

Notice of ISD 704  
 Policy Committee Meeting  
 Monday, September 12, 2022  
 St. Luke's Sports and Event Center

Purpose of the meeting - Review and discuss the following policies:

Policy Number	Policy Title	Last Review Date	Notes
513	Student Promotion, Retention, and Program Design	6-22-20	Review procedure
523	Policies Incorporated by Reference	12-16-19	Review redline changes
607	Organization of Grade Levels	6-27-22	Review procedure
607.1	Early Entrance to Kindergarten Addendum	2-27-22	Review procedure.
615	Testing Accommodations, Modifications, and Exemptions for IEPs, Section 504 Plans, and LEP Students	2-10-20	Review redline changes
720	Vending Machines	12-16-19	Review redline changes
722F	Form for policy 722	12-16-19	Matches MSBA form. No changes.
730	Purchasing	12-16-19	Local Policy - no MSBA
801	Equal Access to School Facilities		Statutory Requirements
801F	Form		
802	Disposition of Obsolete Equipment and Material	12-16-19	Redline reference sources.
901	Community Education		
902	Use of School District Facilities and Equipment	8-26-19	Review reference sources.
903	Visitors to School District Buildings and Sites	8-12-19	Review reference sources

904	Distribution of Materials on School District Property by Nonschool Persons	12-16-19	Review
	<b>From previous meetings</b>		
506	Student Discipline		Admin. finish VIII C-K
522	Title IX		Training Materials
806	Crisis Management		Need the Plan
807	Health and Safety		Need the Plan

Discussion of future policy revisions and policy schedule.

**Adopted:** 04/18/00 **Policy Meeting 9.12.22**

**ISD 704**

**Revised:** 10/10/16

**Policy 513**

02/26/18

06/22/20

## **513 STUDENT PROMOTION, RETENTION, AND PROGRAM DESIGN**

### **I. PURPOSE**

The purpose of this policy is to provide guidance to professional staff, parents, and students regarding student promotion, retention, and program design.

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

The school board expects all students to achieve at an acceptable level of proficiency. Parental assistance, tutorial and remedial programs, counseling, and other appropriate services shall be coordinated and utilized to the greatest extent possible to help students succeed in school.

#### **A. Promotion**

Students who achieve at levels deemed acceptable by local and state standards shall be promoted to the next grade level at the completion of each school year.

#### **B. Retention**

Retention of a student may be considered when professional staff and parents feel that it is in the best interest of the student. Physical development, maturity, and emotional factors shall be considered, as well as scholastic achievement. The superintendent's decision shall be final.

#### **C. Program Design**

1. The superintendent, with participation of the professional staff and parents, shall develop and implement programs to challenge students that are consistent with the needs of students at every level. A process to assess and evaluate students for program assignment shall be developed in coordination with such programs. Opportunities for special programs and placement outside of the school district shall also be developed as additional options. All programs will be aligned with creating the world's best workforce.

2. The school district will adopt guidelines for assessing and identifying students for participation in gifted and talented programs. The guideline should include the use of:
  - a. multiple objective criteria; and
  - b. assessments and procedures that are valid and reliable, fair, and based on current theory and research. Assessments and procedures should be sensitive to under-represented groups, including, but not limited to, low-income, minority, twice-exceptional, and English learners.
  
3. The school district will adopt procedures for the academic acceleration of gifted and talented students. These procedures will include how the school district will:
  - a. assess a student's readiness and motivation for acceleration; and
  - b. match the level, complexity, and pace of the curriculum to a student to achieve the best type of academic acceleration for that student.
  
4. The school district will adopt procedures which describe the comprehensive evaluation in cognitive, social and emotional development domains to help determine a child's ability to meet kindergarten grade expectations and progress to first grade in the subsequent year for early admission to kindergarten or first grade of gifted and talented learners. The comprehensive evaluation must use valid and reliable instrumentation, be aligned with state kindergarten expectations, and include a parental report and teacher observations of the child's knowledge, skills, and abilities. The procedures must be sensitive to under-represented groups.

*Legal References:* Minn. Stat. § 120B.15 (Gifted and Talented **Students** Program)  
Minn. Stat. § 123B.143, Subd. 1 (Superintendents)

*Cross References:* Policy 613 (Graduation Requirements)  
Policy 614 (School District Testing Plan and Procedure)  
Policy 615 (Testing, Accommodations, and Exemptions for IEPs, Section 504 Plans, LEP Students)  
MSBA Policy 617 (School District Ensurance of Preparatory and High School Standards)  
Policy 618 (Assessment of Student Achievement)  
Policy 620 (Credit for Learning)



**523 POLICIES INCORPORATED BY REFERENCE**

**PURPOSE**

Certain policies as contained in this policy reference manual are applicable to students as well as to employees. ~~In order~~ To avoid undue duplication, the school district provides notice by this section of the application and incorporation by reference of the following policies which also apply to students:

- ~~Policy 102 — Equal Educational Opportunity~~
- ~~Policy 103 — Complaints — Students, Employees, Parents, Other Persons~~
- ~~Policy 206 — Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations~~
- ~~Policy 211 — Criminal or Civil Action Against School District, School Board Member Employee, or Student~~
- ~~Policy 305 — Policy Implementation~~
- Policy 413 Harassment and Violence
- Policy 417 Chemical Use and Abuse
- Policy 418 Drug-Free Workplace/Drug-Free School
- Policy 419 Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices
- Policy 420 Students and Employees with Sexually Transmitted Infections and Diseases and Certain Other Communicable Diseases and Infectious Conditions
- ~~Policy 511 — Student Fundraising~~
- ~~Policy 524 — Internet Acceptable Use and Safety Policy~~
- ~~Policy 525 — Violence Prevention~~
- ~~Policy 610 — Field Trips~~
- ~~Policy 613 — Graduation Requirements~~
- ~~Policy 614 — School District Testing Plan and Procedure~~
- ~~Policy 615 — Testing Accommodations, Modifications, and Exemptions for IEPs, Section 504 Plans, and LEP Students~~
- ~~Policy 616 — School District System Accountability~~
- ~~Policy 707 — Transportation of Public School Students~~
- ~~Policy 708 — Transportation of Nonpublic School Students~~
- ~~Policy 709 — Student Transportation Safety Policy~~
- ~~Policy 710 — Extracurricular Transportation~~
- ~~Policy 711 — Video Recording on School Buses~~
- ~~Policy 712 — Video Surveillance Other Than on Buses~~
- ~~Policy 801 — Equal Access to School Facilities~~

Students are charged with notice that the above cited policies are also applicable to students; however, students are also on notice that the provisions of the various policies speak for themselves and may be applicable although not specifically listed above.

**Legal References:** None  
**Cross References:** None

*Adopted:* 02/23/04 **Policy Meeting 9.12.22**

*ISD 704*

*Revised:* 03/27/06  
10/10/16  
08/24/20  
11/09/20  
06/27/22

*Policy 607*

**607 ORGANIZATION OF GRADE LEVELS**

**I. PURPOSE**

The purpose of this policy is to address the grade-level organization of schools within the school district.

**II. GENERAL STATEMENT OF POLICY**

A. The policy of the school district is to address the groupings of grade levels as recognized in Minnesota Statutes section 120A.05 as follows:

- Elementary: Grades prekindergarten through 5
- Middle: Grades 6 through 8
- Senior High: Grades 9 through 12

B. The superintendent may seek school board approval to administer certain programs on a nongraded basis or a design different from that indicated. Program proposals that seek school board approval must meet all state requirements and reflect the rationale for the modification.

C. The school district may request documentation that verifies a student falls within the school’s minimum and maximum age requirements for admission to publicly funded prekindergarten, preschool, kindergarten, or grades 1 through 12. Documentation may include a passport, a hospital birth record or physician’s certificate, a baptismal or religious certificate, an adoption record, health records, immunization records, immigration records, previously verified school records, early childhood screening records, Minnesota Immunization Information Connection records, or an affidavit from a parent.

**III. DEFINITIONS**

A. “Kindergarten” means a program designed for students five years of age on September 1 of the calendar year in which the school year commences that prepares students to enter first grade the following school year.

- B. “Prekindergarten” means a program designed for students younger than five years of age on September 1 of the calendar year in which the school year commences that prepares students to enter kindergarten the following school year.

***Legal References:*** Minn. Stat. § 120A.05, Subds. 9, 10a, 11, 13, 17 (Definitions-**Public Schools**)  
Minn. Stat. § 120A.20, Subd. 4 (**Verification of Age for** Admission to Public School)  
Minn. Stat. § 123B.02, Subd. 2 (General Powers of Independent School Districts)

***Cross References:*** None

## Proctor Public Schools Student Acceleration and Retention Procedure

Consideration for acceleration or retention must be done by request to the building principal in writing, utilizing the *Acceleration and Retention Request Form*. Recommendations for **acceleration/retention must be made by May 1**, for the following school year with the exception of Early Entrance to Kindergarten by August 15.

