

## 102 EQUAL EDUCATIONAL OPPORTUNITY

### I. PURPOSE

The purpose of this policy is to ensure that equal educational opportunity is provided for all students of The Journey School.

### II. GENERAL STATEMENT OF POLICY

- A. It is The Journey School's policy to provide equal educational opportunity for all students. TJS does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, and parental status with regard to public assistance, disability, sexual orientation or age. TJS also makes reasonable accommodations for disabled students.
- B. The Journey School prohibits the harassment of any individual for any of the categories listed above. For information about the types of conduct that constitute violation of the school's policy on harassment and violence and the school's procedures for addressing such complaints, refer to the TJS's policy on harassment and violence.
- C. This policy applies to all areas of education including academics, coursework, co-curricular and extracurricular activities, or other rights or privileges of enrollment.
- D. It is the responsibility of every school employee to comply with this policy conscientiously.
- E. Any student, parent or guardian having any questions regarding this policy should discuss it with the board appointed administrator.

**Legal References:** Minn. Stat. Ch. 363A (Minnesota Human Rights Act)

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

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

20 U.S.C. § 1681 *et seq.* (Title IX of the Education Amendments of 1972)

**Cross References:** MSBA/MASA Model Policy 402 (Disability Nondiscrimination)

TJS Policy 413 (Harassment and Violence)

TJS Policy 521 (Student Disability Nondiscrimination)

TJS Policy 522 (Student Sex Nondiscrimination)

## **201 LEGAL STATUS OF THE SCHOOL BOARD**

### **I. PURPOSE**

The care, management, and control of the schools is vested by statutory and constitutional authority in The Journey School (TJS) Board. The TJS Board shall carry out the mission of the school with diligence, prudence, and dedication to the ideals of providing the finest public education. The purpose of this policy is to define the authority, duties, and powers of the TJS Board in carrying out its mission.

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

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

### **III. DEFINITION**

“TJS Board” means the governing body of the school.

### **IV. ORGANIZATION AND MEMBERSHIP**

- A. The membership of the TJS Board consists of at least five members with the target configuration of nine members, but may have as many as eleven members with Board approval. The term of office is three years.
- B. There may be other ex officio members of the TJS Board as provided by law. The Director is an ex officio member.
- C. A majority of voting members constitutes a quorum. The act of the majority of a quorum is the act of the TJS Board.

### **V. POWERS AND DUTIES**

- A. The TJS Board has powers and duties specified by statute. The Board’s authority includes implied powers in addition to specific powers granted by the legislature.

- B. The TJS Board exercises administrative functions. It also has certain powers of a legislative character and other powers of a quasi-judicial character.
- C. The TJS Board shall manage TJS schools; adopt rules for their organization, government, and instruction; prescribe textbooks and courses of study; and make and authorize contracts.
- D. The TJS Board shall have the general charge of the business of the schools, their facilities and property, and of the interest of the schools.
- E. The TJS Board, among other duties, shall perform the following in accordance with applicable law:
  - 2. conduct the business of the schools and pay indebtedness and proper expenses;
  - 3. employ and contract with necessary qualified teachers and discharge the same;
  - 4. provide services to promote the health of its pupils;
  - 5. provide school buildings;
  - 6. purchase, sell, and exchange school property and equipment as deemed necessary by the TJS Board for school purposes;
  - 7. provide for payment of claims against the school, and prosecute and defend actions by or against the school, in all proper cases;
  - 8. employ and discharge necessary employees and contract for other services;
  - 9. make and authorize contracts; and
  - 10. procure insurance against liability of the school district, its officers, and employees.
- F. The TJS Board, at its discretion, may perform the following:
  - 1. provide library facilities, public evening schools, adult and continuing education programs, summer school programs, and intersession classes of flexible school year programs;
  - 2. furnish school lunches for pupils and teachers on such terms as the TJS Board determines;

3. enter into agreements with one or more other schools to provide for agreed upon educational services;
4. lease rooms or buildings for school purposes;
5. authorize the use of school facilities for community purposes that will not interfere with their use for school purposes;
6. authorize cocurricular and extracurricular activities;
7. receive, for the benefit of the school, bequests, donations, or gifts for any proper purpose;
8. perform other acts as the TJS Board shall deem to be reasonably necessary or required for the governance of the schools
9. arrange for transportation of pupils to and from school, as governed by statute.

***Legal References:*** Minn. Stat. § 123A.22 (Cooperative Centers)

Minn. Stat. § 123B.14 (School District Officers)

Minn. Stat. § 123B.23 (Liability Insurance)

Minn. Stat. § 123B.49 (Cocurricular and Extracurricular Activities;  
Insurance)

Minn. Stat. § 123B.51 (Schoolhouses and Sites; Access for Noncurricular  
Purposes)

Minn. Stat. § 123B.85 (Definition)

*Jensen v. Indep. Consol. Sch. Dist. No. 85*, 160 Minn. 233, 199 N.W. 911 (1924)

***Cross References:***

## **205 OPEN MEETINGS AND CLOSED MEETINGS**

***[Note: The provisions of this policy accurately reflect the Open Meeting Law statute and are not discretionary in nature. It does not address meetings held by interactive television pursuant to the 1997 legislation. The statute should be reviewed with legal counsel prior to such meetings.]***

### **I. PURPOSE**

- A. The Journey School board of directors embraces the philosophy of openness in the conduct of its business, in the belief that openness produces better programs, more efficiency in administration of programs, and an organization more responsive to

public interest and less susceptible to private interest. The TJS board of directors shall conduct its business under a presumption of openness. At the same time, the TJS board of directors recognizes and respects the privacy rights of individuals as provided by law. The board of directors also recognizes that there are certain exceptions to the Minnesota Open Meeting Law as recognized in statute where it has been determined that, in limited circumstances, the public interest is best served by closing a meeting of the TJS board of directors.

- B. The purpose of this policy is to provide guidelines to assure the rights of the public to be present at school board meetings, while also protecting the individual's rights to privacy under law, and to close meetings when the public interest so requires as recognized by law.

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

- A. Except as otherwise expressly provided by statute, all meetings of The Journey School board of directors, including executive sessions, shall be open to the public.
- B. Meetings shall be closed only when expressly authorized by law.

## **III. DEFINITION**

“Meeting” means a gathering of at least a quorum or more members of The Journey School board of directors at which members discuss, decide, or receive information as a group on issues relating to the official business of the school board. The term does not include a chance or social gathering.

## **IV. PROCEDURES**

### **A. Meetings**

#### **1. Regular Meetings**

A schedule of the regular meetings of The Journey School board of directors shall be kept on file at its primary offices. If the TJS board of directors decides to hold a regular meeting at a time or place different from the time or place stated in its schedule, it shall give the same notice of the meeting as for a special meeting.

#### **2. Special Meetings**

- a. For a special meeting, The Journey School board of directors shall post written notice of the date, time, place, and purpose of the meeting on the principle bulletin board of the school district or on the door of the school board's usual meeting room if there is no principle bulletin board. The board of directors' actions at the special meeting are limited to those topics included in the notice.

- b. The notice shall also be mailed or otherwise delivered to each person who has filed a written request for notice of special meetings.
- c. This notice shall be posted and mailed or delivered at least three days before the date of the meeting. As an alternative to mailing or otherwise delivering notice to persons who have filed a written request, the board of directors may publish the notice at least three days before the meeting TJS's official website.
- d. A person filing a request for notice of special meetings may limit the request to particular subjects, in which case the TJS board of directors is required to send notice to that person only concerning those particular subjects.
- e. The TJS board of directors will establish an expiration date on requests for notice of special meetings and require refiling once each year. Not more than 60 days before the expiration date of request for notice, the TJS board of directors shall send notice of the refiling requirement to each person who filed during the preceding year.

### 3. Emergency Meetings

- a. An emergency meeting is a special meeting called because of circumstances that, in the judgment of The Journey School board of directors, require immediate consideration.
- b. If matters not directly related to the emergency are discussed or acted upon, the minutes of the meeting shall include a specific description of those matters.
- c. The TJS board of directors shall make good faith efforts to provide notice of the emergency meeting to each news medium that has filed a written request for notice if the request includes the news medium's telephone number.
- d. Notice of the emergency meeting shall be given by telephone or any other method used to notify the members of the TJS board of directors.
- e. Notice shall be provided to each news medium which has filed a written request for notice as soon as reasonably practicable after notice has been given to the members of the TJS board of directors.
- f. Notice shall include the subject of the meeting.
- g. Posted or published notice of an emergency meeting shall not be required.
- h. The notice requirements for an emergency meeting as set forth in this policy shall supersede any other statutory notice requirement for a special meeting that is an emergency meeting.

### 4. Recessed or Continued Meetings

If a meeting is a recessed or continued session of a previous meeting, and the time and place of the meeting was established during the previous meeting and recorded in the minutes of that meeting, then no further published or mailed notice is necessary.

5. Closed Meetings

The notice requirements of the Minnesota Open Meeting Law apply to closed meetings.

6. Actual Notice

If a person receives actual notice of a meeting of the TJS board of directors at least 24 hours before the meeting, all notice requirements are satisfied with respect to that person, regardless of the method of receipt of notice.

B. Votes

The votes of the members of The Journey School board of directors shall be recorded in a journal kept for that purpose, and the journal shall be available to the public during all normal business hours at the administrative offices of the school.

C. Written Materials

1. In any open meeting, a copy of any printed materials relating to the agenda items prepared or distributed by The Journey School board of directors or its employees and distributed to or available to all TJS school board members shall be available in the meeting room for inspection by the public while the board of directors considers their subject matter.
2. This provision does not apply to materials not classified by law as public, or to materials relating to the agenda items of a closed meeting.

