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005 PERSONNEL

5.00 Family and Medical Leave Policy

I. PURPOSE

The purpose of this policy is to provide for family and medical leave to School District employees in accordance with the Family and Medical Leave Act and also with parenting leave under state law.

II. GENERAL STATEMENT OF POLICY

- A. The following procedures and policies regarding family and medical leave are adopted by the school district, pursuant to the requirements of the Family and Medical Leave Act of 1993 (FMLA) and consistent with the requirements of the Minnesota Parenting Leave laws.
- B. The provisions of this policy are intended to comply with applicable law, including the FMLA and applicable regulations. Any terms used from the FMLA will have the same meaning as defined by the FMLA and/or applicable regulations. To the extent that this policy is ambiguous or contradicts applicable law, the language of the applicable law will prevail.
- C. The requirements stated in the collective bargaining agreement between employees in a certified collective bargaining unit and the school district regarding family and medical leaves (if any) shall be followed.

III. DEFINITIONS

- A. "Active duty" or "call to active duty" means a federal call to active duty as:
 - 1. a member of the reserve components (Army National Guard, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard, Air Force Reserve, and Coast Guard Reserve) or;
 - 2. a retired member of the regular Armed Forces or;
 - 3. a reserve component in support of a contingency operation.

For purposes of this policy, active duty or call to active duty status does not include members of the regular Armed Forces.

- B. "Contingency operation" means a military operation that is designated by the Secretary of Defense as an operation in which members of the Armed Forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force or which results in the call or order to, or retention on, active duty of members of the uniformed services under federal law or any other provision

of law during a war or during a national emergency declared by the President or Congress.

- C. "Covered military member" means the employee's spouse, son, daughter, or parent on active duty or call to active duty status.
- D. "Covered servicemember" means:
 - 1. a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness;
 - 2. a covered veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, and was discharged or released under conditions other than dishonorable, at any time during the period of five years preceding the first date the eligible employee takes FMLA leave to care for the covered veteran.
- E. "Eligible employee" means an employee who has been employed by the school district for a total of at least 12 months and who has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave. An employee returning from fulfilling his or her Uniformed Services Employment and Reemployment Rights Act (USERRA)-covered service obligation shall be credited with the hours of service that would have been performed but for the period of absence from work due to or necessitated by USERRA-covered service. In determining whether the employee met the hours of service requirement, and to determine the hours that would have been worked during the period of absence from work due to or necessitated by USERRA-covered service, the employee's pre-service work schedule can generally be used for calculations. While the 12 months of employment need not be consecutive, employment periods prior to a break in service of seven years or more may not be counted unless the break is occasioned by the employee's fulfillment of his or her USERRA-covered service obligation or a written agreement, including a collective bargaining agreement, exists concerning the school district's intention to rehire the employee after the break in service.

- F. "Military caregiver leave" means leave taken to care for a covered servicemember with a serious injury or illness.
- G. "Next of kin of a covered servicemember" means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin, and the employee may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin.
- H. "Outpatient status" means, with respect to a covered servicemember who is a current member of the Armed Forces, the status of a member of the Armed Forces assigned to:
1. a military medical treatment facility as an outpatient; or
 2. a unit established for the purpose of providing command and control of members of the Armed Forces receiving care as outpatients.
- I. "Qualifying exigency" means a situation where the eligible employee seeks leave for one or more of the following reasons:
1. to address any issues that arise from a short-notice deployment (seven calendar days or less) of a covered military member;
 2. to attend military events and related activities of a covered military member;
 3. to address issues related to childcare and school activities of a covered military member's child;

4. to address financial and legal arrangements for a covered military member;
 5. to attend counseling provided by someone other than a health care provider for oneself, a covered military member, or his/her child;
 6. to spend up to 15 calendar days with a covered military member who is on short term, temporary rest and recuperation leave during a period of deployment;
 7. to attend post-deployment activities related to a covered military member; and
 8. to address parental care needs; and
 9. to address other events related to a covered military member that both the employee and school district agree is a qualifying exigency.
- J. "Spouse" means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state which the marriage was entered into or, in the case of a marriage entered outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This definition includes an individual in a same-sex or common-law marriage that either: (1) was entered into in a state that recognizes such marriages; or (2) if entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state.

IV. LEAVE ENTITLEMENT

- A. Twelve-Week Leave Under Federal Law
1. Eligible employees are entitled to a total of 12 work weeks of unpaid family or medical leave during the applicable 12-month period as defined below, plus any additional leave as required by law. Leave may be taken for one or more of the following reasons in accordance with applicable law:
 - a. birth of the employee's child and to care for such child;
 - b. placement of an adopted or foster child with the employee;
 - c. to care for the employee's spouse, son, daughter, or parent with a serious health condition;

- d. the employee's serious health condition makes the employee unable to perform the functions of the employee's job; and/ or
 - e. any qualifying exigency arising from the employee's spouse, son, daughter, or parent being on active duty, or notified of an impending call or order to active duty, in the reserve component of the Armed Forces or a retired member of the regular Armed Forces or reserve component in support of a contingency operation.
- 2. For the purposes of this policy, "year" is defined as the School District fiscal year (July 1 to June 30).
 - 3. An employee's entitlement to FMLA leave for the birth, adoption, or foster care of a child expires at the end of the 12-month period beginning on the date of the birth or placement.
 - 4. A "serious health condition" typically requires either inpatient care or continuing treatment by or under the supervision of a health care provider, as defined by applicable law. Family and medical leave generally is not intended to cover short term conditions for which treatment and recovery are very brief.
 - 5. A "serious injury or illness," in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means:
 - a. injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and
 - b. in the case of a covered veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time, during the period of five years preceding the date on which the veteran undergoes the medical treatment, recuperation, or therapy, means a qualifying injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of

duty in the Armed Forces and that manifested itself before or after the member became a veteran, and is:

- (i) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or
 - (ii) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability (VASRD) rating of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
 - (iii) a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
 - (iv) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.
6. Eligible spouses employed by the School District are limited to an aggregate of twelve weeks of leave during any 12-month period for;
- a. the birth and care of a newborn child; or
 - b. the adoption of a child; or
 - c. the placement of a child for foster care; or
 - d. to care for a parent.

