I. CALL TO ORDER  
A. Introductions

II. AGENDA  
A. Superintendent’s Update  
B. SEAB Report  
C. Enrollment Report  
   1. Introduction  
   2. Presentation  
   3. Discussion  
D. Policy Update  
   1. Introduction  
   2. Presentation  
   3. Discussion  
   4. Action  
E. Break for Administration Presentation on the Pay 19 Levy and Public Hearing (6:00 p.m Time Certain)  
F. SPPS Administrative Response to the Latino Consent Decree Parent Advisory Council  
   1. Introduction  
   2. Presentation  
   3. Discussion  

III. ADJOURNMENT
School Year 2018-19
Enrollment Overview
December 4, 2018
Agenda

District
  ○ Grades
  ○ Race/Ethnic
  ○ English Language Learners
  ○ Students Receiving Specialized Services
  ○ Pre-Kindergarten

Focus Areas
  ○ Continuation
  ○ Alternative enrollment

Summary
  ○ Uptrends
  ○ Horizontal/Downtrends
How Many Students Are Enrolled?

School Year 2018-19

SPPS total enrollment for school year 2018-19* is 38,872 PK-12 students.

SPPS state-funded enrollment for school year 2018-19 is 36,872 PK*-12 students; a decrease of 314 students from state-funded enrollment for SY 2017-18.

SPPS state-funded enrollment (excluding PK), 36,439, is 340 students below the projected enrollment of 36,779.

* Notes. School Year 2018-19 Enrollment Data is Preliminary until finalized by Minnesota Department of Education. State-funded enrollment are enrollments for which SPPS receives funding from the Minnesota Department of Education.
Trend
State-funded Enrollment Over Time

- Four years of incremental declines
Grades
School Year 2018-19

- Grade K is the largest
# Student Groups

*Unchanged Percentages From SY 17-18*

<table>
<thead>
<tr>
<th>Student Group</th>
<th>Percentage</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Students of Color</td>
<td>79%</td>
<td>- Steady and incremental increases since SY 2002-03</td>
</tr>
</tbody>
</table>
| Students Receiving Special Education Service | 16%        | - Small changes in percentages since 2011-12 peak of 18%  
|                                            |            | - Large ranges across schools |
| English Language Learners                   | 31%        | - Small changes since 2011-12 peak of 36%  
|                                            |            | - Large ranges across schools |
Continuation

- Continuation at transitional grades above 70%
- Continuation from grades 8 to 9 remain the highest of the transitional grades.
- Historical PreK to K continuation rates are very high at the district level; particularly for EC students in PreK classrooms and full day PreK; above 80%. Trend suggest approximately 80% of last years PreK is currently in K.

<table>
<thead>
<tr>
<th>Continue in SPPS</th>
<th>Pre-kindergarten</th>
<th>Grade 5</th>
<th>Grade 8</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>84% 84% 81% 79%</td>
<td>82% 81% 79% 78%</td>
<td>84% 84% 83% 82% 85%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Out of district</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>16% 16% 19% 21%</td>
<td>18% 19% 21% 22%</td>
<td>16% 16% 17% 18% 15%</td>
</tr>
<tr>
<td></td>
<td>12-13 to 13-14</td>
<td>13-14 to 14-15</td>
<td>14-15 to 15-16</td>
</tr>
</tbody>
</table>

[Image of continuation rates graph]
Enrollment Alternatives to SPPS
During School Year 17-18

● 62% school-aged resident children attended SPPS
● 19% school-aged resident children attended a charter school
● 13% school-aged resident children attended a non-public school
● 6% school-aged resident children attended a neighboring district school via open enrollment, and
● 1% school-aged resident children attended other schools
## Summary: Uptrends

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lower grade enrollments</strong></td>
<td>● K is the largest grade; over 3,000 students</td>
</tr>
<tr>
<td>larger than projected</td>
<td></td>
</tr>
<tr>
<td><strong>Continuation from</strong></td>
<td>● Continuation from grades 8 to 9 remain the highest of the</td>
</tr>
<tr>
<td>grades 8 to 9</td>
<td>transition grades</td>
</tr>
<tr>
<td><strong>Pre-K expansion</strong></td>
<td>● Historical PK to K continuation rates are very high at the</td>
</tr>
<tr>
<td></td>
<td>district level; particularly for EC students in PK classrooms</td>
</tr>
<tr>
<td></td>
<td>and full day PK; above 80%.</td>
</tr>
</tbody>
</table>
### Summary: Horizontal/Downtrends

<table>
<thead>
<tr>
<th>Declining overall enrollment</th>
<th>- Seven of the last ten years saw declines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternative enrollment</td>
<td>- Charter, non-public and other district enrollment of school-aged resident students comprises a sizeable percentage of school-aged resident children.</td>
</tr>
<tr>
<td></td>
<td>- Alternative enrollment outside of SPPS is not mitigated by the number of students enrolling in SPPS from out of district</td>
</tr>
</tbody>
</table>
Questions
Policy Update

Cedrick Baker, Chief of Staff

Committee of the Board Meeting
December 4, 2018
Bullying Prohibition - Policy 505.00

● Revision of the policy
● Policy changes reflect requirements of state statute:
  ○ Updated definitions
  ○ Updates to Prohibition section
  ○ Added three new sections
    ■ Investigations
    ■ Responses
    ■ Publication, Information and Training
● Work Group recommendation: advance to three reading process
Drug and Alcohol Testing - Policy 416.00

● New policy that will provide authority so that SPPS may require all employees and/or job applicants to submit to drug and alcohol testing

● Reason for new policy:
  ○ Liability and safety issue
  ○ Concerns being identified that employees were under the influence of drugs or alcohol at work but there is no current mechanism (for any employees other than drivers) to rule out or confirm
Drug and Alcohol Testing - Policy 416.00

● Policy covers:
  ○ Definitions related to drug and alcohol testing
  ○ Drug and alcohol testing for employees that are already federally mandated to do so (i.e. school bus drivers)
  ○ Drug and alcohol testing for other employees

● Work Group recommendation: advance to three reading process
Questions
416 DRUG AND ALCOHOL TESTING

I. PURPOSE

A. Saint Paul Public Schools (SPPS) recognizes the significant problems created by drug and alcohol use in society in general, and the public schools in particular. SPPS further recognizes the important contribution that the public schools have in shaping the youth of today into the adults of tomorrow.

B. SPPS believes that a work environment free of drug and alcohol use will be not only safer, healthier, and more productive but also more conducive to effective learning. Therefore, to provide such an environment, the purpose of this policy is to provide authority so that SPPS may require all employees and/or job applicants to submit to drug and alcohol testing in accordance with the provisions of this policy and as provided in federal law and Minn. Stat. §§ 181.950-181.957.

II. GENERAL STATEMENT OF POLICY

A. All school district employees and job applicants whose positions require a commercial driver’s license will be required to undergo drug and alcohol testing in accordance with federal law and the applicable provisions of this policy. SPPS also may request or require that drivers submit to drug and alcohol testing in accordance with the provisions of this policy and as provided in Minn. Stat. §§ 181.950-181.957.

B. The school district may request or require that any SPPS employee or job applicant, other than an employee or applicant whose position requires a commercial driver’s license, submit to drug and alcohol testing in accordance with the provisions of this policy and as provided in Minn. Stat. §§ 181.950-181.957.

C. The use, possession, sale, purchase, transfer, or dispensing of any drugs not medically prescribed, including medical cannabis, regardless of whether it has been prescribed for the employee, is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of drugs which are not medically prescribed, including medical cannabis, regardless of whether it has been prescribed for the employee, is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of drugs which are not medically prescribed are prohibited from entering or remaining on school district property.

D. The use, possession, sale, purchase, transfer, or dispensing of alcohol is prohibited
on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of alcohol is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of alcohol are prohibited from entering or remaining on school district property.

