sexually explicit material, or other visual depictions that are harmful to minors;

- b. obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit language;
  - c. materials that use language or images that are inappropriate in the education setting or disruptive to the educational process;
  - d. information or materials that could cause damage or danger of disruption to the educational process;
  - e. materials that use language or images that advocate violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination.
2. Users will not use the school system to knowingly or recklessly post, transmit, or distribute false or defamatory information about a person or organization, or to harass another person, or to engage in personal attacks, including prejudicial or discriminatory attacks.
3. Users will not use the school system to engage in any illegal act or violate any local, state, or federal statute or law.
4. Users will not use the school system to vandalize, damage, or disable the property of another person or organization, will not make deliberate attempts to degrade or disrupt equipment, software, or system performance by spreading computer viruses or by any other means, will not tamper with, modify, or change the school district system software, hardware, or wiring or change the school's security system, and will not use the school's system in such a way as to disrupt the use of the system by other users.
5. Users will not use the school system to gain unauthorized access to information resources or to access another person's materials, information, or files without the implied or direct permission of that person.
6. Users will not use the school system to post private information about another person, personal contact information, including, but not limited to, addresses, telephone number, account numbers, access codes or passwords, labeled photographs, or other information that would make the individual's identity easily traceable, and will not repost a message that was sent to the user privately without permission of the person who sent the message.
  - a. This paragraph does not prohibit the posting of employee contact information on school district webpages or communications between employees and other individuals when such communications are made for educational-related purposes (i.e., communications with parents or other staff members related to students).
  - b. Employees creating or posting school-related webpages may include personal contact information about themselves on a webpage. However, employees may not post personal contact information or other personally identifiable information about students unless:
    - (1) Such information is classified by the school district as directory information and verification is made that the school district has not received notice that the school district has not received notice from a parent/guardian or eligible student that such information is not to be designated as directly information in accordance with Policy 515; or
    - (2) Such information is not classified by the school district as directory information but written consent for release of the information to be posted has been obtained from a parent/guardian or eligible student accordance with Policy 515.

In addition, prior to posting any personal contact or personally identifiable information on a school-related webpage, employees shall obtain written approval of the content of the postings from the building administrator.

- c. These prohibitions specifically prohibit a user from utilizing the school district system to post personal information about a user or another individual on social networks, including, but not limited to, social networks such as "Facebook" and "Instagram."
  7. Users must keep all account information and passwords on file with the designated school official. Users will not attempt to gain unauthorized access to the school system or any other system through the school's systems, attempt to log in through another person's account, or use computer accounts, access, codes, or network identification other than those assigned to the user. Messages and records on the school's system may not be encrypted without the permission of the appropriate school authorities.
  8. Users will not use the school system to violate copyright laws or usage licensing agreements, or otherwise to use another person's property without the person's prior approval or proper citation, including the downloading or exchanging of pirated software or copying software to or from any school computer, and will not plagiarize works they find on the Internet.
  9. Users will not use the school system for the conduct of a business, for unauthorized commercial purposes or for financial gain unrelated to the mission of the school. Users will not use the school system to offer or provide goods or services or for product advertisement. Users will not use the school system to purchase goods or services for personal use without authorization from the appropriate school official.
- B. A student or employee engaging in the foregoing unacceptable uses of the Internet when off school premises also may be in violation of this policy as well as other school policies. Examples of such violation include, but are not limited to, situations where the school's system is compromised or if a school employee or student is negatively impacted. If the school receives a report of an unacceptable use originating from a non-school computer or resource, the school district may investigate such reports to the best of its ability. Students or employees may be subject to disciplinary action for such conduct, including, but not limited to, suspension or cancellation of the use or access to the school's computer system and the Internet and discipline under other appropriate school policies, including suspension, expulsion, or termination of employment.
- C. If a user inadvertently accesses unacceptable materials or an unacceptable Internet site, the user shall immediately disclose the inadvertent access to an appropriate school official. In the case of a school employee, the immediate disclosure shall be to the employee's immediate supervisor and/or the building administrator. This disclosure may serve as a defense against an allegation that the user has intentionally violated this policy. In certain rare instances, a user also may access otherwise unacceptable material if necessary to complete an assignment and if done with the prior approval of and with appropriate guidance from the appropriate teacher.

## **VI. FILTER**

- A. All school district computers with Internet access and available for student use will be equipped to restrict, by use of available software filtering technology or other effective methods, all student access to materials that are reasonably believed to be obscene, child pornography or harmful to minors under state or federal law.

- B. All school district computers with Internet access, not just those accessible and available to students, will be equipped to restrict, by use of available software filtering technology or other effective methods, adult access to materials that are reasonably believed to be obscene or child pornography under state or federal law.
- C. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.

**VII. CONSISTENCY WITH OTHER SCHOOL POLICIES**

- A. Use of the school computer system and use of the Internet shall be consistent with the school policies and the mission of the school.

**VIII. LIMITED EXPECTATION OF PRIVACY**

- A. By authorizing use of the school system, the school does not relinquish control over materials on the system or contained in files on the system. Users should expect only limited privacy in the contents of personal files on the school system.
- B. Routine maintenance and monitoring of the school system may lead to a discovery that a user has violated this policy, another school policy, or the law.
- C. An individual investigation or search will be conducted if school authorities have a reasonable suspicion that the search will uncover a violation of law or school policy.
- D. Parents have the right at any time to investigate or review the contents of their child's files and e-mail files. Parents have the right to request the termination of their child's individual account at any time.
- E. School employees should be aware that the school district retains the right at any time to investigate or review the contents of their files and e-mail files. In addition, school district employees should be aware that data and other materials in files maintained on the school system may be subject to review, disclosure or discovery under Minnesota Statutes, Chapter 13 (the Minnesota Government Data Practices Act).
- F. The school will cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activities and activities not in compliance with school policies conducted through the school system.

**IX. INTERNET USE AGREEMENT**

- A. The proper use of the Internet, and the educational value to be gained from proper Internet use, is the joint responsibility of students, parents, and employees of the school.
- B. This policy requires the permission of and supervision by the school's designated professional staff before a student may use a school account or resource to access the Internet.

- C. The Internet Use Agreement form for students must be read and signed by the user and the parent or guardian, and the supervising teacher. The Internet Use Agreement form for employees must be signed by the employee. The form must then be filed at the school office. As supervising teachers change, the agreement signed by the new teacher shall be attached to the original agreement.

## **X. LIMITATION ON SCHOOL DISTRICT LIABILITY**

Use of the school system is at the user's own risk. The system is provided on an "as is, as available" basis. The school will not be responsible for any damage users may suffer, including, but not limited to, loss, damage or unavailability of data stored on school diskettes, tapes, hard drives, the "cloud", or servers, or for delays or changes in or interruptions of service or misdeliveries or nondeliveries of information or materials, regardless of the cause. The school is not responsible for the accuracy or quality of any advice or information obtained through or stored on the school system. The school will not be responsible for financial obligations arising through unauthorized use of the school system or the Internet.

## **XI. USER NOTIFICATION**

- A. All users shall be notified of the school policies relating to Internet use.
- B. This notification shall include the following:
  1. Notification that Internet use is subject to compliance with the school policies.
  2. Disclaimers limiting the school district's liability relative to:
    - a. Information stored on school diskettes, hard drives or servers.
    - b. Information retrieved through school computers, networks or online resources.
    - c. Personal property used to access school computers, networks or online resources.
    - d. Unauthorized financial obligation resulting from use of the school resources/accents to access the Internet.
  3. A description of the privacy rights and limitations of school sponsored/managed Internet accounts.
  4. Notification that, even though the school may use technical means to limit student Internet access, these limits do not provide a foolproof means for enforcing the provisions of this acceptable use policy.
  5. Notification that goods and services can be purchased over the Internet that could potentially result in unwanted financial obligations and that any financial obligation incurred by a student through the Internet is the sole responsibility of the student and/or the student's parents.
  6. Notification that, should the user violate the school's acceptable use policy, the user's access privileges may be revoked, school disciplinary action may be taken and/or appropriate legal action may be taken.
  7. Notification that all provisions of the acceptable use policy are subordinate to local, state and federal laws.

## **XII. PARENT RESPONSIBILITY; NOTIFICATION OF STUDENT INTERNET USE**

- A. Outside of school, parents bear responsibility for the same guidance of Internet use as they exercise with information sources such as television, telephones, radio, movies and other possibly offensive media. Parents are responsible for monitoring their student's use of the school system and of the Internet if the student is accessing the school system from home or a remote location.
- B. Parents will be notified that their students will be using school resources/accounts to access the Internet and that the school district will provide parents the option to request alternative activities not requiring Internet access. This notification should include:
  - 1. A copy of the user notification form provided to the student user.
  - 2. A description of parent/guardian responsibilities.
  - 3. A notification that the parents have the option to request alternative educational activities not requiring Internet access and the material to exercise this option.
  - 4. A statement that the Internet Use Agreement must be signed by the user, the parent or guardian, and a supervising teacher prior to use by the student.
  - 5. A statement that the school's acceptable use policy is available for parental review.

## **XIII. IMPLEMENTATION; POLICY REVIEW**

- A. The school administration may develop appropriate user notification forms, guidelines and procedures necessary to implement this policy for submission to the school board for approval. Upon approval by the school board, such guidelines, forms and procedures shall be an addendum to this policy.
- B. The administration shall revise the user notifications, including student and parent notifications, if necessary, to reflect the adoption of these guidelines and procedures.
- C. The school's Internet policies and procedures are available for review by all parents, guardians, staff and members of the community.
- D. Because of the rapid changes in the development of the Internet, the school board shall conduct an annual review of this policy.

**Legal References:** 15 U.S.C. § 6501 *et seq.* (Children's Online Privacy Protection Act)  
17 U.S.C. § 101 *et seq.* (Copyrights)  
20 U.S.C. § 6751 *et seq.* (Enhancing Education through Technology Act of 2001)  
47 U.S.C. § 254 (Children's Internet Protection Act of 2000 (CIPA))  
47 C.F.R. § 54.520 (FCC rules implementing CIPA)  
Minn. Stat. § 121A.0695 (School Board Policy; Prohibiting Intimidation and Bullying)  
Minn. Stat. § 125B.15 (Internet Access for Students)  
Minn. Stat. § 125B.26 (Telecommunications/Internet Access Equity Act)  
*Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)  
*United States v. Amer. Library Assoc.*, 539 U.S. 194, 123 S.Ct. 2297, 56 L.Ed.2d 221 (2003)  
*Doninger v. Niehoff*, 527 F.3d 41 (2<sup>nd</sup> Cir. 2008)

*R.S. v. Minnewaska Area Sch. Dist. No. 2149*, No. 12-588, 2012 WL 3870868 (D. Minn. 2012)  
*Tatro v. Univ. of Minnesota*, 800 N.W.2d 811 (Minn. App. 2011), *aff'd* on other grounds 816 N.W.2d 509 (Minn. 2012)  
*S.J.W. v. Lee's Summit R-7 Sch. Dist.*, 696 F.3d 771 (8<sup>th</sup> Cir. 2012)  
*Kowalski v. Berkeley County Sch.*, 652 F.3d 656 (4<sup>th</sup> Cir. 2011)  
*Layshock v. Hermitage Sch. Dist.*, 650 F.3d 205 (3<sup>rd</sup> Cir. 2011)  
*Parents, Families and Friends of Lesbians and Gays, Inc. v. Camdenton R-III Sch. Dist.*, 853 F.Supp.2d 888 (W.D. Mo. 2012)  
*M.T. v. Cent. York Sch. Dist.*, 937 A.2d 538 (Pa. Commw. Ct. 2007)  
*J.S. v. Bethlehem Area Sch. Dist.*, 807 A.2d 847 (Pa. 2002)

**Cross References:** MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)

505 (Reviewed 12/2021)

**ACCOMMODATIONS, MODIFICATIONS, AND EXEMPTIONS FOR STUDENTS WITH AN INDIVIDUAL EDUCATION PLAN, OR A SECTION 504 ACCOMMODATION AND STUDENTS WITH LIMITED ENGLISH PROFICIENCY INVOLVED WITH BASIC STANDARDS TESTING, MINNESOTA COMPREHENSIVE ASSESSMENT AND OTHER GRADE-WIDE STANDARDIZED ASSESSMENTS**

**I. PURPOSE**

The purpose of the policy is to provide adequate opportunity for students identified as having individualized education plan(IEP) Rehabilitation Act of 1973, or (504) accommodation Plan, or limited English proficiency (LEP) needs to meet the graduation requirements of basic skills testing and graduation-required assessments for diploma (GRAD) tests..