D. Data

1. Meetings may not be closed merely because the data to be discussed are not public data.
2. Data that are not public data may be discussed at an open meeting if the disclosure relates to a matter within the scope of The Journey School board of directors' authority and is reasonably necessary to conduct the business or agenda item before the TJS board of directors.
3. Data discussed at an open meeting retain the data's original classification; however, a record of the meeting, regardless of form, shall be public.

E. Closed Meetings

1. Labor Negotiations

- a. The Journey School board of directors may, by a majority vote in a public meeting, decide to hold a closed meeting to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals.
- b. The time and place of the closed meeting shall be announced at the public meeting. A written roll of the members of the TJS board of directors and all other persons present at the closed meeting shall be made available to the public after the closed meeting. The proceedings shall be tape recorded, and the tape recording shall be preserved for two years after the contract discussed at the meeting is signed. The recording shall be made available to the public after all labor contracts are signed by the TJS board of directors for the current budget period.

2. Sessions Closed by Bureau of Mediation Services

All negotiations, mediation sessions, and hearings between The Journey School board of directors and its employees or their respective representatives are public meetings except when otherwise provided by the Commissioner of the Bureau of Mediation Services.

3. Preliminary Consideration of Charges

The Journey School board of directors shall close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority. If the TJS board of directors conclude that discipline of any nature may be warranted as a result of those specific charges or allegations, further meetings or hearings relating to those specific charges or allegations held after that conclusion is reached must be open. A meeting must also be open at the request of the individual who is the subject of the meeting.

4. Performance Evaluations

The Journey School board of directors may close a meeting to evaluate the performance of an individual who is subject to its authority. The TJS board of directors shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the TJS board of directors shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting.

5. Attorney-Client Meeting

A meeting may be closed if permitted by the attorney-client privilege. Attorney-client privilege applies when litigation is imminent or threatened, or when The Journey School board of directors needs advice above the level of general legal advice, i.e.,



regarding specific acts and their legal consequences. A meeting may be closed to seek legal advice concerning litigation strategy, but the mere threat that litigation might be a consequence of deciding a matter one way or another does not, by itself, justify closing the meeting. The motion to close the meeting must specifically describe the matter to be discussed at the closed meeting, subject to relevant privacy and confidentiality considerations under state and federal law.

6. Dismissal Hearing

- a. A hearing on the dismissal of a licensed teacher shall be public or private at the teacher's discretion. A hearing regarding placement of teachers on unrequested leave of absence shall be public.
- b. A hearing on dismissal of a student pursuant to the Pupil Fair Dismissal Act shall be closed unless the pupil, parent or guardian requests an open hearing.

7. Coaches; Opportunity to Respond

- a. If The Journey School board of directors has declined to renew the coaching contract of a licensed or non-licensed coach, it must notify the coach within 14 days of that decision.
- b. If the coach requests the reasons for the nonrenewal, the TJS board of directors must give the coach the reasons in writing within 10 days of receiving the request.
- c. On the request of the coach, the TJS board of directors must provide the coach with a reasonable opportunity to respond to the reasons at a board of directors meeting.
- d. The meeting may be open or closed at the election of the coach unless the meeting is closed as required by Minn. Stat. § 13D.05, Subd. 2, to discuss educational or certain other nonpublic data.

8. Meetings to Discuss Certain Non-Public Data

Any portion of a meeting must be closed if the following types of data are discussed:

- a. data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults;
- b. active investigative data collected or created by a law enforcement agency; or
- c. educational data, health data, medical data, welfare data, or mental health data that are not public data.

9. Purchase and Sale of Property

- a. The Journey School board of directors may close a meeting:
  - (1) to determine the asking price for real or personal property to be sold by the school district;
  - (2) to review confidential or nonpublic appraisal data; and
  - (3) to develop or consider offers or counteroffers for the purchase or sale of real or personal property.
- b. Before closing the meeting, the TJS board of directors must identify on the record the particular real or personal property that is the subject of the closed meeting.
- c. The closed meeting must be tape recorded at the expense of the school. The tape must be preserved for eight (8) years after the date of the meeting and be made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the board of directors has abandoned the purchase or sale. The real or personal property that is the subject of the closed meeting must be specifically identified on the tape. A list of board of directors, members and all other persons present at the closed meeting must be made available to the public after the closed meeting.
  - d. An agreement reached that is based on an offer considered at a closed meeting is contingent on its approval by the TJS board of directors at an open meeting. The actual purchase or sale must be approved at an open meeting and the purchase price or sale price is public data.

#### 10. Security Matters

- a. The Journey School board of directors may close a meeting to receive security briefings and reports, to discuss issues related to security systems, to discuss emergency response procedures, and to discuss security deficiencies in or recommendations regarding public services, infrastructure, and facilities, if disclosure of the information discussed would pose a danger to public safety or compromise security procedures or responses.
- b. Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting.
- c. Before closing a meeting, the TJS board of directors must refer to the facilities, systems, procedures, services, or infrastructures to be considered during the closed meeting.
- d. The closed meeting must be tape recorded at the expense of the school and the recording must be preserved for at least four (4) years.

#### 11. Other Meetings

Other meetings shall be closed as provided by law.

F. Procedures for Closing a Meeting

The Journey School board of directors shall provide notice of a closed meeting just as for an open meeting. A TJS school board meeting may be closed only after a majority vote at a public meeting. Before closing a meeting, The Journey School board of directors shall state on the record the specific authority permitting the meeting to be closed and shall describe the subject to be discussed.

**Legal References:** Minn. Stat. § 122A.33, Subd. 3 (Coaches; Opportunity to Respond)

Minn. Stat. § 122A.40, Subd. 14 (Teacher Discharge Hearing)

Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing)

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

Minn. Stat. Ch. 13D (Open Meeting Law)

Minn. Stat. § 179A.14, Subd. 3 (Labor Negotiations)

Department of Administration Advisory Opinion 04-004 (February 3, 2004)

*The Free Press v. County of Blue Earth*, 677 N.W.2d 471 (Minn. App. 2004)

*Prior Lake American v. Mader*, 642 N.W.2d 729 (Minn. 2002)

*Star Tribune v. Board of Education, Special School District No. 1*, 507 N.W.2d 869 (Minn. App. 1993)

*Minnesota Daily v. University of Minnesota*, 432 N.W.2d 189 (Minn. App. 1988)

*Moberg v. Independent School District No. 281*, 336 N.W.2d 510 (Minn. 1983)

*Sovereign v. Dunn*, 498 N.W.2d 62 (Minn. App. 1993), *rev. denied*. (Minn. 1993)

**Cross References:**

TJS Policy 406 (Public and Private Personnel Data)

TJS Policy 515 (Protection and Privacy of Pupil Records)

MSBA Service Manual, Chapter 13, School Law Bulletin “C” (Minnesota’s Open Meeting Law)

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

**I. PURPOSE**

- A. The Journey School (TJS) Board recognizes the value of participation by the public in deliberations and decisions on school matters. At the same time, the TJS 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 TJS Board is to encourage discussion by citizens of subjects related to the management of TJS at TJS Board meetings. The TJS Board may adopt reasonable time, place, and manner restrictions on public expression in order to facilitate free discussion by all interested parties.
- B. The Journey School 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
- 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 TJS which relates to a student.
- E. "Student" means an individual currently or formerly enrolled or registered at TJS, 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 TJS 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. TJS employees have a legal right to privacy related to matters which may come before the TJS 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 TJS 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. TJS students have a legal right to privacy related to matters which may come before the TJS 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 TJS 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

#### **VI. PROCEDURES**

##### **A. Agenda Items**

1. Citizens who wish to have a subject discussed at a TJS Board meeting are encouraged to notify the Director's office in advance of the TJS 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 TJS Board on a particular subject should identify the subject and identify agenda item(s) to which their comments pertain.
3. The TJS 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 TJS Board, or the proceedings may be directed to leave.
4. The TJS Board retains the discretion to limit discussion of any agenda item to a reasonable period of time as determined by the TJS Board. If a group or organization wishes to address the TJS 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. Minn. Stat. § 13.43, Subd. 2 (Public Data).

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 TJS Board in accordance with governing law.
6. The TJS 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 TJS 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 TJS 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 TJS governing that kind of complaint. In the absence of a designated person, the matter should be referred to the Director.
3. Unresolved complaints from Paragraph 1 of this section or problems concerning TJS should be directed to the Director's office.
4. Complaints which are unresolved at the Director's level may be brought before the TJS Board by notifying the Board in writing.

**C. Open Forum**

The TJS 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 TJS 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 TJS 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. TJS 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:** TJS Model Policy 406 (Public and Private Personnel)

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

### **I. PURPOSE**

The purpose of this policy is to emphasize the importance of the policy-making role of The Journey School (TJS) Board and provide the means for it to continue to be an ongoing effort.

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

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

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

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

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

- A. The TJS Board shall give notice of proposed policy changes or adoption of new policies by placing the item on the agenda of two Board meetings. The proposals shall be distributed and public comment will be allowed at both meetings prior to final Board action.
- B. The final action taken to adopt the proposed policy shall be approved by a simple majority vote of the TJS Board at a subsequent meeting after the meetings at which public input was received. The policy will be effective on the later of the date of passage or the date stated in the motion.

- C. In the case of an emergency, a new or modified policy may be adopted by a majority vote of a quorum of the TJS Board. A statement regarding the emergency and the need for immediate adoption of the policy shall be included in the minutes. The emergency policy shall expire within one year following the emergency action unless the policy adoption procedure stated above is followed and the policy is reaffirmed. The Board shall have discretion to determine what constitutes an emergency situation.
- D. If a policy is modified with minor changes that do not affect the substance of the policy or because of a legal change over which the TJS Board has no control, the modified policy may be approved at one meeting at the discretion of the Board.