This limitation for spouses employed by the School District does not apply to:

- a. leave taken by one spouse to care for the other spouse who is seriously ill; or
- b. to care for a child with a serious health condition; or
- c. the employee's own serious health condition; or

- d. pursuant to Paragraph IV.A.1.e above.
7. Depending on the type of leave, intermittent or reduced schedule leave may be granted in the discretion of the School District or when medically necessary. However, part-time employees are only eligible for a pro-rata portion of leave to be used on an intermittent or reduced schedule basis, based on their average hours worked per week.
 - a. Where an intermittent or reduced schedule leave is foreseeable based on planned medical treatment, the School District may transfer the employee temporarily to an available alternative position;
 - i. for which the employee is qualified; and
 - ii. which better accommodates recurring periods of leave than does the employee's regular position; and
 - iii. which has equivalent pay and benefits.
 8. If an employee requests a leave for the serious health condition of the employee or the employee's spouse, child or parent, the employee will be required to submit sufficient medical certification within 15 days from the date of the request or as soon as practicable under the circumstances.
 9. If the School District has reason to doubt the validity of a health care provider's certification, it may require a second opinion at the School District's expense. If the opinions of the first and second health care providers differ, the School District may require certification from a third health care provider at the School District's expense. An employee may also be required to present a certification from a health care provider indicating that the employee is able to return to work.
 10. Requests for leave shall be made to the School District. The employee shall provide reasonable and practical notice to the school district of the need for leave. When leave relates to an employee's spouse, son, daughter, or parent being on active duty, or notified of an impending call or order to active duty pursuant to Paragraph IV.A.1.e. above, and such leave is foreseeable, employees must give 30 days' written notice of a leave of absence where practicable. The school district will make a determination on whether to grant the leave within 5 days. Employees are expected to make a reasonable effort to schedule leaves resulting from planned medical treatment so

as not to disrupt unduly the operations of the School District, subject to and in coordination with the health care provider.

11. The School District shall comply with written notice requirements as set forth in federal regulations. The school district may require that a request for leave under Paragraph IV.A.1.e. above be supported by a copy of the covered military member's active duty orders or other documentation issued by the military. In addition, the school district may require the employee to provide sufficient certification supporting the qualifying reason for which leave is requested.
12. During the period of a leave permitted under this policy,
 - a. the School District will provide health insurance under its group health plan under the same conditions coverage would have been provided had the employee not taken the leave. An employee who does not return to work after the leave may, in some situations, be required to reimburse the school district for the cost of the health plan premiums paid by it.
13. The School District may request or require the employee to substitute accrued paid leave for any part of the 12-week period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines established for the implementation of this policy, if any. Employees eligible for leave must comply with the family and medical leave directives and guidelines prior to starting leave. It shall be the responsibility of the superintendent to develop directives and guidelines as necessary to implement this policy.
14. Employees returning from a leave permitted under this policy are eligible for reinstatement in the same or an equivalent position as provided by law. However, the employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the leave.

B. Twelve-week Leave under State Law

An employee who does not qualify for parenting leave under Paragraphs IV.A.1.a. or IV.A.1.b. above may qualify for a 12-week unpaid leave which is available to a biological or adoptive parent in conjunction with the birth or adoption of a child, or to a female employee for prenatal care or incapacity due

to pregnancy, childbirth, or related health conditions. The length of the leave shall be determined by the employee but must not exceed 12 weeks unless agreed by the employer. The employee may qualify if he or she has worked for the school district for at least 12 months and has worked an average number of hours per week equal to one-half of the full time equivalent during the 12-month period immediately preceding the leave. This leave is separate and exclusive of the family and medical leave described in the preceding paragraphs but may be reduced by any period of paid parental, disability, personal, or medical, or sick leave, or accrued vacation provided by the employer so that the total leave does not exceed 12 weeks, unless agreed by the employer, or leave taken for the same purpose under the FMLA. The leave taken under this section shall begin at a time requested by the employee. An employee who plans to take leave under this section must give the employer reasonable notice of the date the leave shall commence and the estimated duration of the leave. For leave taken by a biological or adoptive parent in conjunction with the birth or adoption of a child, the leave must begin within 12 months of the birth or adoption; except that, in the case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital.

C. Twenty-Six Week Servicemember Family Military Leave

1. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of 26 work weeks of leave during a 12-month period to care for the service member. The leave described in this paragraph shall only be available during a single 12-month period. For purposes of this leave, the need to care for a service member includes both physical and psychological care.
2. During a single 12-month period, an employee shall be entitled to a combined total of 26 work weeks of leave under Paragraphs IV.A. above.
3. The 12-month period referred to in this section begins on the first day the eligible employee takes leave to care for a covered service member and ends 12 months after that date.
4. Eligible spouses employed by the school district are limited to an aggregate of 26 weeks of leave during any 12-month period if leave is taken:
 - a. for birth of the employee's child or to care for the child after

- birth;
- b. for placement of a child with the employee for adoption or foster care;
- c. to care for the child after placement;
- d. to care for the employee's parent with a serious health condition;
- e. or to care for a covered service member with a serious injury or illness.

- 5. The school district may request or require the employee to substitute accrued paid leave for any part of the 26-week period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines established for the implementation of this policy, if any.

Employees eligible for leave must comply with the family and medical leave directives and guidelines prior to starting leave.

- 6. An employee will be required to submit sufficient medical certification issued by the health care provider of the covered service member and other information in support of requested leave and eligibility for such leave under this section within 15 days from the date of the request or as soon as practicable under the circumstances.

- 7. The provisions of Paragraphs IV.A.6., IV.A.9., IV.A.11., IV.A.12., and IV.A.13. above shall apply to leaves under this section.

V. SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES

- A. An instructional employee is one whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This includes, but is not limited to, teachers, coaches, driver's education instructors, and special education assistants.
- B. Instructional employees who request foreseeable medically necessary intermittent or reduced work schedule leave greater than twenty percent of the work days in the leave period may be required to:
 - 1. take leave for the entire period or periods of the planned medical treatment; or
 - 2. move to an available alternative position for which the employee is qualified, and which provides equivalent pay and benefits, but not

necessarily equivalent duties.

- C. Instructional employees who request continuous leave near the end of a semester may be required to extend the leave through the end of the semester. The number of weeks remaining before the end of a semester does not include scheduled school breaks, such as summer, winter, or spring break.
 - 1. If an instructional employee begins leave for any purpose more than five weeks before the end of a semester and it is likely the leave will last at least three weeks, the School District may require that the leave be continued until the end of the semester.
 - 2. If the employee begins leave for a purpose other than the employee's own serious health condition during the last five weeks of a semester, the School District may require that the leave be continued until the end of the semester if the leave will last more than two weeks or if the employee's return from leave would occur during the last two weeks of the semester.
 - 3. If the employee begins leave for a purpose other than the employee's own serious health condition during the last three weeks of the semester and the leave will last more than five working days, School District may require the employee to continue taking leave until the end of the semester.
- D. The entire period of leave taken under the special rules will be counted as leave. The School District will continue to fulfill the School District's leave responsibilities and obligations, including the obligation to continue the employee's health insurance and other benefits, if an instructional employee's leave entitlement ends before the involuntary leave period expires.

VI. DISSEMINATION OF POLICY

- A. This policy shall be available in the principal's office in each building and posted on the school district web site.
- B. This policy will be reviewed at least annually for compliance with state and federal law.

Adopted: June 2006
June 2010

Reviewed: November 2012

First Reading: August 24, 2015

Adopted: September 21, 2015

Reviewed: August, 2016

005.1 Instructional Personnel
005.11 Recruitment

I. PURPOSE

The purpose of this policy is to identify the goals of the school district in recruiting faculty.