**II. GENERAL STATEMENT OF POLICY**

- A. The school will utilize the existing annual review of IEPs or 504 accommodation plans in the BST, MCA and other grade-wide standardized assessments used in the school district.
- B. If the IEP Team or Section 504 Accommodation Plan Team determines that a student with disabilities is exempt from the MCA and or the BST, the Minnesota Alternate Assessment (MAA) must be used. A student may be exempt from one or all of the tests (reading, math, and written composition) included in the MCA and the BST. If the IEP Team or Section 504 Accommodation Plan Team determines that a student with disabilities is exempt from any part of the MCA or the BST, the Minnesota Alternate Assessment (MAA) must be used in place of the exempted part(s). The exemption must be reported to the School Test Administrator and MAA data must be submitted to the Division of Special Education at the Minnesota Department of Children, Families and Learning. If the IEP Team or Section 504 Accommodation Plan Team determines that a student with disabilities is exempt from taking other grade-wide standardized assessments used in the school, the MAA shall be used and stored in the student's due process files as documentation of the exemption.
- C. Students with LEP needs must be identified and accommodations made.

**III. DEFINITION OF TERMS**

See "Basic Standards Testing Accommodations and Modifications" for students with IEPs and 504 Plans and "Basic Standards Testing with Limited English Proficiency" documents attached.

506 (Reviewed 12/2021)

## **Facility Neutrality and Equal Access for Boy Scouts Title 36 and Other Outside Youth Community Groups**

### **POLICY STATEMENT**

It shall be the policy of the Board of \_HOPE Community Academy\_ to maintain nonsectarian school facilities in compliance with Minn. Stat. §124D.10 subd. 8(d). It shall further be the policy of the Board of \_HOPE Community Academy\_ to ensure “equal access” to its facilities for use by community groups, designated youth groups as required by 20 U.S.C. 7905 (Equal Access to Public School Facilities for the Boy Scouts of America and other Designated Youth Groups) and as required by other applicable statutes, rules, regulations and case law. In order to ensure that the school’s facilities are nonsectarian and to ensure equal access to those facilities as required by law, the Board of HOPE Community Academy adopts the following policy regarding facility neutrality and equal access for outside youth groups, community groups, Boy Scouts of America groups and Title 36 groups.

### **POLICY TERMS**

#### **1. Equal Access to Facilities; Applicability**

This policy is applicable to the HOPE Community Academy charter school because 1) it is an elementary or secondary school; 2) it receives funds from the U.S. Department of Education; 3) it has created a “limited open forum” and/or “designated open forum”; 4) it allows non-student groups to meet on its leased premises during “non-instructional” time. The definitions of these terms are provided below. HOPE Community Academy charter school seeks to ensure that all groups officially associated with Boy Scouts of America, all groups or organizations listed under Title 36 of the United States Code and all outside youth and community groups are given a fair opportunity to meet, are given equal benefits and services and are not discriminated against.

#### **2. Definition of Terms**

A. “Benefits and services”

“Benefits and services” means privileges accorded to any non-student youth or community groups that are allowed to meet in the school’s designated public forum or the school’s limited open forum. These benefits and services may include but are not necessarily limited to, school-related means of communication, such as bulletin board notices and literature distribution, and recruitment.

B. “Boy Scouts of America”

“Boy Scouts of America” means the organization named “Boy Scouts of America” which has a Federal charter and which is listed as an organization in Title 36 of the United States Code, or any group officially affiliated with Boy Scouts of America.

C. “Designated open forum”

“Designated open forum” means that the school has designated a time and place for one or more outside youth or community groups to meet on school premises or in school facilities, including during the hours in which attendance at the school is compulsory, for reasons other than to provide the school’s educational program.

D. "Limited public forum"

"Limited public forum" means that the school has given an opportunity to, or an opportunity for, one or more outside youth or community groups to meet on school premises or in school facilities before or after the hours during which the attendance at the school is compulsory.

E. "Non-discriminatory" or "non-discrimination"

"Non-discriminatory" and/or "non-discrimination" means that any decision made regarding access to the school's facilities must be made on a non-discriminatory basis, using objective criteria, consistent with the Minnesota Human Rights Act (Minnesota Statutes section 363A et. seq.), in a consistent, equal and non-discriminatory manner. Any decisions regarding use of or access to a school's limited or designated public forums may not be made on the basis of the religious, political or philosophical views of the groups seeking access, and must be made regardless of the sexual orientation or gender identity of group members.

F. "Outside youth group"

"Outside youth group" means any group or organization intended to serve young people under the age of 21 that is not affiliated with the school and that is not a Boy Scouts of America or Title 36 group.

G. "Outside community group"

"Outside community group" means a community group that is not affiliated with the school and is not affiliated with a Boy Scouts of America or Title 36 group.

H. "Premises or facilities"

"Premises or facilities" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or interest in that property.

I. "Title 36 groups"

"Title 36 groups" refers to a youth group or organization listed in Title 36 of the United States Code as a patriotic society that is intended to serve young people under the age of 21 and to groups officially affiliated with such groups.

### **3. Fees and Access to Facilities / Boy Scouts and Title 36 Groups**

Upon request, any Boy Scout group or any Title 36 group shall be given equal access to conduct a meeting within the school's designated open forum or limited public forum and shall not be denied access, opportunity, benefits or services, or be discriminated against for reasons including the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts or of the Title 36 youth group.

Fees may be charged in connection with the access to school premises, but any fees or terms of access charged to Boys Scouts of America or Title 36 groups must be on terms that are not less favorable than the most favorable terms provided to one or more outside youth or community groups.

### **4. Access for Other Outside Youth Groups and Community Groups**

Any decision made regarding access to facilities for outside youth groups or community groups must be made on a non-discriminatory basis, using objective criteria consistent with the Minnesota Human Rights Act, in a consistent, equal and non-discriminatory manner. Any decisions regarding use of or access to a school's limited or designated public forums may not be made on the basis of the religious, political or philosophical views of the groups seeking access, and must be made regardless of the sexual orientation or gender identity of group members.

#### **5. Procedures to be Developed**

The administration will prepare recommended procedures to handle requests under this policy and will present them to the Board for its consideration. Upon approval by the Board, such procedures shall be an addendum to this policy.

## 507

### COOKING POTENTIALLY HAZARDOUS FOODS

**PURPOSE:** To prevent foodborne illness by ensuring that all foods are cooked to the appropriate internal temperature.

**SCOPE:** This procedure applies to foodservice employees who prepare or serve food.

**KEY WORDS:** Cross-Contamination, Temperatures, Cooking

#### **INSTRUCTIONS:**

1. Train foodservice employees on using the procedures in this SOP. Refer to the Using and Calibrating Thermometers SOP.
2. Follow State or local health department requirements.
3. If a recipe contains a combination of meat products, cook the product to the highest required temperature.
4. If State or local health department requirements are based on the *2001 FDA Food Code*, cook products to the following temperatures:
  - a. 145 °F for 15 seconds
    - Seafood, beef, and pork
    - Eggs cooked to order that are placed onto a plate and immediately served
  - b. 155 °F for 15 seconds
    - Ground products containing beef, pork, or fish
    - Fish nuggets or sticks
    - Eggs held on a steam table
    - Cubed or Salisbury steaks
  - c. 165 °F for 15 seconds
    - Poultry
    - Stuffed fish, pork, or beef
    - Pasta stuffed with eggs, fish, pork, or beef (such as lasagna or manicotti)
  - d. 135 °F for 15 seconds
    - Fresh, frozen, or canned fruits and vegetables that are going to be held on a steam table or in a hot box

#### **Cooking Potentially Hazardous Foods, continued**

(Sample SOP)

#### **MONITORING:**

1. Use a clean, sanitized, and calibrated probe thermometer, preferably a thermocouple.
2. Avoid inserting the thermometer into pockets of fat or near bones when taking internal cooking temperatures.
3. Take at least two internal temperatures from each batch of food by inserting the thermometer into the thickest part of the product which usually is in the center.
4. Take at least two internal temperatures of each large food item, such as a turkey, to ensure that all parts of the product reach the required cooking temperature.

#### **CORRECTIVE ACTION:**

1. Retrain any foodservice employee found not following the procedures in this SOP.

2. Continue cooking food until the internal temperature reaches the required temperature.

**VERIFICATION AND RECORD KEEPING:**

Foodservice employees will record product name, time, the two temperatures/times, and any corrective action taken on the Cooking and Reheating Temperature Log.

Foodservice manager will verify that foodservice employees has taken the required cooking temperatures by visually monitoring foodservice employees and preparation procedures during the shift and reviewing, initialing, and dating the temperature log at the close of each day. The Cooking and Reheating Temperature Log is to be kept on file for a minimum of 1 year.

**DATE IMPLEMENTED:** \_\_\_\_\_

**BY:** \_\_\_\_\_

**DATE REVIEWED:** \_\_\_\_\_

**BY:** \_\_\_\_\_

**DATE REVISED:** \_\_\_\_\_

**BY:** \_\_\_\_\_

508

## **HOLDING HOT AND COLD POTENTIALLY HAZARDOUS FOODS**

**PURPOSE:** To prevent foodborne illness by ensuring that all potentially hazardous foods are held under the proper temperature.

**SCOPE:** This procedure applies to foodservice employees who prepare or serve food.

**KEY WORDS:** Cross-Contamination, Temperatures, Holding, Hot Holding, Cold Holding, Storage

### **INSTRUCTIONS:**

1. Train foodservice employees on using the procedures in this SOP. Refer to the Using and Calibrating Thermometers SOP.
2. Follow State or local health department requirements.
3. If State or local health department requirements are based on the *2001 FDA Food Code*:
  - Hold hot foods at 135 °F or above
  - Hold cold foods at 41 °F or below
4. Preheat steam tables and hot boxes.

### **MONITORING:**

1. Use a clean, sanitized, and calibrated probe thermometer to measure the temperature of the food.
2. Take temperatures of foods by inserting the thermometer near the surface of the product, at the thickest part, and at other various locations.
3. Take temperatures of holding units by placing a calibrated thermometer in the coolest part of a hot holding unit or warmest part of a cold holding unit.
4. For hot foods held for service:
  - Verify that the air/water temperature of any unit is at 135 °F or above before use.
  - Reheat foods in accordance with the Reheating for Hot Holding SOP.
  - All hot potentially hazardous foods should be 135 °F or above before placing the food out for display or service.
  - Take the internal temperature of food before placing it on a steam table or in a hot holding unit and at least every 2 hours thereafter.
5. For cold foods held for service:
  - Verify that the air/water temperature of any unit is at 41 °F or below before use.
  - Chill foods, if applicable, in accordance with the Cooling Potentially Hazardous Foods SOP.
  - All cold potentially hazardous foods should be 41 °F or below before placing the food out for display or service.
  - Take the internal temperature of the food before placing it onto any salad bar, display cooler, or cold serving line and at least every 2 hours thereafter.
6. For cold foods in storage:
  - Take the internal temperature of the food before placing it into any walk-in cooler or reach-in cold holding unit.
  - Chill food in accordance with the Cooling Potentially Hazardous Foods SOP if the food is not 41 °F or below.
  - Verify that the air temperature of any cold holding unit is at 41 °F or below before use and at least every 4 hours thereafter during all hours of operation.

**CORRECTIVE ACTION:**

1. Retrain any foodservice employee found not following the procedures in this SOP.
2. For hot foods:
  - Reheat the food to 165 °F for 15 seconds if the temperature is found to be below 135 °F and the last temperature measurement was 135 °F or higher and taken within the last 2 hours. Repair or reset holding equipment before returning the food to the unit, if applicable.
  - Discard the food if it cannot be determined how long the food temperature was below 135 °F.
3. For cold foods:
  - Rapidly chill the food using an appropriate cooling method if the temperature is found to be above 41 °F and the last temperature measurement was 41 °F or below and taken within the last 2 hours:
  - Place food in shallow containers (no more than 4 inches deep) and uncovered on the top shelf in the back of the walk-in or reach-in cooler.
  - Use a quick-chill unit like a blast chiller.
  - Stir the food in a container placed in an ice water bath.
  - Add ice as an ingredient.
  - Separate food into smaller or thinner portions.

**Holding Hot and Cold Potentially Hazardous Foods, continued**  
(Sample SOP)

**CORRECTIVE ACTION, continued:**

4. Repair or reset holding equipment before returning the food to the unit, if applicable.
5. Discard the food if it cannot be determined how long the food temperature was above 41 °F.