## **V. IMPLEMENTATION OF POLICY**

- A. The Director or designee shall be responsible for implementing TJS Board policies, other than the policies that cover how the Board will operate. The Director or designee shall develop administrative guidelines and directives to provide greater specificity and consistency in the process of implementation. These guidelines and directives, including employee and student handbooks, shall be subject to annual review and approval by the Board.
- B. Each TJS Board member shall have access to this policy manual, and a copy shall be placed in the office of each school attendance center. Manuals shall be available in the central office and made available for reference purposes to other interested persons.
- C. The Director, employees designated by the Director, and individual TJS Board members shall be responsible for keeping the policy manuals current.
- D. The TJS Board shall review policies at least once every three years. The Director or designee shall be responsible for developing a system of periodic review, addressing approximately one third of the policies annually. In addition, the Board shall review the following policies annually: 410 Family and Medical Leave Policy; 413 Harassment and Violence; 414 Mandated Reporting of Child Neglect or Physical or Sexual Abuse; 415 Mandated Reporting of Maltreatment of Vulnerable Adults; 506 Student Discipline; 514 Bullying Prohibition Policy; 522 Student Sex Nondiscrimination; 524 Internet Acceptable Use and Safety Policy; 616 School District System Accountability; and 806 Crisis Management Policy.
- E. When no TJS Board policy exists to provide guidance on a matter, the Director is authorized to act appropriately under the circumstances keeping in mind the educational philosophy and financial condition of TJS. Under such circumstances, the Director shall advise the Board of the need for a policy and present a recommended policy to the Board for approval.

### ***Legal References:***

#### ***Cross References:***

## **209 CODE OF ETHICS**

### **I. PURPOSE**

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

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

Each TJS Board member shall follow the code of ethics stated in this policy.

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

1. Attend school board meetings.
2. Come to the meetings prepared for discussion of the agenda items.



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

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

1. Focus on education policy as much as possible.
2. Consider myself a trustee of public education and do my best to protect, conserve, and advance its progress.
3. Recognize that my responsibility, exercised through the actions of the TJS Board as a whole, is to see that the schools are properly run – not to run them myself.
4. Work through the Director – not over or around the Director.
5. Delegate the implementation of TJS Board decisions to the Director.

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

1. Respect the rights of others to have and express opinions.
2. Recognize that authority rests with the TJS Board in legal session – not with the individual members of the Board except as authorized by law.
3. Make no disparaging remarks, in or out of TJS Board meetings, about other members of the Board or their opinions.
4. Keep an open mind about how I will vote on any proposition until the TJS Board has met and fully discussed the issue.
5. Make decisions by voting in school board meetings after all sides of debatable questions have been presented.

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

1. Attempt to appraise and plan for both the present and future educational needs of the school.
2. Attempt to obtain adequate financial support for school programs.
3. Insist that business transactions of TJS be ethical and open.
4. Interpret the needs and attitudes of the community and do my best to translate them into the educational program of the school.
5. Consider it an important responsibility to interpret the educational program of the school as it relates to the needs of the community.

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

1. Hold the Director responsible for the administration of the school.
2. Give the Director authority commensurate with his or her responsibilities.
3. Assure that TJS will be administered by the best professional personnel available.
4. Consider the recommendation of the Director in hiring all employees.
5. Participate in TJS Board action after considering the recommendation of the Director and only after the Director has furnished adequate information supporting the recommendation.
6. Insist the Director keep the TJS Board adequately informed at all times.

7. Offer the Director counsel and advice.
8. Recognize the status of the Director as the chief executive officer and a non-voting, ex officio member of the TJS Board.
9. Refer all complaints to the proper administrative officer or insist that they be presented in writing to the whole TJS Board for proper referral according to the chain of command.
10. Present any personal criticisms of employees to the Director.
11. Provide support for the Director and employees of the school so they may perform their proper functions on a professional level.

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

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

***Legal References:***

***Cross References:***

**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 The Journey School (TJS) board members and to engage in TJS 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 TJS board is to conform to 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 TJS 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 TJS board of directors. A member of the TJS board of directors who violates this prohibition is individually liable to TJS 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 TJS Board, employee, officer, or agent of TJS 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 TJS is contracting. A violation of this provision renders the contract void.
- C. Any employee, agent, or board member of the authorizer of TJS 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 TJS Board.
  - D. The TJS board member conflict of interest provisions do not apply to compensation paid to a teacher employed as a teacher by TJS or a teacher who provides instructional services to TJS through a cooperative formed under Minn. Stat. Ch. 308A when the teacher also serves on the TJS Board.
  - E. A TJS 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)

## **213 BOARD COMMITTEES**

### **I. PURPOSE**

The purpose of this policy is to provide for the structure and the operation of committees or subcommittees of The Journey School (TJS) Board.

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

- A. It is the policy of TJS to designate TJS Board committees or subcommittees when it is determined that a committee process facilitates the mission of TJS.
- B. TJS Board has determined that certain permanent standing committees, as described in this policy, do facilitate the operation of the Board and TJS.
- C. A TJS Board committee or subcommittee will be formed by Board resolution which shall outline the duties and purpose of the committee or subcommittee.
- D. A committee or subcommittee has only such authority as specified by the TJS Board.
- E. TJS Board will receive reports or recommendations from a committee or subcommittee for consideration. The Board, however, retains the right and has the duty to make all final decisions related to such reports or recommendations.
- F. TJS Board also may establish such ad hoc committees for specific purposes as it deems appropriate.
- G. TJS Board reserves the right to limit, create or abolish any standing or ad hoc committee as it deems appropriate.
- H. A committee of the TJS Board shall not appoint a subcommittee of that committee without approval of the Board.

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

- A. Pursuant to the TJS Bylaws, the TJS Board shall have the following standing committees:
  1. Executive Committee.
  2. Finance Committee.

- 3. Curriculum and Academic Accountability
- 4. Facilities

- B. TJS Board will establish, by resolution, for each ad hoc committee the number of members, the term and the charge or mission of each such committee.
- C. TJS Board chair shall appoint the members of each standing or ad hoc committee and designate the chair thereof.

#### **IV. PROCEDURES FOR TJS BOARD COMMITTEES**

- A. A committee or subcommittee shall act only within the guidelines and mission established for that committee or subcommittee by the TJS Board. Designated committee powers may be: Investigate, Investigate and Recommend, or Authority to Take Action on behalf of the Board.
- B. If the committee or subcommittee has authority to take action on behalf of the board, the meetings shall be open to the public in compliance with the Open Meeting Law, and notice shall be given as prescribed by law. Other committees without authority to act for the board need not follow the requirements of the Open Meeting Law.
  - 1. Actions of a committee or subcommittee shall be by majority vote and be consistent with the governing rules of the TJS Board.
  - 2. The committee or subcommittee shall designate a secretary who will record the minutes of actions of the TJS Board committee.
- C. As indicated in 124.E.07, subd. 8(b): “A charter school shall publish and maintain on the school’s official website (1) the meeting minutes of the board of directors and members, **committees having board delegated authority.**”

*Legal References:* Minn. Stat. Ch. 13D (Open Meeting Law)

*Cross References:*

#### **214 OUT-OF-STATE TRAVEL BY SCHOOL BOARD MEMBERS**

##### **I. PURPOSE**

The purpose of this policy is to control out-of-state travel by The Journey School (TJS) Board members as required by law.

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

TJS Board members have an obligation to become informed on the proper duties and functions of a school board member, to become familiar with issues that may affect TJS, to acquire a basic understanding of school finance and budgeting, and to acquire sufficient knowledge to comply with federal, state, and local laws, rules, regulations, and TJS policies that relate to their functions as school board members. Occasionally, it may be appropriate for TJS Board members to travel out of state to fulfill their obligations.

##### **III. APPROPRIATE TRAVEL**

Travel outside the state is appropriate when the TJS Board finds it proper for Board members to acquire knowledge and information necessary to allow them to carry out their responsibilities as school board members. Travel to regional or national meetings of the National School Boards Association, or similar Charter School Boards Associations, is presumed to fulfill this purpose. Travel to other out-of-state meetings for which the

member intends to seek reimbursement from TJS should be preapproved by the TJS Board.

#### **IV. REIMBURSABLE EXPENSES**

Expenses to be reimbursed may include transportation, meals, lodging, registration fees, required materials, parking fees, tips, and other reasonable and necessary TJS-related expenses.

#### **V. REIMBURSEMENT**

- A. Requests for reimbursement must be itemized on the official TJS form and are to be submitted to the designated administrator. Receipts for lodging, commercial transportation, registration, and other reasonable and necessary expenses must be attached to the reimbursement form.
- B. Automobile travel shall be reimbursed at the then-current Internal Revenue Service reimbursement rate for mileage. Commercial transportation shall reflect economy fares and shall be reimbursed only for the actual cost of the trip.
- C. Amounts to be reimbursed shall be within the TJS Board's approved budget allocations, including attendance at workshops and conventions.

#### **VI. ESTABLISHMENT OF DIRECTIVES AND GUIDELINES**

The Director shall develop a schedule of reimbursement rates for TJS business expenses, including those expenses requiring advance approval and specific rates of reimbursement. The Director shall also develop directives and guidelines to address methods and times for submission of requests for reimbursement.

**Legal References:** Minn. Stat. § 123B.09, Subd. 2 (School Board Member Training)  
Minn. Stat. § 471.661 (Out-of-State Travel)  
Minn. Stat. § 471.665 (Mileage Allowances)  
Minn. Op. Atty. Gen. 1035 (Aug. 23, 1999) (Retreat Expenses)  
Minn. Op. Atty. Gen. 161b-12 (Aug. 4, 1997) (Transportation Expenses)  
**Cross References:** TJS Policy 412 (Expense Reimbursement)

### **215 BOARD ELECTION PROCESS**

#### **I. PURPOSE**

The purpose of this policy is to outline the process for electing individuals to the The Journey School (TJS) Board of Directors.