E. Any employee who violates this section shall be subject to discipline which includes, but is not limited to, immediate suspension without pay and immediate discharge.

III. FEDERALLY MANDATED DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

A. General Statement of Policy

All persons subject to commercial driver’s license requirements shall be tested for alcohol, marijuana (including medical cannabis), cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP), pursuant to federal law. Drivers who test positive for alcohol or drugs shall be subject to disciplinary action, which may include termination of employment.

B. Definitions

1. “Actual Knowledge” means actual knowledge by the school district that a driver has used alcohol or controlled substances based on: (a) direct observation of the employee’s use (not observation of behavior sufficient to warrant reasonable suspicion testing); (b) information provided by a previous employer; (c) a traffic citation; or (d) an employee’s admission, except when made in connection with a qualified employee self-admission program.

2. “Alcohol Screening Device” (ASD) means a breath or saliva device, other than an Evidential Breath Testing Device (EBT), that is approved by the National Highway Traffic Safety Administration and placed on its Conforming Products List for such devices.

3. “Breath Alcohol Technician” (BAT) means an individual who instructs and assists individuals in the alcohol testing process and who operates the EBT.

4. “Commercial Motor Vehicle” (CMV) includes a vehicle which is designed to transport 16 or more passengers, including the driver.

5. “Designated Employer Representative” (DER) means a designated school district representative authorized to take immediate action to remove employees from safety-sensitive duties, to make required decisions in the testing and evaluation process, and to receive test results and other
communications for the school district.

6. “Department of Transportation” (DOT) means United States Department of Transportation.

7. “Driver” is any person who operates a CMV, including full-time, regularly employed drivers, casual, intermittent or occasional drivers, leased drivers, and independent owner-operator contractors.

8. “Evidential Breath Testing Device” (EBT) means a device approved by the National Highway Traffic Safety Administration for the evidentiary testing of breath for alcohol concentration and placed on its Conforming Products List for such devices.

9. “Medical Review Officer” (MRO) means a licensed physician responsible for receiving and reviewing laboratory results generated by the school district’s drug testing program and for evaluating medical explanations for certain drug tests.

10. “Refusal to Submit” (to an alcohol or controlled substances test) means that a driver: (a) fails to appear for any test within a reasonable time, as determined by the school district, consistent with applicable DOT regulations, after being directed to do so; (b) fails to remain at the testing site until the testing process is complete; (c) fails to provide a urine specimen or an adequate amount of saliva or breath for any DOT drug or alcohol test; (d) fails to permit the observation or monitoring of the driver’s provision of a specimen in the case of a directly observed or monitored collection in a drug test; (e) fails to provide a sufficient breath specimen or sufficient amount of urine when directed and a determination has been made that no adequate medical explanation for the failure exists; (f) fails or declines to take an additional test as directed; (g) fails to undergo a medical examination or evaluation, as directed by the MRO or the DER; (h) fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process, fails to wash hands after being directed to do so by the collector, fails to sign the certification on the forms); (i) fails to follow the observer’s instructions, in an observed collection, to raise the driver’s clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if the driver has any type of prosthetic or other device that could be used to interfere with the collection process; (j) possesses or wears a prosthetic or other device that could be used to interfere with the collection process; (k) admits to the collector or MRO that the driver adulterated or substituted the specimen; or (l) is reported by the MRO as having a verified adulterated or substituted test result. An applicant who fails to appear for a pre-employment test, who leaves the testing site before the pre-employment testing process commences, or who does not provide a urine specimen because he or she
has left before it commences is not deemed to have refused to submit to testing.

11. “Safety-sensitive functions” are on-duty functions from the time the driver begins work or is required to be in readiness to work until relieved from work, and include such functions as driving, loading and unloading vehicles, or supervising or assisting in the loading or unloading of vehicles, servicing, repairing, obtaining assistance to repair, or remaining in attendance during the repair of a disabled vehicle.

12. “Screening Test Technician” (STT) means anyone who instructs and assists individuals in the alcohol testing process and operates an ASD.

13. “Stand Down” means to temporarily remove an employee from performing safety-sensitive functions after a laboratory reports a confirmed positive, an adulterated, or a substituted test result but before the MRO completes the verification process.

14. “Substance Abuse Professional” (SAP) means a qualified person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

C. Policy and Educational Materials

1. The school district shall provide a copy of this policy and procedures to each driver prior to the start of its alcohol and drug testing program and to each driver subsequently hired or transferred into a position requiring driving of a CMV.

2. The school district shall provide to each driver information concerning the effects of alcohol and controlled substances use on an individual’s health, work, and personal life; signs and symptoms of an alcohol or drug problem; and available methods of intervening when an alcohol or drug problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management.

3. The school district shall provide written notice to representatives of employee organizations that the information described above is available.

4. The school district shall require each driver to sign a statement certifying that he or she has received a copy of the policy and materials. This statement should be in the form of Attachment A to this policy. The school district will maintain the original signed certificate and will provide a copy to the driver if the driver so requests.
1. The program manager will coordinate the implementation, direction, and administration of the alcohol and controlled substances testing policy for bus drivers. The program manager is the principal contact for the collection site, the testing laboratory, the MRO, the BAT, the SAP, and the person submitting to the test. Employee questions concerning this policy shall be directed to the program manager.

2. The school district shall designate a program manager and provide written notice of the designation to each driver along with this policy.

E. Specific Prohibitions for Drivers

1. Alcohol Concentration. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Drivers who test greater than 0.04 will be taken out of service and will be subject to evaluation by a professional and retesting at the driver’s expense.

2. Alcohol Possession. No driver shall be on duty or operate a CMV while the driver possesses alcohol.

3. On-Duty Use. No driver shall use alcohol while performing safety-sensitive functions.

4. Pre-Duty Use. No driver shall perform safety-sensitive functions within four (4) hours after using alcohol.

5. Use Following an Accident. No driver required to take a post-accident test shall use alcohol for eight (8) hours following the accident, or until he or she undergoes a post-accident alcohol test, whichever occurs first.

6. Refusal to Submit to a Required Test. No driver shall refuse to submit to an alcohol or controlled substances test required by post-accident, random, reasonable suspicion, return-to-duty, or follow-up testing requirements. A verified adulterated or substituted drug test shall be considered a refusal to test.

7. Use of Controlled Substances. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to instructions (which have been presented to the school district) from a licensed physician who has advised the driver that the substance does not adversely affect the driver’s ability to safely operate a CMV. Controlled substance includes medical cannabis, regardless of whether the driver is enrolled in the state registry program.
8. **Positive, Adulterated, or Substituted Test for Controlled Substance.** No driver shall report for duty, remain on duty, or perform a safety-sensitive function if the driver tests positive for controlled substances, including medical cannabis, or has adulterated or substituted a test specimen for controlled substances.

9. **General Prohibition.** Drivers are also subject to the general policies and procedures of the school district which prohibit the possession, transfer, sale, exchange, reporting to work under the influence of drugs or alcohol, and consumption of drugs or alcohol while at work or while on school district premises or operating any school district vehicle, machinery, or equipment.

F. **Other Alcohol-Related Conduct**

No driver found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform safety-sensitive functions for at least twenty-four (24) hours following administration of the test. The school district will not take any action under this policy other than removal from safety-sensitive functions based solely on test results showing an alcohol concentration of less than 0.04 but may take action otherwise consistent with law and policy of the school district.

G. **Prescription Drugs**

A driver shall inform his or her supervisor if at any time the driver is using a controlled substance pursuant to a physician’s prescription. The physician’s instructions shall be presented to the school district upon request. Use of a prescription drug shall be allowed if the physician has advised the driver that the prescribed drug will not adversely affect the driver’s ability to safely operate a CMV. Use of medical cannabis is prohibited notwithstanding the driver’s enrollment in the patient registry.