After the building principal receives the *Acceleration and Retention Request Form*, a building team including the principal, the student's teacher/s, the school counselor and other staff as appropriate, will meet to discuss all appropriate student data pertaining to acceleration/retention

### Acceleration/Retention Criteria

<b>Early Entrance to Kindergarten</b> (requested prior to August 15 of school year)	<ul style="list-style-type: none"> <li>• Students considered for early entrance to kindergarten must:               <ul style="list-style-type: none"> <li>○ Turn 5 between September 1 and September 30 of the school year.</li> <li>○ Complete a comprehensive assessment outside the school district which is paid for by the parents. The report must include information on the child's:                   <ul style="list-style-type: none"> <li>■ 1. social/emotional skills;</li> <li>■ 2. intellectual ability;</li> <li>■ 3. preschool readiness skills (academic);</li> <li>■ 4. small and gross motor skills; and</li> <li>■ 5. health history.</li> </ul> </li> <li>○ Provide a recommendation from a preschool teacher or other responsible adult not related to the family who has observed the child in a learning/social environment.</li> <li>○ Obtain recommendation from a licensed psychologist. The cost of such a recommendation must be paid for by the parents.</li> </ul> </li> </ul>								
<b>Content-based acceleration</b>	<ul style="list-style-type: none"> <li>• Students considered for content-based acceleration must have 3 or more of the following criteria.               <ul style="list-style-type: none"> <li>○ MCA trend data of exceeding consecutive years.</li> <li>○ Exceeding grade level expectations in identified subject on grade level assessments.</li> <li>○ Grade level team recommendation.</li> <li>○ Exceed on next grade level standards placement assessment.</li> </ul> </li> </ul>								
<b>Grade-level acceleration</b>	<ul style="list-style-type: none"> <li>• Students considered for grade-level acceleration must have 3 or more of the following criteria.               <ul style="list-style-type: none"> <li>○ MCA trend data of exceeding consecutive years.</li> <li>○ Exceeding grade level expectations in all subjects on grade level assessments.</li> <li>○ Grade level team recommendation.</li> <li>○ Complete a comprehensive assessment outside the school district which is paid for by the parents.</li> </ul> </li> </ul>								
<b>Retention</b>	<ul style="list-style-type: none"> <li>• Students considered for retention must be reviewed by the MTSS/CST team.</li> <li>• The request to retain is a parental right.</li> <li>• No child will be retained unless all data that pertains to that student is reviewed. Data may include, but is not limited to the following:</li> </ul> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center; padding: 5px;"><u>ELEMENTARY</u></th> <th style="text-align: center; padding: 5px;"><u>MIDDLE SCHOOL</u></th> <th style="text-align: center; padding: 5px;"><u>HIGH SCHOOL</u></th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;"> <ul style="list-style-type: none"> <li>• Reading/Math Benchmark Assessments</li> <li>• Reading/Math classroom unit assessments</li> <li>• MCA trend data</li> <li>• Other standardized tests or assessments</li> </ul> </td> <td style="padding: 5px;"> <ul style="list-style-type: none"> <li>• failed 5 or more classes</li> <li>• multiple failed targeted interventions.</li> <li>• MCA trend data</li> <li>• Other standardized tests or classroom assessments</li> </ul> </td> <td style="padding: 5px;"> <ul style="list-style-type: none"> <li>• To be considered a               <ul style="list-style-type: none"> <li>○ 10th grader, a student must have earned 4.5 credits.</li> <li>○ 11th grader, a student must have earned 9.0 credits.</li> <li>○ 12th grader, a student must have earned 16.0 credits.</li> </ul> </li> <li>• To graduate from PHS, a student must have earned 23.5 credits and satisfied the requirements for credits in core subject areas and electives.</li> </ul> </td> </tr> </tbody> </table>			<u>ELEMENTARY</u>	<u>MIDDLE SCHOOL</u>	<u>HIGH SCHOOL</u>	<ul style="list-style-type: none"> <li>• Reading/Math Benchmark Assessments</li> <li>• Reading/Math classroom unit assessments</li> <li>• MCA trend data</li> <li>• Other standardized tests or assessments</li> </ul>	<ul style="list-style-type: none"> <li>• failed 5 or more classes</li> <li>• multiple failed targeted interventions.</li> <li>• MCA trend data</li> <li>• Other standardized tests or classroom assessments</li> </ul>	<ul style="list-style-type: none"> <li>• To be considered a               <ul style="list-style-type: none"> <li>○ 10th grader, a student must have earned 4.5 credits.</li> <li>○ 11th grader, a student must have earned 9.0 credits.</li> <li>○ 12th grader, a student must have earned 16.0 credits.</li> </ul> </li> <li>• To graduate from PHS, a student must have earned 23.5 credits and satisfied the requirements for credits in core subject areas and electives.</li> </ul>
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After the building team meeting, staff will conduct appropriate assessments and make appropriate interventions to ensure the building team and the parents/guardians have all necessary information to determine their recommendation on whether the student should be accelerated/retained.

The building team will notify/meet with the parents/guardians to discuss the student's potential acceleration/retention.

- A. If all members of the team and parents/guardians unanimously agree that the students should be accelerated/retained, then the student will be for the following school year.
- B. If all members of the team and parents/guardians do not unanimously agree that the student should be accelerated/retained, then the student will continue on the determined grade level course.

The timeline may be modified as necessary, on a case-by-case- basis as determined by school administration.. At any point during the acceleration process, parents/guardians may request placement with grade level peers.



Proctor Public Schools  
*Acceleration and Retention Request Form*

Form to be completed by staff and Parents/Guardians who are requesting acceleration/retention and be given to the site principal following the timelines laid out in Policy 513.

Student name \_\_\_\_\_ Date \_\_\_\_\_

Staff name \_\_\_\_\_ Grade \_\_\_\_\_

Parent/Guardian name(s) \_\_\_\_\_

Request for

\_\_\_\_\_ Content Acceleration for (subject) \_\_\_\_\_

\_\_\_\_\_ Full Grade acceleration

\_\_\_\_\_ Early entrance to Kindergarten (expectation to move to grade 1 after kindergarten)

\_\_\_\_\_ Retention

Please identify the instruction level best suited to the student's academic, social and emotional needs.

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

Principal Signature \_\_\_\_\_

Policy 607.1  
6.27.22



Adopted: \_\_\_\_\_

MSBA/MASA Model Policy 615

Orig. 1997

Revised: \_\_\_\_\_

Rev. 2022+19

## **615 TESTING ACCOMMODATIONS, MODIFICATIONS, AND EXEMPTIONS FOR IEPs, SECTION 504 PLANS, AND LEP STUDENTS**

### **I. PURPOSE**

The purpose of the policy is to provide adequate opportunity for students identified as having individualized education program (IEP), Rehabilitation Act of 1973, § 504 accommodation plan (504 plan), or English Learner (EL) needs to participate in statewide assessment systems designed to hold schools accountable for the academic performance of all students.

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

#### **A. Minnesota Test of Academic Skills (MTAS)**

1. The school district will utilize the existing annual review of IEPs or 504 plans to review, on a case-by-case basis, and determine how a student with a disability will participate in statewide testing.
2. Participation decisions will be made separately for mathematics, reading, and science. The assessment options are the Minnesota Comprehensive Assessment (MCA) and the MTAS.
3. Eligibility Requirements
  - a. The following requirements must be met for a student with a significant cognitive disability to be eligible for the MTAS:
    - (1) The IEP team must consider the student's ability to access the MCA, with or without accommodations;
    - (2) The IEP must review the student's instructional program to ensure that the student is receiving instruction linked to the general education curriculum to the extent appropriate. If instruction is not linked to the general education curriculum, the IEP team must review the student's goals and determine how access to the general curriculum will be provided;
    - (3) The IEP team determined the student's cognitive functioning to be significantly below age expectations. The team also determined that the student's disability has a significant impact on his or her ability to function in multiple environments, including home, school, and community;
    - (4) The IEP team determined that the student needs explicit and intensive instruction and/or extensive supports in multiple settings to acquire, maintain, and generalize academic and life skills in order to actively participate in school, work, home, and community environments;
    - (5) The IEP team must document, in the IEP, reasons the MCA is or is not an appropriate measure of the student's academic

progress and how the student would participate in statewide testing.

- b. MTAS participation decisions must not be made on the following factors:
  - (1) Student's disability category;
  - (2) Placement;
  - (3) Participation in a separate, specialized curriculum;
  - (4) An expectation that the student will receive a low score on the MCA;
  - (5) Language, social, cultural, or economic differences;
  - (6) Concern for accountability calculations.