#### **II. GENERAL ELECTION PROCEDURE**

- A. Elections shall be held annually for the Board of Directors. Board members are elected to staggered three-year terms.
  - 1. Board positions – one licensed teacher, parent or legal guardian, and a community member.
  - 2. Board officers are elected at the first meeting at the newly seated board.
  - 3. The Board of Directors shall consist of at least five members with the target configuration of nine members, but may have as many as eleven members with Board approval.

- B. The Election shall be held at the Annual Meeting on call of the Board.
- C. The Board shall designate the deadline for individuals to declare their candidacy for the election.
- D. The deadline for a voter to submit a mail-in ballot shall be three business days before the Annual Meeting. (ballots must be postmarked by the third day before the Annual Meeting or hand delivered to the District office by 4:45 p.m. on the third day before the Annual Meeting)
- E. The Board shall designate the voting location(s). The location(s) must be stated in the voting instructions. Ballots dropped off in-person must be hand delivered to the District office and placed into a secured ballot box by the eligible voter.
- F. The Board shall designate one or two people charged with securing the Voting Box(es) and will lock the Box(es) up when they are not in attendance.

## **II. VOTING ELIGIBILITY**

- A. Any parent or legal guardian of a student enrolled at TJS shall have one vote.
- B. All paid Staff shall have one vote.
- C. Community members serving on the board shall have one vote.
- D. No one may have more than one vote.

## **III. DETERMINING THE ELECTION WINNERS**

- A. Write-in names will be allowed on the ballots.
- B. The candidates with the highest number of votes win.
- C. In the event of a tie for an elected position, a coin toss will determine the winner. Present at the coin-toss shall be the individuals who are tied for votes, the Director, and the Board Chair or appointed election official.
- D. The Election results will be certified and presented at the next Board meeting and published in the TJS Board minutes. Election results (winners only – no tally numbers) will be published in the next TJS newsletter and/or posted on the TJS website.
- E. The Election list of eligible voters, signature sheets, and ballots shall be electronically filed with Board documents and kept for 1 year.

## **IV. MID-YEAR VACANCIES**

Per the TJS Bylaws, if there is a vacancy among the Directors, such vacancy may be filled for the remainder of the term by a vote of the Board of Directors. The Executive

Committee shall propose a candidate to the Board of Directors at least 5 days before the Board is to vote on the candidate.

## **V. VOTING PROCEDURES**

- A. One ballot sheet, one signature card, one Privacy Envelope, and one Voting Envelope will make up a "Ballot".
- B. A Ballot shall be provided to each eligible voter.
- C. Voting instructions will be disseminated to all eligible voters.
- E. At the Voting Location(s), voting envelopes shall be put in the Voting Box unopened.
- F. The Voting Box must be locked in the office when it is not attended.

## **VI. COUNTING PROCEDURES**

- A. The Board shall appoint at least three individuals charged with counting ballots.
- B. Counting occurs at a set time the day after the ballots are due in the office either by mail or hand delivered.
- C. Mailed in Voting Envelopes will first be sorted. Those postmarked after the election deadline will not be counted, but put into the Invalid Ballot pile.
- D. Invalid ballots will be kept separate and tallied at the end for reporting to the Board. Reasons for invalid ballots include:
  - 1. No signed signature card.
  - 2. Ineligible Voter
  - 3. Not an official ballot.
  - 4. Postmarked later than the deadline.
  - 5. Not delivered to the Voting Location by the deadline.
  - 6. Marking too many candidates will invalidate the votes for that section.
- E. One appointed election official will open the Voting envelope, give the signature card to another official, who will cross check the signature sheet with the Election voter eligibility checklist to ensure one vote per person.
- F. After cross checking, that Privacy Envelope containing the ballot will be put into a counting pile. Ballots without the Privacy Envelope should also be placed into the counting box for counting.
- G. In the event that more than one ballot is received from the same person, only the first vote will be counted.
- H. Ballots without a signed signature sheet will not be counted, but will be placed in an "invalid ballot" pile.
- I. After all Voting Envelopes are opened and cross-checked, the ballots in the counting box should be mixed and then counted.
- J. Each official will tally all ballots. If all counts do not agree, they will be recounted.
- K. The number of ballots will be verified with the number of signature cards.

- L. The election certification report will be filled out and given to the Board Chair, to be included in the Board Minutes for the next meeting.
- M. The Board Chair or school administrator will call all candidates to inform them of the results (winners first), congratulate them, and remind them of the date for their first meeting.

## **VII. ELECTION ELIGIBILITY**

- A. **Community Member**: an individual who does not have any current connection to TJS or any previous connection in the last five years. Connections to TJS are defined as anyone previously employed by or having a family member employed by TJS, or previously attended or having a family member who previously attended TJS. The intent of the community member involvement is to provide an outside perspective for the benefit of TJS. The five-year time frame is intended to allow the development of an outside perspective if the person had previous ties to TJS.
- B. **Parent**: an individual who is the parent or legal guardian of a student who is currently attending TJS and whose enrollment is expected to continue for the duration of the school year. The parent member cannot be employed by TJS in any capacity during their term on the Board or at the time after their nomination. If parent or legal guardian is employed by TJS, they shall be considered a teacher representative and not a parent representative.
- C. **Teacher**: an individual who is a licensed teacher and employed as a teacher by TJS. For purposes of this Section, the term includes instructional, supervisory, and support staff including supervisors, secondary vocational and other classroom teachers, librarians, counselors, school psychologists, school nurses, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, and speech therapists. The Director and lead administrator or Principal of any TJS school are ineligible to serve on the Board.

## **401 EQUAL EMPLOYMENT OPPORTUNITY**

### **I. PURPOSE**

The purpose of this policy is to provide equal employment opportunity for all applicants for The Journey School (TJS) employment and TJS employees.

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

- A. The policy of TJS is to provide equal employment opportunity for all applicants and employees. TJS does not unlawfully discriminate on the basis of race, color, 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. TJS also makes reasonable accommodations for disabled employees.
- B. TJS prohibits the harassment of any individual for any of the categories listed above. For information about the types of conduct that constitute impermissible harassment, please refer to TJS's policy on harassment and violence.
- C. This policy applies to all areas of employment including hiring, discharge, promotion, compensation, facilities, or privileges of employment.
- D. Every TJS employee shall be responsible for following this policy.



E. Any person having a question regarding this policy should discuss it with the Human Resources Director.

**Legal References:** Minn. Stat. Ch. 363A (Minnesota Human Rights Act)

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

29 U.S.C. § 2615 (Family and Medical Leave Act)

38 U.S.C. § 4211 *et seq.* (Employment and Training of Veterans)

38 U.S.C. § 4301 *et seq.* (Employment and Reemployment Rights of Members of the Uniformed Services)

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

42 U.S.C. § 12101 *et seq.* (Equal Opportunity for Individuals with Disabilities)

**Cross References:** TJS Policy 402 (Employee Disability Nondiscrimination)

TJS Policy 413 (Harassment and Violence)

## **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. The Journey School (TJS) 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. TJS 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. TJS 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. TJS 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 the school director.

### **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 TJS official designated by this policy or may file a grievance. TJS encourages the reporting party or complainant to make a report or file a grievance within thirty (30) days of the alleged violation whenever possible. TJS

encourages the reporting party or complainant to use the report form available from the principal of each building or available from the TJS 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 director or his/her designee.

- B. In Each School Building. The building 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 TJS personnel who receives a report of unlawful discrimination toward an employee shall inform the director immediately.
- C. Upon receipt of a report or grievance, the director must notify the TJS Board Chairperson immediately without screening or investigating the report. The director 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 director. If the report was given verbally, the director shall personally reduce it to written form within 24 hours. Failure to act upon any report or complaint of unlawful discrimination toward an employee as provided herein may result in disciplinary action against the director. If the complaint involves the building director, the complaint shall be made or filed directly with the chairperson of the Board of Directors by the reporting party or complainant.
- D. TJS Board hereby designates the school Director as the TJS human rights officer to receive reports, complaints or grievances of unlawful discrimination toward an employee.
- E. The school shall conspicuously post the name of the ADA/Section 504 Coordinator and human rights official (school director), 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. TJS 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 TJS's legal obligations to investigate, to take appropriate action, and to conform to any discovery or disclosure obligations.

#### **IV. INVESTIGATION**

- A. By authority of TJS, the director, 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 TJS officials or by a third party designated by TJS.
- 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, TJS 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, TJS 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 director 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 TJS's investigation of each complaint filed under these procedures will be reported in writing to the complainant by TJS 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 director. If the director (as opposed to some other individual designated by TJS) conducted the investigation, the appeal may be filed directly with the board chairperson. An appeal must be made within ten (10) school days of receipt of TJS's report in writing.
- H. The director 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 director conducted the investigation, this review shall be conducted by the board chairperson. The decision of the director (or of the Board Chair, 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, TJS 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 contractual agreements, Minnesota and federal law and school policies.

## **VI. REPRISAL**

TJS 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

Equal Employment Opportunity Commission  
330 S. 2<sup>nd</sup> 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, and organizations.
- B. TJS shall review this policy and TJS'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:**

### **404 EMPLOYMENT BACKGROUND CHECKS**

#### **PURPOSE**

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

### **GENERAL STATEMENT OF POLICY**

- A. TJS shall require that applicants for TJS positions who receive an offer of employment and all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services to the district, regardless of whether any compensation is paid, submit to a criminal history background check. The offer of employment or the opportunity to provide services shall be conditioned upon a determination by the school that an

individual's criminal history does not preclude the individual from employment with, or provision of services to, the school.

- B. TJS specifically reserves any and all rights it may have to conduct background checks regarding current employees, applicants, or service providers without the consent of such individuals.
- C. Adherence to this policy by TJS shall in no way limit the school's right to require additional information, or to use procedures currently in place or other procedures to gain additional background information concerning employees, applicants, volunteers, service providers, independent contractors, and student employees.

