



REGULAR BOARD MEETING AGENDA

Thursday, September 23, 2021, 4:45 pm

Banaadir Academy

1130 N 7th St., Minneapolis, MN 55411

1. Call to order
2. Pledge of Allegiance
3. MTCS Mission Statement
4. Roll call and noting of quorum
5. Conflict of Interest ([Policy #210](#))
6. Approval of Agenda
7. Open forum/public comment ([Policy #206](#))
8. Consent Agenda
 - a. Approval of August Board Minutes
 - b. Approval of Accounts Payable
 - c. HR Resignations, Terminations, New Hires
9. Reports
 - a. Board Chair Report - Marty
 - i. Land Acknowledgement (Coya Night Pipe, Allison Raney)
 - b. Financial Report - Report from Finance Committee
 - c. Superintendents's Report - Shawn and Wendy
10. Action Items
 - a. Policy -Second Read of Named Official Updates ([#402](#), [#413](#),[#521](#))
11. Discussions
 - a. October 28th, 2021 (General Meeting & Board Meeting)
 - b. [Hiring the Right Superintendent](#) review information
12. Adjourn Meeting

Adopted: July 27, 2017 _____

MTCS Policy 206

MSBA Orig. 1995

Rev. 2015

Revised: _____

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

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

III. DEFINITIONS

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

Name; employee identification number, which must not be the employee's social security number; actual gross salary; salary range; terms and conditions of employment relationship; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary; bargaining unit; job title; job description; education and training background; previous work

experience; date of first and last employment; the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action; the final disposition of any disciplinary action as defined in Minn. Stat. § 13.43, Subd. 2(b), together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body; the complete terms of any agreement settling any dispute arising out of the employment relationship, including a buyout agreement as defined in Minn. Stat. § 123B.143, Subd. 2, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money; work location; work telephone number; badge number; work-related continuing education; honors and awards received; and payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data.

- C. Personnel data on current and former applicants for employment that is "public" includes:

Veteran status; relevant test scores; rank on eligible list; job history; education and training; and work availability. Names of applicants shall be private data except when certified as eligible for appointment to a vacancy or when applicants are considered by the appointing authority to be finalists for a position in public employment. For purposes of this subdivision, "finalist" means an individual who is selected to be interviewed by the appointing authority prior to selection.

- D. "Educational data" means data maintained by MTCS which relates to a student.

- E. "Student" means an individual currently or formerly enrolled or registered at MTCS, or applicants for enrollment, or individuals who receive shared time services.

- F. Data about applicants for appointments to a public body, including a school board, collected by MTCS as a result of the applicant's application for appointment to the public body are private data on individuals, except that the following are public: name; city of residence, except where the appointment has a residency requirement that requires the entire address to be public; education and training; employment history; volunteer work; awards and honors; prior government service; any data required to be provided or that is voluntarily provided in an application to a multimember agency pursuant to Minn. Stat. § 15.0597; and veteran status. Once an individual has been appointed to a public body, the following additional items of data are public: residential address; either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee; the first and last dates of service

on the public body; the existence and status of any complaints or charges against an appointee; and, upon completion of an investigation of a complaint or charge against an appointee, the final investigative report unless access to the data would jeopardize an active investigation. Any electronic mail address or telephone number provided by a public body for use by an appointee shall be public. An appointee may use an electronic mail address or telephone number provided by the public body as the designated electronic mail address or telephone number at which the appointee can be reached.

IV. RIGHTS TO PRIVACY

- A. MTCS employees have a legal right to privacy related to matters which may come before the MTCS Board, including, but not limited to, the following:
1. right to a private hearing for teachers, pursuant to Minn. Stat. § 122A.40, Subd. 14 (Teachers Discharge Hearing);
 2. right to privacy of personnel data as provided by Minn. Stat. § 13.43 (Personnel Data);
 3. right to consideration by the MTCS Board of certain data treated as not public as provided in Minn. Stat. § 13D.05 (Not Public Data);
 4. right to a private hearing for licensed or nonlicensed head varsity coaches to discuss reasons for nonrenewal of a coaching contract pursuant to Minn. Stat. § 122A.33, Subd. 3.
- B. MTCS students have a legal right to privacy related to matters which may come before the MTCS Board, including, but not limited to, the following:
1. right to a private hearing, Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing);
 2. right to privacy of educational data, Minn. Stat. § 13.32 (Educational Data); 20 U.S.C. § 1232g (FERPA);
 3. right to privacy of complaints as provided by child abuse reporting and discrimination laws, Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors) and Minn. Stat. Ch. 363A (Minnesota Human Rights Act).