**VERIFICATION AND RECORD KEEPING:**

Foodservice employees will record temperatures of food items and document corrective actions taken on the Hot and Cold Holding Temperature Log. A designated foodservice employee will record air temperatures of coolers and cold holding units on the Refrigeration Logs. The foodservice manager will verify that foodservice employees have taken the required holding temperatures by visually monitoring foodservice employees during the shift and reviewing the temperature logs at the close of each day. The temperature logs are to be kept on file for a minimum of 1 year.

**DATE IMPLEMENTED:** \_\_\_\_\_

**BY:** \_\_\_\_\_

**DATE REVIEWED:** \_\_\_\_\_

**BY:** \_\_\_\_\_

**DATE REVISED:** \_\_\_\_\_

**BY:** \_\_\_\_\_

509

## **PERSONAL HYGIENE**

**PURPOSE:** To prevent contamination of food by foodservice employees.

**SCOPE:** This procedure applies to foodservice employees who handle, prepare, or serve food.

**KEY WORDS:** Personal Hygiene, Cross-Contamination, Contamination

### **INSTRUCTIONS:**

1. Train foodservice employees on using the procedures in this SOP.
2. Follow State or local health department requirements.
3. Follow the Employee Health Policy. (Employee health policy is not included in this resource.)
4. Report to work in good health, clean, and dressed in clean attire.
5. Change apron when it becomes soiled.
6. Wash hands properly, frequently, and at the appropriate times.
7. Keep fingernails trimmed, filed, and maintained so that the edges are cleanable and not rough.
8. Avoid wearing artificial fingernails and fingernail polish.
9. Wear single-use gloves if artificial fingernails or fingernail polish are worn.
10. Do not wear any jewelry except for a plain ring such as a wedding band.
11. Treat and bandage wounds and sores immediately. When hands are bandaged, single-use gloves must be worn.
12. Cover a lesion containing pus with a bandage. If the lesion is on a hand or wrist, cover with an impermeable cover such as a finger cot or stall and a single-use glove.
13. Eat, drink, use tobacco, or chew gum only in designated break areas where food or food contact surfaces may not become contaminated.
14. Taste food the correct way:
  - Place a small amount of food into a separate container.
  - Step away from exposed food and food contact surfaces.
  - Use a teaspoon to taste the food. Remove the used teaspoon and container to the dish room. Never reuse a spoon that has already been used for tasting.
  - Wash hands immediately.
15. Wear suitable and effective hair restraints while in the kitchen.

### **MONITORING:**

- A designated foodservice employee will inspect employees when they report to work to be sure that each employee is following this SOP.
- The designated foodservice employee will monitor that all foodservice employees are adhering to the personal hygiene policy during all hours of operation.

### **CORRECTIVE ACTION:**

1. Retrain any foodservice employee found not following the procedures in this SOP.
2. Discard affected food.

### **VERIFICATION AND RECORD KEEPING:**

The foodservice manager will verify that foodservice employees are following this SOP by visually observing the employees during all hours of operation. The foodservice manager will complete the Food Safety Checklist

daily. Foodservice employees will record any discarded food on the Damaged or Discarded Product Log. The Food Safety Checklist and Damaged or Discarded Product Logs are to be kept on file for a minimum of 1 year.

**DATE IMPLEMENTED:** \_\_\_\_\_

**BY:** \_\_\_\_\_

**DATE REVIEWED:** \_\_\_\_\_

**BY:** \_\_\_\_\_

**DATE REVISED:** \_\_\_\_\_

**BY:** \_\_\_\_\_

## 510

### RECEIVING DELIVERIES

**PURPOSE:** To ensure that all food is received fresh and safe when it enters the foodservice operation and to transfer food to proper storage as quickly as possible.

**SCOPE:** This procedure applies to foodservice employees who handle, prepare, or serve food.

**KEY WORDS:** Cross-Contamination, Temperatures, Receiving, Holding, Frozen Goods, Delivery

#### INSTRUCTIONS:

1. Train foodservice employees on using the procedures in this SOP.
2. Follow State or local health department requirements.
3. Schedule deliveries to arrive at designated times during operational hours.
4. Post the delivery schedule, including the names of vendors, days and times of deliveries, and drivers' names.
5. Establish a rejection policy to ensure accurate, timely, consistent, and effective refusal and return of rejected goods.
6. Organize freezer and refrigeration space, loading docks, and store rooms before deliveries.
7. Gather product specification lists and purchase orders, temperature logs, calibrated thermometers, pens, flashlights, and clean loading carts before deliveries. Refer to the Using and Calibrating Thermometers SOP.
8. Keep receiving area clean and well lighted.
9. Do not touch ready-to-eat foods with bare hands.
10. Determine whether foods will be marked with the date arrival or the "use by" date and mark accordingly upon receipt.
11. Compare delivery invoice against products ordered and products delivered.
12. Transfer foods to their appropriate locations as quickly as possible.

#### MONITORING:

1. Inspect the delivery truck when it arrives to ensure that it is clean, free of putrid odors, and organized to prevent cross-contamination. Be sure refrigerated foods are delivered on a refrigerated truck.
2. Check the interior temperature of refrigerated trucks.
3. Confirm vendor name, day and time of delivery, as well as driver's identification before accepting delivery. If driver's name is different from what is indicated on the delivery schedule, contact the vendor immediately.
4. Check frozen foods to ensure that they are all frozen solid and show no signs of thawing and refreezing, such as the presence of large ice crystals or liquids on the bottom of cartons.
5. Check the temperature of refrigerated foods.
  - a. For fresh meat, fish, and poultry products, insert a clean and sanitized thermometer into the center of the product to ensure a temperature of 41 °F or below. The temperature of milk should be 45 °F or below.
  - b. For packaged products, insert a food thermometer between two packages being careful not to puncture the wrapper. If the temperature exceeds 41 °F, it may be necessary to take the internal temperature before accepting the product.
  - c. For eggs, the interior temperature of the truck should be 45 °F or below.

6. Check dates of milk, eggs, and other perishable goods to ensure safety and quality.
7. Check the integrity of food packaging.
8. Check the cleanliness of crates and other shipping containers before accepting products. Reject foods that are shipped in dirty crates.

**CORRECTIVE ACTION:**

1. Retrain any foodservice employee found not following the procedures in this SOP.
2. Reject the following:
  - Frozen foods with signs of previous thawing
  - Cans that have signs of deterioration, such as swollen sides or ends, flawed seals or seams, dents, or rust
  - Punctured packages
  - Foods with out-dated expiration dates
  - Foods that are out of safe temperature zone or deemed unacceptable by the established rejection policy

**VERIFICATION AND RECORD KEEPING:**

Record the temperature and the corrective action on the delivery invoice or on the Receiving Log. The foodservice manager will verify that foodservice employees are receiving products using the proper procedure by visually monitoring receiving practices during the shift and reviewing the Receiving Log at the close of each day. Receiving Logs are kept on file for a minimum of 1 year.

**DATE IMPLEMENTED:** \_\_\_\_\_

**BY:** \_\_\_\_\_

**DATE REVIEWED:** \_\_\_\_\_

**BY:** \_\_\_\_\_

**DATE REVISED:** \_\_\_\_\_

**BY:** \_\_\_\_\_



512

**SERVING FOOD**

**PURPOSE:** To prevent foodborne illness by ensuring that all foods are served in a sanitary manner.

**SCOPE:** This procedure applies to foodservice employees who serve food.

**KEY WORDS:** Cross-Contamination, Service

**INSTRUCTIONS:**

1. Train foodservice employees on using the procedures in this SOP. Refer to the Using and Calibrating Thermometers SOP.
2. Follow State or local health department requirements.
3. Follow the employee health policy. (Employee health policy is not included in this resource.)
4. Wash hands before putting on gloves, each time the gloves are changed, when changing tasks, and before serving food with utensils. Refer to the Washing Hands SOP.
5. Avoid touching ready-to-eat foods with bare hands. Refer to the Using Suitable Utensils when Handling Ready-To-Eat Foods SOP.
6. Handle plates by the edge or bottom; cups by the handle or bottom; and utensils by the handles.
7. Store utensils with the handles up or by other means to prevent contamination.
8. Hold potentially hazardous food at the proper temperature. Refer to the Holding Hot and Cold Potentially Hazardous Foods SOP.
9. Serve food with clean and sanitized utensils.
10. Store in-use utensils properly. Refer to the Storing In-Use Utensils SOP.
11. Date mark and cool potentially hazardous foods or discard leftovers. Refer to the Date Marking Ready-to-Eat, Potentially Hazardous Foods, and Cooling Potentially Hazardous Foods SOPs.

**MONITORING:**

A designated foodservice employee will visually observe that food is being served in a manner that prevents contamination during all hours of service.

**CORRECTIVE ACTION:**

1. Retrain any foodservice employee found not following the procedures in this SOP.
2. Replace improperly handled plates, cups, or utensils.
3. Discard ready-to-eat food that has been touched with bare hands.
4. Follow the corrective actions identified in the Washing Hands; Using Suitable Utensils When Handling Ready-To-Eat Foods; Date Marking Ready-to-Eat, Potentially Hazardous Foods; Cooling Potentially Hazardous Foods; and Holding Hot and Cold Potentially Hazardous Foods SOPs.

**VERIFICATION AND RECORD KEEPING:**

The foodservice manager will periodically check the storage and use of utensils during service. In addition, the foodservice manager will complete the Food Safety Checklist daily. The Food Safety Checklist is to be kept on file for a minimum of 1 year.

**DATE IMPLEMENTED:** \_\_\_\_\_

**BY:** \_\_\_\_\_

**DATE REVIEWED:** \_\_\_\_\_

**BY:** \_\_\_\_\_

**DATE REVISED:** \_\_\_\_\_

**BY:** \_\_\_\_\_

513

## **USING SUITABLE UTENSILS WHEN HANDLING READY-TO-EAT FOODS**

**PURPOSE:** To prevent foodborne illness due to hand-to-food cross-contamination.

**SCOPE:** This procedure applies to foodservice employees who prepare, handle, or serve food.

**KEY WORDS:** Ready-to-Eat Food, Cross-Contamination

### **INSTRUCTIONS:**

1. Train foodservice employees on using the procedures in this SOP.
2. Follow State or local health department requirements.
3. Use proper hand washing procedures to wash hands and exposed arms prior to preparing or handling food or at any time when the hands may have become contaminated.
4. Do not use bare hands to handle ready-to-eat foods at any time unless washing fruits and vegetables.
5. Use suitable utensils when working with ready-to-eat food. Suitable utensils may include:
  - Single-use gloves
  - Deli tissue
  - Foil wrap
  - Tongs, spoodles, spoons, and spatulas
6. Wash hands and change gloves:
  - Before beginning food preparation
  - Before beginning a new task
  - After touching equipment such as refrigerator doors or utensils that have not been cleaned and sanitized
  - After contacting chemicals
  - When interruptions in food preparation occur, such as when answering the telephone or checking in a delivery
  - When handling money
  - Anytime a glove is torn, damaged, or soiled
  - Anytime contamination of a glove might have occurred

### **MONITORING:**

A designated foodservice employee will visually observe that gloves or suitable utensils are used and changed at the appropriate times during all hours of operation.

### **CORRECTIVE ACTION:**

1. Retrain any foodservice employee found not following the procedures in this SOP.
2. Discard ready-to-eat food touched with bare hands.

### **VERIFICATION AND RECORD KEEPING:**

The foodservice manager will verify that foodservice workers are using suitable utensils by visually monitoring foodservice employees during all hours of operation. The foodservice manager will complete the Food Safety Checklist daily. The designated foodservice employee responsible for monitoring will record any discarded food on the Damaged and Discarded Product Log. The Food Safety Checklist and Damaged and Discarded Food Log are kept on file for a minimum of 1 year.