## **PROCEDURES**

- A. Normally an individual will not commence employment or provide services until TJS receives the results of the criminal history background check. TJS may conditionally hire an applicant or allow an individual to provide services pending completion of the background check, but shall notify the individual that the individual's employment or opportunity to provide services may be terminated based on the result of the background check. Background checks will be performed by the Minnesota Bureau of Criminal Apprehension (BCA). The BCA shall conduct the background check by retrieving criminal history data as defined in Minn. Stat. § 13.87. TJS reserves the right to also have criminal history background checks conducted by other organizations or agencies.
- B. In order for an individual to be eligible for employment or to provide athletic coaching services or other extracurricular academic coaching services to the school, except for an enrolled student volunteer, the individual must sign a criminal history consent form, which provides permission for TJS to conduct a criminal history background check. The cost of the criminal history background check is the responsibility of the individual, unless TJS decides to pay the costs for an applicant, volunteer, an independent contractor, or a student employee. If the individual fails to provide TJS with a signed Informed Consent Form at the time the individual receives a job offer, or permission to provide services, the individual will be considered to have voluntarily withdrawn the application for employment or request to provide services.
- C. TJS, in its discretion, may elect not to request a criminal history background check on an individual who holds an initial entrance license issued by the state board of teaching or the commissioner of education within the 12 months preceding an offer of employment or permission to provide services.
- D. TJS may use the results of a criminal background check conducted at the request of another school hiring authority if:
  - 1. the results of the criminal background check are on file with the other school hiring authority or otherwise accessible;

2. the other school hiring authority conducted a criminal background check within the previous 12 months;
  3. the individual executes a written consent form giving the school district access to the results of the check; and
  4. there is no reason to believe that the individual has committed an act subsequent to the check that would disqualify the individual for employment or provision of services.
- E. For all non-state residents who are offered employment with the school, the school shall request a criminal history background check on such applicants from those applicable jurisdictions.
- F. When required, individuals must provide fingerprints to assist in a criminal history background check. If the fingerprints provided by the individual are unusable, the individual will be required to submit another set of prints.
- G. Copies of this policy shall be available in TJS ' employment office and will be distributed to applicants for employment and individuals who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services upon request. The need to submit to a criminal history background check may be included with the basic criteria for employment or provision of services in the position posting and position advertisements.
- H. The individual will be informed of the results of the criminal background check(s) to the extent required by law.
- I. If the criminal history background check precludes employment with, or provision of services to, TJS, the individual will be so advised.
- J. TJS may apply these procedures to other volunteers, independent contractors, or student employees.

## **CRIMINAL HISTORY CONSENT FORM**

A form to obtain consent for a criminal history background check is included with this policy. Similar forms provided by the agency conducting the background check may also be used.

***Legal References:*** Minn. Stat. § 13.04, Subd. 4 (Inaccurate or Incomplete Data)  
Minn. Stat. § 13.87, Subd. 1 (Criminal History Data)  
Minn. Stat. § 123B.03 (Background Check)  
Minn. Stat. §§ 299C.60-299C.64 (Minnesota Child Protection Background







2. Employee identification number, which may not be the employee's social security number;
3. Actual gross salary;
4. Salary range;
5. Terms and conditions of employment relationship;
6. Contract fees;
7. Actual gross pension;
8. The value and nature of employer-paid fringe benefits;
9. The basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;
10. Job title;
11. Job description;
12. Education and training background;
13. Previous work experience;
14. Date of first and last employment;
15. The existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action;
16. 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 TJS;
17. The complete terms of any agreement settling any dispute arising out of the employment relationship, including Director 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;
18. Work location;
19. Work telephone number;
20. Badge number;
21. Work-related continuing education;
22. Honors and awards received; and
23. 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.

B. The following information on applicants for employment 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.

C. 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.



D. Applicants for appointment to a public body.

1. Data about applicants for appointment to a public body are private data on individuals except that the following are public:

- a. name;
- b. city of residence, except when the appointment has a residency requirement that requires the entire address to be public;
- c. education and training;
- d. employment history;
- e. volunteer work;
- f. awards and honors;
- g. prior government service;
- h. any data required to be provided or that are voluntarily provided in an application for appointment to a multimember agency pursuant to Minn. Stat. § 15.0597; and
- i. veteran status.

2. Once an individual is appointed to a public body, the following additional items of data are public:

- a. residential address;
- b. either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee;
- c. first and last dates of service on the public body;
- d. the existence and status of any complaints or charges against an appointee; and
- e. upon completion of an investigation of a complaint or charge against an appointee, the final investigative report is public, unless access to the data would jeopardize an active investigation.

3. Notwithstanding paragraph 2, 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.

E. Regardless of whether there has been a final disposition as defined in Minn. Stat. § 13.43, Subd. 2(b), upon completion of an investigation of a complaint or charge against a public official, as defined in Minn. Stat. § 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.

F. Data relating to a complaint or charge against a public official is public only if: (1) the complaint or charge results in disciplinary action or the employee resigns or is terminated from employment while the complaint or charge is pending; or (2) potential legal claims arising out of the conduct that is the subject of the complaint or charge are released as part of a settlement agreement. Data that is classified as private under another law is not made public by this provision.

## **V. PRIVATE PERSONNEL DATA**

- A. All other personnel data are private and will only be shared with TJS 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 pertaining to an employee's dependents are private data on individuals.
- C. Data created, collected or maintained by TJS to administer employee assistance programs are private.
- D. Parking space leasing data are private.
- E. An individual's checking account number is private when submitted to a government entity.
- F. Personnel data may be disseminated to labor organizations to the extent TJS 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.
- G. TJS may display a photograph of a current or former employee to prospective witnesses as part of TJS's investigation of any complaint or charge against the employee.
- H. TJS 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 are relevant to the concerns for safety to:
  - 1. the person who may be harmed and to the attorney representing the person when the data are relevant to obtaining a restraining order;
  - 2. a pre-petition screening team conducting an investigation of the employee under Minn. Stat. § 253B.07, Subd. 1; or
  - 3. a court, law enforcement agency, or prosecuting authority.
- I. 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.
- J. A complainant has access to a statement provided by the complainant to TJS in connection with a complaint or charge against an employee
- 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 TJS 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. TJS shall make any report to the Board of Teaching or the Board of School Administrators as required by Minn. Stat. § 122A.20, Subd. 2, and shall, upon written request from the licensing board having jurisdiction over a teacher's or administrator's license, provide the licensing board with information about the teacher or administrator from TJS's files, any termination or disciplinary proceeding, and settlement or compromise, or any investigative file in accordance with Minn. Stat. § 122A.20, Subd. 2.
- M. Private personnel data shall be disclosed to the Department of Employment and Economic Development for the purpose of administration of the unemployment insurance program under Minn. Stat. Ch. 268.
- N. When a report of alleged maltreatment of a student in a school is made to the Commissioner of Education, data that are relevant and collected by TJS 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. Additionally, personnel data

may be released for purposes of informing a parent, legal guardian, or custodian of a child that an incident has occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

- O. TJS 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 TJS 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.
- P. The identity of an employee making a suggestion as part of an organized self-evaluation effort by TJS to cut costs, make TJS more efficient, or to improve TJS operations is private.
- Q. Health information on employees is private unless otherwise provided by law. To the extent that TJS transmits protected health information, TJS will comply with all privacy requirements.
- R. Personal home contact information for employees may be used by TJS and shared with another government entity in the event of an emergency or other disruption to ensure continuity of operation for TJS or government entity.
- S. The personal telephone number, home address, and electronic mail address of a current or former employee of a contractor or subcontractor maintained as a result of a contractual relationship between TJS and a contractor or subcontractor entered on or after August 1, 2012, are private data. These data must be shared with another government entity to perform a function authorized by law. The data also must be disclosed to a government entity or any person for prevailing wage purposes.
- T. 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 TJS 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.

#### **VI. MULTIPLE CLASSIFICATIONS**

If data on individuals are classified as both private and confidential by Minn. Stat. Ch. 13, or any other state or federal law, the data are private.

#### **VII. CHANGE IN CLASSIFICATIONS**

TJS 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**

TJS has designated the Director as the authority responsible for personnel data. If you have any questions, contact him or her

#### **IX. EMPLOYEE AUTHORIZATION/RELEASE FORM**

An employee authorization form is included as an addendum to this policy.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

Minn. Stat. § 13.02 (Definitions)

Minn. Stat. § 13.37 (General Nonpublic Data)

Minn. Stat. § 13.39 (Civil Investigation Data)

Minn. Stat. § 13.43 (Personnel Data)

Minn. Stat. § 13.601, Subd. 3 (Elected and Appointed Officials)

Minn. Stat. § 122A.20, Subd. 2 (Mandatory Reporting)

Minn. Stat. § 626.556, Subd. 7 (Reporting of Maltreatment of Minors)

P.L. 104-191 (HIPAA)

45 C.F.R. Parts 160 and 164 (HIPAA Regulations)

**Cross References:** TJS Policy 206 (Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations)

TJS Policy 515 (Protection and Privacy of Pupil Records)

**406 Consent to Release Data – Request from an Individual  
The Journey School**

**If you have a question about anything on this form, or would like more explanation, please talk to the School Director before you sign it.**

I, \_\_\_\_\_, give my permission for the Director of TJS to release data about me to \* \_\_\_\_\_ as described on this form.

1. The specific data I want The Journey School to release is:

\_\_\_\_\_  
\_\_\_\_\_.

2. I understand that although the data are classified as private at The Journey School, the classification/treatment of the data at \* \_\_\_\_\_ depends on laws or policies that apply to the data I am requesting to be released.
3. This authorization to release expires \_\_\_\_\_ (O'clock) on \_\_\_\_\_ (Date).