V. THE PUBLIC'S OPPORTUNITY TO BE HEARD

The MTCS Board will strive to give all interested parties an opportunity to be heard and to have complaints considered and evaluated, within the limits of the law and this policy and subject to reasonable time, place, and manner restrictions. Among the rights

available to the public is the right to access public data as provided by Minn. Stat. § 13.43, Subd. 2 (Public Data).

VI. PROCEDURES

A. Agenda Items

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

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

B. Complaints

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

C. Open Forum

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

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

D. No Board Action at Same Meeting

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

VII. PENALTIES FOR VIOLATION OF DATA PRIVACY

- A. MTCS is liable for damages, costs and attorneys' fees, and, in the event of a willful violation, punitive damages for violation of state data privacy laws. (Minn. Stat. § 13.08, Subd. 1)
- B. A person who willfully violates data privacy or whose conduct constitutes the knowing unauthorized acquisition of not public data is guilty of a misdemeanor. (Minn. Stat. § 13.09)
- C. In the case of an employee, willful violation of the Minnesota data practices law, Chapter 13, and any rules adopted thereunder, including any action subject to a criminal penalty, constitutes just cause for suspension without pay or dismissal. (Minn. Stat. § 13.09)

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 13.43 (Personnel Data)
Minn. Stat. § 13.601, Subd. 3 (Applicants for Appointment)
Minn. Stat. § 13D.05 (Open Meeting Law)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
Minn. Op. Atty. Gen. 852 (July 14, 2006)

Cross References: MTCS Model Policy 406 (Public and Private Personnel Data)
MTCS Model Policy 515 (Protection and Privacy of Pupil Records)

Adopted: July 27, 2017 _____

MTCS Policy 210
MSBA Orig. 2001
Rev. 2014

Revised: _____

210 CONFLICT OF INTEREST – CHARTER SCHOOL BOARD MEMBERS

I. PURPOSE

The purpose of this policy is to observe State statutes regarding conflicts of interest for Minnesota Transitions Charter School (MTCS) board members and to engage in MTCS business activities in a fashion designed to avoid any conflict of interest or the appearance of impropriety.

II. GENERAL STATEMENT OF POLICY

The policy of the MTCS board is to conform with statutory conflict of interest laws and act in a manner that will avoid any conflict of interest or the appearance thereof.

III. CONFLICTING BUSINESS RELATIONSHIPS

- A. An individual is prohibited from serving as a member of the MTCS board of directors if the individual, an immediate family member, or the individual's partner is a full or part owner or principal with a for-profit or nonprofit entity or independent contractor with whom the charter school contracts, directly or indirectly, for professional services, goods, or facilities. An individual is prohibited from serving as a board member if an immediate family member is an employee of the school. A violation of this prohibition renders a contract voidable at the option of the Commissioner of Education (Commissioner) or the MTCS board of directors. A member of the MTCS board of directors who violates this prohibition is individually liable to MTCS for any damage caused by the violation. An individual may serve as a member of the board of directors if no conflict of interest under this paragraph exists.
- B. No member of the MTCS Board, employee, officer, or agent of MTCS shall participate in selecting, awarding, or administering a contract if a conflict of interest exists. A conflict exists when: (1) the board member, employee, officer, or agent; (2) the immediate family of the board member, employee, officer, or agent; (3) the partner of the board member, employee, officer, or agent; or (4) an organization that employs, or is about to employ, any individual in clauses (1) to (3), has a financial or other interest in the entity with which MTCS is contracting. A violation of this provision renders the contract void.
- C. Any employee, agent, or board member of the authorizer of MTCS who

participates in the initial review, approval, ongoing oversight, evaluation, or the charter renewal or nonrenewal process or decision is ineligible to serve on the MTCS Board.