**DATE IMPLEMENTED:** \_\_\_\_\_

**BY:** \_\_\_\_\_

**DATE REVIEWED:** \_\_\_\_\_

**BY:** \_\_\_\_\_

**DATE REVISED:** \_\_\_\_\_

**BY:** \_\_\_\_\_

514

## WASHING HANDS

**PURPOSE:** To prevent foodborne illness by contaminated hands.

**SCOPE:** This procedure applies to anyone who handles, prepare, and serve food.

**KEY WORDS:** Hand-washing, Cross-Contamination

### INSTRUCTIONS:

1. Train foodservice employees on using the procedures in this SOP.
2. Follow State or local health department requirements.
3. Post hand-washing signs or posters in a language understood by all foodservice staff near all hand-washing sinks, in food preparation areas, and restrooms.
4. Use designated hand-washing sinks for hand-washing only. Do not use food preparation, utility, and dishwashing sinks for hand-washing.
5. Provide warm running water, soap, and a means to dry hands. Provide a waste container at each hand-washing sink or near the door in restrooms.
6. Keep hand-washing sinks accessible anytime employees are present.
7. Wash hands:
  - Before starting work
  - During food preparation
  - When moving from one food preparation area to another
  - Before putting on or changing gloves
  - After using the toilet
  - After sneezing, coughing, or using a handkerchief or tissue
  - After touching hair, face, or body
  - After smoking, eating, drinking, or chewing gum or tobacco
  - After handling raw meats, poultry, or fish
  - After any clean up activity such as sweeping, mopping, or wiping counters
  - After touching dirty dishes, equipment, or utensils
  - After handling trash
  - After handling money
  - After any time the hands may become contaminated
8. Follow proper hand-washing procedures as indicated below:
  - Wet hands and forearms with warm, running water at least 100 °F and apply soap.
  - Scrub lathered hands and forearms, under fingernails, and between fingers for at least 10-15 seconds. Rinse thoroughly under warm running water for 5-10 seconds.
  - Dry hands and forearms thoroughly with single-use paper towels.
  - Dry hands for at least 30 seconds if using a warm air hand dryer.
  - Turn off water using paper towels.
  - Use paper towel to open door when exiting the restroom.
9. Follow FDA recommendations when using hand sanitizers. These recommendations are as follows:
  - Use hand sanitizers only after hands have been properly washed and dried.
  - Use only hand sanitizers that comply with the *2001 FDA Food Code*. Confirm with the manufacturers that the hand sanitizers used meet these requirements.

- Use hand sanitizers in the manner specified by the manufacturer.

**MONITORING:**

1. A designated employee will visually observe the hand-washing practices of the foodservice staff during all hours of operation.
2. The designated employee will visually observe that hand-washing sinks are properly supplied during all hours of operation.

**CORRECTIVE ACTION:**

1. Retrain any foodservice employee found not following the procedures in this SOP.
2. Ask employees that are observed not washing their hands at the appropriate times or using the proper procedure to wash their hands immediately.
3. Retrain employee to ensure proper hand-washing procedure.

**VERIFICATION AND RECORD KEEPING:**

The foodservice manager will complete the Food Safety Checklist daily to indicate that monitoring is being conducted as specified. The Food Safety Checklist is to be kept on file for a minimum of 1 year.

**DATE IMPLEMENTED:** \_\_\_\_\_

**BY:** \_\_\_\_\_

**DATE REVIEWED:** \_\_\_\_\_

**BY:** \_\_\_\_\_

**DATE REVISED:** \_\_\_\_\_

**BY:** \_\_\_\_\_

515

## **FACILITY NEUTRALITY AND EQUAL ACCESS FOR STUDENT NON-CURRICULAR GROUPS**

### **POLICY STATEMENT**

It shall be the policy of the Board of HOPE Community Academy to maintain nonsectarian school facilities in compliance with Minn. Stat. §124D.10 subd. 8(d). It shall further be the policy of the Board of HOPE Community Academy to ensure “equal access” to its facilities as required by 20 U.S.C. §§4701-4073 (2010), to ensure non-discriminatory treatment under the Minnesota Human Rights Act (Minn. Stat. §363A et. seq.) and to provide rights as required by other applicable statutes, rules, regulations and case law. In order to ensure that the school’s facilities are nonsectarian and to ensure equal access to those facilities as required by law, the Board of HOPE Community Academy adopts the following policy regarding facility neutrality and equal access.

### **POLICY TERMS**

#### **1. Equal Access to Facilities; Applicability**

The Equal Access Act ensures that non-curricular student groups are given a fair opportunity to conduct meetings and have “access” (defined below) to public secondary school facilities on the same terms as other, similarly situated groups. The Act applies to HOPE Community Academy charter school because 1) it is a public secondary school; 2) it receives federal funds; 3) it has created a “limited open forum” (defined below); 4) it allows one or more “non-curricular student groups” (defined below) to meet on its leased premises during “non-instructional” time (defined below).

HOPE Community Academy charter school seeks to ensure that all non-curricular student groups have a fair opportunity to meet, regardless of the religious, political or philosophical views of the group, and regardless of the sexual orientation or gender identity of group members.

#### **2. Definition of Terms**

##### **A. “Access”**

Ensuring equal “access” means providing physical access to meeting spaces on school premises. It also includes providing the types of recognition and privileges afforded to other groups at the school. Such privileges include, for example, the right of student groups to use school media, including the public address system, the school newspaper and the school bulletin board to announce their meetings on the same terms as other non-curriculum related student groups. Any policy concerning the use of school media must be applied to all non-curriculum related student groups in a non-discriminatory manner.

##### **B. “Limited open forum”**

HOPE Community Academy charter school has created a “limited open forum” because it provides an opportunity for at least one “non-curriculum related student group” to hold meetings on premises leased by the charter school during “non-instructional time”.

##### **C. “Meeting”**

A meeting may include a prayer service, Bible reading, or other worship exercise.

##### **D. “Non-curricular student groups”**

A student group is “non-curricular” if it does not directly relate to the body of courses offered at the charter school. A student group does not directly relate to the school’s curriculum if:

- i. The group’s subject matter is not being taught or will not soon be taught in a regularly offered course at the school;
- ii. The group’s subject matter does not concern the body of school courses as a whole;
- iii. Participation in the group is not required for a particular course; and
- iv. No academic credit is awarded as a result of participation in the group.

E. “Non-instructional time”

“Non-instructional time” is time set aside by the school before actual classroom instruction begins or after actual instruction ends. It includes student meetings that take place before or after school as well as those occurring during lunch, “activity periods” and other non-instructional times during the day.

**3. Limitations on Non-Curricular Student Group Meetings**

The following limitations apply to non-curricular student groups that seek equal access to school facilities:

- A. Meetings must be voluntary and student-initiated;
- B. Meetings may not be sponsored by the school, school officials, the government, or any of the agents or employees of those groups. (“Sponsored” includes leading, promoting or participating in the meeting. It does not include the assignment of a teacher or other school official to the meeting for supervisory purposes.);
- C. School officials, employees or agents are present at religious meetings only in a non-participatory role;
- D. Meetings do not materially and substantially interfere with the orderly conduct of educational activities within the school (see section 4 below); and
- E. Non-school persons do not direct, control or regularly attend activities of the non-curricular student groups.

**4. Authority of the School to Maintain Discipline and Well-being of Students and Faculty**

When implementing this policy, HOPE Community Academy charter school retains the right to ban unlawful groups, to maintain order and discipline on school premises, and to protect the well-being of students and faculty. Meetings that materially and substantially interfere with the orderly conduct of educational activities will not be permitted. School officials, however, may not ban groups or suppress student speech based on the unpopularity of the groups’ message or on unfounded fears that the group may incite violence or disruption. A student group will not be subject to regulation if the fear of a “material and substantial interference” with the work of the school is not caused by the student group itself, but instead is caused by those who oppose the group’s formation or message.

**5. Limitations on Implementation of the Policy**

In adopting and implementing this policy, HOPE Community Academy charter school will not:

- A. Influence the form or content of any prayer or other religious activity;
- B. Require any person to participate in prayer or other religious activity;

- C. Expend public funds beyond the incidental costs of providing the space for non-curricular student group meetings;
- D. Require an employee to attend meetings that would conflict with their religious beliefs;
- E. Sanction meetings that are otherwise unlawful; and
- F. Otherwise discriminate against an individual in violations of their rights.

## **6. Student Distribution of Literature**

HOPE Community Academy charter school students have a right to distribute literature, whether religious, political or philosophical, in the same time, manner, and place terms as are applied to other literature that is unrelated to school curriculum or activities.

## **7. Procedures to be Developed**

The administration will prepare recommended procedures to handle requests under this policy and will present them to the Board for its consideration. Upon approval by the Board, such procedures shall be an addendum to this policy.

517

**VISITORS TO HOPE COMMUNITY ACADEMY** *(Reviewed 11/2020)*

The purpose of this policy is to establish rules and procedures governing visits to HOPE Community Academy.

**GENERAL STATEMENT OF POLICY**

HOPE Community Academy encourages interest on the part of parents and community members in the District's programs and activities. At the same time HOPE Community Academy recognizes that reasonable restrictions must be placed on visits to HOPE Community Academy in order to maintain an environment that is safe and conducive to learning and working. HOPE Community Academy has adopted this policy after considering and weighing these and other social, political, economic, and educational factors.

**Visitor Procedures.**

5. Document the incident. ??

All visitors must comply with the following procedures when entering HOPE Community Academy facility, unless they are attending an event or activity that is open to the public, such as parent-teacher conferences, a school board meeting, or an athletic contest:

1. Immediately upon entering HOPE Community Academy, all visitors must report to the main office. Signage to this effect must be prominently displayed on or near all unlocked doors to the facility.
2. Upon reporting to the reception desk, all visitors must complete a form that requires them to do the following: print and sign their names, state the purpose of their visit, state the time of their arrival, and state the location of the building in which the visit will occur.
3. Subject to the requirements of this policy, parents may observe their child in the classroom for up to two hours on two occasions per school year. If other circumstances exist for more or longer visits, parents will obtain permission in advance from the Executive Director, Principal or designee. Parents who wish to observe their children in the classroom during the regular school day must schedule the visit at least three (3) school days in advance with the Executive Director, Principal or designee. The Executive Director, Principal or designee may reschedule or terminate any visit in the event of an emergency or unforeseen circumstance.
4. The Executive Director, Principal or designee may impose additional restrictions on any visitor who has caused a disruption at the school.
5. The Executive Director, Principal or designee will follow this policy in determining whether or not permission will be granted for a visit to a school building.
6. If permission for a visit is granted, the visitor will be given a visitor's identification badge stating the visitor's name.

7. All visitors must wear the issued visitor identification badge in a conspicuous location at all times while at HOPE Community Academy.
8. If a school employee sees a visitor in the school building without a visitor's identification badge, the employee must either escort the visitor to the main office or immediately notify the main office of the presence of the visitor.
9. Upon completing a visit, a visitor must return to the main office to return the visitor's identification badge, sign his/her name on the same form that was signed upon entering the building, and state the time of his/her departure.

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

1. Parents may call the office and ask to speak with their child. School staff will then locate the child and instruct the child to come to the office to speak with the parent by telephone. Students generally will not be permitted to place or receive a call from a classroom.
2. Parents may enter the main office of the school building and ask the office staff to call their child to the office. Parents may not go directly to a classroom or to any other location at HOPE Community Academy without complying with the Visitor Procedures stated in this policy.
3. Students will not be permitted to make calls or receive calls on personal cell phones during any class period.

**Administrative Procedures in Response to Inappropriate Conduct.** The Executive Director, Principal or designee are encouraged to take the following steps when a visitor violates this policy or engages in any other inappropriate conduct:

1. Notify the offending visitor that his or her conduct is inappropriate.
2. Notify the offending visitor that if the conduct does not cease immediately, the visitor will be required to leave the building.
3. Notify the offending visitor that he or she is required to immediately leave the building.
4. Contact law enforcement.
5. Take other action that the Executive Director, Principal, or designee reasonably deems to be prudent or necessary in order to: (a) protect the safety of students, staff, or school property; (b) maintain an environment that is conducive to learning and working; and (c) maintain an environment that is free from all forms of abusive and disruptive conduct.

6. Any step or steps of this procedure may be skipped or addressed at a later time if the Executive Director, Principal, or designee determines, in the exercise of his or her professional judgment, that immediate removal of the offending visitor is in the best interests of the students or the staff.

## **RULES OF CONDUCT FOR VISITORS**

**Required Conduct.** All visitors must demonstrate respect and civility when interacting with other individuals during a visit. In addition, all visitors must immediately comply with any and all lawful directives given by a school employee, including a directive to leave the building.

**Prohibited Conduct.** Visitors must not do any of the following during a visit:

1. Violate any law;
2. Violate any school policy, regulation, rule, or procedure;
3. Make any threat or engage in any threatening or intimidating behavior;
4. Engage in any conduct that is designed to intimidate another person or that could reasonably be perceived as being designed to intimidate another person;
5. Demonstrate hostility toward another person;
6. Engage in conduct that is objectively rude;
7. Use any obscene or foul language;
8. Make or participate in making any personal attacks against another person;
9. Make or participate in making any objectively disrespectful, demeaning, disparaging, or insulting comments or statements about or to another person;
10. Make unwelcome physical contact with any person other than their own child, unless the physical contact is part of the normal greeting process, such as a handshake, or is reasonably necessary to prevent imminent harm to another person or serious harm to property;
11. Photograph, film, or otherwise create an audio or video record of any students, employees, or volunteers of the school, unless the visitor is on school property or in a limited part of a school facility to attend an event or activity that is open to the public, such as a school board meeting or an athletic contest;
12. Enter onto school property while impaired from the use of alcohol or any other chemical;
13. Create or participate in creating a disruption to the learning or working environment. Examples of disruptive behavior include, but are not limited to, using a raised voice, shouting, or yelling; swearing; talking with a teacher, classroom aide, or a student while observing in a classroom; using or allowing a

cellular device make noise in the classroom; and engaging in other conduct that interrupts a lesson while observing in a classroom.