II. GENERAL STATEMENT OF POLICY

The objectives of personnel recruitment are:

1. To recruit and retain well-qualified personnel to support and accomplish the educational goals of the School Board; and
2. To create an environment that will stimulate and maintain a high level of performance, increase effectiveness and skill, and foster a good working relationship between staff, administration and the School Board.

In order to meet these objectives:

1. The School District will develop and maintain adequate sources from which staff may be recruited; and
2. Each position shall be filled by selecting the individual best qualified in terms of meeting the requirements for the particular position; and
3. Positions will be defined so that personnel know their job responsibilities, to whom they are responsible, the authority that goes with the job, and the channels of communication.

Reviewed: December, 1999
June, 2004
November, 2012
August, 2016

005. PERSONNEL

005.1 Instructional Personnel

005.12 Initial Lane/Step Placement

I. PURPOSE

The purpose of this policy is to outline the criteria used when placing a faculty member on the salary schedule.

II. GENERAL STATEMENT OF POLICY

When the School District initially hires a teacher, the teacher will be placed on the teacher salary schedule in accordance with the following criteria listed below:

- Initial placement on the salary schedule will be determined by the school district.
- Step: Placement will be determined by prior public school teaching experience.
- Lane: Placement will be determined by a review of previously earned credits verified by an official transcript provided by the teacher. Credits to be considered for application on any lane may be graduate or undergraduate semester hour credits that are germane to the teacher's teaching assignment. Credits to be considered must be earned subsequent to the granting of the teaching license.
- Conditional: The School District may choose to award a conditional annual stipend.
- Stipend: for new staff for a time period of up to three (3) years.

First Reading: February 21, 2002
Approved: February 18, 2002
Reviewed: June, 2004
November, 2012
August, 2016

005. PERSONNEL

005.1 Instructional Personnel

005.13 Evaluation

I. PURPOSE

The purpose of this policy is to articulate the School Board's expectations for evaluating instructional staff.

II. GENERAL STATEMENT OF POLICY

The School Board charges the administrative staff with developing, organizing, implementing, reviewing, and revising a system-wide program for evaluating instructional personnel to ensure quality control of instruction. Professional development opportunities are provided to all instructional staff as a method of improving individual teaching skills.

Appraisal of teaching service should serve two purposes:

1. To continually improve the quality of instruction and educational services to the children of our community; and
2. To help the individual teacher grow professionally.

In order to meet these purposes, the following shall occur:

1. Mentoring shall be provided to all beginning teachers to help them through the probationary period of teaching. At least three evaluations of staff members shall occur each year of the teacher's probation period; and
2. All tenured teachers shall have an evaluation at least once every year.
3. All written forms of evaluations shall be shared with teachers; and
4. Tenured teachers shall be recommended for dismissal when attempts to correct deficiencies have failed.

Reviewed: December, 1999
June, 2004
November, 2012
August, 2016

005. PERSONNEL

005.1 Instructional Personnel

005.14 Public and Private Personnel Data

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

All data on instructional personnel that is 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 District. All other data on individuals is private or confidential.

III. DEFINITIONS:

- A. "Public" means 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 District staff who need it to conduct the business of the School District.
- 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, volunteers for the School District, or is a member of or applicant for an advisory board or commission.
- E. "Finalist" means an individual who is selected to be interviewed by the School Board 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. "Protected health information" excludes health information in education records covered by FERPA and employment records held by a School District in its role as 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. actual gross pension;
6. the value and nature of employer-paid fringe benefits;
7. the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;
8. job title;
9. bargaining unit;
10. job description;
11. education and training background;
12. previous work experience;
13. date of first and last employment;
14. the final disposition of any disciplinary action, as defined in Minnesota Statute 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 School District;
15. the terms of any agreement settling any dispute arising out of the employment relationship, including superintendent buyout agreements, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money, and such agreement may not have the purpose or effect of limiting access to or disclosure of personnel data or limiting the discussion of information or opinions related to personnel data;
16. work location;

17. work telephone number;
 18. badge number;
 19. honors and awards received;
 20. payroll time sheets or other comparable data that are used only 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;
 21. city and county of residence; and
 22. the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action.
- B. Personnel data may be disseminated to labor organizations to the extent the School District determines it is necessary for the labor organization to conduct its business or when authorized by the Commissioners of the Bureau of Mediation Services.
- C. The following information on applicants for employment or advisory board/commission is public:
1. veteran status;
 2. relevant test scores;
 3. rank on eligible list;
 4. job history;
 5. education and training; and
 6. work availability.
- D. Names of applicants are private data except when certified as eligible for appointment to a vacancy or when they become finalists for an employment position.
- E. Names and home addresses of applicants for appointment to and members of an advisory board/commission are public.
- F. Regardless of whether there has been a final disposition as defined in Minnesota Statute 13.43, Subd. 2(b), upon completion of an investigation of a complaint or

charge against a public official, as defined in Minnesota Statute 13.43, Subd. 2(e) or if a public official resigns or is terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources.

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 is private.
- C. The School District may display a photograph of a current or former employee to prospective witnesses as part of the School District's investigation of any complaint or charge against the employee.
- D. The School District may, if the responsible authority or designee reasonably determines that the release of personnel data is necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, release data that is relevant to the concerns for safety to:
 - 1. The person who may be harmed and to the attorney representing the person when the data is relevant to obtaining a restraining order;
 - 2. A pre-petition screening team conducting an investigation of the employee under Minnesota Statute 254.07, Subd. 1; or
 - 3. A court, law enforcement agency, or prosecuting authority.
- E. A complainant has access to a statement provided by the complainant to the School District in connection with a complaint or charge against an employee.
- F. The School District shall make any report to the board of teaching or the state board of education as required by Minnesota Statute 122A.20, Subd. 2, and shall, upon written request from the licensing board having jurisdiction over a teacher's license, provide the licensing board with information about the teacher from the School District's files, any termination or disciplinary proceeding, and settlement or compromise, or any investigative file in accordance with Minnesota Statute

122A.20, Subd. 2.

- G. Private personnel data shall be disclosed to the department of economic security for the purpose of administration of the reemployment insurance program under Minnesota Chapter 268.
 - H. Data pertaining to an employee's dependents is private data on individuals.
 - I. Personnel data may be disseminated to labor organizations to the extent the School District determines it is necessary for the labor organization to conduct its business or when ordered or authorized by the Commissioner of the Bureau of Mediation Services.
 - J. Private personnel data or confidential investigative data on employees may be disseminated to a law enforcement agency for the purpose of reporting a crime or alleged crime committed by an employee, or for the purpose of assisting law enforcement in the investigation of such a crime or alleged crime.
 - K. When allegations of sexual or other types of harassment are made against an employee, the employee shall not have access to data that would identify the complainant or other witnesses if the School District determines that the employee's access to that data would:
 - 1. threaten the personal safety of the complainant or a witness; or
 - 2. subject the complainant or witness to harassment.
- If a disciplinary proceeding is initiated against the employee, data on the complainant or witness shall be available to the employee as may be necessary for the employee to prepare for the proceeding.
- L. When a report of alleged maltreatment of a student in a school is made to the Commissioner of Education, data that is relevant and collected by the school about the person alleged to have committed maltreatment must be provided to the Commissioner on request for purposes of an assessment or investigation of the maltreatment report.
 - M. Upon written request, the school district shall release to a requesting school district or charter school private personnel data on a current or former employee related to acts of violence toward or sexual contact with a student, if an investigation conducted by or on behalf of the school district or law enforcement affirmed the

allegations in writing prior to release and the investigation resulted in the resignation of the subject of the data; or the employee resigned while a complaint or charge involving the allegations was pending, the allegations involved acts of sexual contact with a student, and the employer informed the employee in writing, before the employee resigned, that if the employee resigns while the complaint or charge is still pending, the employer must release private personnel data about the employee's alleged sexual contact with a student to a school district or charter school requesting the data after the employee applies for employment with that school district or charter school and the data remain classified as provided in Minn. Stat. Ch. 13. Data that are released under this paragraph must not include data on the student.