- D. The MTCS board member conflict of interest provisions do not apply to compensation paid to a teacher employed as a teacher by MTCS or a teacher who provides instructional services to MTCS through a cooperative formed under Minn. Stat. Ch. 308A when the teacher also serves on the MTCS Board.
- E. A MTCS board member, employee, or officer is a local official with regard to the receipt of gifts. A board member, employee, or officer must not receive compensation from a group health insurance provider.

Legal References: Minn. Stat. § 10A.071, Subd. 1 (Certain Gifts by Lobbyists and Principals Prohibited)
Minn. Stat. § 124D.10, Subd. 4a (Charter Schools; Conflict of Interest)
Minn. Stat. § 471.895 (Certain Gifts by Interested Persons Prohibited)

402 EMPLOYEE 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. Minnesota Transitions Charter School (MTCS) 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. MTCS 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. MTCS 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. MTCS 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 Brian Erlandson, Superintendent, 2872 26th Avenue South, Minneapolis, MN 55406, (612) 722-9013, berlandson@emailmtcs.org. This individual is MTCS's appointed ADA/Section 504 coordinator.

III. REPORTING GRIEVANCE PROCEDURES

A. Any employee who believes he or she has been discriminated against in violation of this policy by a teacher, administrator, other school personnel, or agent of the school,

including, but not limited to, volunteers, or any person with knowledge or belief of conduct which may constitute unlawful discrimination toward an employee should report the alleged acts immediately to an appropriate MTCS

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official designated by this policy or may file a grievance. MTCS encourages the reporting party or complainant to make a report or file a grievance within thirty (30) days of the alleged violation whenever possible. MTCS encourages the reporting party or complainant to use the report form available from the principal of each building or available from the MTCS office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting unlawful discrimination toward an employee directly to a school human rights officer or to the Superintendent.

B. In Each School Building. The building principal/director is the person responsible for receiving oral or written reports or grievances of unlawful discrimination toward an employee at the building level. Any adult MTCS personnel who receives a report of unlawful discrimination toward an employee shall inform the building principal/director immediately.

C. Upon receipt of a report or grievance, the principal/director must notify the school human rights officer immediately without screening or investigating the report. The principal may request, but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the principal/director to the human rights officer. If the report was given verbally, the principal/director shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any report or complaint of unlawful discrimination toward an employee as provided herein may result in disciplinary action against the principal/director. If the complaint involves the building principal/director, the complaint shall be made or filed directly with the Superintendent, or the school human rights officer by the reporting party or complainant.

D. The MTCS Board hereby designates the Superintendent as the MTCS human rights officer to receive reports, complaints or grievances of unlawful discrimination toward an employee. If the complaint involves a human rights officer, the complaint shall be filed directly with the Superintendent.

E. The school shall conspicuously post the name of the ADA/Section 504 Coordinator and human rights officer(s), including office mailing addresses and telephone numbers.

F. Submission of a good faith complaint, grievance or report of unlawful discrimination toward an employee will not affect the complainant or reporter's future employment, grades or work assignments.

G. Use of formal reporting forms is not mandatory.

H. MTCS 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 MTCS's legal obligations to investigate, to take appropriate action, and to

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conform with any discovery or disclosure obligations.

IV. INVESTIGATION

A. By authority of MTCS, the human rights officer, upon receipt of a report, complaint or grievance alleging unlawful discrimination toward an employee shall promptly undertake or authorize an investigation if deemed appropriate. The investigation may be conducted by MTCS officials or by a third party designated by MTCS.

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

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

D. In addition, MTCS may take immediate steps, at its discretion, to protect the complainant, pupils, teachers, administrators or other school personnel pending completion of an investigation of alleged unlawful discrimination toward an employee.

E. The investigation will be completed within thirty (30) days of receipt of the complaint, unless good cause exists for a longer period of time. The school human rights officer or the individual designated to conduct the investigation shall make a written report upon completion of the investigation. 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.

F. The result of MTCS's investigation of each complaint filed under these procedures will be reported in writing to the complainant by MTCS in accordance with state and federal law regarding data or records privacy.

G. In the event the complainant does not believe that the complaint has been resolved to his or her satisfaction, he or she may appeal to the human rights officer. If the human rights officer (as opposed to some other individual designated by MTCS) conducted the investigation, the appeal may be filed directly with the Superintendent. An appeal must be made within ten (10) school days of receipt of MTCS's report in writing.