*\*NOTE: This policy may not be construed to limit the ability or right of any person to file a complaint in accordance with any law or school policy governing the filing of complaints.*

### **GROUNDINGS FOR DENYING A REQUEST TO VISIT**

**Parent Visits for Purpose Other than Classroom Observation.** The Executive Director, Principal or a designee may deny permission for a parent to visit any part of the school if they determine that:

1. The parent has refused or failed to comply with any part of this policy;
2. The parent violated any rule or procedure of this policy while visiting the school on a prior occasion during the school year;
3. The requested date or time for the visit is educationally inappropriate or inconvenient;
4. The parent has created a disruption during a prior visit and is likely to create a disruption if permitted to visit again;
5. The parent's presence in the school is not in the best interests of students or staff;
6. The parent presents a risk of harm to a student, to a staff member, or to school property;
7. The parent's parental rights have been terminated or the parent does not have physical custody or visitation rights during the school day or the period of time when the parent wants to visit the school; or
8. The parent's actions or words suggest that the parent is impaired from using alcohol or another chemical.

**Classroom Observations by Parent.** The Executive Director, Principal or a designee may deny a parent's request to observe his or her child in the classroom, or may revoke permission for such a visit, if they determine that:

1. Any of the reasons for denying a visit in the Rules of Conduct for Visitors section of this policy have been met;
2. The parent has failed or refused to schedule the classroom observation in advance;
3. The parent observed in the classroom on a prior occasion during the school year and created a disruption;
4. The requested date or time for the observation is educationally inappropriate or inconvenient, such as when a test is being administered, when a substitute teacher or guest speaker is present, or when students are attending an assembly or going on a field trip;
5. The parent has already observed the child in the classroom on two occasions during the school year;

6. The parent's presence in the classroom is not in the best interests of the student, other children, or staff.

**Classroom Observations by an Independent Examiner.** If the parent of a special education student requests an independent educational evaluation (IEE) or hires an independent examiner to evaluate a child, and the parent requests that the independent examiner be permitted to observe the child in the classroom, the school will allow the independent examiner to visit and observe the student in the classroom to the extent permitted by law, provided that the independent examiner complies all provisions of this policy and does not create a disruption. HOPE Community Academy may assign a staff member to accompany an independent examiner during all observations. An independent examiner may not interview any students at school or any school employees without prior written permission from the HOPE Community Academy. A school representative may be present during any interviews.

**Parent's Right to Appeal.** If a parent believes that a request to visit HOPE Community Academy has been improperly denied, the parent may submit a written appeal to the Executive Director. The decision of the Executive Director, or a designee of the Executive Director, is final.

**Visits by Third Parties.** The Executive Director, Principal, or designee may, as he or she sees fit, deny a visitor's request to visit any part of HOPE Community Academy if the visitor is not a parent of a child who attends school in the facility.

#### **PENALTIES.**

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

#### **Legal References:**

*Minnesota Statute 123B.02 (general powers of independent school districts)*

*Minnesota Statute 609.605, subdivision. 4 (trespass on school property)*

**Date of Adoption: 9/24/2020**

518

## **FACE COVERINGS** *(Reviewed 08/2021)*

### **GENERAL POLICY**

Given the ongoing public health threat caused by the COVID-19 pandemic and in accordance with public health guidance and federal law, all persons are required to wear a face covering when they are in any building that is owned, leased, or operated by or on behalf of the HOPE Community Academy regardless of vaccination status, unless an exemption or exception stated in this policy applies. Similarly, all persons are required to wear a face covering when they are in any vehicle that is owned, leased, or operated by or on behalf of the School, regardless of vaccination status, unless an exemption or exception stated in this policy applies. This policy will remain in effect for the 2021-2022 school year unless repealed by the School Board sooner.

School settings will continue to have both vaccinated and unvaccinated people congregated indoors and, at the time of this policy's adoption, there is no vaccine approved for children under the age of 12. For this reason, face coverings are an important preventative measure, even for those who are vaccinated, to limit the spread of COVID-19 and associated disruptions to the educational environment.

Face coverings are meant to help protect people from the spread of COVID-19, particularly when a person does not know that he or she is infected.

Whenever feasible, a physical distance of three feet between students within classrooms should be maintained, as well as a physical distance of six feet between students and staff and between staff.

### **DEFINITIONS**

**Disability.** The term "disability" means a mental or physical impairment that substantially or materially limits a major life activity.

**Face Covering.** The term "face covering" means any paper or disposable mask, cloth face mask, medical-grade mask, medical grade respirator, scarf, bandanna, neck gaiter, or religious face covering that covers the nose and mouth completely in accordance with CDC guidance. Masks with valves, mesh, openings, holes, vents, or visible gaps in the material do not qualify as face coverings.

**Face Shield.** The term "face shield" means a clear plastic barrier that covers the face, extends below the chin, and wraps around the sides of the face to the ears. A face shield may not have an exposed gap between the forehead and the shield's headpiece.

**Medical Authority.** For purposes of this policy, the term "medical authority" means a medical doctor, clinical psychologist, physician assistant, or nurse practitioner who has seen or treated the student or employee in question.

**Medical Condition.** For purposes of this policy, the term "medical condition" means a disease, illness, injury, or physiologic, mental, or psychological disorder. A biological or psychological state that is within the range of normal human variation is not a medical condition.

**Parent.** For purpose of this policy, the term "parent" means the legal parent, legal guardian, or conservator of a child who is under the age of eighteen. A student who is eighteen years of age or older is considered to be a

“parent” for purposes of this policy, unless a court has found that the student is incompetent and has appointed a conservator for the student.

**Visitor.** For purposes of this policy, the term “visitor” means any person other than a student or employee of the School. The term visitor includes, but is not limited to, parents, community members, vendors, and contractors.

## **EXEMPTIONS**

### **Circumstances When a Face Covering Should Not Be Used**

1. **Children under the age of two.** A face covering should not be placed on a child under the age of two.
2. **Incapacitated persons.** A face covering should not be placed on any person who is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance.
3. **Trouble breathing.** A face covering should not be placed on any person who has trouble breathing,

### **Persons Who Are Exempt from Wearing a Face Covering**

1. **Medical condition, mental health condition, or disability.** A person is not required to wear a face covering if the person cannot wear a face covering or cannot wear a face covering safely due to a medical condition, mental health condition, or disability. This includes a person who has a medical condition that compromises the person’s ability to breath.

## **WHEN FACE COVERINGS MAY BE TEMPORARILY REMOVED**

### **Child Care and Prekindergarten.**

**Temporary removal permitted when a face covering or a face shield is impracticable.** Nonexempt workers and children who are required to wear a face covering or shield may remove the covering or shield temporarily to engage in certain activities that make wearing a covering or shield impracticable. These activities include:

- a. Eating or drinking;
- b. Communicating with an individual who is deaf or hard of hearing;
- c. Communicating with an individual who has a disability, medical condition, or mental health condition that makes communication with that individual difficult while wearing a face covering;
- d. Participating in activities where the face covering would get wet; and
- e. Receiving a service, such as a nursing or medical service, which would be difficult or impossible to perform with a face covering;

### **Kindergarten Through Grade 12.**

1. **Staff working alone.** Staff may temporarily remove face coverings when working alone (such that social distancing is maintained), including when alone in an office, classroom,

school vehicle, cubicle with walls or barriers (including plexiglass) that are at least face level, or other enclosed work area.

2. **Temporary removal permitted when a face covering or a face shield is impracticable.** Any person who is in a school building or office may temporarily remove a face covering or face shield in the following situations, provided that social distancing of at least six feet (or more, if specified below) is maintained, to the extent possible:
  - a. When eating or drinking;
  - b. When playing musical instruments that make wearing a face covering difficult or impracticable, provided that six feet of social distancing is maintained, to the extent possible;[1]
  - c. When asked to remove the covering for identification purposes, such as when a person enters a school building during the school day and a staff member asks the person to remove the face covering briefly for the purposes of verifying the person's identity;
  - d. When communicating with an individual who is deaf or hard of hearing or who has a disability, medical condition, or mental health condition that makes communication with a face covering difficult;
  - e. When participating in activities, such as swimming or showering, that would cause the face covering to become wet; and
  - f. When receiving a service – including nursing, medical, or personal care services – that cannot be performed or would be difficult to perform when the individual receiving the service is wearing a face covering.

#### **WHEN FACE SHIELDS ARE PERMITTED AS AN ALTERNATIVE TO FACE COVERINGS**

**Students.** A nonexempt student may use a face shield as an alternative to a face covering if:

1. The student is unable to tolerate a face covering due to a developmental, behavioral, or medical condition; or
2. A face covering would interfere with religious attire that is worn as part of a sincerely held religious belief.

**Employees.** A nonexempt employee may use a face shield as an alternative to a face covering with approval from an administrator if:

1. The employee is a teacher and a face covering would impede the educational process;
2. The employee is a staff member who is providing direct student support services and a face covering would interfere with the services that are being provided;
3. The employee has a disability or medical condition that prevents the employee from wearing a face covering;
4. A face covering would interfere with religious attire that is worn as part of a sincerely held religious belief; or
5. A face covering would create a job hazard for the employee or others, if approved by an administrator based on local, state, or federal laws, requirements, or workplace safety and health standards and guidelines

---

[1] Depending on the activity, face shields should also be considered as an alternative if six feet of physical distance cannot be consistently maintained.

**Visitors.** A visitor may use a face shield as an alternative to a face covering if:

1. The visitor states that he or she cannot wear a face covering due to a medical condition, mental health condition, or disability; or
2. A face covering would interfere with religious attire that is worn by the visitor as part of a sincerely held religious belief.

### **PROCEDURES FOR DETERMINING WHETHER AN EXEMPTION APPLIES OR WHETHER AN INDIVIDUAL MAY WEAR A FACE SHIELD INSTEAD OF A FACE COVERING**

**Students.** If a parent states that a student is exempt from wearing a face covering under this policy because the student cannot wear a face covering or cannot safely wear a face covering due to a medical condition, mental health condition, or disability, or if the parent states that a student is unable to tolerate a face covering because of a developmental, behavioral, or medical condition, the School will require the parent to submit documentation from a medical authority that the student has such a condition or disability and needs to be exempted from wearing a face covering. The documentation from the medical authority must also state whether the student can wear a face shield.

1. **Exception.** The School will not require a parent to submit documentation from a medical authority if the School already has reliable information showing that the student cannot wear a face covering or cannot safely wear a face covering due to a medical condition, mental health condition, or disability, or if the School already has reliable information showing that the student is unable to tolerate a face covering because of a developmental, behavioral, or medical condition.
2. **Religious reasons.** The School will not require documentation if a parent or student over the age of fourteen states that a face covering would interfere with religious attire that is worn by the student as part of a sincerely held religious belief. The School may consider whether the student wore the same or similar religious attire before the COVID-19 pandemic began.
3. **Determination.** In determining whether a student is exempt from wearing a face covering, the School will consider the parent's request, any documentation the School receives from a medical authority, and all reliable information in the student's educational records. The School may also consider and give weight to the knowledge of certified staff members who have taught or worked with the student.
  - a. If the School determines that the student is exempt from wearing a face covering or is unable to tolerate a face covering because of a developmental, behavioral, or medical condition, the School will determine whether the student can wear a face shield.
  - b. If the School determines that the student is unable to wear a face covering or a face shield because of a medical condition, mental health condition, or disability, the School will consider other options for reducing the potential spread of COVID-19. Such options may include, but are not limited to, using plexiglass barriers around the student's desk, maintaining more than six feet of physical distance from the student, and providing PPE for staff members who work with the student.
  - c. If the student has an IEP or Section 504 Plan, the IEP team or Section 504 team is responsible for determining the appropriate placement for the student and any accommodations or supports that may be necessary based on the student's disability. In determining the appropriate placement for the student, the IEP team or Section 504 team should consider the student's individual educational needs and all relevant

information, including, but not limited to, whether the student's presence at school, without a face covering or face shield, would create a direct threat of harm to the student or others.