B. Alternate ACCESS for ELs

- 1. The school district will utilize the existing annual review of IEPs or 504 plans to review, on a case-by-case basis, and determine how an identified EL student with a disability will participate in statewide testing.
- 2. Eligibility Requirements
  - a. The student must be identified as EL in MARSS in order to take an English language proficiency assessment.
  - b. The student must have a significant cognitive disability. If the student has been identified as eligible to take the MTAS in mathematics, reading, or science, the student meets this criterion.
  - c. For students in grades that the MTAS is not administered:
    - (1) the student must have cognitive functioning significantly below age level;
    - (2) the student's disability must have a significant impact on his or her ability to function in multiple environments, including home, school, and community; and
    - (3) the student needs explicit and intensive instruction and/or extensive supports in multiple settings to acquire, maintain, and generalize academic and life skills in order to actively participate in school, work, home, and community environments.
  - d. The IEP team must consider the student's ability to access the ACCESS, with or without accommodations.
  - e. The IEP team must document, in the IEP, reasons the MCA is or is not an appropriate English language proficiency assessment for the student.
- 3. Alternate ACCESS participation decisions must not be made on the following factors:

- a. Student's disability category;
- b. Participation in a separate, specialized curriculum;
- c. Current level of English language proficiency;
- d. The expectation that the student will receive a low score on the ACCESS for ELs;
- e. Language, social, cultural, or economic differences;
- f. Concern for accountability calculations.

C. EL Students New to the United States

EL students new to the United States will take all assessments, including all academic assessments (math, reading, and science), as well as the English Language Proficiency Assessment (ACCESS).

**III. DEFINITION OF TERMS**

See the current "Procedures Manual for the Minnesota Assessments" which is produced by the Minnesota Department of Education and available through [minnesota.pearsonaccessnext.com](http://minnesota.pearsonaccessnext.com).

**IV. GRANTING AND DOCUMENTING ACCOMMODATIONS, MODIFICATIONS, OR EXEMPTIONS FOR TESTING**

See Chapter 5 of the current "Procedures Manual for the Minnesota Assessments" and ~~2020-21 17-18~~ Guidelines for Administration of Accommodations and Linguistic Supports [http://minnesota.pearsonaccessnext.com/resources/resources-training/manuals/Guidelines%20for%20Accomm\\_2020-21.pdf](http://minnesota.pearsonaccessnext.com/resources/resources-training/manuals/Guidelines%20for%20Accomm_2020-21.pdf) (~~http://minnesota.pearsonaccessnext.com/resources/resources-training/manuals/GuidelinesforAccommandLS\_2018.pdf~~).

**V. RECORDS**

All test accommodations, modifications, or exemptions shall be reported to the school district test administrator. The school district test administrator shall be responsible for keeping a list of all such test accommodations, modifications, and exemptions for school district audit purposes. Testing results will be documented and reported.

**Legal References:** Minn. Stat. § 120B.11 (School District Process [for Reviewing Curriculum, Instruction, and Student Achievement; Striving for the World's Best Workforce](#))  
Minn. Stat. § 120B.30 (Statewide Testing and Reporting System)  
Minn. Stat. § 125A.08~~(a)(1)~~ (Individualized Education Programs)  
Minn. Rules Parts 3501.0640-3501.0655 (Academic Standards for Language Arts)  
Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)  
Minn. Rules Parts 3501.08~~20 00-3501.0815~~ (Academic Standards for the Arts)  
Minn. Rules Parts 3501.0900-3501.0955 (Academic Standards in Science)  
~~Minn. Rules Parts 3501.1000-3501.1190 (Graduation Required Assessment for Diploma) (repealed Minn. L. 2013, Ch. 116, Art. 2, § 22)~~  
Minn. Rules Parts 3501.1300-3501.1345 (Academic Standards for Social Studies)

Minn. Rules Parts 3501.1400-3501.1410 (Academic Standards for Physical Education)

Eligibility Requirements for the Minnesota Test of Academic Skills (MTAS),

<https://education.mn.gov/mdeprod/groups/educ/documents/hiddencontent/mdaw/mda2/~edisp/006087.pdf>

<https://education.mn.gov/mdeprod/groups/educ/documents/hiddencontent/mdaw/mda2/~edisp/006087.pdf>

Alternate ACCESS for ELLs Participation Guidelines,  
<https://education.mn.gov/mdeprod/groups/educ/documents/hiddencontent/mdaw/mdq5/~edisp/049763.pdf>

***Cross References:***

MSBA/MASA Model Policy 104 (School District Mission Statement)

MSBA/MASA Model Policy 601 (School District Curriculum and Instruction Goals)

MSBA/MASA Model Policy 613 (Graduation Requirements)

MSBA/MASA Model Policy 614 (School District Testing Plan and Procedure)

MSBA/MASA Model Policy 616 (School District System Accountability)



*Adopted:* 01/26/09

**Policy Meeting 6.2022 & 9.12.22**

**ISD 704**

*Revised:* 12/16/19

**Policy 720**

## **720 VENDING MACHINES**

### **I. PURPOSE**

The purpose of this policy is to establish procedures to govern vending machines installed in school facilities in the school district.

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

The policy of the school district is to contract for, supervise, maintain, and account for the proceeds from vending machines located in school facilities in a manner that is fair, that maximizes the revenues from those machines, and that establishes controls to avoid fraud, theft, or the appearance of impropriety.

### **III. AUTHORIZATION**

Automatic vending machines for the dispensing of food, beverages, or other approved items are authorized in any school facility in the school district.

### **IV. SUPERVISION; APPROVAL; LOCATION**

- A. All vending machines shall be under the supervision of the school principal or their designee in the facility in which the machine is located. That administrator shall be responsible to supervise the machine in compliance with this policy and any applicable laws.
- B. The items to be dispensed from a vending machine located in a school facility shall be approved by the principal or their designee. All food, beverages, or other items approved shall be appropriate to the school setting. Machines dispensing cigarettes or tobacco products are not authorized under any circumstances. In the event a written complaint is filed with the superintendent regarding the approval or disapproval of any item, the school board, after proper review, shall make the final determination.
- C. Vending machines may be approved that will dispense items only during certain hours, through the use of timers or otherwise. The principal or other person in charge of the school facility may regulate the hours of operation of any machine.



- D. Vending machines shall be located to meet any applicable building, fire, or life/safety codes and to provide convenience of operation, accessibility, and ease of maintenance. Maintenance staff of the facility shall review the location of each machine.

**V. CONTRACT APPROVAL**

- A. All contracts for the purchase or rental of vending machines shall be considered on a facility-by-facility basis.
- B. If the estimated aggregate receipts from all vending machines located in a school facility will be \$25,000 or more in a fiscal year, the contract for any vending machine in that facility must be awarded after the receipt of sealed bids and in compliance with Minnesota Statutes 123B.52.
- C. If the estimated aggregate receipts from all vending machines located in a school facility will be less than \$25,000 in a fiscal year, the contract for any vending machine in that facility may be awarded after the receipt of two or more quotations after taking into consideration conformity with the specifications, terms of delivery, other conditions imposed in the call for quotations, and compliance with Minnesota Statutes 123B.52.
- D. The contracting process shall be conducted in compliance with Minnesota Statutes 123B.52. A copy of this policy shall be included in any specifications or request for proposals or quotations. A record shall be kept of all bids or quotations received with the names, amounts, and successful bidder indicated.
- E. Any bid or quotation must specify all commissions to be paid from the machine and any other noncommissioned amounts to be paid as a result of the award of the contract. The noncommissioned amounts include, but are not limited to, cash payments, in-kind payments, equipment donations, scholarship contributions, bonus payments, or other payments or contributions of any kind or nature. The noncommissioned amounts shall be reduced to a cash equivalency and shall be specified on the bid or quotation as an additional amount to be paid for the award of the contract.
- F. If a contract contains a provision allowing exclusivity, such as all machines in the building carrying only a certain manufacturer's brand of pop, that provision must be reviewed by the administration prior to requesting bids or quotations to ensure that it does not conflict with other contracts of the school district.
- G. No teacher, administrator, school district employee, or school board member shall be interested, directly or indirectly, in a vending machine contract with the school district or personally benefit financially therefore.