- N. The identity of an employee making a suggestion as part of an organized self-evaluation effort by the School District or to improve School District operations is private.
- O. Health information on employees is private unless otherwise provided by law. To the extent that the School District transmits protected health information, the School District will comply with all privacy requirements.
- P. Personal home contact information for employees may be used by the school district and shared with another governmental entity in the event of an emergency.
- Q. When a teacher is discharged immediately because the teacher's license has been revoked due to a conviction for child abuse or sexual abuse or when the Commissioner of the Minnesota Department of Education (MDE) makes a final determination of child maltreatment involving a teacher, the school principal or other person having administrative control of the school must include in the teacher's employment record the information contained in the record of the disciplinary action or the final maltreatment determination, consistent with the definition of public data under Minn. Stat. § 13.41, Subd. 5, and must provide the Board of Teaching and the licensing division at MDE with the necessary and relevant information to enable the Board of Teaching and MDE's licensing division to fulfill their statutory and administrative duties related to issuing, renewing, suspending, or revoking a teacher's license. In addition to the background check required under Minn. Stat. § 123B.03, a school board or other school hiring authority must contact the Board of Teaching and MDE to determine whether the teacher's license has been suspended or revoked, consistent with the discharge and final maltreatment determinations. Unless restricted by federal or state data practices law or by the terms of a collective bargaining agreement, the responsible authority for a school district must disseminate to another school district private

personnel data on a current or former teacher (employee or contractor) of the district, including the results of background investigations, if the requesting school district seeks the information because the subject of the data has applied for employment with the requesting school district in writing.

VI. MULTIPLE CLASSIFICATIONS:

If data on individuals is classified as both private and confidential by Chapter 13, or any other state or federal law, the data is private.

VII. CHANGE IN CLASSIFICATIONS:

The School District shall change the classification of data in its possession if it is required to do so to comply with other judicial or administrative rules pertaining to the conduct of legal actions or with a specific statute applicable to the data in the possession of the disseminating or receiving agency.

VIII. RESPONSIBLE AUTHORITY:

The School District has designated the Administrative Assistant to the Superintendent as the authority responsible for personnel data. If you have any questions, contact him/her.

First Reading: August 24, 2015
Adopted: September 21, 2015
Reviewed: August, 2016

005. PERSONNEL

005.15 Workload Limits For Certain Special Education Teachers

I. PURPOSE

The purpose of this policy is to establish general parameters for determining the workload limits of special education staff who provide services to children with disabilities receiving direct special education services 60 percent or less of the instructional day.

II. GENERAL STATEMENT OF POLICY

- A. Workload limits for special education teachers shall be determined by the appropriate special education administrator, in consultation with the building principal and the superintendent.

- B. In determining workload limits for special education staff, the school district shall take into consideration the following factors: student contact minutes, evaluation and reevaluation time, indirect services, management of IEPs, travel time, and other services required in the IEPs of eligible students.

III. DEFINITIONS

A. Special Education Staff; Special Education Teacher

“Special education staff” and “special education teacher” both mean a teacher employed by the school district who is licensed under the rules of the Minnesota Board of Teaching to instruct children with specific disabling conditions.

B. Direct Services

“Direct services” means special education services provided by a special education teacher when the services are related to instruction, including cooperative teaching.

C. Indirect Services

“Indirect services” means special education services provided by a special education teacher which include ongoing progress reviews; cooperative planning; consultation; demonstration teaching; modification and adaptation of the environment, curriculum, materials, or equipment; and direct contact with children with disabilities to monitor and observe.

D. Workload

“Workload” means a special education teacher’s total number of minutes required for all due process responsibilities, including direct and indirect services, evaluation and reevaluation time, management of individualized education programs (IEPs), travel time, parental contact, and other services required in the IEPs.

IV. COLLECTIVE BARGAINING AGREEMENT UNAFFECTED

This policy shall not be construed as a reopening of negotiations between the school district and the special education teachers’ exclusive representative, nor shall it be construed to alter or limit in any way the managerial rights or other authority of the school district set forth in the Public Employers Labor Relations Act or in the collective bargaining agreement between the school district and the special education teachers’ exclusive representative.

First Reading: July 20, 2015
Second Reading: August 24, 2015
Reviewed: August, 2016

005. PERSONNEL

005.2 Non-instructional Personnel

005.21 Recruitment

I. PURPOSE

The purpose of this policy is to identify the goals for recruiting non- instructional personnel.

II. GENERAL STATEMENT OF POLICY

The objectives of recruiting non-instructional personnel are:

1. To recruit and retain well-qualified personnel to support and accomplish the School Board goals; and
2. To create an environment that will stimulate and maintain a high level of performance, increase effectiveness and skill, and foster a good working relationship between staff, administration, and the School Board.

In order to meet these objectives:

1. Adequate sources from which staff may be recruited will be developed and maintained; and
2. Each position shall be filled by selecting the individual best qualified in terms of meeting the requirements for the particular position; and
3. Positions will be defined so that personnel know their job responsibilities, to whom they are responsible, the authority that goes with the job, and the channels of communication.

Reviewed: December, 1999
June, 2004
November, 2012
August, 2016

005. PERSONNEL

005.2 Non-instructional Personnel

005.22 Evaluation

I. PURPOSE

The purpose of this policy is to identify the evaluation expectations for non-instructional personnel.

II. GENERAL STATEMENT OF POLICY

Each employee shall have one designated supervisor who is responsible for conducting at least one written evaluation per year for each non-instructional personnel under her or his supervision. Training and in-service shall be provided as a method of improving performance and/or meeting job responsibilities.

Reviewed: December, 1999
June, 2004
November ,2012
August, 2016

005. PERSONNEL

005.3 Non-discrimination

005.31 Equal Employment Opportunity

I. PURPOSE

The purpose of this policy is to provide equal employment opportunities for all applicants for school district employment and school district employees.