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H. The human rights officer shall conduct a review of the appeal and within ten (10) school days of receipt of the appeal, shall investigate further if necessary and respond in writing to the complainant to the extent allowed by law. If the human rights officer conducted the investigation, this review shall be conducted by the Superintendent. The decision of the human rights officer (or of the Superintendent if that individual conducted the review) is final but does not prohibit a complainant from pursuing alternative complaint procedures as discussed in Section VII below.

I. Nothing in this policy prohibits a complainant from pursuing alternative complaint procedures as discussed in Section VII below.

V. SCHOOL ACTION

Upon conclusion of the investigation and receipt of a report, MTCS will take appropriate action. Such action may include, but is not limited to, warning, suspension, transfer, remediation, termination or discharge. School action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law and school policies.

VI. REPRISAL

MTCS will discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who retaliates against any person who reports alleged unlawful discrimination toward an employee or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such unlawful discrimination. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

VII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Minnesota Department of Human Rights, initiating civil action or seeking redress under state criminal statutes and/or federal law, or contacting the Office of Civil Rights for the United States Department of Education or the Equal Employment Opportunity Commission.

U.S. Department of Education MN Department of Human Rights Office for
Civil Rights, Region V Freeman Building 500 W. Madison Street – Suite 1475
625 Robert Street North Chicago, IL 60661 St. Paul, MN 55155 Tel:
312-730-1560 Tel: 651-539-1100 Fax: 312-730-1576 Toll-free:
1-800-657-3704 Email: OCR.Chicago@ed.gov Fax: 651-296-9042

Email:

Info.MDHR@state.mn.us

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Equal Employment Opportunity
Commission 330 S. 2nd Avenue, Suite 720
Minneapolis, MN 55401 Tel:

1-800-669-4000 Fax: 612-335-4044

VIII. DISSEMINATION OF POLICY AND EVALUATION

- A. This policy shall be made available to all students, parents/guardians of students, staff members, employee unions, and organizations.

- B. MTCS shall review this policy and MTCS's operation for compliance with state and federal laws prohibiting discrimination on a periodic basis.

Legal References: Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
29 U.S.C. 794 ***et seq.*** (Rehabilitation Act of 1973, § 504) 42
U.S.C., Ch. 126 § 12112 (Americans with Disabilities Act)
29 C.F.R. Part 32 34 C.F.R. Part 104

Cross References: MTCS Policy 521 (Student Disability Nondiscrimination)

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Adopted: July 27, 2017 _____

MTCS Policy 521
MSBA Orig. 1995
Rev. 2013

Revised: _____

521 STUDENT DISABILITY NONDISCRIMINATION

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. Disabled students who meet the criteria of Paragraph C. below are protected from discrimination on the basis of a disability.
- B. The responsibility of Minnesota Transitions Charter School (MTCS) is to identify and evaluate learners who, within the intent of Section 504, need services, accommodations, or programs in order that such learners may receive a free appropriate public education.
- C. For this policy, a learner who is protected under Section 504 is one who:
 - 1. has a physical or mental impairment that substantially limits one or more of such person's major life activities; or
 - 2. has a record of such an impairment; or
 - 3. is regarded as having such an impairment.
- D. Learners may be protected from disability discrimination and be eligible for services, accommodations, or programs under the provisions of Section 504 even though they are not eligible for special education pursuant to the Individuals with Disabilities Education Act.

III. COORDINATOR

Persons who have questions or comments should contact Kelly Dietrich, Director of Special Education, 2872 26th Avenue South, Minneapolis, MN 55406, (612) 235-5932, kdietrich@mtcs.org. This person is MTCS's Americans with Disabilities Act/Section 504 coordinator. Persons who wish to make a complaint regarding a disability discrimination matter may use the accompanying Student Disability Discrimination Grievance Report Form. The form should be given to the ADA/Section 504 coordinator.