*Legal References:*

**Minn. Stat. § 123B.20 (Dealing in School Supplies)**

Minn. Stat. § 123B.52 (Contracts)

Minn. Stat. § 123B.20 (Dealing in Supplies)

Minn. Stat. § 471.345 (**Uniform Municipal Contracting Law**  
**Contracts**)

Minn. Stat. § 471.87 (**Public Officers, Interest in Contract;**  
**Penalty** Conflict of Interest)

*Cross References:*

Policy 210 (Conflict of Interest – School Board Members)

Policy 702 (Accounting)

**Policy Meeting 9.12.22**  
**INDEPENDENT SCHOOL DISTRICT NO. 704**  
**PUBLIC DATA REQUEST FORM**

**TO BE COMPLETED BY THE REQUESTOR**

REQUESTOR NAME (NOT REQUIRED):	PHONE NUMBER:*
ADDRESS:*	EMAIL ADDRESS:*
DATE OF REQUEST:	
DESCRIPTION OF THE INFORMATION REQUESTED: (attach additional page if necessary)	
MANNER IN WHICH RESPONSIVE DATA IS TO BE PROVIDED:	
INSPECTION ONLY _____ COPIES ONLY** _____ BOTH INSPECTION AND COPIES _____ **	
**Inspection is free, but there is a charge for copies. Payment must be received before copies will be provided.	

**FOR OFFICE USE ONLY**

DATE REQUEST RECEIVED:	REQUEST RECEIVED BY:
DATE OF RESPONSE:	RESPONSE PROVIDED BY:

\* Requestor's name is optional. However, contact information is necessary to mail/email the data. Also, contact information is needed if the school district does not understand the request. We will not work on such a request until clarified.

*Adopted:*     08/25/08     Policy Meeting 9.2022

*ISD 704*

*Revised:*     01/09/17  
                  12/16/19

*Policy 730*

## **730 PURCHASING**

### **I. PURPOSE**

The purpose of this policy is to provide for guidance with respect to the purchasing of products and services for ISD 704 in accordance with Federal and State laws.

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

It is the policy of this school district that purchasing should be done in a businesslike fashion to provide the best overall values to the School District and the supporting taxpayers.

### **III. CRITERIA FOR PURCHASING PRODUCTS AND SERVICES**

- A. Bids and Quotes - Contract threshold amounts effective December 16, 2019, are as follows:
  - 1. If the amount of the contract is estimated to exceed \$175,000, sealed bids must be solicited.
  - 2. If the amount of the contract is estimated to be between \$25,000 and \$175,000, the contract may be awarded by sealed bids or by direct negotiation after receiving two or more quotations.
  - 3. If the amount of the contract is estimated at \$25,000 or less, it may be made either upon quotations or in the open market.
- B. Whenever possible, annual requirements should be estimated for all similar items and bids requested for blanket prices (with or without partial releases).
- C. Local vendors shall be given preference whenever total cost and delivery requirements are reasonably close to out-of-town vendors.
- D. Emergency purchases fall outside the above procedures and should be formalized with a purchase order the following day. An attempt should be made to reach a supervisor prior to making purchases.
- E. Contracts under \$175,000 may be entered into by the Superintendent of Schools or the Business Manager which align with the current budget and which are necessary for school operations, transportation, and/or facilities.

- F. All invoices with backup information attached must be approved by an authorized employee.
- G. Questions, problems, or emergency situations should be discussed with the supervisor, business manager, or the superintendent as appropriate.
- H. Refer to district office payable procedures for additional information.

***Legal References:*** Minnesota Statute 471.345 (Uniform Municipal Contracting Law)  
2008 Minnesota Session Laws – Chapter 207

***Cross References:*** MASBO Newsletter – June 2008



Adopted: \_\_\_\_\_

MSBA/MASA Model Policy 801

Orig. 1995

Revised: \_\_\_\_\_

Rev. 202206

## **801 EQUAL ACCESS TO SCHOOL FACILITIES**

***[Note: The provisions of this policy substantially reflect statutory requirements.]***

### **I. PURPOSE**

The purpose of this policy is to implement the Equal Access Act by granting equal access to secondary school facilities for students who wish to conduct a meeting for religious, political, or philosophical purposes during noninstructional time.

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

- A. The policy of the school district is not to deny equal access or a fair opportunity to, or to discriminate against, any students who wish to conduct a meeting, on the basis of the religious, political, philosophical, or other content of the speech at such meetings.
- B. The school board has created a limited open forum for students enrolled in secondary schools during which noncurriculum-related student groups shall have equal access and a fair opportunity to conduct meetings during noninstructional time.
- C. Student use of facilities under this policy does not imply school district sponsorship, approval, or advocacy of the content of the expression at such meetings.
- D. The school district retains its authority to maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary.
- E. In adopting and implementing this equal access policy, the school district will NOT:
  - 1. influence the form or content of any prayer or other religious activity;
  - 2. require any person to participate in prayer or other religious activity;
  - 3. expend public funds beyond the incidental cost of providing the space for student-initiated meetings;
  - 4. compel any school agent or employee to attend a school meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee;
  - 5. sanction meetings that are otherwise unlawful;
  - 6. limit the rights of groups of students based on the size of the group;
  - 7. abridge the constitutional rights of any person.

### **III. DEFINITIONS**

- A. "Limited open forum" means that the school grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during noninstructional time.

- B. "Meeting" includes activities of student groups which are permitted under a limited open forum and are not directly related to the school curriculum. Distribution of literature does not constitute a meeting protected by the Equal Access Act.
- C. "Noninstructional time" means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends, including such other periods that occur during the school day when no classroom instruction takes place.
- D. "Sponsorship" includes the act of promoting, leading, or participating in a meeting. The assignment of a school employee for custodial, observation, or maintenance of order and discipline purposes does not constitute sponsorship of the meeting.
- E. "Secondary school" means any school with enrollment of pupils ordinarily in grades 7 through 12 or any portion thereof.

**IV. FAIR OPPORTUNITY CRITERIA**

Schools in this school district shall uniformly provide that:

- A. A meeting held pursuant to this policy is voluntary and student-initiated;
- B. There is no sponsorship of the meeting by the school or its agents or employees;
- C. Employees or agents of the school are present at religious meetings only in a nonparticipatory capacity;
- D. The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
- E. Nonschool persons may not direct, control, or regularly attend activities of student groups.

**V. PROCEDURES**

- A. Any student who wishes to initiate a meeting under this policy shall apply to the principal of the building at least 48 hours in advance of the time of the activity or meeting. The student must agree to the following:
  - 1. All activities or meetings must comply with existing policies, regulations, and procedures that govern operation of school-sponsored activities.
  - 2. The activities or meetings are voluntary and student-initiated. The principal may require assurances of this fact.
- B. Student groups meeting under this policy must comply with the following rules:
  - 1. Those attending must not engage in any activity that is illegal, dangerous, or which materially and substantially interferes with the orderly conduct of the educational activities of the school. Such activities shall be grounds for discipline of an individual student and grounds for a particular group to be denied access.
  - 2. The groups may not use the school name, school mascot name, school emblems, the school district name, or any name that might imply school or district sponsorship or affiliation in any activity, including fundraising and community involvement.

3. The groups must comply with school policies, regulations and procedures governing school-sponsored activities.
- C. Students applying for use of school facilities under this policy must provide the following information to the principal: time and date of meeting, estimated number of students in attendance, and special equipment needs.
  - D. The building principal has responsibility to:
    1. Keep a log of application information.
    2. Find and assign a suitable room for the meeting or activity. The number of students in attendance will be limited to the safe capacity of the meeting space.
    3. Note the condition of the facilities and equipment before and after use.
    4. Assure proper supervision. Assignment of staff to be present in a supervisory capacity does not constitute school district sponsorship of the meeting or activity.
    5. Assure that the meeting or activity does not interfere with the school's regular instructional activities.
  - E. The school district shall not expend public funds for the benefit of students meeting pursuant to this policy beyond the incidental cost of providing space. The school district will provide no additional or special transportation.
  - F. Nonschool persons may not direct, conduct, control, or regularly attend meetings and activities held pursuant to this policy.
  - G. School district employees or agents may not promote, lead, participate in, or otherwise sponsor meetings or activities held pursuant to this policy.
  - H. A copy of this policy and procedures shall be made available to each student who initiates a request to use school facilities.