II. GENERAL STATEMENT OF POLICY

Discrimination on the grounds of race, color, national origin, creed, religion, national origin, sex, gender, marital status, status with regard to public assistance, disability, sexual orientation, age, family care leave status, or veteran status shall be prohibited. No person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in employment or recruitment, consideration or selection thereof, whether full-time or part-time, under any education program or activity operated by the School District for which it receives federal financial assistance.

The School Board directs the Superintendent to take the following action steps:

1. Develop and implement a management system to comply with the provisions of Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and Chapter 363.03 of the Minnesota Human Rights Act;
2. Evaluate on a continuous basis the School District's operation in terms of the requirements of federal and state law prohibiting discrimination. This evaluation will include policies, practices, and procedures currently in effect;
3. Modify those aspects of the School District's operation which do not conform to federal and state law prohibiting discrimination;
4. Maintain data for three years following completion of the evaluation as recommended under paragraph two of this section and, upon request, provide to a description of any modification made pursuant to paragraph three above;
5. Assign responsibility for the implementation of provision of civil rights laws to the Title IX Coordinator and Compliance Officer. This responsibility shall fall under the job description of the School District Business Manager, who can be reached at telephone number: 934-5703, Ext. 222.
6. Provide information and training, when applicable, on the school district's

civil rights responsibilities;

7. Establish and publish a grievance procedure for students and staff as required under provisions of Title IX; and
8. Disseminate the School District's nondiscriminatory policy to clients, the general public, and vendors.

Reviewed: December, 1999
June, 2004
November, 2012
August, 2016

005.0 PERSONNEL

005.3 Non-discrimination

005.32 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 district shall not discriminate against qualified individuals, with disabilities because of the disabilities of such individuals in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions, and privileges of employment.
- B. The school district 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.
- C. The school district 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 business of the school district.
- D. 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 Kelly Jensen, Middle and High School Social Worker, Guidance Office, 100 Lincoln Drive, Saint Peter Middle/High School, 934-4210 x. 409, kjensen@stpetersschools.org .This person is the school district's appointed ADA/Section 504 coordinator.

First Reading: October, 2012
Adopted: November, 2012
Reviewed: August, 2016

005. PERSONNEL

005.4 School Board Policy Prohibiting Harassment and Violence

I. PURPOSE

The purpose of this policy is to specify the school district's guidelines to maintain a learning and working environment that is free from harassment and violence.

II. GENERAL STATEMENT OF POLICY

It is the policy of the School District to maintain a learning and working environment that is free from harassment and violence by:

- A. Prohibiting any form of harassment or violence;
- B. Affirming the rights of individuals to be themselves; and
- C. Creating and maintaining a physically and psychologically safe and respectful environment where learning, growth, and self-esteem can be attained by everyone.

It will be the responsibility of all professional employees of the School District to take appropriate action against any form of harassment or violence. The School District will act to take appropriate action or discipline when this policy has been violated.

It shall be a violation of this policy for any administrator, teacher, student, or other school district personnel to harass, to inflict, threaten to inflict, or attempt to inflict violence upon any student, teacher, administrator, or other school personnel.

III. DEFINITIONS

- A. **SCHOOL DISTRICT PERSONNEL:** School District personnel include Board of Education members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the School District.
- B. **PROFESSIONAL EMPLOYEES:** Professional employees of the district include teachers, administrators and any other persons charged with the supervision of students.
- C. **HARASSMENT:** Harassment shall be defined as physical or verbal conduct that has the purpose or effect of:

1. creating an intimidating, hostile or offensive working or academic environment;
 2. substantially or unreasonably interfering with an individual's work or academic performance; or
 3. adversely affecting an individual's employment or academic opportunities.
- D. VIOLENCE: Violence shall be defined as:
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.

This does not include necessary restraint of a student by teachers, administrators, or other School District personnel to avoid physical harm to persons or property.

- E. SEXUAL HARASSMENT: Sexual harassment shall be defined as:
1. unwelcome sexual advances;
 2. unwelcome pressure for sexual favors;
 3. sexually motivated physical conduct or other verbal or physical conduct; or
 4. communication of a sexual nature when:
 - a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education;
 - b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
 - c. that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education,

or creating an intimidating, hostile or offensive employment or educational environment.

Sexual harassment may include but is not limited to:

1. unwelcome verbal harassment or abuse;
 2. unwelcome behavior or words directed at an individual because of gender;
 3. unwelcome pressure for sexual favors;
 4. unwelcome sexual or inappropriate patting, pinching, or physical contact. (This does not include necessary restraint of a student by teachers, administrators, or other School District personnel to avoid physical harm to persons or property.);
 5. unwelcome sexual behavior or words, including demands for sexual favors accompanied by implied or overt threats concerning an individual's employment, or educational status; or
 6. unwelcome sexual behavior or words, including demands for sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status.
- F. **RACIAL HARASSMENT:** Racial harassment shall be defined as physical or verbal conduct relating to an individual's race when the conduct has the purpose or effect of:
1. creating an intimidating, hostile, or offensive working or academic environment;
 2. substantially or unreasonably interfering with an individual's work or academic performance; or
 3. adversely affecting an individual's employment or academic opportunities.
- G. **RELIGIOUS HARASSMENT:** Religious harassment shall be defined as physical or verbal conduct which is related to an individual's religion when the conduct has the purpose or effect of:
1. creating an intimidating, hostile, or offensive working or academic

environment;

2. substantially or unreasonably interfering with an individual's work or academic performance; or
 3. adversely affecting an individual's employment or academic opportunities.
- H. **SEXUAL VIOLENCE:** Sexual violence is a physical act of aggression or force or the threat thereof that involves the touching of another's intimate parts, or forcing a person to touch another person's intimate parts. Intimate parts, as defined in Minnesota Statutes Section 609.341, include the primary genital area, groin, inner thigh, buttocks or breasts, as well as the clothing covering these areas.

Sexual violence may include, but is not limited to:

1. touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
 2. coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts;
 3. coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another; or
 4. threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.
- I. **RACIAL VIOLENCE:** Racial violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.
- J. **RELIGIOUS VIOLENCE:** Religious violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion.
- K. **Immediately:** As soon as possible, but in no event longer than 24 hours.

III. REPORTING PROCEDURES

The School Board hereby designates the Human Rights Officer to oversee the actions taken in response to reports or complaints of harassment or violence. If the complaint involves the Human Rights Officer, the complaint shall be filed directly with the Superintendent.

The School District shall conspicuously post the name of the Human Rights Officer, including mailing addresses and telephone numbers.

Submission of a good faith complaint or report of harassment or violence will not affect the complainant or reporter's future employment, grades, or work assignments.

Use of a formal reporting form is not mandatory.

In a formal investigation, the School District will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the School District's legal obligations to investigate, to take appropriate action, and to conform to any discovery or disclosure obligations.

NOTHING IN THIS POLICY SHALL PREVENT ANY PERSON FROM REPORTING HARASSMENT OR VIOLENCE DIRECTLY TO THE DISTRICT HUMAN RIGHTS SUPERVISOR OR TO THE SUPERINTENDENT.