Signature of individual requesting release of data:

\_\_\_\_\_ Date of request: \_\_\_\_\_

\*Name of company or individual that you want this information released to.

**412 EXPENSE REIMBURSEMENT**

**I. PURPOSE**

The purpose of this policy is to identify The Journey School (TJS) business expenses that involve initial payment by an employee and qualify for reimbursement from TJS, and to specify the manner by which the employee seeks reimbursement.

**II. AUTHORIZATION**

All TJS business expenses to be reimbursed must be approved by the TJS director. Such expenses to be reimbursed may include transportation, meals, lodging, registration fees, required materials, parking fees, tips, and other reasonable and necessary TJS business-related expenses.

### **III. REIMBURSEMENT**

- A. Requests for reimbursement must be itemized on the official TJS form and are to be submitted to the designated administrator. Receipts for lodging, commercial transportation, registration, and other reasonable and necessary expenses must be attached to the reimbursement form.
- B. Automobile travel shall be reimbursed at the then-current Internal Revenue Service reimbursement rate for mileage. Commercial transportation shall reflect economy fares and shall be reimbursed only for the actual cost of the trip.

### **IV. AIRLINE TRAVEL CREDIT**

- A. Employees utilizing TJS funds to pay for airline travel are required to ensure that any credits or other benefits issued by any airline accrue to the benefit of the TJS rather than the employee.
  - 1. To the extent an airline will not honor a transfer or assignment of credit or benefit from the employee to TJS, the employee shall report receipt of the credit or benefit to the designated administrator within 90 days of receipt of the credit or benefit.
  - 2. Reports of the receipt of an airline credit or benefit shall be made in writing and shall include verification from the airline as to the credit or benefit received. Reimbursement for airline travel expenses will not be made until such documentation is provided.
- B. Employees who have existing credits or benefits issued by an airline based upon previously reimbursed airline travel for TJS purposes will be required to utilize those credits or benefits toward any subsequent airline travel related to TJS purposes, prior to reimbursement for such travel, to the extent permitted and/or feasible.
- C. The requirements of this section apply to all airline travel, regardless of where or how the tickets are purchased.

### **V. ESTABLISHMENT OF DIRECTIVES AND GUIDELINES**

The Director in cooperation with their business management firm shall develop a schedule of reimbursement rates for TJS business expenses, including those expenses requiring advance approval and specific rates of reimbursement. The Director in cooperation with their business management firm shall also develop directives and guidelines to address methods and times for submission of requests for reimbursement.

**Legal References:** Minn. Stat. § 15.435 (Airline Travel Credit)

Minn. Stat. § 471.665 (Mileage Allowances)

Minn. Op. Atty. Gen. 1035 (Aug. 23, 1999) (Retreat Expenses)

Minn. Op. Atty. Gen. 161b-12 (Aug. 4, 1997) (Transportation Expenses)

Minn. Op. Atty. Gen. 161B-12 (Jan. 24, 1989) (Operating Expenses of Car)

**Cross References:** TJS Model Policy 214 (Out-of-State Travel by School Board Members)



## **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, gender, age, marital status, and familial status, status with regard to public assistance, sexual orientation, or disability.

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

- A. The policy of The Journey School (TJS) 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, gender, age, marital status, and familial status, status with regard to public assistance, sexual orientation, or disability. TJS prohibits any form of harassment or violence on the basis of race, color, creed, religion, national origin, sex, gender, age, marital status, and familial status, status with regard to public assistance, sexual orientation, or disability.
- B. A violation of this policy occurs when any student, teacher, administrator, or other TJS personnel harasses a student, teacher, administrator, or other TJS personnel or group of students, teachers, administrators, or other TJS personnel through conduct or communication based on a person's race, color, creed, religion, national origin, sex, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, as defined by this policy. (For purposes of this policy, TJS personnel includes TJS Board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the school.)
- C. A violation of this policy occurs when any student, teacher, administrator, or other TJS personnel inflicts, threatens to inflict, or attempts to inflict violence upon any student, teacher, administrator, or other TJS personnel or group of students, teachers, administrators, or other TJS personnel based on a person's race, color, creed, religion, national origin, sex, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.
- D. TJS 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, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, and to discipline or take appropriate action against any student, teacher, administrator, or other TJS personnel who is found to have violated this policy.

### **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, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, 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 Harassment; Definition

1. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or 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 employment or an education; or
  - 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.
2. Sexual harassment may include, but is not limited to:
  - a. unwelcome verbal harassment or abuse;
  - b. unwelcome pressure for sexual activity;

- c. unwelcome, sexually motivated, or inappropriate patting, pinching, or physical contact, other than necessary restraint of student(s) by teachers, administrators, or other TJS personnel to avoid physical harm to persons or property;
- d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
- e. 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; or
- f. unwelcome behavior or words directed at an individual because of gender.

G. 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.

H. 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, and familial status, status with regard to public assistance, sexual orientation, 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, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability by a student, teacher, administrator, or other TJS 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 TJS personnel or group of students, teachers, administrators, or other TJS personnel should report the alleged acts immediately to an appropriate TJS official designated by this policy. A person may report conduct which may constitute harassment or violence anonymously. However, TJS may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. TJS encourages the reporting party or complainant to use the report form available from the principal/director or building supervisor of each building or available from the TJS 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 TJS human rights officer or to the Director. If the complaint involves the building report taker, the complaint shall be made or filed directly with the Director or the TJS human rights officer by the reporting party or complainant.
- D. In Each School Building. The building principal/director, the principal/director'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 TJS 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 Director or the TJS 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. Upon receipt of a report, the building report taker must notify the TJS 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.
- F. In TJS. TJS hereby designates Mary Becker, Director of Human Resources, 2872 26th Avenue South, Minneapolis, MN 55406, (612) 722-9013, mbecker@emailTJS.org, as the TJS human rights officer 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 Director.
- G. TJS shall conspicuously post the name of the human rights officer(s), including mailing addresses and telephone numbers.
- H. 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.
- I. Use of formal reporting forms is not mandatory.
- J. 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.
- K. TJS 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 TJS's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.
- L. Retaliation against a victim, good faith reporter, or a witness of violence or harassment is prohibited.
- M. False accusations or reports of violence or harassment against another person are prohibited.
- N. 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 TJS'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 TJS property and events and/or termination of services and/or contracts.

## **V. INVESTIGATION**

- A. By authority of TJS, 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 TJS officials or by a third party designated by TJS.
- 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, TJS 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, TJS may take immediate steps, at its discretion, to protect the target or victim, the complainant, and students, teachers, administrators, or other TJS 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 TJS human rights officer shall make a written report to the Director upon completion of the investigation. If the complaint involves the Director, the report may be filed directly with the TJS 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. TJS ACTION**

- A. Upon completion of an investigation that determines a violation of this policy has occurred, TJS 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. TJS action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and applicable TJS policies and regulations.
- B. TJS is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of TJS. 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, TJS 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**

TJS will discipline or take appropriate action against any student, teacher, administrator, or other TJS 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 TJS 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 TJS employee and independent contractor who regularly interacts with students at the time of initial employment with TJS.
- C. This policy shall appear in the student handbook.
- D. TJS will develop a method of discussing this policy with students and employees.
- E. TJS 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.

**Legal References:** Minn. Stat. § 120B.232 (Character Development 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:** TJS Policy 102 (Equal Educational Opportunity)  
TJS Policy 401 (Equal Employment Opportunity)  
TJS Policy 402 (Disability Nondiscrimination Policy)  
TJS Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
TJS Policy 406 (Public and Private Personnel Data)  
TJS Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
TJS Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)  
TJS Policy 506 (Student Discipline)  
TJS Policy 514 (Bullying Prohibition Policy)  
TJS Policy 515 (Protection and Privacy of Pupil Records)  
TJS Policy 521 (Student Disability Nondiscrimination)  
TJS Policy 522 (Student Sex Nondiscrimination)  
TJS Policy 524 (Internet Acceptable Use and Safety Policy)  
TJS Policy 526 (Hazing Prohibition)

**THE JOURNEY SCHOOL  
413 HARASSMENT AND VIOLENCE REPORT FORM**

**General Statement of Policy Prohibiting Harassment and Violence**

The Journey School (TJS) maintains a firm policy prohibiting all forms of discrimination. Harassment or violence against students or employees or groups of students or employees on the basis of race, color, creed, religion, national origin, sex, gender, age, marital status, and familial status, status with regard to public assistance, sexual orientation, or disability is strictly prohibited. All persons are to be treated with respect and dignity. Harassment or violence on the basis of race, color, creed, religion, national origin, sex, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability by any pupil, teacher, administrator, or other school personnel, which create an intimidating, hostile, or offensive environment will not be tolerated under any circumstances.

Complainant: \_\_\_\_\_

Phone #: \_\_\_\_ - \_\_\_\_ - \_\_\_\_\_

Date of Alleged Incident(s):  
\_\_\_\_\_

Basis of Alleged Harassment/Violence - circle as appropriate: race \ color \ creed \ religion \ national origin \ sex \ gender \ age \ marital status \ familial status \ status with regard to public assistance \ sexual orientation \ disability –  
Other: \_\_\_\_\_

Name of person you believe harassed or was violent toward you or another person or group:  
\_\_\_\_\_  
\_\_\_\_\_

If the alleged harassment or violence was toward another person or group, identify that person or group:  
\_\_\_\_\_  
\_\_\_\_\_

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; any verbal statements (i.e., threats, requests, demands, etc.); what, if any, physical contact was involved; etc. (Attach additional pages if necessary.):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Where did the incident(s) occur? \_\_\_\_\_ Time:  
\_\_\_\_\_

List any witnesses that were present:  
\_\_\_\_\_



**This complaint is filed based on my honest belief that has harassed or has been violent to me or to another person or group. I hereby certify that the information I have provided in this complaint is true, correct, and complete to the best of my knowledge and belief.**

Complainant Signature: \_\_\_\_\_ Date:

\_\_\_\_\_

Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Time:

\_\_\_\_\_

## **414 MANDATED REPORTING OF CHILD NEGLECT OR PHYSICAL OR SEXUAL ABUSE**

### **I. PURPOSE**

The purpose of this policy is to make clear the statutory requirements of school personnel to report suspected child neglect or physical or sexual abuse.