**Legal References:** 20 U.S.C. §§ 4071-74 (Equal Access Act)  
 20 U.S.C. § 7905 (Boy Scouts of America Equal Access Act)  
*Board of Educ. of Westside Community Schools v. Mergens*, 496 U.S. 226, ~~1105 S.Ct. 2356~~ (1990)  
*Good News Club v. Milford Central School*, 533 U.S. 98, ~~1215 S.Ct. 2093~~ (2001)  
*Child Evangelism Fellowship of Minnesota v. Special Sch. Dist. 1*, 690 F.3d 996 (8<sup>th</sup> Cir. 2012)  
*Child Evangelism Fellowship of Minnesota v. Elk River Area School Dist.* 728, 599 F.Supp. 2d 1136 (D. Minn. 2009)

**Cross References:** MSBA/MASA Model Policy 902 (Use of School District Facilities and Equipment)  
~~MSBA Service Manual, Chapter 13, School Law Bulletin "O" (Equal Access Act)~~

*The Purpose, General Statement of Policy, Definitions, and Fair Opportunity Criteria sections reflect the language and requirements of the Equal Access Act and so should be adopted as written. School Boards have discretion to adopt reasonable procedures to implement the Act, however. We have provided a section on Procedures as a model.*

**Independent School District No. \_\_\_\_**  
**Application for Use of Facilities Form**  
**Equal Access Act Meeting**

Statement of Policy

It is school district policy to grant equal access to school facilities for students who wish to conduct a meeting for religious, political, or philosophical discussion during noninstructional time, pursuant to the Equal Access Act.

Provision of school facilities does not constitute school district sponsorship of such meeting, and the views expressed therein may or may not reflect those of the school administration, staff, or board of education and are neither approved nor disapproved by them.

Name of student initiating request: \_\_\_\_\_

School: \_\_\_\_\_

Grade: \_\_\_\_\_

Home Room: \_\_\_\_\_

Date of Meeting: \_\_\_\_\_

Time: \_\_\_\_\_

Estimated number to attend: \_\_\_\_\_

Special Equipment needs: \_\_\_\_\_

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*(School District Use Only)*

Room assigned: \_\_\_\_\_

Condition of Facilities: \_\_\_\_\_

Staff (if any) assigned to supervise: \_\_\_\_\_

Notes: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_



*Adopted:*     10/20/98           **Policy Meeting 9.12.2022**                            **ISD 704**

*Revised:*     06/03/02           12/16/19    **Policy 802**  
11/25/03  
02/28/05  
05/24/06  
01/12/09  
05/12/14  
04/10/17

## **802 DISPOSITION OF OBSOLETE EQUIPMENT AND MATERIAL**

### **I. PURPOSE**

The purpose of this policy is to provide guidelines for the superintendent to assist in timely disposition of obsolete equipment and material.

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

Effective use of school building space, and consideration for safety of personnel, will at times require disposal of obsolete equipment and material.

### **III. DEFINITIONS**

- A. “Contract” means an agreement entered into by the school district for the sale of supplies, materials, or equipment.
- B. “Official newspaper” is a regular issue of a qualified legal newspaper.

### **IV. MANNER OF DISPOSITION**

#### **A. Authorization**

The superintendent shall be authorized to dispose of obsolete equipment and materials by selling it at a fair price consistent with the procedures outlined in this policy. Any sale exceeding the minimum amount for which bids are required must first be specifically authorized by the school board. The superintendent shall be authorized to properly dispose of used books, materials, and equipment deemed to have little or no value.

#### **B. Contracts Over \$175,000**

- 1. If the value of the equipment or materials is estimated to exceed \$175,000, sealed bids shall be solicited by two weeks' published notice in the official newspaper. This notice shall state the time and place of receiving bids and contain a brief description of the subject matter. Additional publication in

***Policy 802***

the official newspaper or elsewhere may be made as the school board shall deem necessary.

2. The sale shall be awarded to the highest responsible bidder, be duly executed in writing, and be otherwise conditioned as required by law.
3. A record shall be kept of all bids, with names of bidders and amounts of bids, and an indication of the successful bid. A bid containing an alteration or erasure of any price contained in the bid which is used in determining the highest responsible bid shall be rejected unless the alteration or erasure is corrected by being crossed out and the correction printed in ink or typewritten adjacent thereto and initialed in ink by the person signing the bid.
4. In the case of identical high bids from two or more bidders, the school board may, at its discretion, utilize negotiated procurement methods with the tied high bidders so long as the price paid does not go below the high tied bid price. In the case where only a single bid is received, the school board may, at its discretion, negotiate a mutually agreeable contract with the bidder so long as the price paid does not fall below the original bid. If no satisfactory bid is received, the board may re-advertise.
5. All bids obtained shall be kept on file for a period of at least one year after their receipt. Every contract made without compliance with the foregoing provisions shall be void.
6. Data submitted by a business to a school in response to a request for bids are private until opened. Once opened, the name of the bidder and the dollar amount specified become public; all other data are private until completion of the selection process, meaning the school has completed its evaluation and ranked the responses. After the completion of the selection process, all data submitted by all bidders are public except trade secret data. If all responses are rejected prior to completion of the selection process, all data remain private, except the name of the bidder and the dollar amount specified which were made public at the bid opening for one year from the proposed opening date or until re-solicitation results in completion of the selection process or until a determination is made to abandon the purchase, whichever occurs sooner, at which point the remaining data becomes public. Data created or maintained by the school district as part of the selection or evaluation process are protected as nonpublic data until completion of the selection or evaluation process. At that time, the data are public with the exception of trade secret data.

C. Contracts from \$25,000 to \$175,000

If the amount of the sale is estimated to exceed \$25,000 but not to exceed \$175,000, the contract may be made either upon sealed bids in the manner directed above or by direct negotiation, by obtaining two or more quotations for the purchase or sale when possible, and without advertising for bids or otherwise complying with the requirements of competitive bidding notice. All quotations obtained shall be kept on file for a period of at least one year after their receipt.

D. Contracts \$25,000 or Less

If the amount of the sale is estimated to be \$25,000 or less, the contract may be made either upon quotation or in the open market, in the discretion of the school board. The sale in the open market may be by auction. If the contract is made on quotation, it shall be based, so far as practicable, on at least two quotations which shall be kept on file for a period of at least one year after receipt.

E. Electronic Sale of Surplus Supplies, Materials, and Equipment

Notwithstanding the other procedural requirements of this policy, the school district may contract to sell supplies, materials, and equipment which is surplus, obsolete, or unused through an electronic selling process in which purchasers compete to purchase the supplies, materials, or equipment at the highest purchase price in an open and interactive environment.

F. Notice of Quotation

Notice of procedures to receive quotations shall be given by publication or other means as appropriate to provide reasonable notice to the public.

G. Sales to Employees

No officer or employee of the school district shall sell or procure for sale or possess or control for sale to any other officer or employee of the school district any property or materials owned by the school district, except real property, unless the property and materials are not needed for public purposes and are sold to a school district employee after reasonable public notice at a public auction or by sealed response, if the employee is not directly involved in the auction or sale process pertaining to the administration and collection of sealed responses. Reasonable notice shall include at least one week's published or posted notice. A school district employee may purchase no more than one motor vehicle from the school district at any one auction. This section shall not apply to the sale of property or materials acquired or produced by the school district for sale to the general public in the ordinary course of business. Nothing in this section shall prohibit an employee of the school district from selling or possessing for sale public property if the sale or possession for sale is in the ordinary course of business or the normal course of the employee's duties.

H. Exceptions for Surplus School Computers

1. A school district may bypass the requirements for competitive bidding and is not subject to any other laws relating to school district contracts if it is disposing of surplus school computer and related equipment, including a tablet device, by conveying the property and title to:
  - a. another school district;
  - b. the state department of corrections;
  - c. the board of trustees of Minnesota State Colleges and Universities;
  - d. the family of a student residing in the district whose total family income meets the federal definition of poverty; or
  - e. a charitable organization under section 501(c)(3) of the Internal Revenue Code that is registered with the attorney general's office for educational use.
  
2. If surplus school computers are not disposed of as described in Paragraph 1., upon adoption of a written resolution of the school board, when updating or replacing school computers, including tablet devices, used primarily by students, the school district may sell or give used computers or tablets to qualifying students at the price specified in the written resolution. A student is eligible to apply to the school board for a computer or tablet under this subdivision if the student is currently enrolled in the school and intends to enroll in the school in the year following the receipt of the computer or tablet. If more students apply for computers or tablets than are available, the school must first qualify students whose families are eligible for free or reduced-price meals and then dispose of the remaining computers or tablets by lottery.

***Legal References:***

- Minn. Stat. § 13.591 (Business Data)  
Minn. Stat. § 15.054 (~~Public Employees Not to Purchase Merchandise from Governmental Agencies; Exceptions; Penalty~~ **Sale or Purchase of State Property; Penalty**)  
Minn. Stat. § 123B.29 (Sale ~~of School Building~~ at Auction)  
Minn. Stat. § 123B.52 (Contracts)  
Minn. Stat. § 471.345 (Uniform Municipal Contracting Law)  
Minn. Stat. § 645.11 (Published Notice)

***Cross References:***

- MSBA ~~Service Manual, Chapter 13~~, School Law Bulletin "F" (School District Contract and Bidding Procedures)



Adopted: \_\_\_\_\_

MSBA/MASA Model Policy 901

Orig. 1995

Revised: \_\_\_\_\_

Rev. 2022~~1999~~

## **901 COMMUNITY EDUCATION**

### **I. PURPOSE**

The purpose of this policy is to convey to employees and to the general public the important role of community education within the school district.