Legal References: Pub. L. 110-325, 122 Stat. 3553 (ADA Amendments Act of 2008, § 7)
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)
34 C.F.R. Part 104 (Section 504 Implementing Regulations)

Cross References: MTCS Policy 402 (Disability Nondiscrimination)

MSBA Workshop: Hiring the Right Superintendent

One of the most important decisions a school board will ever make is to choose a new superintendent. As part of MSBA's commitment to board leadership, we offer a **Hiring the Right Superintendent** workshop to help school boards learn about the process for conducting a successful superintendent search. Workshop topics include:

- Whether to use a consultant
- How to work with a consultant
- Setting a timeline
- Developing qualifications and selection criteria
- Involving stakeholders and the media
- Dealing with internal candidates
- Legal pitfalls
- Interviewing Do's and Don'ts
- Deliberating in public
- Q & A re: superintendent search options and best practices

Each board member receives a booklet with sample vacancy announcement, application form, interview questions, reference check form, and other material board members can adapt for their district's specific needs.

The foundational knowledge this workshop provides helps school boards feel confident in the board's decision-making process regarding the superintendent search, as well as fully prepared to take their next steps. Cost is \$1,295 in-district (\$995 virtual) and includes all time and materials. This workshop is available only to MSBA members.

For more information please contact Barb Dorn, Director of Leadership Development and Executive Search, at 507-508-5501 (cell), or bdorn@mnmsba.org.



413 HARASSMENT AND VIOLENCE

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. The policy of MTCS is to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability. MTCS prohibits any form of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability.
- B. A violation of this policy occurs when any student, teacher, administrator, or other MTCS personnel harasses a student, teacher, administrator, or other MTCS personnel or group of students, teachers, administrators, or other MTCS personnel through conduct or communication based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability, as defined by this policy. (For purposes of this policy, MTCS personnel includes school board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the district.)
- C. A violation of this policy occurs when any student, teacher, administrator, or other MTCS personnel inflicts, threatens to inflict, or attempts to inflict violence upon any student, teacher, administrator, or other MTCS personnel or group of students, teachers, administrators, or other MTCS personnel based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability.
- D. MTCS will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public

assistance, sexual orientation, including gender identity or expression, or disability, and to discipline or take appropriate action against any student, teacher, administrator, or other MTCS personnel who is found to have violated this policy.

- E. Because there are multiple, overlapping laws governing MTCS's response to allegations of sexual harassment, all allegations of sexual harassment are subject to Policy 522.

III. DEFINITIONS

A. "Assault" is:

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

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

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

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

D. Protected Classifications; Definitions

1. "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:
 - a. has a physical or mental impairment which substantially limits one or more major life activities;

- b. has a record of such an impairment; or
 - c. is regarded as having such an impairment.
 - 2. “Familial status” means the condition of one or more minors being domiciled with:
 - a. their parent or parents or the minor’s legal guardian; or
 - b. the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against harassment on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.
 - 3. “Marital status” means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.
 - 4. “National origin” means the place of birth of an individual or of any of the individual’s lineal ancestors.
 - 5. “Sex” includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
 - 6. “Sexual orientation” means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one’s biological maleness or femaleness. “Sexual orientation” does not include a physical or sexual attachment to children by an adult.
 - 7. “Status with regard to public assistance” means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.
- E. “Remedial response” means a measure to stop and correct acts of harassment or violence, prevent acts of harassment or violence from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of acts of harassment or violence.
- F. Sexual Violence; Definition

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

G. Violence; Definition

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

IV. REPORTING PROCEDURES

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

from the MTCS office, but oral reports shall be considered complaints as well.

- C. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a MTCS human rights officer or to the superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the MTCS human rights officer by the reporting party or complainant.
- D. In Each School Building. The building principal, the principal's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving oral or written reports of harassment or violence prohibited by this policy at the building level. Any adult MTCS personnel who receives a report of harassment or violence prohibited by this policy shall inform the building report taker immediately. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the MTCS human rights officer by the reporting party or complainant. The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as a primary contact on policy and procedural matters.

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

- F. Upon receipt of a report, the building report taker must notify the MTCS human rights officer immediately, without screening or investigating the report. The building report taker may request, but may not insist upon, a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the building report taker to the human rights officer. If the report was given verbally, the building report taker shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any harassment or violence report or complaint as provided herein may result in disciplinary action against the building report taker.
- G. In the MTCS. MTCS hereby designates Brian Erlandson, Superintendent, 2872 26th Ave. S., Minneapolis, MN 55406, (612) 722-9013, berlandson@emailmtcs.org, as the MTCS human rights officer(s) to receive reports or complaints of harassment or violence prohibited by this policy. If the complaint involves a human rights officer, the complaint shall be filed directly with the Building Principal or Supervisor.