H. **Testing Requirements**

1. **Pre-Employment Testing**

   a. A driver applicant shall undergo testing for alcohol and controlled substances, including medical cannabis, before the first time the driver performs safety-sensitive functions for the school district.

   b. Tests shall be conducted only after the applicant has received a conditional offer of employment.

   c. In order to be hired, the applicant must test negative and must sign an agreement in the form of Attachment B to this policy, authorizing former employers to release to the school district all information on the applicant’s alcohol tests with results of blood alcohol.
concentration of 0.04 or higher, or verified positive results for controlled substances, including medical cannabis, or refusals to be tested (including verified adulterated or substituted drug test results), or any other violations of DOT agency drug and alcohol testing regulations, or, if the applicant violated the testing regulations, documentation of the applicant’s successful completion of DOT return-to-duty requirements (including follow-up tests), within the preceding two (2) years.

d. The applicant also must be asked whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee, during the last two (2) years, applied for, but did not obtain, safety-sensitive transportation work covered by DOT testing rules.

2. Post-Accident Testing

a. As soon as practicable following an accident involving a CMV, the school district shall test the driver for alcohol and controlled substances, including medical cannabis, if the accident involved the loss of human life or if the driver receives a citation for a moving traffic violation arising from an accident which results in bodily injury or disabling damage to a motor vehicle.

b. Drivers should be tested for alcohol use within two (2) hours and no later than eight (8) hours after the accident.

c. Drivers should be tested for controlled substances, including medical cannabis, no later than thirty-two (32) hours after the accident.

d. A driver subject to post-accident testing must remain available for testing, or shall be considered to have refused to submit to the test.

e. If a post-accident alcohol test is not administered within two (2) hours following the accident, the school district shall prepare and maintain on file a record stating the reasons the test was not promptly administered and continue to attempt to administer the alcohol test within eight (8) hours.

f. If a post-accident alcohol test is not administered within eight (8) hours following the accident or a post-accident controlled substances test is not administered within thirty-two (32) hours following the accident, the school district shall cease attempts to administer the test, and prepare and maintain on file a record stating the reasons for not administering the test.
3. Random Testing

a. The school district shall conduct tests on a random basis at unannounced times throughout the year, as required by the federal regulations.

b. The school district shall test for alcohol at a minimum annual percentage rate of 10% of the average number of driver positions, and for controlled substances, including medical cannabis, at a minimum annual percentage of 50%.

c. The school district shall adopt a scientifically valid method for selecting drivers for testing, such as random number table or a computer-based random number generator that is matched with identifying numbers of the drivers. Each driver shall have an equal chance of being tested each time selections are made.

d. Random tests shall be unannounced. Dates for administering random tests shall be spread reasonably throughout the calendar year.

e. Drivers shall proceed immediately to the collection site upon notification of selection; provided, however, that if the driver is performing a safety-sensitive function, other than driving, at the time of notification, the driver shall cease to perform the function and proceed to the collection site as soon as possible.

4. Reasonable Suspicion Testing

a. The school district shall require a driver to submit to an alcohol test and/or controlled substances, including medical cannabis, test when a supervisor or school district official, who has been trained in accordance with the regulations, has reasonable suspicion to believe that the driver has used alcohol and/or controlled substances, including medical cannabis, on duty or within four (4) hours before coming on duty. The test shall be done as soon as practicable following the observation of the behavior indicative of the use of controlled substances or alcohol.

b. The reasonable suspicion determination must be based on specific, contemporaneous, articulable observations concerning the driver’s appearance, behavior, speech, or body odors. The required observations for reasonable suspicion of a controlled substances violation may include indications of the chronic and withdrawal effects of controlled substances.

c. Alcohol testing shall be administered within two (2) hours following
a determination of reasonable suspicion. If it is not done within two (2) hours, the school district shall prepare and maintain a record explaining why it was not promptly administered and continue to attempt to administer the alcohol test within eight (8) hours. If an alcohol test is not administered within eight (8) hours following the determination of reasonable suspicion, the school district shall cease attempts to administer the test and state in the record the reasons for not administering the test.

d. The supervisor or school district official who makes observations leading to a controlled substances reasonable suspicion test shall make and sign a written record of the observations within twenty-four (24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

5. Return-To-Duty Testing. A driver found to have violated this policy shall not return to work until an SAP has determined the employee has successfully complied with prescribed education and/or treatment and until undergoing return-to-duty tests indicating an alcohol concentration of less than 0.02 and a confirmed negative result for the use of controlled substances.

6. Follow-Up Testing. When an SAP has determined that a driver is in need of assistance in resolving problems with alcohol and/or controlled substances, the driver shall be subject to unannounced follow-up testing as directed by the SAP for up to sixty (60) months after completing a treatment program.

7. Refusal to Submit and Attendant Consequences

a. A driver or driver applicant may refuse to submit to drug and alcohol testing.

b. Refusal to submit to a required drug or alcohol test subjects the driver or driver applicant to the consequences specified in federal regulations as well as the civil and/or criminal penalty provisions of 49 U.S.C. § 521(b). In addition, a refusal to submit to testing establishes a presumption that the driver or driver applicant would test positive if a test were conducted and makes the driver or driver applicant subject to discipline or disqualification under this policy.

c. A driver applicant who refuses to submit to testing shall be disqualified from further consideration for the conditionally offered position.

d. An employee who refuses to submit to testing shall not be permitted to perform safety-sensitive functions and will be considered
insubordinate and subject to disciplinary action, up to and including dismissal. If an employee is offered an opportunity to return to a DOT safety-sensitive duty, the employee will be evaluated by an SAP and must submit to a return-to-duty test prior to being considered for reassignment to safety-sensitive functions.

e. Drivers or driver applicants who refuse to submit to required testing will be required to sign Attachment C to this policy.

I. Testing Procedures

1. Drug Testing

a. Drug testing is conducted by analyzing a donor’s urine specimen. Split urine samples will be collected in accordance with federal regulations. The donor will provide a urine sample at a designated collection site. The collection site personnel will then pour the sample into two sample bottles, labeled “primary” and “split,” seal the specimen bottles, complete the chain of custody form, and prepare the specimen bottles for shipment to the testing laboratory for analysis. The specimen preparation shall be conducted in sight of the donor.

b. If the donor is unable to provide the appropriate quantity of urine, the collection site person shall instruct the individual to drink up to forty (40) ounces of fluid distributed reasonably through a period of up to three (3) hours to attempt to provide a sample. If the individual is still unable to provide a complete sample, the test shall be discontinued and the school district notified. The DER shall refer the donor for a medical evaluation to determine if the donor’s inability to provide a specimen is genuine or constitutes a refusal to test. For pre-employment testing, the school district may elect not to have a referral made, and revoke the employment offer.

c. Drug test results are reported directly to the MRO by the testing laboratory. The MRO reports the results to the DER. If the results are negative, the school district is informed and no further action is necessary. If the test result is confirmed positive, adulterated, substituted, or invalid, the MRO shall give the donor an opportunity to discuss the test result. The MRO will contact the donor directly, on a confidential basis, to determine whether the donor wishes to discuss the test result. The MRO shall notify each donor that the donor has seventy-two (72) hours from the time of notification in which to request a test of the split specimen at the donor’s expense. No split specimen testing is done for an invalid result.

d. If the donor requests an analysis of the split specimen within
seventy-two (72) hours of having been informed of a confirmed positive test, the MRO shall direct, in writing, the laboratory to provide the split specimen to another Department of Health and Human Services – SAMHSA certified laboratory for analysis. If the donor has not contacted the MRO within seventy-two (72) hours, the donor may present the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the confirmed positive test, or other circumstances unavoidably prevented the donor from timely making contact. If the MRO concludes that a legitimate explanation for the donor’s failure to contact him/her within seventy-two (72) hours exists, the MRO shall direct the analysis of the split specimen. The MRO will review the confirmed positive test result to determine whether an acceptable medical reason for the positive result exists. The MRO shall confirm and report a positive test result to the DER and the employee when no legitimate medical reason for a positive test result as received from the testing laboratory exists.

e. If, after making reasonable efforts and documenting those efforts, the MRO is unable to reach the donor directly, the MRO must contact the DER who will direct the donor to contact the MRO. If the DER is unable to contact the donor, the donor will be suspended from performing safety-sensitive functions.

f. The MRO may confirm the test as a positive without having communicated directly with the donor about the test results under the following circumstances:

(1) The donor expressly declines the opportunity to discuss the test results;

(2) The donor has not contacted the MRO within seventy-two (72) hours of being instructed to do so by the DER; or

(3) The MRO and the DER, after making and documenting all reasonable efforts, have not been able to contact the donor within ten (10) days of the date the confirmed test result was received from the laboratory.