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

The school board affirms a strong commitment to the community education program. The school board welcomes, and strongly encourages use of school buildings and activity areas by the community when not used for regularly scheduled elementary and secondary programs. The school administration should strive to accomplish the following objectives:

- A. Maximum use should be made of public school facilities within the school district service area.
- B. Educational needs and interest of area residents should be determined periodically.
- C. Community resources and expertise of residents should be utilized to develop a vibrant, well-rounded community education program.
- D. Area residents should be encouraged to actively participate in program opportunities.

### **III. COMMUNITY EDUCATION ADVISORY COUNCIL**

- A. The council shall assist in promoting the goals and objectives of the program.
- B. The membership of the community education advisory will consist of members who represent: various service organizations; churches; public and nonpublic schools; local government including elected officials; public and private nonprofit agencies serving youth and families; parents; youth; park, recreation or forestry services of municipal or local government units located in whole or in part within the boundaries of the school district; and any other groups participating in the community education program in the school district.
- C. Bylaws of the community education advisory council shall provide the framework for the organization including criteria pertaining to membership, officers' duties, frequency and structure of meetings and such other matters as deemed necessary and appropriate.
- D. The council will adopt a policy to reduce and eliminate program duplication within the school district.

**Legal References:** Minn. Stat. § 123B.51 (Schoolhouses and Sites; Uses for School and Nonschool Purposes; Closings~~Access for Noncurricular Purposes~~)  
Minn. Stat. § 124D.19, Subd. 1 (Community Education Programs; Advisory Council)  
Minn. Stat. § 124D.20, Subd. 1 (Community Education Revenue)



**Cross References:** MSBA/MASA Model Policy 902 (Use of School District Facilities and Equipment)

**Adopted:** Prior to 1992

**Policy Meeting 9.12.22**

**ISD 704  
Policy 902**

**Revised:** 08/06/96  
04/16/01  
05/12/14  
04/10/17  
06/26/17  
08/26/19

## **902 USE OF SCHOOL DISTRICT FACILITIES AND EQUIPMENT**

### **I. PURPOSE**

The purpose of this policy is to provide guidelines for community use of school facilities and equipment.

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

The school board encourages maximum use of school facilities and equipment for community purposes if, in its judgment, that use will not interfere with use for school purposes.

*[Note: The School Board shall have final authority over the use of District's facilities by all resident groups. If there would be a disruption of curricular or extracurricular activities, then school board approval would be required for facilities used by a community-based group, organization, or individual.]*

### **III. SCHEDULED COMMUNITY EDUCATION CLASSES AND ACTIVITIES**

A. The school district administration shall be charged with the process of scheduling rooms and special areas for community education classes and activities planned to be offered during each session with consideration to the following order:

1. Pre-kindergarten through grade 12 activities.
2. After-school, evening and weekend extracurricular activities
3. Community Education activities
4. Community-based groups, organizations or individuals

B. Procedures for providing publicity, registration, and collection of fees shall be the responsibility of Community Education or the St. Luke's Sports and Event Center, Director of Operations.

#### **Rental Services and Fees:**

1. Proctor Public School Board approved organizations and youth community service based groups will be permitted to use school facilities without charge, provided no abnormal demands are made of the custodial staff and use is confined to the period Monday through Friday, when custodians are regularly on duty.
2. A rental fee schedule and payment policy shall be reviewed and approved by the School Board. The fee may include the cost of custodial, supervisory or theater technician services if deemed necessary.

*[Note: This policy does not include usage fees of the St. Luke's Sports and Event Center.*

- C. Registration fees may be structured to include a pro-rata portion of costs for custodial services that may be needed.

#### **IV. GENERAL COMMUNITY USE OF SCHOOL FACILITIES**

- A. The school board may authorize the use of school facilities by community groups or individuals. It may impose reasonable regulations and conditions upon the use of school facilities as it deems appropriate.
- B. Requests for use of school facilities by community groups or individuals shall be made through the Community Education office or the Director of Operations at the St. Luke's Sports and Event Center. The administration will present recommended procedures for the processing and review of requests to the school board. Upon approval by the school board, such procedures shall be contained in addendum 902.1.
- C. The school board may require a rental fee for the use of school facilities. Such fee may include the cost of custodial and supervisory service if deemed necessary. It may also require a deposit or surety bond for the proper use and repair of damage to school facilities. A rental fee schedule, deposit or surety bond schedule, and payment procedure shall be presented for review and approval by the school board.
- D. When emergencies or unusual circumstances arise that necessitate rescheduling the use of school facilities, every effort will be made to find acceptable alternative meeting space.

#### **V. FIELD USE/OUTDOOR FACILITIES**

The District has a shortage of outdoor facilities suitable for the activities scheduled by physical education and athletics, as well as other school board approved groups. The following process has been established which will allow for the monitoring of our existing space and provide data for determining the District's best approach to alleviating field shortage:

- A. Rental fees, liability insurance and a facilities use permit for use of outdoor facilities will be required for all activities not sponsored by the district.
  - a. To ensure that optimum field conditions exist for use of Egerdahl Field and other outdoor district owned facilities.

#### **VI. USE OF SCHOOL EQUIPMENT**

The administration will present a procedure to the school board for review and approval regarding the type of equipment that is available for community use, the extent to which it may be utilized, and the manner by which it may be scheduled for use and any charges to be made relating thereto. Upon approval of the school board, such procedure shall be an addendum to this policy.

#### **VII. RULES FOR USE OF FACILITIES AND EQUIPMENT**

The school board expects members of the community who use district facilities and equipment to do so with respect for school district property and an understanding of

proper use. Individuals and groups shall be responsible for damage to facilities and equipment. A certificate of insurance may be required by the school district to ensure payment for these damages and any liability for injuries.

***Legal References:*** Minn. Stat. § 123B.51 (Schoolhouses and Sites; Uses For School and Nonschool Purposes; Closings) ~~Access for Noncurricular Purposes)~~

***Cross References:*** Model Policy 801 (Equal Access to School Facilities)  
Model Policy 901 (Community Education)

902.1 REGULATIONS AND FEE STRUCTURES FOR USE OF SCHOOL DISTRICT FACILITIES AND EQUIPMENT

- A. The Community Education Department shall be responsible for the scheduling of Proctor High School, Jedlicka Middle School, Bay View Elementary, and Pike Lake Elementary, and the Director of Operations shall be responsible for scheduling of Egerdahl Field, Klang Park, Ugstad Complex, and Indoor Turf Facility. Individuals or organizations desiring to use school facilities shall file an application for such use with Community Education or the St. Luke's Sports and Event Center, Director of Operations.
- B. Applications must be signed by an adult and approved by the Community Education Department or St. Luke's Sports and Event Center, Director of Operations. The original will be kept on file in the Community Education Department's office or St. Luke's Sports and Event Center office.
- C. Use of kitchen facilities requires the presence and supervision of one of the district's cooks. Cook(s) on duty shall be paid according to their prevailing pay schedule.
- D. After a date, time, and facility has been scheduled, groups can be assured that they are entitled to the use of the agreed upon facility. Exceptions may occur because of emergencies or unusual circumstances that necessitate rescheduling of school activities. In that event, every effort will be made to find acceptable meeting space.
- E. The hockey arena is located on school property, but Policy 902.1 does not apply to the St. Luke's Sports and Event Center.

**Rental Rates**

A one-time rental application fee of \$30 must be paid to Community Education or Director of Operations, and the application must be completed and approved 48 hours prior to the rental.

***Class I – All School District Programs or Activities***

**No rent or service fee charged**

Activity must be scheduled on facility use calendar

- Regular school district curricular activities and programs
- School district extra-curricular activities and events
- School district Community Education programs and activities

***Class IIA – Public Activities, Not-For-Profit Community Organizations***

**No rent or service fee charged** for non-profit community service based youth organizations supporting the mission of Proctor Public Schools and include exclusive enrolled students in ISD 704 (in-district 4-H, scouts, PIE, etc.).

1. No rental fee



2. Proof of liability insurance
3. \$30 application fee
4. Service fee when applicable
5. \$40 Egerdahl Field light fee when applicable

*[Note: an exception to “No fee charged” in this category would be if the group is using the space to host a special event, weekend or day use when janitorial usage is necessary outside normal scheduled duties (see note after “hourly rental fees”).]*

### ***Class IIB – Public Activities, Not-For-Profit Community Organizations***

**Rent or service fee charged** for non-profit youth athletic organizations supporting the mission of Proctor Public Schools and include exclusive enrolled students in ISD 704 (in-district Proctor youth athletic organizations).