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

- A. The policy of The Journey School is to fully comply with Minn. Stat. § 626.556 requiring school personnel to report suspected child neglect or physical or sexual abuse.
- B. A violation of this policy occurs when any school personnel fails to immediately report instances of child neglect or physical or sexual abuse when the school personnel knows or has reason to believe a child is being neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years.

### **III. DEFINITIONS**

- A. "Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence or event which:
  - 1. is not likely to occur and could not have been prevented by exercise of due care; and
  - 2. if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence of event.
- B. "Child" means one under age 18 and, for purposes of Minn. Stat. Ch. 260C (Child Protection) and Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment), includes an individual under age 21 who is in foster care pursuant to Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18).
- C. "Immediately" means as soon as possible but in no event longer than 24 hours.
- D. "Mandated reporter" means any school personnel who knows or has reason to believe a child is being neglected or physically or sexually abused, or has been neglected or physically or sexually abused within the preceding three years.
- E. "Neglect" means the commission or omission of any of the acts specified below, other than by accidental means:
  - 1. failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child's physical or mental health

- when reasonably able to do so, including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;
2. failure to protect a child from conditions or actions that seriously endanger the child's physical or mental health when reasonably able to do so;
  3. failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors such as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for his or her own basic needs or safety or the basic needs or safety of another child in his or her care;
  4. failure to ensure that a child is educated in accordance with state law, which does not include a parent's refusal to provide his or her child with sympathomimetic medications;
  5. prenatal exposure to a controlled substance used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child's birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance or the presence of a fetal alcohol spectrum disorder;
  6. medical neglect as defined by Minn. Stat. § 260C.007, Subd. 4(5);
  7. chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child's basic needs and safety; or
  8. emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.
- F. Neglect does not include spiritual means or prayer for treatment or care of disease where the person responsible for the child's care in good faith has selected and depended on those means for treatment or care of disease, except where the lack of medical care may cause serious danger to the child's health.
- G. "Non-maltreatment mistake" means: (1) at the time of the incident, the individual was performing duties identified in the center's child care program plan required under Minn. Rules Part 9503.0045; (2) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years; (3) the individual has not been determined to have committed a similar non-maltreatment mistake under this paragraph for at least four years; (4) any injury to a child resulting from the incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical professional or not; and (5) except for the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing requirements relevant to the incident. This definition only applies to child care centers licensed under Minn. Rules Ch. 9503.
- H. "Physical abuse" means any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child's care other than by accidental means; or any physical or mental injury that cannot reasonably be explained by the child's history of injuries or any aversive or deprivation procedures, or regulated interventions, that have not been authorized by Minn. Stat. § 125A.0942 or § 245.825. Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian which does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal/director, or school employee as allowed by Minn. Stat. § 121A.582. Actions which are not reasonable and moderate include, but are not limited to, any of the following: (1) throwing, kicking, burning, biting, or cutting a child; (2) striking a child with a closed fist; (3) shaking a child under age three; (4) striking or other actions which result in any non-accidental injury to a child under 18 months of age; (5) unreasonable

interference with a child's breathing; (6) threatening a child with a weapon, as defined in Minn. Stat. § 609.02, Subd. 6; (7) striking a child under age one on the face or head; (8) striking a child who is at least age one but under age four on the face or head, which results in an injury; (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances which were not prescribed for the child by a practitioner, in order to control or punish the child, or giving the child other substances that substantially affect the child's behavior, motor coordination, or judgment or that result in sickness or internal injury, or subject the child to medical procedures that would be unnecessary if the child were not exposed to the substances;

(10) unreasonable physical confinement or restraint not permitted under Minn. Stat. § 609.379 including, but not limited to, tying, caging, or chaining; or (11) in a school facility or school zone, an act by a person responsible for the child's care that is a violation under Minn. Stat. § 121A.58.

- I. "Report" means any communication received by the local welfare agency, police department, county sheriff, or agency responsible for child protection pursuant to this section that describes neglect or physical or sexual abuse of a child and contains sufficient content to identify the child and any person believed to be responsible for the neglect or abuse, if known.
- J. "School personnel" means professional employee or professional's delegate of TJS who provides health, educational, social, psychological, law enforcement, or child care services.
- K. "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child (as defined in Minn. Stat. § 609.341, Subd. 15), or by a person in a position of authority (as defined in Minn. Stat. § 609.341, Subd. 10) to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct. Such acts include sexual penetration as well as sexual contact. Sexual abuse also includes any act involving a minor which constitutes a violation of Minnesota statutes prohibiting prostitution or use of a minor in a sexual performance. Sexual abuse includes all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation which requires registration under Minn. Stat. § 243.166, Subd. 1b(a) or (b) (Registration of Predatory Offenders).
- L. "Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.
- M. "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.
- N. "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care who has subjected the child to, or failed to protect a child from, egregious harm, or a person whose parental rights were involuntarily terminated, been found palpably unfit, or one from whom legal and physical custody of a child has been involuntarily transferred to another.

#### **IV. REPORTING PROCEDURES**

- A. A mandated reporter as defined herein shall immediately report the neglect or physical or sexual abuse, which he or she knows or has reason to believe is happening or has happened within the preceding three years, to the local welfare agency, police department, county sheriff, tribal social services, or tribal police department. The reporter will include his or her name and address in the report.

- B. If the immediate report has been made orally, by telephone or otherwise, the oral report shall be followed by a written report within 72 hours (exclusive of weekends and holidays) to the appropriate police department, the county sheriff, local welfare agency, or agency responsible for assisting or investigating maltreatment. The written report shall identify the child, any person believed to be responsible for the abuse or neglect of the child if the person is known, the nature and extent of the abuse or neglect and the name and address of the reporter.
- C. Regardless of whether a report is made, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident has occurred and may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.
- D. A mandated reporter who knows or has reason to know of the deprivation of parental rights or the kidnapping of a child shall report the information to the local police department or the county sheriff.
- E. With the exception of a healthcare professional or a social service professional who is providing the woman with prenatal care or other health care services, a mandated reporter shall immediately report to the local welfare agency if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive.
- F. A person mandated by Minnesota law and this policy to report who fails to report may be subject to criminal penalties and/or discipline, up to and including termination of employment.
- G. Submission of a good faith report under Minnesota law and this policy will not adversely affect the reporter's employment, or the child's access to school.
- H. Any person who knowingly or recklessly makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury, and the reckless making of a false report may result in discipline. The court may also award attorney's fees.

## **V. INVESTIGATION**

- A. The responsibility for investigating reports of suspected neglect or physical or sexual abuse rests with the appropriate county, state, or local agency or agencies. The agency responsible for assessing or investigating reports of child maltreatment has the authority to interview the child, the person or persons responsible for the child's care, the alleged perpetrator, and any other person with knowledge of the abuse or neglect for the purpose of gathering the facts, assessing safety and risk to the child, and formulating a plan. The investigating agency may interview the child at school. The interview may take place outside the presence of a school official. The investigating agency, not the school, is responsible for either notifying or withholding notification of the interview to the parent, guardian or person responsible for the child's care. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded.

- B. When the investigating agency determines that an interview should take place on school property, written notification of intent to interview the child on school property will be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property.
- C. Except where the alleged perpetrator is believed to be a school official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare or law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school officials and the local welfare or law enforcement agency. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school employees when an interview is conducted on school premises.
- D. Where the alleged perpetrator is believed to be a school official or employee, TJS shall conduct its own investigation independent of MDE and, if involved, the local welfare or law enforcement agency.
- E. Upon request by MDE, TJS shall provide all requested data that are relevant to a report of maltreatment and are in the possession of a school facility, pursuant to an assessment or investigation of a maltreatment report of a student in school. TJS shall provide the requested data in accordance with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

## **VI. MAINTENANCE OF SCHOOL RECORDS CONCERNING ABUSE OR POTENTIAL ABUSE**

- A. When a local welfare or local law enforcement agency determines that a potentially abused or abused child should be interviewed on school property, written notification of the agency's intent to interview on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct the interview. The notification shall be private data. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notice or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation has been concluded.
- B. All records regarding a report of maltreatment, including any notification of intent to interview which was received by the school as described above in Paragraph A., shall be destroyed by the school only when ordered by the agency conducting the investigation or by a court of competent jurisdiction.

## **VII. PHYSICAL OR SEXUAL ABUSE AS SEXUAL HARASSMENT OR VIOLENCE**

Under certain circumstances, alleged physical or sexual abuse may also be sexual harassment or violence under Minnesota law. If so, the duties relating to the reporting and investigation of such harassment or violence may be applicable.

## **VIII. DISSEMINATION OF POLICY AND TRAINING**

- A. This policy shall appear in school personnel handbooks.