2. Alcohol Testing

a. The federal alcohol testing regulations require testing to be administered by a BAT using an EBT or an STT using an ASD. EBTs and ASDs can be used for screening tests but only EBTs can be used for confirmation tests.

b. Any test result less than 0.02 alcohol concentration is considered a
“negative” test.

c. If the donor is unable to provide sufficient saliva for an ASD, the DER will immediately arrange to use an EBT. If the donor attempts and fails to provide an adequate amount of breath, the school district will direct the donor to obtain a written evaluation from a licensed physician to determine if the donor’s inability to provide a breath sample is genuine or constitutes a refusal to test.

d. If the screening test results show alcohol concentration of 0.02 or higher, a confirmatory test conducted on an EBT will be required to be performed between fifteen (15) and thirty (30) minutes after the completion of the screening test.

e. Alcohol tests are reported directly to the DER.

J. Driver/Driver Applicant Rights

1. All drivers and driver applicants subject to the controlled substances testing provisions of this policy who receive a confirmed positive test result for the use of controlled substances have the right to request, at the driver’s or driver applicant’s expense, a confirming retest of the split urine sample. If the confirming retest is negative, no adverse action will be taken against the driver, and a driver applicant will be considered for employment.

2. The school district will not discharge a driver who, for the first time, receives a confirmed positive drug or alcohol test UNLESS:

   a. The school district has first given the employee an opportunity to participate in, at the employee’s own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the school district after consultation with the SAP; and

   b. The employee refuses to participate in the recommended program, or fails to successfully complete the program as evidenced by withdrawal before its completion or by a positive test result on a confirmatory test after completion of the program.

   c. This limitation on employee discharge does not bar discharge of an employee for reasons independent of the first confirmed positive test result.

K. Testing Laboratory
The testing laboratory for controlled substances will be U.S. HealthWorks Medical Group, 570 Asbury Street, Suite 101, Saint Paul, Minnesota, (651) 888-6540, which is a laboratory certified by the Department of Health and Human Services – SAMHSA to perform controlled substances testing pursuant to federal regulations.

L. Confidentiality of Test Results

All alcohol and controlled substances test results and required records of the drug and alcohol testing program are considered confidential information under federal law and private data on individuals as that phrase is defined in Minn. Stat. Ch. 13. Any information concerning the individual’s test results and records shall not be released without written permission of the individual, except as provided for by regulation or law.

M. Recordkeeping Requirements and Retention of Records

1. The school district shall keep and maintain records in accordance with the federal regulations in a secure location with controlled access.

2. The required records shall be retained for the following minimum periods:

   - Basic records: 5 years
     
   “Basic records” includes records of: (a) alcohol test results with concentration of 0.02 or greater; (b) verified positive drug test results; (c) refusals to submit to required tests (including substituted or adulterated drug test results); (d) SAP reports; (e) all follow-up tests and schedules for follow-up tests; (f) calibration documentation; (g) administration of the testing programs; and (h) each annual calendar year summary.

   - Information obtained from previous employers: 3 years

   - Collection records: 2 years

   - Negative and cancelled drug tests: 1 year

   - Alcohol tests with less than 0.02 concentration: 1 year

   - Education and training records: indefinite

   “Education and training records” must be maintained while the individuals perform the functions which require training and for the two (2) years after ceasing to perform those functions.

N. Training

The school district shall ensure all persons designated to supervise drivers receive training. The designated employees shall receive at least sixty (60) minutes of training on alcohol misuse and at least sixty (60) minutes of training on controlled substances use. The training shall include physical, behavioral, speech, and
performance indicators of probable misuse of alcohol and use of controlled substances. The training will be used by the supervisors to make determinations of reasonable suspicion.

O. Consequences of Prohibited Conduct and Enforcement

1. Removal. The school district shall remove a driver who has engaged in prohibited conduct from safety-sensitive functions. A driver shall not be permitted to return to safety-sensitive functions until and unless the return-to-duty requirements of federal DOT regulations have been completed.

2. Referral, Evaluation, and Treatment
   a. A driver or driver applicant who has engaged in prohibited conduct shall be provided a listing of SAPs readily available to the driver or applicant and acceptable to the school district.
   b. If the school district offers a driver an opportunity to return to a DOT safety-sensitive duty following a violation, the driver must be evaluated by an SAP and the driver is required to successfully comply with the SAP’s evaluation recommendations (education, treatment, follow-up evaluation(s), and/or ongoing services). The school district is not required to provide an SAP evaluation or any subsequent recommended education or treatment.
   c. Drivers are responsible for payment for SAP evaluations and services unless a collective bargaining agreement or employee benefit plan provides otherwise.
   d. Drivers who engage in prohibited conduct also are required to comply with follow-up testing requirements.

3. Disciplinary Action
   a. Any driver who refuses to submit to post-accident, random, reasonable suspicion, or follow-up testing not only shall not perform or continue to perform safety-sensitive functions, but also may be subject to disciplinary action, which may include immediate suspension without pay and/or immediate discharge.
   b. Drivers who test positive with verification of a confirmatory test or are otherwise found to be in violation of this policy or the federal regulations shall be subject to disciplinary action, which may include immediate suspension without pay and/or immediate discharge.
   c. Nothing in this policy limits or restricts the right of the school
district to discipline or discharge a driver for conduct which not only constitutes prohibited conduct under this policy but also violates the school district’s other rules or policies.

P. Other Testing

The school district may request or require that drivers submit to drug and alcohol testing other than that required by federal law. For example, drivers may be requested or required to undergo drug and alcohol testing on an annual basis as part of a routine physical examination. Such additional testing of drivers will be conducted only in accordance with the provisions of this policy and as provided in Minn. Stat. §§ 181.950-181.957. For purposes of such additional, non-mandatory testing, drivers fall within the definition of “other employees” covered by Section IV. of this policy.

IV. DRUG AND ALCOHOL TESTING FOR OTHER EMPLOYEES

The school district may request or require drug and alcohol testing for other school district personnel, i.e., employees who are not school bus drivers, or job applicants for such positions. The school district does not have a legal duty to request or require any employee or job applicant to undergo drug and alcohol testing as authorized in this policy, except for school bus drivers and other drivers of CMVs who are subject to federally mandated testing. (See Section III. of this policy.) If a school bus driver is requested or required to submit to drug or alcohol testing beyond that mandated by federal law, the provisions of Section IV. of this policy will be applicable to such testing.

A. Circumstances Under Which Drug or Alcohol Testing May Be Requested or Required:

1. General Limitations
   
a. The school district will not request or require an employee or job applicant whose position does not require a commercial driver’s license to undergo drug or alcohol testing, unless the testing is done pursuant to this drug and alcohol testing policy; and is conducted by a testing laboratory which participates in one of the programs listed in Minn. Stat. § 181.953, Subd. 1.

   b. The school district will not request or require an employee or job applicant whose position does not require a commercial driver’s license to undergo drug and alcohol testing on an arbitrary and capricious basis.