**Employees.** If an employee claims to be exempt from wearing a face covering under this policy, the School will require the employee to submit documentation from a medical authority stating that the employee cannot wear a face covering or cannot safely wear a face covering due to a medical condition, mental health condition, or disability.

1. **Exception.** The School will not require an employee to submit documentation from a medical authority if the School already has reliable information showing that the employee cannot wear a face covering or cannot safely wear a face covering due to a medical condition, mental health condition, or disability.
2. **Religious reasons.** The School will not require documentation if an employee states that a face covering would interfere with religious attire that is worn by the employee as part of a sincerely held religious belief. The School may consider whether the employee wore the same or similar religious attire before the COVID-19 pandemic began.
3. **Determination.** In determining whether an employee is exempt from wearing a face covering because of a medical condition, mental health condition, or disability, the School will consider the employee's request, any documentation the School receives from a medical authority, and all reliable information the School maintains about the employee.
  - a. If the School determines that the employee has or may have a disability, the School will engage in an interactive process with the employee.
  - b. If the School determines that the employee is unable to wear a face covering or a face shield because of a medical condition, mental health condition, or disability, the School will consider other options for reducing the potential spread of COVID-19. Such options may include, but are not limited to, using plexiglass barriers around the employee's work area and maintaining more than six feet of physical distance from others.
  - c. The School is not required to create a remote work assignment, to create a light duty position, or to excuse an employee from performing the essential functions of the job.

**Visitors.** If a visitor is not wearing a face covering while in a building that is owned, leased, or operated by the School, a staff member will inform the visitor of the face covering requirement and, if available, offer a face covering and request that the visitor put it on. If the visitor refuses and claims that he or she is entitled to an exemption from the face covering requirement, the staff member will contact an administrator to determine whether the visitor should be permitted in the building or should be required to leave. Visiting a building that is owned, leased, or operated by the School is a privilege, not a right. Based on the risk of harm that a visitor without a face covering or face shield creates when students and staff members are present for educational purposes, including the risk of a widespread outbreak that could close the schools, building administrators and other school officials may require a visitor to leave the premises if the visitor refuses to wear a face covering or face shield, or if the visitor refuses to maintain social distancing of at least six feet when students or staff are present for educational purposes. If the visitor refuses to leave, the school official, or a designee, should contact law enforcement.

**School Board Meetings.** Face coverings are generally required at school board meetings, regardless of where the meetings are held.

1. **Exception for medical condition or disability.** If a person asserts that he or she cannot wear a face covering or cannot safely wear a face covering due to a medical condition, mental health condition, or disability, the School will seek to accommodate the person by allowing the person to wear a face shield. If the person refuses to wear a face shield, the School may seek to accommodate the person by allowing the person to watch the meeting from a remote location. Individuals are encouraged to contact the Executive Director's office at least twenty-four hours in advance of a school board meeting if they want the School to establish a separate remote location for the person to view the meeting.
2. **Temporary removal when speaking.** If a person has been recognized by the School Board Chair at a school board meeting (meaning the Chair has authorized the person to speak at the meeting), the person may temporarily remove a face covering while speaking to the Board at the meeting, provided that at least twelve feet of social distancing is maintained, to the extent possible.

## **POSTING, TRAINING, SUPPORT, AND ACCESS**

**Posting.** The requirement to wear a face covering will be conspicuously posted in the entryway of each building that is owned, leased, or operated by the School. Additionally, this policy will be posted in each building and posted on the School's website.

**Training.** The School will provide training to staff and students on the requirements of this policy. The training will address the proper use of face coverings in School buildings and vehicles, and will reinforce the importance of using face coverings, face shields, and social distancing to prevent the spread of COVID-19. The training will also seek to facilitate understanding in the school community about the exemptions and exceptions stated in this policy, including the legitimate reasons why some staff members and some students cannot wear face coverings. Additionally, the training will seek to combat any stigma associated with wearing or not wearing face coverings and will emphasize to students and staff that bullying or harassment related to the wearing of a face covering is prohibited and may result in discipline up to and including suspension, expulsion, or discharge.

**Support.** School staff members will provide support and guidance to a student who cannot wear a face covering due to a medical condition, mental health condition, or disability and to a student who cannot wear a face covering because the student qualifies to wear a face shield instead of a face covering (i.e. the student is unable to wear a face covering due to a medical condition, mental health condition, or disability or a face covering would interfere with religious attire that is worn as part of a sincerely held religious belief).

**Access to Face Coverings.** To the extent practicable, the School will maintain an extra supply of face coverings for students and employees who forget to bring them.

## **COMPLIANCE**

### **Compliance with Other Policies.**

1. **Compliance with dress code.** All face coverings must comply with the School's dress code requirements for clothing. Face coverings may not promote or contain images of items that are illegal for minors or items that minors are prohibited from possessing on school property. Additionally, face coverings must not contain images or messages that are: (1) vulgar; (2) obscene;

(3) threatening; (4) incite violence; or (5) reasonably likely to create a material and substantial disruption at school. The School's dress code policy may not be interpreted to prohibit the wearing of any face covering or shield required under this policy. To the extent that any conflict exists between the two policies, this policy controls.

2. **No bullying or harassment.** No student, employee, or visitor may wear a face covering that violates any School policy, including, but not limited to, the School's policy prohibiting bullying and the School's policies prohibiting harassment and other forms of discrimination based on protected class status. Additionally, no student, employee, or visitor may bully, unlawfully harass, or unlawfully discriminate against any student or employee because the student or employee is wearing a face covering or a face shield, or is exempt from wearing a face covering or a face shield.

**Discipline of Students.** This policy contains reasonable school board regulations. Any student who willfully violates this policy is subject to discipline. The School will administer such discipline in accordance with the Minnesota Pupil Fair Dismissal Act.

1. **Exempt students.** School administrators may not dismiss an exempt student who does not wear a face covering.
2. **Nonexempt students.** School administrators may dismiss nonexempt students who refuse to wear a face covering, but suspension is strongly discouraged as a first step. School administrators are encouraged to take the following steps in addressing a student's refusal to wear a face covering:
  - a. Offer the student a face covering, if available, and give the student an opportunity to explain why he or she is refusing to wear a face covering. In accordance with Section VI of this policy, determine whether an exemption applies or whether the student may wear a face shield instead of a face covering.
  - b. If the school administrator determines that the student is not exempt and that no other exception applies, the school administrator should direct the student to wear the face covering and inform the student that failure to comply with the directive will be considered to be insubordination, which is a ground for dismissal. If the student persists in refusing to wear a face covering, the school administrator may send the student home for the remainder of the school day and direct the student to wear a face covering upon returning to school, including entry on any School vehicles.
  - c. If the student returns to school the following day and persists in refusing to wear a mask, the school administrator may suspend the student for one school day by following the procedures stated in the Pupil Fair Dismissal Act. The school administrator should warn the student that another violation will result in a three-day suspension. The school administrator, or a designee, should also contact the student's parent to discuss the matter.
  - d. If the student returns to school after the suspension and persists in refusing to wear a mask, the school administrator may suspend the student for three school days by following the procedures stated in the Pupil Fair Dismissal Act. The school administrator should warn the student that another violation will result in a suspension of at least ten school days along with the initiation of expulsion proceedings. The school administrator, or a designee, should also contact the student's parent to discuss the matter.
  - e. If the student returns to school after the suspension and persists in refusing to wear a mask, the school administrator may suspend the student for ten school days, which may

be extended to fifteen days for a general education student, while initiating expulsion proceedings. The school administrator, or a designee, should also contact the student's parent to discuss the matter. (Note: Special education students are entitled to receive a free appropriate public education beginning on the tenth cumulative day of suspension.)

### **Discipline of Employees**

1. **Exempt employees.** School administrators may not discipline an exempt employee who does not wear a face covering.
2. **Nonexempt employees.** School administrators may discipline nonexempt employees who refuse to wear a face covering. Employees must understand the importance of complying with School policies because employees serve as a role model for students. School administrators are encouraged to take the following steps in addressing an employee's refusal to wear a face covering:
  - a. If available, offer the employee a face covering and give the employee an opportunity to explain why he or she is refusing to wear a face covering. In accordance with Section VI of this policy, determine whether an exemption applies or whether the employee may wear a face shield instead of a face covering.
  - b. If the school administrator determines that the employee is not exempt and that no other exception applies, the school administrator should direct the employee to wear a face covering and inform the employee that failure to comply with the directive will be deemed to be insubordination, which is a ground for discipline up to and including immediate discharge. If the employee persists in refusing to wear a face covering, the school administrator may suspend the employee without pay for one duty day and direct the employee, in writing, to wear a face covering upon returning to work for the School. In issuing the suspension, the school administrator must comply with any applicable requirements set forth in the employee's employment contract.
  - c. If the employee returns to work following the suspension and persists in refusing to wear a mask, the school administrator should consult with the Executive Director about taking further disciplinary action up to and potentially including immediate discharge.

#### **Legal References:**

CRC January 29, 2021 Order: Requirement for Persons to Wear Masks While on Conveyances and at Transportation Hubs

#### **Other References**

MDE Best Practice Recommendations for COVID-19 Prevention in Schools for the 2021-22 School Year

CDC Interim Public Health Recommendations for Fully Vaccinated People

CDC Your Guide to Masks

MDH Recommendations for Wearing Masks

519

## INVESTMENTS POLICY *(Reviewed 12/2021)*

### I. PURPOSE

From time to time HOPE Community Academy (the “**School**”), a public charter school under Minnesota Statutes, Chapter 124E, as amended, may have more funds available than are needed to meet current obligations (“**Investment Funds**”). The purpose of this policy is to observe state statutes regarding investment of funds.

### II. GENERAL STATEMENT OF POLICY; INVESTMENT LIMITS

It is the policy of the School to invest Investment Funds in a manner that is prudent, safe, and generally consistent with the so-called “prudent person rule.” Moreover, under Chapter 124E, a charter school is subject to and must comply with Minnesota Statutes, Sections 118A.01 through 118A.06 governing financial investments of local public funds. This policy covers some of the requirements in sections 118A.01 through 118A.06. Please refer to the aforementioned statutes for additional requirements governing financial investments.

Notwithstanding anything in this Policy to the contrary, any investment into an individual fund or other investment vehicle requires review of the School’s finance committee or, if there is no finance committee, the School’s full Board; any investment into an individual fund or other investment vehicle in excess of \$10,000 requires the approval of the School’s full Board.

### III. INVESTMENT OF INVESTMENT FUNDS

A. **Stocks.** Corporate stock is not an allowable investment.

B. **Money Market Mutual Funds.** Minnesota Statutes section 118A.05 allows the School to enter into certain agreements or contracts, two of which are outlined here. Specifically, section 118A.05, subd. 4(3) and subd. 4(4), allow the School to enter into agreements or contracts for shares of an investment company that meet the criteria in either 1 or 2 below:

1. the investment company:
  - a. is registered under the Federal Investment Company Act of 1940;
  - b. holds itself out as a money market fund meeting the conditions of rule 2a-7 of the Securities and Exchange Commission; and
  - c. is rated in one of the two highest rating categories for money market funds by at least one nationally recognized statistical rating organization.
2. the investment company:
  - a. is registered under the Federal Investment Company Act of 1940;
  - b. whose shares are registered under the Federal Securities Act of 1933;
  - c. whose fund receives the highest credit rating;

- d. is rated in one of the two highest risk rating categories by at least one nationally recognized statistical rating organization; and
  - e. is invested in financial instruments with a final maturity no longer than 13 months.
- C. Securities.** Under Minnesota Statutes section 118A.04, subd. 1, any public funds, not presently needed for other purposes or restricted for other purposes, may be invested in the manner and subject to the conditions provided for in section 118A.04. Some of the investments allowed under section 118A.04 are outlined below.
- 1. **United States Securities.** Minnesota Statutes section 118A.04, subd. 2, allows public funds to be invested in “governmental bonds, notes, bills, mortgages (excluding high-risk mortgage-backed securities), and other securities, which are direct obligations or are guaranteed or insured issues of the United States, its agencies, its instrumentalities, or organizations created by an act of Congress.” According to the Minnesota Office of the State Auditor’s Statement of Position “Legal Restrictions on Public Investing” (Nov. 2013), these federal securities include “treasury bills, notes and bonds, as well as bonds and notes issued by U.S. Government agencies such as the Small Business Administration or GNMA (Ginnie Mae), or by U.S. Government instrumentalities such as FNMA (Fannie Mae), the Federal Home Loan Bank, the Federal Farm Credit Bank or FHLMC (Freddie Mac).”
  - 2. **State and local securities.** Minnesota Statutes section 118A.04, subd. 3, allows funds to be investments invested in state and local securities when the following conditions are met the following:
    - A. Any security which is a general obligation of any state or local government with taxing powers and is rated “A” or better by a national bond rating service;
    - B. Any security which is a revenue obligation of any state or local government and is rated “AA” or better by a national bond rating service;
    - C. A general obligation of the Minnesota Housing Finance Agency which is a moral obligation of the State of Minnesota and is rated “A” or better by a national bond rating agency; and
    - D. Any security which is an obligation of a school district with an original maturity not exceeding 13 months and (i) rated in the highest category by a national bond rating service or (ii) enrolled in the credit enhancement program pursuant to Minnesota Statues, Section 126C.55.
  - 3. **Commercial papers.** Minnesota Statutes section 118A.04, subd. 4, allows funds to be invested in commercial paper issued by United States corporations or their Canadian subsidiaries that is rated in the highest quality category by at least two nationally recognized rating agencies and matures in 270 days or less.
  - 4. **Time Deposits (Certificate of Deposit).** Minnesota Statutes section 118A.04, subd. 5, allows funds to be invested in time deposits that are fully insured by the Federal Deposit Insurance Corporation or bankers acceptances of United States banks.