1. Rental fee charged for each hour of use
2. Proof of liability insurance
3. \$30 application fee
4. Service fee when applicable
5. \$40 Egerdahl Field light fee when applicable
6. \$50 key rental fee

### ***Class III - Community Groups***

Including but not limited to extension classes from local colleges, charitable group meetings, meetings or events (i.e. public hearings, elections) of tax-supported entities such as city, township, county and state governments as defined by state statute, other organized community services, out of district youth athletic/fine art organizations, citizens and civic groups (i.e. Rotary, Lions, VFW, American Legion, Chamber of Commerce), political party meetings or conventions, religious organizations, charter or private schools.

1. Rental fee charged for each hour of use
2. Proof of liability insurance
3. \$30 application fee
4. Service fee when applicable
5. \$40 Egerdahl Field light fee when applicable

***Class IV – Local For-Profit Enterprises, Non-Local Not-For-Profit Groups*** (Businesses and commercial organizations within school district boundaries, Not-for-profit organizations not within school district boundaries)

1. Rental fee charged for each hour of use
2. Proof of liability insurance
3. \$30 application fee
4. Service fee when applicable
5. \$40 Egerdahl Field light fee when applicable

***Class V – Non Local For-Profit Enterprises*** (Businesses and commercial organizations out of school district boundaries)

1. Rental fee charged for each hour of use
2. Proof of liability insurance
3. \$30 application fee
4. Service fee when applicable
5. \$40 Egerdahl Field light fee when applicable

***Long-Term Contracts*** (Individual contracts may be written for groups that use the facilities on a long-term and consistent basis upon consultation with the Director of Community Education or Director of Operations)

1. Rental fee charged for each hour of use
2. Proof of liability insurance
3. \$30 application fee
4. Service fee when applicable
5. \$40 Egerdahl Field light fee when applicable
6. \$50 key rental fee

**Service Fees:**

**Custodial Fee**

There will be no charge for custodial fees if no additional services are required during regular custodian hours.

- There will be a \$20 per hour custodial fee charged to groups requiring additional clean-up or set-up during regular custodial hours.
- There will be a \$40 per hour custodial fee with a two hour minimum charge to groups using district facilities on Saturdays and/or Sundays non-regular scheduled custodian hours.
- There will be a \$60 per hour custodial fee with a two hour minimum charge to groups using district facilities on holidays.

**[Note: custodial fee rates are subject to change according to negotiated contractual agreement]**

***Theater Technician***

There will be a \$40 per hour with a two hour minimum theater technician fee charged to groups requiring technical assistance and/or use of sound and/or lighting equipment.

***Event Supervisor***

There will be a \$40 per hour with a two hour minimum event supervisor fee charged to groups requiring supervision.

*[Note: Independent School District #704 reserves the right to determine when staffing will be required.]*

	<b>Hourly Rental Fees</b>			
	<b>Class II A/B</b>	<b>Class III</b>	<b>Class IV</b>	<b>Class V</b>
<b>Category A</b>	<b>\$10</b>	<b>\$15</b>	<b>\$25</b>	<b>\$40</b>
<b>Damage Deposit</b>	<b>\$20</b>			
	Classroom (all buildings)			
	Library (all buildings)			
	Teacher Lounge (all buildings)			
<b>Category B</b>	<b>\$15</b>	<b>\$20</b>	<b>\$30</b>	<b>\$50</b>
<b>Damage Deposit</b>	<b>\$50</b>			
	Cafeteria (PHS)			
	Cafeteria-Gym (BV/PL)			
	Klang Field (outdoor)			
	4th Street Field (outdoor)			
	Ugstad Complex (outdoor)			
<b>Category C</b>	<b>\$15</b>	<b>\$30</b>	<b>\$40</b>	<b>\$70</b>
<b>Damage Deposit</b>	<b>\$50</b>			
	Gym (BV/PL)			
<b>Category D</b>	<b>\$20</b>	<b>\$50</b>	<b>\$60</b>	<b>\$100</b>
<b>Damage Deposit</b>	<b>\$200</b>			
	Auditorium (PHS)			
	Gymnasium (PHS) per court			
	Field House (PHS) per court			
	Pool (PHS)			
	Upstairs Room - Indoor Turf Facility			
	Egerdahl Field			
<b>Category E</b>	<b>\$100</b>	<b>\$100</b>	<b>\$100</b>	<b>\$100</b>
<b>Damage Deposit</b>	<b>\$200</b>			
	Indoor Turf Facility			

Adopted: \_\_\_\_\_

Revised: \_\_\_\_\_

MSBA/MASA Model Policy 902  
Orig. 1995  
Rev. 202212

## **902 USE OF SCHOOL DISTRICT FACILITIES AND EQUIPMENT**

### **I. PURPOSE**

The purpose of this policy is to provide guidelines for community use of school facilities and equipment.

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

The school board encourages maximum use of school facilities and equipment for community purposes if, in its judgment, that use will not interfere with use for school purposes.

### **III. SCHEDULED COMMUNITY EDUCATION CLASSES AND ACTIVITIES**

- A. The school district administration shall be charged with the process of scheduling rooms and special areas for community education classes and activities planned to be offered during each session.
- B. Procedures for providing publicity, registration, and collection of fees shall be the responsibility of the school district administration.
- C. Registration fees may be structured to include a pro-rata portion of costs for custodial services that may be needed.

### **IV. GENERAL COMMUNITY USE OF SCHOOL FACILITIES**

- A. The school board may authorize the use of school facilities by community groups or individuals. It may impose reasonable regulations and conditions upon the use of school facilities as it deems appropriate.
- B. Requests for use of school facilities by community groups or individuals shall be made through the school district administrative office. The administration will present recommended procedures for the processing and review of requests to the school board. Upon approval by the school board, such procedures shall be an addendum to this policy.
- C. The school board may require a rental fee for the use of school facilities. Such fee may include the cost of custodial and supervisory service if deemed necessary. It may also require a deposit or surety bond for the proper use and repair of damage to school facilities. A rental fee schedule, deposit or surety bond schedule, and payment procedure shall be presented for review and approval by the school board.
- D. When emergencies or unusual circumstances arise that necessitate rescheduling the use of school facilities, every effort will be made to find acceptable alternative meeting space.

**V. USE OF SCHOOL EQUIPMENT**

The administration will present a procedure to the school board for review and approval regarding the type of equipment that is available for community use, the extent to which it may be utilized, and the manner by which it may be scheduled for use and any charges to be made relating thereto. –Upon approval of the school board, such procedure shall be an addendum to this policy.

**VI. RULES FOR USE OF FACILITIES AND EQUIPMENT**

The school board expects members of the community who use facilities and equipment to do so with respect for school district property and an understanding of proper use. Individuals and groups shall be responsible for damage to facilities and equipment. A certificate of insurance may be required by the school district to ensure payment for these damages and any liability for injuries.

**Legal References:** Minn. Stat. § 123B.51 (Schoolhouses and Sites; Uses For School and Nonschool Purposes; Closings) ~~Access for Noncurricular Purposes)~~

**Cross References:** MSBA/MASA Model Policy 801 (Equal Access to School Facilities)  
MSBA/MASA Model Policy 901 (Community Education)



**903 VISITORS TO SCHOOL DISTRICT BUILDINGS AND SITES**

**I. PURPOSE**

The purpose of this policy is to inform the school community and the general public of the position of the school board on visitors to school buildings and other school property.

**II. GENERAL STATEMENT OF POLICY**

- A. The school board encourages interest on the part of parents and community members in school programs and student activities. The school board welcomes visits to school buildings and school property by parents and community members provided the visits are consistent with the health, education and safety of students and employees and are conducted within the procedures and requirements established by the school district.
- B. The school board reaffirms its position on the importance of maintaining a school environment that is safe for students and employees and free of activity that may be disruptive to the student learning process or employee working environment.

**III. POST-SECONDARY ENROLLMENT OPTIONS STUDENTS**

- A. A student enrolled in a post-secondary enrollment options course may remain at the school site during regular school hours in accordance with established procedures.
- B. A student enrolled in a post-secondary enrollment options course may be provided with reasonable access, during regular school hours, to a computer and other technology resources that the student needs to complete coursework for a post-secondary enrollment course in accordance with established procedures.

**IV. RESPONSIBILITY**

- A. The school district administration shall present recommended visitor and post-secondary enrollment options student procedures and requirements to the school board for review and approval. The procedures should reflect input from employees, students and advisory groups, and shall be communicated to the school community and the general public. Upon approval by the school board, such procedures and requirements shall be an addendum to this policy.
- B. The superintendent shall be responsible for providing coordination that may be needed throughout the process and providing for periodic school board review and approval of the procedures.