2. Job Applicant Testing

   The school district may request or require any job applicant whose position does not require a commercial driver’s license to undergo drug and alcohol
testing, provided a job offer has been made to the applicant and the same test is requested or required of all job applicants conditionally offered employment for that position. If a job applicant has received a job offer which is contingent on the applicant’s passing drug and alcohol testing, the school district may not withdraw the offer based on a positive test result from an initial screening test that has not been verified by a confirmatory test. In the event the job offer is subsequently withdrawn, the school district shall notify the job applicant of the reason for its action.

3. Random Testing

The school district may request or require employees to undergo drug and alcohol testing on a random selection basis only if they are employed in safety-sensitive positions.

4. Reasonable Suspicion Testing

The school district may request or require any employee to undergo drug and alcohol testing if the school district has a reasonable suspicion that the employee:

a. is under the influence of drugs or alcohol;

b. has violated the school district’s written work rules prohibiting the use, possession, sale, or transfer of drugs or alcohol while the employee is working or while the employee is on the school district’s premises or operating the school district’s vehicles, machinery, or equipment;

c. has sustained a personal injury, as that term is defined in Minn. Stat. § 176.011, Subd. 16, or has caused another employee to sustain a personal injury; or

d. has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.

5. Treatment Program Testing

The school district may request or require any employee to undergo drug and alcohol testing if the employee has been referred by the school district for chemical dependency treatment or evaluation or is participating in a chemical dependency treatment program under an employee benefit plan, in which case the employee may be requested or required to undergo drug and alcohol testing without prior notice during the evaluation or treatment period and for a period of up to two (2) years following completion of any prescribed chemical dependency treatment program.
6. **Routine Physical Examination Testing**

The school district may request or require any employee to undergo drug and alcohol testing as part of a routine physical examination provided the drug or alcohol test is requested or required no more than once annually and the employee has been given at least two weeks’ written notice that a drug or alcohol test may be requested or required as part of the physical examination.

**B. No Legal Duty to Test**

The school district does not have a legal duty to request or require any employee or job applicant whose position does not require a commercial driver’s license to undergo drug and alcohol testing.

**C. Definitions**

1. “Drug” means a controlled substance as defined in Minnesota Statute 152.01, subd. 4.

2. “Drug and alcohol testing,” “drug or alcohol testing,” and “drug or alcohol test” mean analysis of a body component sample according to the standards established under one of the programs listed in Minn. Stat. § 181.953, Subd. 1, for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested.

3. “Other Employees” means any persons, independent contractors, or persons working for an independent contractor who perform services for the school district for compensation, either full time or part time, in whatever form, except for persons whose positions require a commercial driver’s license, and includes both professional and nonprofessional personnel. Persons whose positions require a commercial driver’s license are primarily governed by the provisions of the school district’s drug and alcohol testing policy relating to school bus drivers (Section III.). To the extent that the drug and alcohol testing of persons whose positions require a commercial driver’s license is not mandated by federal law and regulations, such testing shall be governed by Section IV. of this policy and the drivers shall fall within this definition of “other employees.”

4. “Job applicant” means a person, independent contractor, or person working for an independent contractor who applies to become an employee of the school district in a position that does not require a commercial driver’s license, and includes a person who has received a job offer made contingent on the person’s passing drug or alcohol testing. Job applicants for positions requiring a commercial driver’s license are governed by the provisions of the school district’s drug and alcohol testing policy relating to school bus
drivers (Section III.).

5. “Positive test result” means a finding of the presence of drugs, alcohol, or their metabolites in the sample tested in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minn. Stat. § 181.953, Subd. 1.

6. “Random selection basis” means a mechanism for selection of employees that:
   a. results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected; and
   b. does not give the school district discretion to waive the selection of any employee selected under the mechanism.

7. “Reasonable suspicion” means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.

8. “Safety-sensitive position” means a job, including any supervisory or management position, in which an impairment caused by drug or alcohol usage would threaten the health or safety of any person.

D. Right of Other Employee or Job Applicant to Refuse Drug and Alcohol Testing and Consequences of Such Refusal

1. Right of Other Employee or Job Applicant to Refuse Drug and Alcohol Testing

Any employee or job applicant whose position does not require a commercial driver’s license has the right to refuse drug and alcohol testing subject to the provisions contained in Paragraphs 2. and 3. of this Section D.

2. Consequences of an Employee’s Refusal to Undergo Drug and Alcohol Testing

Any employee in a position that does not require a commercial driver’s license who refuses to undergo drug and alcohol testing in the circumstances set out in the Random Testing, Reasonable Suspicion Testing, and Treatment Program Testing provisions of this policy may be subject to disciplinary action, up to and including immediate discharge.

3. Consequences of a Job Applicant’s Refusal to Undergo Drug and Alcohol Testing

Any job applicant for a position which does not require a commercial
driver’s license who refuses to undergo drug and alcohol testing pursuant to the Job Applicant Testing provision of this policy shall not be employed.

E. Reliability and Fairness Safeguards

1. Pretest Notice

Before requesting an employee or job applicant whose position does not require a commercial driver’s license to undergo drug or alcohol testing, the school district shall provide the employee or job applicant with a Pretest Notice in the form of Attachment D to this policy on which to acknowledge that the employee or job applicant has received the school district’s drug and alcohol testing policy.

2. Notice of Test Results

Within three (3) working days after receipt of a test result report from the testing laboratory, the school district shall inform in writing an employee or job applicant who has undergone drug or alcohol testing of a negative test result on an initial screening test or of a negative or positive test result on a confirmatory test.

3. Notice of and Right to Test Result Report

Within three (3) working days after receipt of a test result report from the testing laboratory, the school district shall inform in writing, an employee or job applicant who has undergone drug or alcohol testing of the employee or job applicant’s right to request and receive from the school district a copy of the test result report on any drug or alcohol test.

4. Notice of and Right to Explain Positive Test Result

a. If an employee or job applicant has a positive test result on a confirmatory test, the school district shall, within three (3) working days, provide him or her with notice of the test results and, at the same time, written notice of the right to explain the results and to submit additional information.

b. The school district may request that the employee or job applicant indicate any over-the-counter or prescription medication that the individual is currently taking or has recently taken and any other information relevant to the reliability of, or explanation for, a positive test result.

c. The employee may present verification of enrollment in the medical cannabis patient registry as part of the employee’s explanation.
d. Within three (3) working days after notice of a positive test result on a confirmatory test, an employee or job applicant may submit information (in addition to any information already submitted) to the school district to explain that result.

5. Notice of and Right to Request Confirmatory Retests

a. If an employee or job applicant has a positive test result on a confirmatory test, the school district shall, within three (3) working days, provide him or her with notice of the test results and, at the same time, written notice of the right to request a confirmatory retest of the original sample at his or her expense.

b. An employee or job applicant may request a confirmatory retest of the original sample at his or her own expense after notice of a positive test result on a confirmatory test. Within five (5) working days after notice of the confirmatory test result, the employee or job applicant shall notify the school district in writing of his or her intention to obtain a confirmatory retest. Within three (3) working days after receipt of the notice, the school district shall notify the original testing laboratory that the employee or job applicant has requested the laboratory to conduct the confirmatory retest or to transfer the sample to another laboratory licensed under Minn. Stat. § 181.953, Subd. 1 to conduct the confirmatory retest. The original testing laboratory shall ensure that appropriate chain-of-custody procedures are followed during transfer of the sample to the other laboratory. The confirmatory retest must use the same drug or alcohol threshold detection levels as used in the original confirmatory test. If the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test may be taken against the employee or job applicant.

6. If an employee or job applicant has a positive test result on a confirmatory test, the school district, at the time of providing notice of the test results, shall also provide written notice to inform him or her of other rights provided under Sections F. or G., below, whichever is applicable.