#### **IV. COLLATERALIZATION**

Collateral represents protection for public funds in the event of a bank failure. Minnesota Statutes section 118A.03, subd. 1, provides that to the extent that funds on deposit at the close of the financial institution’s

banking day exceed available federal deposit insurance, the School shall require the financial institution to furnish collateral security or a corporate surety bond executed by a company authorized to do business in the state. Minnesota Statutes section 118A.03, subd. 2, defines the types of collateral that a financial institution may pledge for public deposits in lieu of a corporate surety bond. All collateral shall be placed in safekeeping in a restricted account at a Federal Reserve bank, or in an account at a trust department of a commercial bank or other financial institution that is not owned or controlled by the financial institution furnishing the collateral. Minn. Stat. § 118A.03, subd. 7. The selection shall be approved by the School. Id. See section 118A.03 for additional requirements regarding collateral.

## V. MANAGEMENT OF PROGRAM

- A. **Authorized Individuals.** The following individuals are authorized to purchase and sell investments, authorize wire transfers, authorize the release of pledged collateral, and to execute any documents required under this procedure: Board Chair Board Treasurer and chief financial officer.

Management responsibility for the investment program is hereby delegated to the Board Treasurer who shall establish a system of internal controls and operational procedures designed to prevent losses of funds that might arise from fraud, employee error, misrepresentation by third parties, or imprudent actions by employees of the entity. No person may engage in any investment transaction except as provided for under the terms of this policy and except as provided for by law.

- B. **Ethics and Conflicts of Interest.** Officers and employees involved in the investment process shall act professionally and responsibly as custodians of the public trust and shall refrain from personal business activity that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Further, no officer involved in the investment process shall have any interest in, or receive any compensation from, any investments in which the School is authorized to invest, or the sellers, sponsors or managers of those investments. In addition, officers and employees must comply with the conflict of interest provisions required by Minnesota Statutes Chapter 124E.
- C. **Immunity, if loss.** Neither the Board Treasurer, nor the School, nor any other official responsible for the custody of Investment Funds, shall be personally liable for any loss sustained from the deposit or investment of Investment Funds in accordance with the provisions of Minnesota statutes sections 118A.04 and 118A.05. See Minn. Stat. § 118A.02, subd. 2.

***Legal Reference: Minnesota Statute 118A (Deposit and Investment of Local Public Funds)***

**520** *(Added 5/2024)*

### **FUND BALANCE RESERVE LEVEL POLICY**

The Board of Directors at HOPE Community Academy recognizes the need to establish a general operations reserve fund balance amount in order to comply with the state Uniform Financial Accounting and Reporting Standards (UFARS) and maintain an adequate fund balance needed for the school's cash flow needs.

It will be the policy of HOPE Community Academy to budget towards maintaining a 15% general fund unreserved fund balance.

The fund balance to be used is presented in the audited annual financial statement. The percentage will be calculated as follows:  $(\text{Prior Year Audited General Fund Balance} + \text{Current Year General Fund Surplus of Revenues less Expenditures}) / (\text{Total Current Year General Fund Expenditures})$ .

During the annual budget process, the Board will review the fund percentage in light of current state aid holdback provisions and other financial circumstances and will approve the annual long range budget model to maintain the targeted fund balance.

### **Classification of Fund Balances**

The purpose of this policy is to establish the terms and maintenance of the various funds of the School.

The policy of the School is to classify its fund balances based on the nature of the particular net resources reported in the separate funds of the School. Nonspendable net resources will be identified first followed by restricted, committed, assigned, and lastly unassigned as per the guidelines in Governmental Accounting Standards Board (GASB) Statement No. 54. The School's goal shall be to maintain an Unrestricted general fund

balance of not less than the amounts stated above for a Fund Balance Reserve Level. When the Unrestricted General Fund balance is projected to drop below the Reserve Level, the School shall initiate measures to either generate additional revenue or to reduce expenditures through a budget reduction, or a combination of both.

The Board of Directors shall be responsible for committing any fund balance portions to specific purposes. Once the action has been taken, committed funds cannot be used for any other purpose unless the commitment is rescinded by the Board of Directors. Examples of committed general fund balances are general funds set aside for specific projects or school expansion.

The Board of Directors delegates to the school director and chief financial officer the authority to assign fund balances for specific purposes. Examples of assigned general fund balances are funds set aside for technology, employee severance costs, and fiscal stabilization.

The Board of Directors hereby establishes the following order for resource use: Restricted funds shall be spent first followed by unrestricted funds. For unrestricted funds, committed fund balances should be spent first, followed by assigned fund balances and lastly unassigned fund balances for amounts in which any of those fund balances may be used.

**521** *(Added 5/2024)*

## **CAPITAL ASSETS CAPITALIZATION POLICY**

### **I. PURPOSE**

The purpose of this policy is to ensure proper financial reporting for capital assets. This policy outlines the steps involved in the process in determining which expenditures would be considered to be a capital expenditure that would be considered a capital asset.

### **II. GENERAL REQUIREMENTS**

The School considers any expenditure, which are capital in nature, with a grouped initial cost of more than \$5,000, and an estimated useful life in excess of one year, to be a capitalized asset. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Where applicable, assets purchased together and for a common purpose should be grouped and capitalized as one asset. Donated capital assets are recorded at estimated fair market value at the date of donation. The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend asset lives are not capitalized. Capital assets are depreciated using the straight-line method over its estimated useful life.

522 (Added 7/2024)

## **PURCHASING, PROCUREMENT, AND CONTRACTING**

### **I. PURPOSE**

The purpose of this policy is to establish procedures for carrying out purchasing, procurement and contracting functions of the charter school, to provide efficient use of public monies, and to ensure compliance with all applicable state and federal laws, including Minn. Stat. 124E.26, Subd. 4, with respect to procurement using state funds.

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

It is the policy of the Charter School board to utilize resources to the greatest benefit of our students' education and to establish procedures for all expenditures made with charter school funds to ensure efficiency, economy, legal compliance, internal control, ethical behavior by all staff members, and fairness in dealing with vendors.

### **III. CONFLICT OF INTEREST**

Notwithstanding anything in this policy to the contrary, the Charter School shall not enter into any contract or agreement that does not align with the provisions of this Section III.

#### **1. Minn. Stat. 124E.14:**

- a. No member of the board of directors, employee, officer, or agent of a charter school shall participate in selecting, awarding, or administering a contract if a conflict of interest exists. A conflict exists when:
  - i. the board member, employee, officer, or agent;
  - ii. the immediate family member of the board member, employee, officer, or agent;
  - iii. the partner of the board member, employee, officer, or agent; or
  - iv. an organization that employs, or is about to employ any individual in clauses (1) to (3),

has a financial or other interest in the entity with which the charter school is contracting. A violation of this prohibition renders the contract void. The foregoing does not apply to compensation paid to a teacher employed as a teacher by the charter school or a teacher who provides instructional services to the charter school through a cooperative formed under chapter 308A when the teacher also serves on the charter school board of directors.

2. Minn. Stat. 124E.07, Subd. 3(e): A contractor providing facilities, goods, or services to a charter school must not serve on the board of directors. In addition, an individual is prohibited from serving as a member of the charter school board of directors if: (1) the individual, an immediate family member, or the individual's partner is a full or part owner or principal with a for-profit or nonprofit entity or independent contractor with whom the charter school contracts, directly or indirectly, for professional services, goods, or facilities; or (2) an immediate family member is an employee of the school. An individual may serve as a member of the board of directors if no conflict of interest exists under this paragraph, consistent with this section.
3. Minn. Stat. 124E.10, Subd. 2(a): The charter school must disclose to the commissioner any potential contract, lease, or purchase of service from the school's authorizer or a current board member, employee, contractor, volunteer, or agent of the school's authorizer. The contract, lease, or purchase must be accepted through an open bidding process and be separate from the charter contract. The

school must document the open bidding process. An authorizer must not enter into a contract to provide management and financial services to a school it authorizes, unless the school documents receiving at least two competitive bids. This paragraph does not apply to a charter school or an authorizer when contracting for legal services from a lawyer that provides professional services to the charter school or authorizer and who is subject to the Minnesota Rules of Professional Conduct.

#### IV. GENERAL PROCUREMENT PROVISIONS

1. **Authorization:** The charter school director or chief administrator (hereinafter referred to as the “Executive Director”), in conjunction with the board of directors (hereinafter referred to as the “board”), is responsible for overseeing the procurement process, including establishment of procedures, internal controls, quality assurance, methods of greatest economy, and compliance with all applicable laws. To be valid, all contracts must be approved by the board.

Individual school employees may incur expenditures in the following amounts without prior board approval so long as such expenditures are consistent with the school’s board-approved budget, provided that in all cases, the board retains authority to disapprove any expenditure for any reason at the sole discretion of the board:

- a. Any school employee may purchase goods (but not services) for use in connection with school operations where the expenditure is **less than \$1,000**. The school may issue credit or debit cards to individual employees for these expenditures.
- b. In addition to the foregoing, the following school employees may execute a purchase or procurement that requires the expenditure of up to the following amounts:
  - i. **Executive Director: Up to \$100,000**
  - ii. **Principal(s): Up to \$25,000**
  - iii. **Administrative Office Manager: Up to \$10,000**
2. **Scope:** Purchasing procedures apply to procurement of equipment, supplies, and services, including services provided by vendors and by individuals who are engaged by the charter school as independent contractors (i.e. – individuals who receive a form 1099 rather than form W-2). Purchasing procedures do not apply to hiring employees of the charter school (i.e. – individuals who receive a W-2).
3. **Documentation:** The director shall design and implement procedures to create and preserve documentation establishing that all procurement is implemented in accordance with this policy. The director will provide such documentation to the charter school board upon request by the board.
4. **Economy:** Good business practice dictates that products will be purchased for the lowest price for acceptable quality. Lower prices can be achieved through researching prices, cultivating business relationships, negotiating price contracts, buying in quantity, competitive quotation, or formal bid process.
5. **Best Value:** The school shall endeavor in all cases to obtain the best value in all purchase or procurement decisions, taking into account the price, quality, and quantity of the goods or services being purchased or procured, along with consideration of other criteria, which may include, but are not limited to:
  - (i) the vendor’s or contractor’s knowledge or expertise with respect to services as evidenced by performance on previous projects;
  - (ii) the quality and timeliness of the vendor’s or contractor’s performance on previous projects;

- (iii) the level of customer satisfaction with the vendor's or contractor's performance on previous projects;
- (iv) the vendor's or contractor's record of performing previous projects on budget and ability to minimize cost overruns;
- (v) the vendor's or contractor's ability to minimize change orders;
- (vi) the vendor's or contractor's ability to prepare appropriate project plans;
- (vii) the vendor's or contractor's technical capabilities;
- (viii) the individual qualifications of the contractor's key personnel; or
- (ix) the vendor's or contractor's ability to assess and minimize risks.

**V. PURCHASES OF GOODS USING STATE FUNDS**

The following will govern purchases of goods using state funds. The school shall not break up any purchase into smaller component purchases to avoid the threshold in this Section V. In all cases, the school shall endeavor to complete each purchase in a manner that obtains the best value for the charter school, taking into account the factors enumerated in Section IV, above.