## V. VISITOR LIMITATIONS

- A. An individual, post-secondary enrollment options student, or group may be denied permission to visit a school or school property or such permission may be revoked if the visitor(s) does not comply with the school district procedures and regulations or if the visit is not in the best interest of students, employees or the school district.
  
- B. Visitors, including post-secondary enrollment options students, are authorized to park vehicles on school property at times and in locations specified in the approved visitor procedures and requirements which are an addendum to this policy or as otherwise specifically authorized by school officials in the student handbook. When unauthorized vehicles of visitors are parked on school property, school officials may:
  - 1. move the vehicle or require the driver or other person in charge of the vehicle to move it off school district property; or
  - 2. if unattended, provide for the removal of the vehicle, at the expense of the owner or operator, to the nearest convenient garage or other place of safety off of school property.
  
- C. An individual, post-secondary enrollment options student, or group who enters school property without complying with the procedures and requirements may be guilty of criminal trespass and thus subject to criminal penalty. Such persons may be detained by the school principal or a person designated by the school principal in a reasonable manner for a reasonable period of time pending the arrival of a police officer.

**Legal References:** Minn. Stat. § 123B.02 (General Powers of Independent School Districts)  
Minn. Stat. § 124D.09 (Post-secondary Enrollment Options **Act Program**)  
Minn. Stat. § 128C.08 (Assaulting a Sports Official Prohibited)  
Minn. Stat. § 609.605, Subd. 4 (~~Trespasses on School Property~~)

**Cross Reference:** None

*Adopted:* 10/11/10

Policy Meeting 9.12.22

*ISD 704*

*Revised:* 07/09/12

*Policy 904*

10/27/14

04/10/17

12/16/19

**904 DISTRIBUTION OF MATERIALS ON SCHOOL DISTRICT PROPERTY BY NONSCHOOL PERSONS**

**I. PURPOSE**

The purpose of this policy is to provide for distribution of materials appropriate to the school setting by nonstaff and nonstudents on school district property in a reasonable time, place, and manner which does not disrupt the educational program nor interfere with the educational objectives of the school district.

**II. GENERAL STATEMENT OF POLICY**

- A. The school district intends to provide a method of nonschool persons and organizations to distribute materials appropriate to the school setting, within the limitations and provisions of this policy.
- B. To provide for orderly and nondisruptive distribution of materials, the school board adopts the following regulations and procedures.

**III. DEFINITIONS**

- A. "Distribution" means circulation or dissemination of materials by means of handing out free copies, selling or offering copies for sale, accepting donations for copies, posting or displaying materials, or placing materials in internal staff or student mailboxes.
- B. "Materials" includes all materials or objects intended by nonschool persons or nonschool organizations for distribution. Examples of nonschool-sponsored materials include but are not limited to leaflets, brochures, buttons, badges, flyers, petitions, posters, underground newspapers whether written by students or employees or others, and tangible objects.
- C. "Nonschool person" means any person who is not currently enrolled as a student in or employed by the school district.
- D. "Obscene to minors" means:
  - 1. The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest of minors of the age to whom distribution is requested;
  - 2. The material depicts or describes, in a manner that is patently offensive to prevailing standards in the adult community concerning how such conduct

should be presented to minors of the age to whom distribution is requested, sexual conduct such as intimate sexual acts (normal or perverted), masturbation, excretory functions, or lewd exhibition of the genitals; and

3. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.
- E. “Minor” means any person under the age of eighteen (18).
- F. “Material and substantial disruption” of a normal school activity means:
1. Where the normal school activity is an educational program of the school district for which student attendance is compulsory, “material and substantial disruption” is defined as any disruption which interferes with or impedes the implementation of that program.
  2. Where the normal school activity is voluntary in nature (including school athletic events, school plays and concerts, and lunch periods) “material and substantial disruption” is defined as student rioting, unlawful seizures of property, conduct inappropriate to the event, participation in a school boycott, demonstration, sit-in, stand-in, walk-out, or other related forms of activity.

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

- G. “School activities” means any activity sponsored by the school including, but not limited to, classroom work, library activities, physical education classes, official assemblies and other similar gatherings, school athletic contests, band concerts, school plays and other theatrical productions, and in-school lunch periods.
- H. “Libelous” is a false and unprivileged statement about a specific individual that tends to harm the individual’s reputation or to lower that individual in the esteem of the community.

#### **IV. GUIDELINES**

- A. Nonschool persons and organizations may, within the provisions of this policy, be granted permission to distribute, at reasonable times and places as set forth in this policy, and in a reasonable manner, materials and objects which are appropriate to the school setting.
- B. Requests for distribution of materials will be reviewed by the administration on a case-by-case basis. However, distribution of the following materials is always prohibited. Material is prohibited that:
1. is obscene to minors
  2. is libelous



3. is pervasively indecent or vulgar or contains any indecent or vulgar language or representations, with a determination made as to the appropriateness of the material for the age level of students to which it is intended;
  4. advertises any product or service not permitted to minors by law;
  5. advocates violence or other illegal conduct;
  6. constitutes insulting or fighting words, the very expression of which injures or harasses other people (e.g., threats of violence, defamation of character or of a person's race, religion, or ethnic origin);
  7. presents a clear and present likelihood that, either because of its content or the manner of distribution, it will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities, will cause the commission of unlawful acts or the violation of lawful school regulations.
- C. Permission for nonschool persons to distribute materials on school district property is a privilege and not a right. In making decisions regarding permission for such distribution, the administration will consider factors including, but not limited to the following:
1. whether the material is educationally related;
  2. the extent to which distribution is likely to cause disruption of or interference with the school district's educational objectives, discipline, or school activities;
  3. whether the materials can be distributed from the office or other isolated location so as to minimize disruption of traffic flow in hallways;
  4. the quantity or size of materials to be distributed;
  5. whether distribution would require assignment of school district staff, use of school district equipment, or other resources;
  6. whether distribution would require that nonschool persons be present on the school grounds;
  7. whether the materials are a solicitation for goods or services not requested by the recipients.

**V. TIME, PLACE, AND MANNER OF DISTRIBUTION**

If permission is granted pursuant to this policy for the distribution of any materials, the time, place, and manner of distribution will be solely within the discretion of the administration, consistent with the provisions of this policy.



## VI. PROCEDURES

- A. Any nonschool person wishing to distribute materials must first submit for approval a copy of the materials to the administration at least five days in advance of desired distribution time, together with the following information:
1. Name and phone number of the person submitting the request.
  2. Date(s) and time(s) of day of requested distribution.
  3. If material is intended for students, the grade(s) of students to whom the distribution is intended.
  4. The proposed method of distribution.
- B. The administration will review the request and render a decision. The administration will assign a location and method of distribution and will inform the persons submitting the request whether nonschool persons may be present to distribute the materials. In the event that permission to distribute the materials is denied or limited, the person submitting the request should be informed in writing of the reasons for the denial or limitation.
- C. Permission or denial of permission to distribute material does not imply approval or disapproval of its contents by either the school, the administration of the school, the school board, or the individual reviewing the material submitted.
- D. In the event that permission to distribute materials is denied, the nonschool person or organization may request reconsideration of the decision by the superintendent. The request for reconsideration must be in writing and must set forth the reasons why distribution is desirable and in the interest of the school community.

## VII. VIOLATION OF POLICY

Any party violating this policy or distributing materials without permission will be directed to leave the school property immediately and, if necessary, the police will be called.

- Legal References:** U. S. Const., amend. I  
*Hazelwood School District v. Kuhlmeier*, 484 U.S. 260, 108 S. Ct. 562, 98 L.Ed.2d 592 (1988)  
*Doe v. South Iron R-1 School District*, 498 F.3d 878 (8<sup>th</sup> Cir. 2007)  
*Bystrom v. Fridley High School*, 822 F.2d 747 (8<sup>th</sup> Cir. 1987)  
*Cornelius v. NAACP Legal Defense and Educational Fund, Inc.*, 473 U.S. 788, 105 S.Ct. 3439, 87 L.Ed.2d 567 (1985)  
*Perry Education Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37, 103 S.Ct. 948, 74 L.Ed.2d 794 (1983)  
*Roark v. South Iron R-1 School Dist.*, 573 F.3d 556 (8<sup>th</sup> Cir. 2009)  
*Victory Through Jesus Sports Ministry Foundation v. Lee's Summit R-7 School Dist.*, 640 F.3d 329 (8<sup>th</sup> Cir. 2011), cert. denied 565 U.S. 1036, 132 S.Ct. 592 (2011)
- Cross References:** MSBA/MASA Model Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)  
 Policy 512 (School Sponsored Student Publications)