Attachments E and F to this policy provide the Notices described in Paragraphs 2. through 6. of this Section E.

F. Discharge and Discipline of Employees Whose Positions Do Not Require a Commercial Driver’s License

1. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee on the basis of a positive test result from an initial screening test that has not been verified by a
2. In the case of a positive test result on a confirmatory test, the employee shall be subject to discipline which includes, but is not limited to, immediate suspension without pay and immediate discharge, pursuant to the provisions of this policy.

3. The school district may not discharge an employee for whom a positive test result on a confirmatory test was the first such result for the employee on a drug or alcohol test requested by the school district, unless the following conditions have been met:
   a. The school district has first given the employee an opportunity to participate in, at the employee’s own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the school district after consultation with a certified chemical abuse counselor or a physician trained in the diagnosis and treatment of chemical dependency; and
   b. The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a positive test result on a confirmatory test after completion of the program.

4. Notwithstanding Paragraph 1., the school district may temporarily suspend the tested employee or transfer that employee to another position at the same rate of pay pending the outcome of the confirmatory test and, if requested, the confirmatory retest, provided the school district believes that it is reasonably necessary to protect the health or safety of the employee, co-employees or the public. An employee who has been suspended without pay must be reinstated with back pay if the outcome of the confirmatory test or requested confirmatory retest is negative.

5. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee on the basis of medical history information or the employee’s status as a patient enrolled in the medical cannabis registry program revealed to the school district, unless the employee was under an affirmative duty to provide the information before, upon, or after hire, or failing to do so would violate federal law or regulations or cause the school district to lose money or licensing-related benefit under federal law or regulations.

6. The school district may not discriminate against any employee in termination, discharge, or any term of condition of employment or otherwise penalize an employee based upon an employee registered
patient’s positive drug test for cannabis components or metabolites, unless the employee used, possessed, or was impaired by medical cannabis on school district property during the hours of employment.

7. An employee must be given access to information in his or her personnel file relating to positive test result reports and other information acquired in the drug and alcohol testing process and conclusions drawn from and actions taken based on the reports or other acquired information.

G. Withdrawal of Job Offer for an Applicant for a Position That Does Not Require a Commercial Driver’s License

If a job applicant has received a job offer made contingent on the applicant’s passing drug and alcohol testing, the school district may not withdraw the offer based on a positive test result from an initial screening test that has not been verified by a confirmatory test. In the case of a positive test result on a confirmatory test, the school district may withdraw the job offer.

H. Chain-of-Custody Procedures

The school district has established its own reliable chain-of-custody procedures to ensure proper record keeping, handling, labeling, and identification of the samples to be tested. The procedures require the following:

1. Possession of a sample must be traceable to the employee from whom the sample is collected, from the time the sample is collected through the time the sample is delivered to the laboratory;

2. The sample must always be in the possession of, must always be in view of, or must be placed in a secure area by a person authorized to handle the sample;

3. A sample must be accompanied by a written chain-of-custody record; and

4. Individuals relinquishing or accepting possession of the sample must record the time the possession of the sample was transferred and must sign and date the chain-of-custody record at the time of transfer.

I. Privacy, Confidentiality and Privilege Safeguards

1. Privacy Limitations

A laboratory may only disclose to the school district test result data regarding the presence or absence of drugs, alcohol or their metabolites in a sample tested.

2. Confidentiality Limitations
With respect to employees and job applicants, test result reports and other information acquired in the drug or alcohol testing process are private data on individuals as that phrase is defined in Minn. Stat. Ch. 13, and may not be disclosed by the school district or laboratory to another employer or to a third-party individual, governmental agency, or private organization without the written consent of the employee or job applicant tested.

3. Exceptions to Privacy and Confidentiality Disclosure Limitations

Notwithstanding Paragraphs 1. and 2., evidence of a positive test result on a confirmatory test may be: (1) used in an arbitration proceeding pursuant to a collective bargaining agreement, an administrative hearing under Minn. Stat. Ch. 43A or other applicable state or local law, or a judicial proceeding, provided that information is relevant to the hearing or proceeding; (2) disclosed to any federal agency or other unit of the United States government as required under federal law, regulation or order, or in accordance with compliance requirements of a federal government contract; and (3) disclosed to a substance abuse treatment facility for the purpose of evaluation or treatment of the employee.

4. Privilege

Positive test results from the school district drug or alcohol testing program may not be used as evidence in a criminal action against the employee or job applicant tested.

J. Notice of Testing Policy to Affected Employees

The school district shall provide written notice of this drug and alcohol testing policy to all affected employees upon adoption of the policy, to a previously non-affected employee upon transfer to an affected position under the policy, and to a job applicant upon hire and before any testing of the applicant if the job offer is made contingent on the applicant’s passing drug and alcohol testing. Affected employees and applicants will acknowledge receipt of this written notice in the form of Attachment G to this policy.

V. POSTING

The school district shall post notice in an appropriate and conspicuous location on its premises that it has adopted a drug and alcohol testing policy and that copies of the policy are available for inspection during regular business hours by its employees or job applicants in its personnel office or other suitable locations.

Legal References:    Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
                    Minn. Stat. Ch. 43A (State Personnel Management)
Minn. Stat. § 152.22 (Medical Cannabis; Definitions)
Minn. Stat. § 152.23 (Medical Cannabis; Limitations)
Minn. Stat. § 152.32 (Protections for Registry Program Participation)
Minn. Stat. §§ 181.950-181.957 (Drug and Alcohol Testing in the Workplace)
Minn. Stat. § 221.031 (Motor Carrier Rules)
49 U.S.C. § 521(b) (Civil and Criminal Penalties for Violations)
49 C.F.R. Parts 40 and 382 (Department of Transportation Rules Implementing Omnibus Transportation Employee Testing Act of 1991)

Cross-References:

304 Records: Data Management
413 Drug-Free Workplace
413.01 Chemical Use and Abuse
414 Tobacco-Free Environment
405 Records: Personnel Records
ATTACHMENTS TO
DRUG AND ALCOHOL TESTING POLICY

Attachments A through C are to be used in conjunction with the drug and alcohol testing of bus
drivers and driver applicants.

• Attachment A is a “Driver Acknowledgment–Drug and Alcohol Testing Policy Materials”
  form which should be used to document receipt of the policy and other materials by drivers
  and driver applicants. It is referred to in Article III., Section C., Paragraph 4. of the policy.

• Attachment B is a “Bus Driver or Driver Applicant–Authorization to Release Information”
  form. It is referred to in Article III., Section H., Paragraph 1. of the policy.

• Attachment C is a “Bus Driver or Driver Applicant–Refusal to Submit to Testing” form. It is
  referred to in Article III., Section H., Paragraph 7. of the policy.

Attachments D through G are to be used in conjunction with drug and alcohol testing of non-bus
drivers and applicants.

• Attachment D is a “Pretest Notice” that must be provided to non-school bus driver employees
  or job applicants before requesting that the employee or job applicant undergo drug or alcohol
  testing. It is referred to in Article IV., Section E., Paragraph 1. of the policy.

• Attachment E is a “Notice of Test Results and Various Rights” which should be used by the
  District when notifying non-school bus driver employees or job applicants of test results and
  other rights. It is referred to in Article IV., Section E., Paragraph 6. of the policy.

• Attachment F is an “Explanation of Positive Test Result” form which should be used by the
  school district to request that the employee or job applicant submit information to the school
  district relevant to the reliability of, or explanation for, a positive test result. It is referred to in
  Article IV., Section E., Paragraph 4. of the policy.