I. REPORTS OR COMPLAINTS AGAINST DISTRICT PROFESSIONALS OR PERSONNEL

- A. REPORTING PROCEDURES: Any person who believes he or she has been the target or victim of harassment or violence by an administrator, teacher, or other School personnel of the School District, or any person with knowledge or belief of conduct which may constitute harassment or violence toward a student, teacher, administrator, or other School Personnel should report the alleged acts immediately to the appropriate building principal, the School District Human Rights Officer, or the Superintendent. 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.

In each School District building, the building principal is the person responsible for

receiving and investigating oral or written reports of harassment or violence at the building level. Any adult School District personnel who receives a report of harassment or violence by an administrator, teacher or other School District personnel shall inform the building principal immediately. The School District encourages the reporting party or complainant to use the report form that can be obtained from the principal of each building or from the School District office. Oral reports shall be considered complaints as well. The building principal may request, but may not insist upon, a written complaint. 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.

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.

Upon receipt of a report, the principal must notify the School District Human Rights Officer immediately without screening and prior to investigating the report. A written statement of the alleged facts will be forwarded as soon as practical by the principal to the Human Rights Officer. If the report was given verbally, the principal shall personally reduce it to written form within 24 hours and forward it to the human rights supervisor. If the complaint involves the building principal, the complaint shall be made or filed directly with the Superintendent or the School District Human Rights Officer by the reporting party or complainant.

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

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

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 as outlined in the student handbook.

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.

- B. INVESTIGATION: By authority of the School District, the Human Rights Officer, within three days of the receipt of a report or complaint alleging harassment or violence, 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.

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 other methods and documents that may provide pertinent information to the investigator.

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. Conduct that constitutes harassment or violence of a sexual, racial or religious nature shall be considered most seriously. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

In addition, the School District may take immediate steps, at its discretion, to protect the target or victim, complainants, teachers, administrators, or other School

District personnel pending completion of an investigation of alleged harassment or violence.

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 decision of discipline or other remedial responses.

The investigation will be completed as soon as practical. The School District investigator shall make a written report to the Superintendent and the Human Rights Officer 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.

- C. **SCHOOL DISTRICT ACTION:** Upon receipt of a written report after the completion of an investigation, the School District will take appropriate action. Such action may include, but is not limited to, warning, suspension, transfer, restitution, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. School District action taken from violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and School District policies.

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.

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.

V. REPORTS OR COMPLAINTS AGAINST STUDENTS

It is the philosophy of the School District that students are in school to be educated. Therefore, any behavior that alters the effectiveness of the learning environment will be addressed and corrected. Additionally, students who behave in ways that intimidate, offend or cause discomfort for other students or adults will first be educated regarding more appropriate and respectful behaviors.

Students will be disciplined for harassing or violent behavior when they have not responded to efforts to educate them or when the behavior is serious enough to endanger the safety of others.

All School District professionals and personnel are responsible for the enforcement of this policy. Teachers and teacher assistants will address behavior by students that is harassing or violent as such behavior is observed. Students who do not respond to teacher intervention will be referred to the building principal for further intervention. Corrective action taken at the building level may include, but is not limited to, referral to the peer-mediating program, a conflict resolution or other counseling session with a School District counselor or social worker, restitution, community service opportunities in the school, a written problem solving paper, a conference with the student's parent(s)/guardian(s), and a warning conference with the student. Disciplinary action for severe behavior may include any of the above, as well as suspension, exclusion, expulsion, and a report to law enforcement. Harassment that is sexual, religious, or racial in nature, and any form of physical violence will be treated as serious behavior.

Building principals must maintain written records of interventions attempted to correct harassing and violent behavior. These records will be available to, and reviewed by, the School District Human Rights Officer on a regular basis.

Nothing in this policy, or any action by any School District professionals or personnel shall discourage or prevent any student from filing a written complaint of harassment or violence with the building principal, the School District Human Rights Officer, or the Superintendent. Complaint forms will be available to all students from the principal of each building and the School District office. A copy of all written complaints must be sent immediately to the School District Human Rights Officer, and an investigation by the building principal must commence within one school day of receipt of the complaint. The building principal will forward to the Superintendent and the Human Rights Officer a written statement of findings and action taken when such investigation is complete.

VI. RETALIATION OR REPRISAL

The School District will discipline or take appropriate action against any administrator, teacher, or other School District personnel who retaliates against any person who reports alleged harassment or violence of any person 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 or harassment. 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.

VII. RIGHT TO ALTERNATE COMPLAINT PROCEDURES

These procedures do not deny the right of any individual to pursue other avenues of recourse that 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.

VIII. HARASSMENT OR VIOLENCE AS ABUSE

Under certain circumstances, alleged harassment or violence may also be classified as abuse under Minnesota law. If so, the duties of mandatory reporting under Minnesota Statute, Section 626.556 may be applicable.

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

IX. DISSEMINATION OF POLICY AND TRAINING

- A. This policy shall be conspicuously posted throughout each school building in areas accessible to pupils and staff members.
- B. Copies of this policy shall be available in the school district's employment office and will be distributed to new school district employees and independent contractors who regularly interact with students.
- C. This policy shall appear in the student handbook.
- D. The school district will discuss 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, and resourcefulness.

- F. This policy shall be reviewed at least annually for compliance with state and federal law.

Reviewed: December, 1999
June, 2004
November, 2012

First Reading: August 24, 2015
Adopted: September 21, 2015

Reviewed: August, 2016

005. PERSONNEL

005.5 Chemical Free Workplace

005.51 Employee Right 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.

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, or infectious agent.

III. DEFINITIONS

- A. "Commissioner" means the Minnesota Commissioner of Labor and Industry.
- B. "Routinely exposed" means that there is a reasonable potential for exposure during the normal course of assigned work or when an employee is assigned to work in an area where a hazardous substance has been released.
- 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 1920, 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 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 non-ionizing.
- 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.
- F. "Blood borne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

II. TARGET JOB CATEGORIES

Training will be provided to all full and part-time employees who are routinely exposed to a hazardous substance, harmful physical agent, or infectious substance.

III. 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.

Adopted: June, 2006
Reviewed: November, 2012
August, 2016

005.0 PERSONNEL

005.5 Chemical-Free Workplace

005.52 Drug-Free Workplace/Drug-Free School

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

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

III. EXCEPTIONS

It shall not be a violation of this policy for a person to bring onto a school location, for such person's own use, a controlled substance that has a currently accepted medical use in treatment in the United States and the person has a physician's prescription for the substance. The person shall comply with the relevant procedures of this policy.

Previous Policy:	Chemical-Free Workplace/Chemical Dependency: December, 1999, 2000 and 2004
First Reading:	_____
Reviewed:	November, 2012 August, 2016

005. PERSONNEL

005.6 Other Working Conditions

I. GENERAL STATEMENT OF POLICY

A. Department Chairpersons/Grade Level Leaders

It is the policy of Independent School District 508 that the School Board may exercise its sole discretion in determining whether or not department chairpersons and/or grade-level leaders shall be employed to strengthen the instructional program of the School District.