- B. TJS will develop a method of discussing this policy with school personnel.
- C. This policy shall be reviewed at least annually for compliance with state law.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

- Minn. Stat. § 121A.58 (Corporal Punishment)
- Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)
- Minn. Stat. § 125A.0942 (Standards for Restrictive Procedures)
- Minn. Stat. § 243.166, Subd. 1b(a)(b) (Registration of Predatory Offenders)
- Minn. Stat. § 245.825 (Use of Aversive or Deprivation Procedures)
- Minn. Stat. § 260C.007, Subd. 4, Clause (5) (Child in Need of Protection)
- Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18)
- Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment)
- Minn. Stat. § 609.02, Subd. 6 (Definitions – Dangerous Weapon)
- Minn. Stat. § 609.341, Subd. 10 (Definitions – Position of Authority)
- Minn. Stat. § 609.341, Subd. 15 (Definitions – Significant Relationship)
- Minn. Stat. § 609.379 (Reasonable Force)
- Minn. Stat. § 626.556 *et seq.* (Reporting of Maltreatment of Minors)
- Minn. Stat. § 626.5561 (Reporting of Prenatal Exposure to Controlled Substances)
- 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)

**Cross References:**

## **417 CHEMICAL USE AND ABUSE**

### **I. PURPOSE**

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

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

- A. Use of controlled substances, medical cannabis, toxic substances, and alcohol is prohibited in the school setting in accordance with TJS policies with respect to a Drug-Free Workplace/Drug-Free School.
- B. The policy of TJS is to provide an instructional program in every elementary and secondary school in chemical abuse and the prevention of chemical dependency.
- C. TJS shall establish and maintain in every school a chemical abuse pre-assessment team. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
- D. The Director, with the advice of the TJS Board, shall be responsible for establishing a school and community advisory team to address chemical abuse problems in the school.

E. TJS shall establish and maintain a program to educate and assist employees, students and others in understanding this policy and the goals of achieving drug-free schools and workplaces.

### **III. DEFINITIONS**

- A. "Chemical abuse" means use of any psychoactive or mood-altering chemical substance, without compelling medical reason, in a manner that induces mental, emotional, or physical impairment and causes socially dysfunctional or socially disordering behavior, to the extent that the student's normal function in academic, school, or social activities is chronically impaired.
- B. "Chemicals" includes, but is not limited to, alcohol, toxic substances, medical cannabis, and controlled substances as defined in TJS's Drug-Free Workplace/Drug-Free School policy.
- C. "Use" includes to sell, buy, manufacture, distribute, dispense, use, or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration.
- D. "School location" includes any school building or on any school premises; on any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off-school property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of TJS; or during any period of time such employee is supervising students on behalf of TJS or otherwise engaged in TJS business.

### **IV. STUDENTS**

#### **A. Instruction**

- 1. Every school shall provide an instructional program in chemical abuse and the prevention of chemical dependency. TJS may involve parents, students, health care professionals, state department staff, and members of the community in developing the curriculum.
- 2. Each school shall have age-appropriate and developmentally based activities that:
  - a. address the consequences of violence and the illegal use of drugs, as appropriate;
  - b. promote a sense of individual responsibility;
  - c. teach students that most people do not illegally use drugs;
  - d. teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use;
  - e. teach students about the dangers of emerging drugs;
  - f. engage students in the learning process; and
  - g. incorporate activities in secondary schools that reinforce prevention activities implemented in elementary schools.
- e. TJS will take appropriate disciplinary action in compliance with the student discipline code. Such discipline may include immediate suspension, initiation of expulsion proceedings, and/or referral to a detoxification center or medical center.

#### **B. Reports of Chemical Use and Abuse**

- 1. In the event that a TJS employee knows that a student is abusing, possessing, transferring, distributing, or selling chemicals in a school location:
  - a. The employee shall immediately either take the student to an director or notify an appropriate director of the observation and continue to observe the student until the director arrives.
  - b. The director will notify the student's parents. If there is a medical emergency, the director will notify the school nurse and/or outside medical personnel as appropriate.
  - c. The director will notify law enforcement officials, the student's counselor, and the chemical pre-assessment team.
  - d. The director and/or law enforcement officials will confiscate the chemicals and/or conduct a search of the student's person, effects, locker, vehicle, or areas within the student's control.



2. Searches by TJS officials shall be in accordance with school board policies regarding search and seizure.
3. Each school shall have activities that involve families, community sectors (which may include appropriately trained seniors), and a variety of drug and violence prevention providers in setting clear expectations against violence and illegal use of drugs and appropriate consequences for violence and illegal use of drugs.
4. Each school shall disseminate drug and violence prevention information within the school and to the community.
5. Each school shall have professional development and training for, and involvement of, school personnel, student services personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to drug and violence prevention.
6. Each school shall have drug and violence prevention activities that may include the following:
  - a. Community-wide planning and organizing activities to reduce violence and illegal drug use, which may include gang activity prevention.
  - b. The hiring and mandatory training, based on scientific research, of school security personnel who interact with students in support of youth drug and violence prevention activities under this policy that are implemented in the school.
  - c. Conflict resolution programs, including peer mediation programs that educate and train peer mediators and a designated faculty supervisor, and youth anti-crime and anti-drug councils and activities.
  - d. Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance provided by qualified school-based mental health services providers and the training of teachers by school-based mental health services providers in appropriate identification and intervention techniques for students at risk of violent behavior and illegal use of drugs.
  - e. Programs that encourage students to seek advice from, and to confide in, a trusted adult regarding concerns about violence and illegal drug use.

#### B. Reports of Chemical Use and Abuse

1. In the event that a TJS employee knows that a student is abusing, possessing, transferring, distributing, or selling chemicals in a school location:
  - a. The employee shall immediately either take the student to an director or notify an appropriate director of the observation and continue to observe the student until the director arrives.
  - b. The director will notify the student's parents. If there is a medical emergency, the director will notify the school nurse and/or outside medical personnel as appropriate.
  - c. The director will notify law enforcement officials, the student's counselor, and the chemical pre-assessment team.
  - d. The director and/or law enforcement officials will confiscate the chemicals and/or conduct a search of the student's person, effects, locker, vehicle, or areas within the student's control. Searches by TJS officials shall be in accordance with school board policies regarding search and seizure.
2. If a TJS employee has reason to believe that a student is abusing, possessing, transferring, distributing, or selling chemicals:
  - a. The employee shall notify the building director or a member of the pre-assessment team and shall describe the basis for the suspicion. The building director and/or team will determine what action should be taken. Action may include conducting an investigation, gathering data,

scheduling a conference with the student or parents, or providing a meeting between a single member of the team and the student to discuss the behaviors that have been reported and attempting to ascertain facts regarding chemical abuse.

- b. The team may determine there is no chemical abuse. If the team determines there is chemical abuse, the team will select an appropriate course of action, which may include referral to a school counselor; referral to a treatment program; referral for screening, assessment, and treatment planning; participation in support groups; or other appropriate measures.
3. Students involved in the abuse, possession, transfer, distribution, or sale of chemicals may be suspended in compliance with the student discipline policy and the Pupil Fair Dismissal Act, Minn. Stat. § 121A.40-121A.56, and proposed for expulsion.
4. Searches by TJS officials in connection with the abuse, possession, transfer, distribution, or sale of chemicals will be conducted in accordance with school board policies related to search and seizure.

#### C. Pre-assessment Team

1. Every school shall have a chemical abuse preassessment team designated by the Director or designee. The team will be composed of classroom teachers, directors, and other appropriate professional staff to the extent they exist in each school, such as the school nurse, school counselor or psychologist, social worker, chemical abuse specialist, or others.
2. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
3. Within forty-five (45) days after receiving an individual reported case, the team shall make a determination whether to provide the student and, in the case of a minor, the student's parents with information about school and community services in connection with chemical abuse.

#### D. Data Practices

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

#### 2. Destruction of Records

- a. If the preassessment team decides not to provide a student and, in the case of a minor, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the determination is made.
- b. If the team decides to provide the student and, in the case of a minor or a dependent student, the student's parents with such information, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the student is no longer enrolled in the district.
- c. This section shall govern destruction of records notwithstanding provisions of the Records Management Act, Minn. Stat. § 138.163.

#### E. Consent

Any minor may give effective consent for medical, mental, and other health services to determine the presence of or to treat conditions associated with alcohol and other drug abuse, and the consent of no other person is required.

#### F. School and Community Advisory Team

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

- a. build awareness of the problem within the community, identify available treatment and counseling programs for students, and develop good working relationships and enhance communication between the schools and other community agencies; and
- b. develop a written procedure clarifying the notification process to be used by the chemical abuse pre-assessment team when a student is believed to be in possession of or under the influence of alcohol or a controlled substance. The procedure must include contact with the student and the student's parents or guardian in the case of a minor student.

## **V. EMPLOYEES**

- A. The Director or designee shall undertake and maintain a drug-free awareness and prevention program to inform employees, students, and others about:
  1. The dangers and health risks of chemical abuse in the workplace/school.
  2. TJS's drug-free workplace/drug-free school policy.
  3. Any available drug or alcohol counseling, treatment, rehabilitation, re-entry, and/or assistance programs available to employees and/or students.
  4. The penalties that may be imposed on employees for drug abuse violations.
- B. The Director or designee shall notify any federal granting agency required to be notified under the Drug-Free Workplace Act within ten (10) days after receiving notice of a conviction of an employee for a criminal drug statute violation occurring in the workplace. To facilitate the giving of such notice, any employee aware of such a conviction shall report the same to the Director.

### ***Legal References:*** Minn. Stat. § 13.32 (Educational Data)

Minn. Stat. § 121A.25-121A.29 (Chemical Abuse)

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

Minn. Stat. § 138.163 (Records Management Act)

Minn. Stat. § 144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse, Abortion)

Minn. Stat. § 152.22 (Medical Cannabis; Definitions)

Minn. Stat. § 152.23 (Medical Cannabis; Limitations)

20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)

20 U.S.C. §§ 7101-7165 (Safe and Drug-Free Schools and Communities Act)

41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)

34 C.F.R. Part 84 (Government-wide Requirements for Drug-Free Workplace)

### ***Cross References:*** TJS Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)

TJS Policy 418 (Drug-Free Workplace/Drug Free School)

TJS Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)

TJS Policy 506 (Student Discipline)

TJS Policy 515 (Protection and Privacy of Pupil Records)

TJS Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)