- H. MTCS shall conspicuously post the name of the human rights officer(s), including mailing addresses and telephone numbers.
- I. Submission of a good faith complaint or report of harassment or violence prohibited by this policy will not affect the complainant or reporter's future employment, grades, work assignments, or educational or work environment.
- J. Use of formal reporting forms is not mandatory.
- K. Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.
- L. MTCS will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with MTCS's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.
- M. Retaliation against a victim, good faith reporter, or a witness of violence or harassment is prohibited.
- N. False accusations or reports of violence or harassment against another person are prohibited.
- O. A person who engages in an act of violence or harassment, reprisal, retaliation, or false reporting of violence or harassment, or permits, condones, or tolerates violence or harassment shall be subject to discipline or other remedial responses for that act in accordance with MTCS's policies and procedures.

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

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

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

V. INVESTIGATION

- A. By authority of MTCS, the human rights officer, within three (3) days of the

receipt of a report or complaint alleging harassment or violence prohibited by this policy, shall undertake or authorize an investigation. The investigation may be conducted by MTCS officials or by a third party designated by MTCS.

- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, MTCS should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
- D. In addition, MTCS may take immediate steps, at its discretion, to protect the target or victim, the complainant, and students, teachers, administrators, or other MTCS personnel pending completion of an investigation of alleged harassment or violence prohibited by this policy.
- E. The alleged perpetrator of the act(s) of harassment or violence shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- F. The investigation will be completed as soon as practicable. The MTCS human rights officer shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, the report may be filed directly with the school board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

VI. MTCS ACTION

- A. Upon completion of an investigation that determines a violation of this policy has occurred, MTCS will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. MTCS action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and applicable MTCS policies and regulations.
- B. MTCS is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of MTCS.

School officials will notify the parent(s) or guardian(s) of targets or victims of harassment or violence and the parent(s) or guardian(s) of alleged perpetrators of harassment or violence who have been involved in a reported and confirmed harassment or violence incident of the remedial or disciplinary action taken, to the extent permitted by law.

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

VII. RETALIATION OR REPRISAL

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

VIII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

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

IX. HARASSMENT OR VIOLENCE AS ABUSE

- A. Under certain circumstances, alleged harassment or violence may also be possible abuse under Minnesota law. If so, the duties of mandatory reporting under Minn. Stat. § 626.556 may be applicable.
- B. Nothing in this policy will prohibit MTCS from taking immediate action to protect victims of alleged harassment, violence, or abuse.

X. DISSEMINATION OF POLICY AND TRAINING

- A. This policy shall be conspicuously posted throughout each school building in

areas accessible to students and staff members.

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

Legal References: Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 120B.234 (Child Sexual Abuse Prevention Education)
Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)
Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
Minn. Stat. § 609.341 (Definitions)
Minn. Stat. § 626.556 *et seq.* (Reporting of Maltreatment of Minors)
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)
29 U.S.C. § 621 *et seq.* (Age Discrimination in Employment Act)
29 U.S.C. § 794 (Rehabilitation Act of 1973, § 504)
42 U.S.C. § 1983 (Civil Action for Deprivation of Rights)
42 U.S.C. § 2000d *et seq.* (Title VI of the Civil Rights Act of 1964)
42 U.S.C. § 2000e *et seq.* (Title VII of the Civil Rights Act)
42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)

Cross References: Policy 102 (Equal Educational Opportunity)
Policy 401 (Equal Employment Opportunity)
Policy 402 (Disability Nondiscrimination Policy)
Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
Policy 406 (Public and Private Personnel Data)
Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)

Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
Policy 506 (Student Discipline)
Policy 514 (Bullying Prohibition Policy)
Policy 515 (Protection and Privacy of Pupil Records)
Policy 521 (Student Disability Nondiscrimination)
Policy 522 (Student Sex Nondiscrimination)
Policy 524 (Internet Acceptable Use and Safety Policy)
Policy 525 (Violence Prevention)
Policy 526 (Hazing Prohibition)
Policy 528 (Student Parental, Family, and Marital Status
Nondiscrimination)