When department chairs and/or grade-level teachers are employed, the group that they represent will recommend to the building level principal the individuals that wish to serve as department chairperson and/or grade level leaders. If approved by the building level principal, the list will be presented to the Superintendent for final approval.

B. Recognition for Employee Service

It shall be the policy of the School Board of Independent School District 508 to recognize, upon retirement or resignation, the service of employees who have served the district for a minimum of ten (10) consecutive years. Such recognition shall include an appropriate message inscribed on a brass hand bell and shall be presented to the employee by an officer of the School Board.

In addition, the School Board will recognize all employees for twenty-five (25) years of service by the issuance of a plaque.

The Customer Care Committee, made up of representation of various employee groups, may put in place other employee recognition awards with approval of the superintendent of schools.

C. School District Imposed Changes to Working Conditions

It may become necessary from time to time to unilaterally impose rules and regulations that may change the working conditions of teachers. Prior to adopting any policy, that may materially change the working conditions of teachers, the School Board or a designee of the School Board will meet and confer with members of the teachers bargaining unit.

D. Substitute Teachers

Compensation for substitute teachers shall be reviewed annually by the Superintendent of Schools. Any changes in the substitute teacher rate will be approved by the School Board. Teachers who substitute for the same classroom teacher for a period of thirty (30) consecutive working days or longer shall be placed on the salary schedule retroactively at the beginning step of the appropriate lane.

E. Teacher Strikes

The School Board has determined that in the event of a work stoppage by the Teacher's Association of the School District, the following policy provisions shall be in effect:

1. A decision regarding the operation of the school district will be made by the School Board as soon as is practical;
2. All School District activities shall cease, all activity programs shall be cancelled and there shall be no rescheduling or make-up of any game, meet, or other activity;
3. Teachers shall not be permitted to enter the School District buildings;
4. All non-striking personnel whose services are not required during the strike shall be temporarily laid off;
5. The Superintendent is directed to implement these policies and to secure the School District buildings and facilities; and
6. The following shall serve, as designated:

- | | |
|---------------------------------|-------------------------------------|
| Board Spokesperson ----- | Board Chairperson |
| Public Information Person ----- | Superintendent |
| Strike Control Committee ----- | Superintendent |
| | All Principals |
| | Board Chairperson, Board Negotiator |
| | Building and Grounds Supervisor |
| | Business Manager |

F. Staff Members Transporting Students

Employees possessing a valid driver’s license may transport students in school vehicles or

school vans provided that proper training in such transportation has occurred and is documented on an annual basis.

G. Swimming Instructors

It is the policy of the School District that the instructor of swimming for physical education classes shall have a proof of certification in water safety instruction in the appropriate principal's office.

H. Automatic Payroll Deposit

All regular employees will be paid through the automatic payroll deposit program. Net payroll amounts will be deposited each payroll period in an employee's checking and/or savings account. The following procedures are to be followed in the automatic payroll deposit program:

1. Each employee must provide an original institution voided check for the account(s) they are requesting the monies to be deposited in;
2. Employees will be allowed changes on a monthly basis for the amounts deposited to each account or the location of the account. The School District payroll department must receive proper notification by the 25th of the month to allow changes for the following month; and
3. Each employee will receive an explanation of the gross salary, the various payroll deductions, and the net deposit at least two days prior to the designated payroll date each month.

I. Resale of Goods and Materials to School District Employees

The School District will not resell goods and materials to School District employees except as set forth under applicable state law.

This policy is not intended to restrict the purchase of goods and materials sold by students as money-raising projects.

Reviewed: December, 1999
June, 2004
November, 2012
August, 2016

005. PERSONNEL

005.7 Medical Insurance in Retirement

I. PURPOSE

The purpose of this policy is to state the school district's intent in regards to medical insurance for eligible retirees.

II. GENERAL STATEMENT OF POLICY

The School District will provide to retirees of Saint Peter Public Schools who qualify for retirement under an individual or group contract access to the District's health plans based on their employment contracts and all applicable state and federal laws.

First Reading: May 9, 2002
Approved: June 13, 2002
Reviewed: June, 2004
November, 2012
August, 2016

005. PERSONNEL

005.8 School District/Employee Relations

**005.81 Employee Publications, Instructional Materials,
Inventions and Creations**

I. PURPOSE

The purpose of this policy is to identify and reserve the proprietary rights of the school district to certain publications, instructional materials, inventions, and creations that employees may develop or create, or assist in developing or creating, while employed by the school district.

II. GENERAL STATEMENT OF POLICY

When an employee develops, creates, or assists in developing or creating any publication, instructional material, computer program, invention or creation, the employee shall immediately disclose and, on demand of the School District, assign any rights to publications, instructional materials, computer programs, materials posted by written contract on websites, inventions or creations, which the employee develops or creates or assists in developing or creating during the term of the employees' employment. In addition, employees shall sign such documents and perform such other acts as may be necessary to secure the rights of the School District relating to such publications, instructional materials, computer programs, materials posted on websites, inventions, and/or creations, including domestic and foreign patents and copyrights.

III. DISTRIBUTION OF INCOME

If any net income is realized from any activity under Section II above, the net income shall be divided as follows: (1) 33 1/3 percent to the creator; and (2) 66 2/3 percent to the School District.

IV. NOTICE OF POLICY

The school district shall give employees notice of this policy by such means as are reasonably likely to inform them of this policy.

First Reading: February 10, 2005
Second Reading: March 10, 2005
Reviewed: November 18, 2010
November 2012
August, 2016

005. PERSONNEL

005.8 School District/Employee Relations

005.82 Electronic Mail Policy

I. PURPOSE

This policy is designed to ensure proper and professional use of the district's email system and set forth guidelines and procedures for email storage and retention.

II. GENERAL STATEMENT OF POLICY

Electronic mail is provided to support open communication and the exchange of information between staff and other authorized users that have access to an email address. This communication allows for the collaboration of ideas and the sharing of information. The Saint Peter school district reserves the right to monitor all email communications conducted on the district's email system.

III. E-MAIL GUIDELINES

A. Every staff member of Saint Peter Public Schools is given an email account.

- i. It is the responsibility of the employee to use their account in accordance with established guidelines and in such a way that does not interfere with their duties; and
- ii. Email is considered network activity and as such is subject to the guidelines set forth in the district's Acceptable Use and Internet Policy 006.14.

B. Individual employee email accounts should be deleted on a regular basis.

C. The school district will archive and retain email accounts for a period of one year.

D. Email accounts will remain active for employees who leave the service of the district for no more than three (3) months after termination of employment.

First Reading: June 20, 2011
Adopted: July 18, 2011
Reviewed: November 2012
August, 2016

005. PERSONNEL

005.9 General Employment Provision

005.91 Employment Background Checks

I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment in the school district in order to promote the physical, social, and psychological well-being of its students.