• Finally, the District may wish to use Attachment G, entitled “Acknowledgment–Drug and
  Alcohol Testing Policy,” to document that written notice of the policy was given to all
  affected employees. It is referred to in Article IV., Section J. of the policy.
— DRIVER ACKNOWLEDGMENT —

DRUG AND ALCOHOL TESTING POLICY AND MATERIALS

I have received a copy of the Drug and Alcohol Testing Policy of Independent School District No. ____, ______________, Minnesota and have read it in its entirety. I understand that I am subject to the provisions of Article III of the policy, entitled Drug and Alcohol Testing for Bus Drivers, because the position involves operating a commercial motor vehicle and requires a commercial driver’s license.

The District’s policy was provided to me:

- Upon adoption of the policy. (employee).
- Upon my hire. (job applicant/new employee).
- After receipt of my conditional job offer, before any testing if my job offer is contingent upon my passing of drug and alcohol testing. (job applicant).

I also received materials concerning the effects of alcohol and controlled substances use on an individual’s health, work, and personal life; signs and symptoms of an alcohol or drug problem; and available methods of intervening when an alcohol or drug problem is suspected.

I have been advised that the Alcohol and Controlled Substances Testing Program Manager is ___________________________ and that any questions I may have concerning the Policy should be directed to the Program Manager.

Dated: ____________________________

Signature of Employee/Applicant

______________________________

Typed or Printed Name

416-28F
— BUS DRIVER OR DRIVER APPLICANT —

AUTHORIZATION TO RELEASE INFORMATION

Section I. To be completed by the school district, signed by the bus driver, or driver applicant, and transmitted to the previous employer:

Employee Printed or Typed Name: ________________________________________________________________

Employee SS or ID Number: ____________________________________________________________________

I hereby authorize release of information from my Department of Transportation regulated drug and alcohol testing records by my previous employer, listed in Section I-B, to the employer listed in Section I-A. This release is in accordance with DOT Regulation 49 CFR Part 40, Section 40.25. I understand that information to be released in Section II-A by my previous employer, is limited to the following DOT-regulated testing items:

1. Alcohol tests with a result of 0.04 or higher;
2. Verified positive drug tests;
3. Refusals to be tested;
4. Other violations of DOT agency drug and alcohol testing regulations;
5. Information obtained from previous employers of a drug and alcohol rule violation;
6. Documentation, if any, of completion of the return-to-duty process following a rule violation.

Employee Signature: __________________________________________________ Date: ____________________

Section I-A.
School District Name: _______________________________________________________________________

Address: _____________________________________________________________________________________

Phone #: __________________________ Fax #: __________________________

Designated Employer Representative: ____________________________________________________________

Section I-B.
Previous Employer Name: _______________________________________________________________________

Address: _____________________________________________________________________________________

Phone #: __________________________

Designated Employer Representative (if known): ______________________________________________________
Section II. To be completed by the previous employer and transmitted by mail or fax to the new employer:

Section II-A. In the two years prior to the date of the employee’s signature (in Section I), for DOT-regulated testing:

1. Did the employee have alcohol tests with a result of 0.04 or higher? YES ____ NO ____
2. Did the employee have verified positive drug tests? YES ____ NO ____
3. Did the employee refuse to be tested? YES ____ NO ____
4. Did the employee have other violations of DOT agency drug and alcohol testing regulations? YES ____ NO ____
5. Did a previous employer report a drug and alcohol rule violation to you? YES ____ NO ____
6. If you answered “yes” to any of the above items, did the employee complete the return-to-duty process? N/A_____ YES ____ NO ____

NOTE: If you answered “yes” to item 5, you must provide the previous employer’s report. If you answered “yes” to item 6, you must also transmit the appropriate return-to-duty documentation (e.g., SAP report(s), follow-up testing record).

Section II-B.

Name of person providing information in Section II-A: __________________________________________________________
Title: __________________________
Phone #: __________________________
Date: __________________________

416-30F
I hereby refuse to submit to drug/alcohol testing by doing the following:

- Failing to appear for any test within a reasonable time, as determined by the school district, consistent with applicable DOT regulations, after being directed to do so;
- Failing to remain at the testing site until the testing process is complete;
- Failing to provide a urine specimen or an adequate amount of saliva or breath for any DOT drug or alcohol test;
- Failing to permit the observation or monitoring of any provision of a specimen in the case of a directly observed or monitored collection in a drug test;
- Failing to provide a sufficient breath specimen or sufficient amount of urine when directed and it has been determined that there was no adequate medical explanation for the failure;
- Failing or declining to take a second test as directed;
- Failing to undergo a medical examination or evaluation, as directed by the Medical Review Officer (MRO) or the Designated Employer Representative (DER);
- Failing to cooperate with any part of the testing process (e.g., refusing to empty pockets when so directed by the collector, behaving in a confrontational way that disrupts the collection process, failing to wash hands after being directed to do so by the collector, failing to sign the certification on the form;
- Failing to follow the observer’s instructions, in an observed collection, to raise the driver’s clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if the driver has any type of prosthetic or other device that could be used to interfere with the collection process;
- Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process;
- Admitting to the collector or MRO that the driver adulterated or substituted the specimen; or
- Having a verified adulterated or substituted test as reported by the MRO.
[An applicant who fails to appear for a preemployment test, who leaves the testing site before the preemployment testing process commences, or who does not provide a urine specimen because he or she left before it commences, is not deemed to have refused to submit to testing.]

I recognize that my refusal subjects me to the consequences specified in federal law and regulations. It also constitutes a presumption of a positive result. I further recognize that if I am an applicant, I will be disqualified from consideration for the conditionally-offered position. If I am an employee, I will not be permitted to perform safety-sensitive functions, and will be considered insubordinate and subject to disciplinary action, up to and including dismissal. If the school district offers me an opportunity to return to a DOT safety-sensitive function, I understand I will be evaluated by a substance abuse professional, and will be required to submit to a return-to-duty test prior to being considered for reassignment to safety-sensitive functions.

Date: __________________________
Time: __________________________  ___________________________________________________________________________________________

______________________________  __________________________________________
Signature of Employee/Applicant  Supervisor’s Signature

Comments: __________________________________________________________________________________________
____________________________________________________________________________________________

G Employee refusal to sign  Supervisor’s Initials: ______

416-32F
I the undersigned employee/job applicant of Independent School District No. __, _______________, Minnesota ("School District") do hereby acknowledge that I have been provided a copy of the School District’s Drug and Alcohol Testing Policy.

Date: ____________________________

_______________________________________________
Signature of Employee/Job Applicant

_______________________________________________
Typed or Printed Name

416-33F
RE: Drug and/or Alcohol Test

[Date of Testing]

NOTICE OF TEST RESULTS AND VARIOUS RIGHTS

Test Results:

Independent School District No. ___, ____________________, Minnesota has received the test result report from the testing laboratory:

G Your initial screening test result was negative.

G Your confirmatory test result was negative.

G Your confirmatory test result was positive.

Test Result Report:

You have the right to request and receive from the school district a copy of the test result on any drug or alcohol test.

Right to Explain Positive Test Result:

In the case of a positive test result on a confirmatory test, you have the right to explain the results. You may, within three (3) working days after notice of a positive test result on a confirmatory test, submit information to the school district, in addition to any information already submitted, to explain that result. Attached to this Notice is a document entitled “Explanation of Positive Test Result” for this purpose.
**Right to Request Confirmatory Retests:**

In the case of a positive test result on a confirmatory test, you have the right to request a confirmatory retest of the original sample at your own expense.

Within five (5) working days after notice of the confirmatory test result, you must notify the school district in writing of your intention to obtain a confirmatory retest.

Within three (3) working days after receipt of the notice, the school district shall notify the original testing laboratory that you have requested the laboratory to conduct the confirmatory retest or to transfer the sample to another laboratory licensed under Minn. Stat. § 181.953, Subd. 1 to conduct the confirmatory retest. The original testing laboratory shall ensure that appropriate chain-of-custody procedures are followed during transfer of the sample to the other laboratory. The confirmatory retest must use the same drug or alcohol threshold detection levels as used in the original confirmatory test. If the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test may be taken against you.