1. **Purchases Less than \$25,000.** The director shall be responsible for implementing purchases within these limits. The director shall, when reasonably practicable, use processes to endeavor to obtain competitive market rates or purchase at reasonably competitive available prices or rates.
2. **Purchases of \$25,000 Or More.** Prior to any purchase of \$25,000 or above, the director shall obtain bids or quotations from at least two sellers or vendors or, if market conditions for a purchase are such that sellers or vendors will not respond to a request for bids or quotations, shall otherwise endeavor to compare the prices of a least two sellers or vendors, in all cases endeavoring to ensure that each of the bids, quotes, or comparison prices reflects substantially equal quantity and quality.
  - a. To solicit bids or quotations the director (i) shall post a request for bids or quotations on a public portion of the charter school's web site, or utilize another public posting mechanism as reasonably determined by the director, and (ii) shall deliver solicitations to two or more potential vendors. The director shall provide a reasonable time period, and in no event fewer than five (5) business days, for response to any solicitation of or posting for bids or quotations.
  - b. If, after such reasonable time period, the director has not received two or more bids or quotations for the goods to be purchased, the director shall use reasonably prudent inquiry to ascertain the price for such goods from two or more vendors.
  - c. If, after complying with all of the foregoing, the director is able to locate only a single seller, vendor, or supplier from which to purchase any particular good, the director shall, to the extent reasonably practicable, endeavor to negotiate for the most favorable price that may be obtained from such vendor.

**VI. PROCUREMENT OF SERVICES USING STATE FUNDS**

The following will govern procurement of services using state funds. The school shall not break up any procurement into smaller component purchases to avoid the threshold in this Section VI. In all cases, the school shall endeavor to complete each purchase in a manner that obtains the best value for the charter school, taking into account the factors enumerated in Section IV, above.

In determining the amount of a contract for services, the total cost of the contract under its stated term shall apply. For contracts that have annual price but a multi-year term, or include an automatic annual renewal (or so-called "evergreen") provision, the total of all years shall apply. Under no circumstances will a charter school enter into a multi-year or automatic annual renewal agreement with an outside term greater than five (5) years; provided that the foregoing limit will not apply to a lease for school facilities.

1. **Procurement Less than \$25,000.** The director shall be responsible for implementing procurement within these limits. The director shall, when reasonably practicable, use processes to endeavor to obtain “best value” prices or rates and shall maintain records documenting efforts to obtain “best value”.

The foregoing shall apply to contracts for services where the total cost of services cannot be determined because the cost is dependent upon periodic or “as-needed” requests for services by the charter school, at its discretion, and the following are true: (a) the contract does not require an advance payment or deposit, and (b) the contract or the services may be terminated without cause at any time by the charter school.

2. **Procurement of \$25,000 Or More.** Prior to entering into an agreement to procure a service of \$25,000 or more, the director shall obtain bids or quotations from at least two vendors or contractors, if market conditions for acquiring a particular service are such that vendors or contractors will not respond to a request for bids or quotations, shall otherwise endeavor to compare the prices of a least two vendors or contractors, in all cases endeavoring to ensure that each of the bids, quotes, or comparison prices reflects substantially equal quantity and quality consistent with the “best value” factors outlined above in this Section VI.
  - a. To solicit bids or quotations the director (i) shall post a request for bids or quotations on a public portion of the charter school’s web site, or utilize another public posting mechanism as reasonably determined by the director, and (ii) shall deliver solicitations directly to two or more potential vendors or contractors,. The director shall provide a reasonable time period, and in no event fewer than five (5) business days for response to any solicitation of or posting for bids or quotations.
  - b. If, after such reasonable time period, the director has not received two or more bids or quotations for the service to be procured, the director shall use reasonably prudent inquiry to ascertain the price for such goods from two or more vendors or contractors.
  - c. If (i) after complying with all of the foregoing the director is able to locate only a single vendor or contractor from which to procure a particular service, or (ii) due to the nature of the services being procured, the market for such services is such that there is only one vendor or contractor to supply such service, the director shall, to the extent reasonably practicable, endeavor to negotiate for the most favorable price that may be obtained from such vendor or contractor.

## VII. **USE OF FEDERAL FUNDS<sup>1</sup> [Effective October 1, 2024]**

1. **Procurement Methods.** There are three types of procurement methods 1) informal (for micro-purchases and simplified acquisitions) 2) formal (through sealed bids or proposals) and 3) noncompetitive. For all of these methods, the recipient or subrecipient must maintain and use documented procurement procedures.

- a. **Informal Procurement Methods for Small Purchases.**

- i. **Micro-purchases:** the aggregate amount of the procurement transaction does not exceed \$10,000, which may be increased to \$50,000 on an annual basis if the recipient or subrecipient self-certifies and provides supporting documentation. Micro-purchases may be awarded without soliciting competitive price or rate quotes if the recipient or subrecipient considers the price reasonable based on research, experience, purchase history, or other information; and maintains documentation to support its conclusion.
- ii. **Simplified Acquisitions:** for procurement transactions in which the aggregate dollar

---

<sup>1</sup> All the regulations in this section take effect on October 1, 2024 and can be found under 2 C.F.R. § 200.317-327.

amount of the procurement transaction is higher than the micro-purchase threshold (\$10,000, or \$50,000, if applicable), but lower than \$250,000. In simplified acquisitions, the price or rate quotes must be obtained from an adequate number of qualified sources. The recipient or subrecipient may exercise judgment in determining what number is adequate.

- b. **Formal Procurement Methods.** The recipient or subrecipient is required to use one of the following formal procurement methods when the value of the procurement transaction exceeds the simplified acquisition threshold of the recipient or subrecipient. This method requires competition and public notice.
  - i. Sealed Bids. Preferred for procuring construction services. Bids are publicly solicited through an invitation and a firm fixed-priced contract (lump sum or unit price) is awarded to the responsible bidder whose bid conforms with all the material terms and conditions of the invitation and is the lowest in price.
    - a. Sealed bids are appropriate when:
      - i. A complete, adequate and realistic specification or purchase description is available;
      - ii. Two or more responsible bidders have been identified as willing and able to compete effectively for the business; and
      - iii. The procurement lends itself to a firm-fixed-price contract, and the selection of the successful bidder can be made principally on price
    - b. If sealed bids are used, the following requirements apply:
      - i. Bids must be solicited from an adequate number of qualified sources, providing them with sufficient response time prior to the date set for opening the bids. Unless specified by the Federal agency, the recipient or subrecipient may exercise judgment in determining what number is adequate;
      - ii. The invitation for bids must define the items or services with specific information, including any required specifications, for the bidder to properly respond;
      - iii. All bids will be opened at the time and place prescribed in the invitation for bids.
      - iv. A firm-fixed-price contract is awarded in writing to the lowest responsive bid and responsible bidder. When specified in the invitation for bids, factors such as discounts, transportation cost, and life-cycle costs must be considered in determining which bid is the lowest. Payment discounts must only be used to determine the low bid when the recipient or subrecipient determines they are a valid factor based on prior experience.
      - v. The recipient or subrecipient must document and provide a justification for all bids it rejects.

ii. **Proposals.** Used when conditions are not appropriate for using sealed bids. This procurement method may result in either a fixed-price or cost-reimbursement contract. They are awarded in accordance with the following requirements:

- a. Requests for proposals require public notice, and all evaluation factors and their relative importance must be identified. Proposals must be solicited from multiple qualified entities. To the maximum extent practicable, any proposals submitted in response to the public notice must be considered.
- b. The recipient or subrecipient must have written procedures for conducting technical evaluations and making selections.
- c. Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the recipient or subrecipient considering price and other factors; and
- d. The recipient or subrecipient may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby the offeror's qualifications are evaluated, and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where the price is not used as a selection factor, can only be used to procure architectural/engineering (A/E) professional services. The method may not be used to purchase other services provided by A/E firms that are a potential source to perform the proposed effort.

c. **Noncompetitive Procurement.** There are specific circumstances in which the recipient or subrecipient may use a noncompetitive procurement method. The noncompetitive procurement method may only be used if one of the following circumstances applies:

- i. The aggregate amount of the procurement transaction does not exceed the micro-purchase threshold (see paragraph (a)(1) of this section);
- ii. The procurement transaction can only be fulfilled by a single source;
- iii. The public exigency or emergency for the requirement will not permit a delay resulting from providing public notice of a competitive solicitation;
- iv. The recipient or subrecipient requests in writing to use a noncompetitive procurement method, and the Federal agency or pass-through entity provides written approval; or
- v. After soliciting several sources, competition is determined inadequate.

2. **Contracting with small and minority firms, women's business enterprises, and labor surplus area firms, pursuant to 2 CFR § 200.321.** Non-Federal entities will take all necessary affirmative steps to assure that small and minority firms and women's business enterprises are used when possible. Affirmative steps include:

- a. Placing qualified small and minority business and women's business enterprises on solicitation lists;
- b. Assuring that small and minority business and women's business enterprises are solicited whenever they are potential sources;

- c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's' business enterprises;
- d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;
- e. Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce.
- f. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in a-e above.

3. **Contract Cost, Price, and Monitoring by the non-Federal Entity.**

- a. The non-Federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals.
- b. The non-Federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
- c. Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the non-Federal entity under federal regulations. The non-Federal entity may reference its own cost principles that comply with the Federal cost principles.
- d. The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.
- e. The non-Federal entity is responsible for oversight of the operations of the Federal award supported activities. The non-Federal entity must monitor its activities under Federal awards to assure compliance with applicable Federal requirements and performance expectations are being achieved. Monitoring by the non-Federal entity must cover each program, function or activity. See also 2 C.F.R § 200.332.

VIII. **RECORDS TO BE MAINTAINED**

- 1. **Public Data.** All records of charter school expenditures are considered "public data" under Minn. Stat. Chapter 13 (the "**Minnesota Government Data Practices Act**" or the "**Act**"). The charter school will create, maintain, and preserve such records in accordance with the Act.
- 2. **Record Retention Requirements for Federal Awards.**<sup>2</sup> The recipient and subrecipient must retain all Federal award records for three years from the date of submission of their final financial report. For awards that are renewed quarterly or annually, the recipient and subrecipient must retain records for

---

<sup>2</sup> These regulations take effect on October 1, 2024 and can be found under 2 C.F.R. § 200.334.

three years from the date of submission of their quarterly or annual financial report, respectively. Records to be retained include but are not limited to, financial records, supporting documentation, and statistical records. Federal agencies or pass-through entities may not impose any other record retention requirements except for the following:

- a. The records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken if any litigation, claim, or audit is started before the expiration of the three-year period.
- b. When the recipient or subrecipient is notified in writing by the Federal agency or pass-through entity, cognizant agency for audit, oversight agency for audit, or cognizant agency for indirect costs to extend the retention period.
- c. The records for property and equipment acquired with the support of Federal funds must be retained for three years after final disposition.
- d. The three-year retention requirement does not apply to the recipient or subrecipient when records are transferred to or maintained by the Federal agency.
- e. The records for program income earned after the period of performance must be retained for three years from the end of the recipient's or subrecipient's fiscal year in which the program income is earned. This only applies if the Federal agency or pass-through entity requires the recipient or subrecipient to report on program income earned after the period of performance in the terms and conditions of the Federal award.
- f. The records for indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates) must be retained according to the applicable option below:
  - i. If submitted for negotiation. When a proposal, plan, or other computation must be submitted to the Federal Government to form the basis for negotiation of an indirect cost rate (or other standard rates), then the three-year retention period for its supporting records starts from the date of submission.
  - ii. If not submitted for negotiation. When a proposal, plan, or other computation is not required to be submitted to the Federal Government to form the basis for negotiation of an indirect cost rate (or other standard rates), then the three-year retention period for its supporting records starts from the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.

**550** (Reviewed 08/2024)

## **MAINTENANCE POLICY**

### **1. POLICY LOCATION**

Maintenance Policy 550 shall be located at the end of the HOPE policies.

### **2. TIMELINE**

The timeline on how to update, add or delete policies shall be reviewed and updated for two sections every school year as follows or as needed.

- a. Section 200 would be reviewed as part of the annual personnel policies, which is reviewed annually.
- b. **SY 2023-2024:** Review Section **200 (Personnel)** and Section **100 (Board of Directors)**.
- c. **SY 2024-2025:** Review Section **200 (Personnel)** and Section **300 (Students)**.
- d. **SY 2025-2026:** Review Section **200 (Personnel)** and Section **400 (Instruction)**.
- e. **SY 2026-2027:** Review Section **200 (Personnel)** and Section **300 (HOPE Comm. Academy)**.
- f. **SY 2027 and forward:** Repeat section reviews, as stated above.

### **3. PROCEDURES**

- a. Any updates should be brought to the Board Operations Committee's attention.
- b. The committee will review and update.
- c. The committee will bring a final draft to the full board for approval.
- d. The committee will finalize draft with date of review.