II. GENERAL STATEMENT OF POLICY

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

III. PROCEDURES

- A. Background checks will be performed by the Minnesota Bureau of Criminal Apprehension (hereinafter "the BCA"). The BCA shall conduct the background check by retrieving criminal history data as defined by Minnesota statute. The school district reserves the right to also have criminal history background checks conducted by other organizations or agencies.
- B. An applicant will not commence employment until the school district receives the results of the criminal history background check.
- C. An applicant who is offered employment must sign a criminal history consent form, which provides permission for the school district to conduct a criminal history background check. If the applicant fails to provide the school district with a signed Informed Consent Form at the time the applicant receives a job offer, the applicant will be considered to have voluntarily withdrawn the application for employment. Forms to obtain consent for criminal history background checks are available in the school district offices.
- D. Copies of this policy shall be available in the school district's employment office and will be distributed to applicants for employment upon request.
- E. The applicant will be informed of the results of the criminal background check(s) to the extent required by law.
- F. If the criminal history background check precludes employment with the school district, the applicant will be so advised.
- G. The school district may apply these procedures to volunteers, independent contractors, or student employees as though they were applicants for employment.
- H. Background checks shall not be required of enrolled student volunteers.

First Reading
Approved
Reviewed

November 13, 2008
December 11, 2008
July 8, 2010
October 14, 2010
November 2012
August, 2016

005. PERSONNEL

005.9 General Employment Provisions

005.92 Discipline, Suspension, and Dismissal of School District Employees

I. PURPOSE

The purpose of this policy is to achieve the effective operation of the school district's programs through the cooperation of all employees under a system of policies and rules applied fairly and uniformly.

II. GENERAL STATEMENT OF POLICY

The disciplinary process described herein is designed to utilize progressive steps, where appropriate, to produce positive corrective action. While the school district intends that in most cases progressive discipline will be administered, the specific form of discipline chosen in a particular case and/or the decision to impose discipline in a manner otherwise, is solely within the discretion of the school district.

III. DISCIPLINE

A. Violation of School Laws and Rules

The form of discipline imposed for violations of school laws and rules may vary from an oral reprimand to termination of employment or discharge depending upon factors such as the nature of the violation, whether the violation was intentional, knowing and/or willful and whether the employee has been the subject of prior disciplinary action of the same or a different nature. School laws and rules to which this provision applies include:

1. policies of the school district;
2. directives and/or job requirements imposed by administration and/or the employee's supervisor; and
3. federal, state and local laws, rules and regulations, including, but not limited to, the rules and regulations adopted by federal and state agencies.

B. Substandard Performance

An employee's substandard performance may result in the imposition of

discipline ranging from an oral reprimand to termination of employment or discharge. In most instances, discipline imposed for the reason of substandard performance will follow a progressive format and will be accompanied by guidance, help and encouragement to improve from the employee's supervisor and reasonable time for correction of the employee's deficiency.

C. Misconduct

Misconduct of an employee will result in the imposition of discipline consistent with the seriousness of the misconduct. Conduct which falls into this category includes, but is not limited to:

1. unprofessional conduct;
2. failure to observe rules, regulations, policies and standards of the school district and/or directives and orders of supervisors and any other act of an insubordinate nature;
3. continuing neglect of duties in spite of oral warnings, written warnings and/or other forms of discipline;
4. personal misconduct;
5. use of illegal drugs, alcohol or any other chemical substance on the job or any use off the job which impacts on the employee's performance;
6. deliberate and serious violation of the rights and freedoms of other employees, students, parents or other persons in the school community;
7. activities of a criminal nature relating to the fitness or effectiveness of the employee to perform the duties of the position;
8. failure to follow professional ethics as outlined in codes of conduct;
9. falsification of credentials and/or experience
10. unauthorized destruction of school district property;
11. other good and sufficient grounds relating to any other act

constituting inappropriate conduct;

12. violation of the rights of others as provided by federal and state laws related to human rights.

IV. FORMS OF DISCIPLINE

- A. The forms of discipline that may be imposed by the school district include, but are not limited to:
 1. oral warning;
 2. written warning or reprimand;
 3. probation;
 4. disciplinary suspension, demotion or leave of absence with pay;
 5. disciplinary suspension, demotion or leave of absence without pay;
and
 6. dismissal/termination or discharge from employment.
- B. Other forms of discipline, including any combination of the forms described in Paragraph A., above, may be imposed if, in the judgment of the administration, another form of discipline will better accomplish the school district's objective of stopping or correcting the offending conduct and improving the employee's performance.

V. PROCEDURES FOR ADMINISTERING POLICY

- A. In an instance where any form of discipline is imposed, the employee's supervisor will:
 1. Advise the employee of any inadequacy, deficiency or conduct which is the cause of the discipline, either orally or in writing. If given orally, the supervisor will document the fact that an oral warning was given to the employee specifying the date, time and nature of the oral warning.
 2. Provide directives to the employee to correct the conduct or performance.

3. Forward copies of all writings to the administrator in charge of personnel for filing in the employee's personnel file.
 4. Allow a reasonable period of time, when appropriate, for the employee to correct or remediate the performance or conduct.
 5. Specify the expected level of performance or modification of conduct to be required from the employee.
- B. The school district retains the right to immediately discipline, terminate or discharge an employee as appropriate, subject to relevant governing law and collective bargaining agreements where applicable.

First Reading: October, 2012

Adopted: November, 2012

Reviewed: August, 2016

005. PERSONNEL

005.9 General Employment Provisions

005.93 License Status

I. PURPOSE

The purpose of this policy is to ensure that qualified teachers are employed by the school district and to fulfill its duty to ascertain the licensure status of its teachers. This policy does not negate a teacher's duty and responsibility to maintain a current and valid teaching license.

II. GENERAL STATEMENT OF POLICY

- A. A qualified teacher is one holding a valid license to perform the particular service for which the teacher is employed by the school district.
- B. No person shall be a qualified teacher until the school district verifies through the Minnesota education licensing system available on the Minnesota Department of Education website that the person is a qualified teacher consistent with state law.

III. PROCEDURE

- A. The superintendent or the superintendent's designee shall establish a schedule for the annual review of teacher licenses.
- B. Where it is discovered that a teacher's license will expire within one year from the date of the annual review, the superintendent or the superintendent's designee will advise the teacher in writing of the approaching expiration and that the teacher must complete the renewal process and file the license with the superintendent prior to the expiration of the current license. However, failure to provide this notice does not relieve a teacher from his/her duty and responsibility of ensuring that his/her teaching license is valid, current and appropriate to his/her teaching assignment.
- C. If it is discovered that a teacher's license has expired, the superintendent will immediately investigate the circumstances surrounding the lack of license and will take appropriate action.
- D. The duty and responsibility of maintaining a current and valid teaching license appropriate to the teaching assignment as required by this policy shall remain with the teacher, notwithstanding the superintendent's failure to

discover a lapsed license or license that does not support the teaching assignment.

- E. A teacher's failure to comply with this policy may be grounds for the teacher's immediate suspension from duty without pay or discharge from employment.

First Reading:	October, 2012
Adopted:	November, 2012
Reviewed:	November, 2012
	August, 2016