**Other Rights:**

In the case of a positive test result on a confirmatory test, you may have other rights provided under the sections detailed below.

A. **Employee Discharge and Discipline**

1. The school district may not discharge, discipline, discriminate against, request or require rehabilitation of an employee whose position does not require a commercial driver’s license on the basis of a positive test result from an initial screening test that has not been verified by a confirmatory test.

   In the case of a positive test result on a confirmatory test, the employee shall be subject to discipline which includes, but is not limited to, immediate suspension without pay and immediate discharge, pursuant to the provisions of this policy.

2. The school district may not discharge an employee whose position does not require a commercial driver’s license for whom a positive test result on a confirmatory test was the first such result for the employee on a drug or alcohol test requested by the school district, unless the following conditions have been met:

   a. The school district has first given the employee an opportunity to participate in, at the employee’s own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the school district after consultation with a certified chemical use counselor or a physician trained in the diagnosis and treatment of chemical dependency; and

   b. The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program.
program before its completion or by a positive test result on a confirmatory test after completion of the program.

3. Notwithstanding Paragraph 1., the school district may temporarily suspend the tested employee or transfer that employee to another position at the same rate of pay pending the outcome of the confirmatory test and, if requested, the confirmatory retest, provided the school district believes that it is reasonably necessary to protect the health or safety of the employee, co-employees or the public. An employee who has been suspended without pay must be reinstated with back pay if the outcome of the confirmatory test or requested confirmatory retest is negative.

4. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee on the basis of medical history information revealed to the school district, unless the employee was under an affirmative duty to provide the information before, upon, or after hire.

5. An employee must be given access to information in the employee’s personnel file relating to positive test result reports and other information acquired in the drug and alcohol testing process and conclusions drawn from and actions taken based on the reports or other acquired information.

B. Withdrawal of Applicant’s Job Offer

If a job applicant for a position that does not require a commercial driver’s license has received a job offer made contingent on the applicant passing drug and alcohol testing, the school district may not withdraw the offer based on a positive test result from an initial screening test that has not been verified by a confirmatory test. In the case of a positive test result on a confirmatory test, the school district may withdraw the job offer.
EXPLANATION OF POSITIVE TEST RESULT

I, the undersigned employee/job applicant of Independent School District No. _____. _________________, Minnesota acknowledge receipt of a Notice of Test Results and Various Rights. This includes my right to explain the positive test result on a confirmatory test.

I am currently taking or have recently taken:

G no over-the-counter or prescription medications; or

G the following over-the-counter or prescription medications:

_________________________________________________________________________________

_________________________________________________________________________________

I also offer the following information relevant to the reliability of, or explanation for, a positive test result:

_________________________________________________________________________________

_________________________________________________________________________________

Date: ______________________________

Signature of Employee/Job Applicant

Typed or Printed Name

416-37F
DRUG AND ALCOHOL TESTING POLICY

I have received a copy of the Drug and Alcohol Testing Policy of Independent School District No. ____., ______________, Minnesota and have read it in its entirety.

The District’s policy was provided to me:

G Upon adoption of the policy. (employee).

G Upon my hire. (job applicant/new employee).

G After receipt of my conditional job offer, before any testing if my job offer is contingent upon my passing of drug and alcohol testing. (job applicant).

Dated: __________________________

_____________________________________

Signature of Employee/Applicant

________________________________________

Typed or Printed Name

416-38F
505.00  BULLYING PROHIBITION

I. PURPOSE
A safe and supportive environment is vital for Saint Paul Public Schools (“the District”) to support academic and social success for all of its students. Students attending school in the District are expected to respect themselves, the learning environment, other students, their parents/guardians, families and all staff. Bullying is strictly prohibited in the District. This policy addresses bullying of students; other policies apply to treatment of employees.

In an effort to provide a safe and positive school culture for all of its students for all students, it is the District’s intent to:
- Teach, model, and reinforce positive behavior, and
- Investigate, respond to, remediate, and discipline bullying behavior that has not been successfully prevented.

II. DEFINITIONS
A. “Bullying” means intimidating, threatening, abusive, or harming conduct that is objectively offensive and:

(1) there is an actual or perceive imbalance of power between the student engaging in prohibited conduct and the target of the behavior and the conduct is repeated or forms a pattern; OR

(2) materially and substantially interferes with a student’s educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.

B. “Cyberbullying” means bullying using technology or other electronic communication, including but not limited to a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet Web site forum, transmitted through a computer, cell phone, or other electronic device.

C. “Prohibited conduct” means bullying or cyberbullying as defined in this policy or retaliation for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.

D. “Remedial response” means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of the student who is the target of the prohibited conduct.

E. Intimidating, threatening, abusive or harming conduct includes, but is not limited to, conduct that:
- causes physical harm to a student or a student’s property or causes a student to be in reasonable fear of harm to person or property; violates a student’s reasonable expectation of privacy;
- defames a student;
• constitutes intentional infliction of emotional distress against a student; or
• is directed at any student or students, including those based on a person’s actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation, including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic defined in chapter 363A.
• creates a hostile educational environment for a student, or
• subjects a student to intimidation, ridicule, embarrassment or social isolation.

F. “Reprisal” means retaliation, intimidation, or any form of intentionally disparate treatment against any person who makes a good faith report of alleged bullying or against any person who testifies, assists, or participates in an investigation, proceeding or hearing relating to such bullying.

III. PROHIBITION

A. Bullying or cyberbullying against a student, by either an individual or a group, is prohibited in Saint Paul Public Schools.

B. Reprisals or retaliation by any student or District employee against any person who in good faith asserts, alleges, or reports prohibited conduct or provides information about such conduct are prohibited.

C. Knowingly making a false report of bullying is prohibited.

D. Prohibited conduct is prohibited:
    1. On school property, school district-provided transportation, or at designated locations for students to wait for school district-provided transportation.
    2. During any school-sponsored or school-sanctioned program, activity, event or trip.
    4. Using electronic technology off the school premises that materially and substantially disrupts a student’s learning or school environment.

E. This policy applies to individuals who directly engage in an act of bullying, as well as to those individuals who, by their behavior, indirectly support another’s act of bullying.

1. Employees, volunteers, and contractors of the District shall not allow bullying. Any school employee who witnesses prohibited conduct, or possesses reliable information that would lead a reasonable person to suspect that a student is a target of prohibited conduct, must make reasonable efforts to address and resolve the prohibited conduct. This policy also applies to individuals who, by their indirect behavior, support another’s act of bullying.

2. Apparent permission or consent by a student being bullied does not lessen the prohibitions contained in this policy.

IV. INVESTIGATIONS

A. The responsible administrator for implementation of, and questions regarding, this policy in any school building is the building principal, site administrator, or principal’s or site administrator’s designee.

B. Any person who believes he or she has been the victim of bullying or any person with knowledge or belief of conduct, which may constitute bullying, should
report the alleged acts immediately, or as soon after the incident as possible.

C. The responsible administrator shall initiate an investigation into all reports of prohibited conduct within three school days of the report.

D. Pending the completion of the investigation, the District shall take immediate steps to protect the target, reporter, students, bystanders, and others as necessary and consistent with applicable law.

E. During the investigation, the individual alleged to have engaged in prohibited conduct will be allowed to present a defense.

F. Complaints and investigations of bullying shall be documented using Form 415.00.1: Report of Discrimination, Harassment, Violence, Bullying and Other Offensive Behavior. The responsible administrator shall maintain all documentation regarding the complaint and investigation in accordance with procedures created by the Superintendent.

G. The investigation shall be conducted in accordance with this policy and the procedures created by the Superintendent.

H. A report of prohibited conduct may be made anonymously. However, the responsible administrator may not rely solely on an anonymous report to determine discipline.

I. In determining whether a reported incident constitutes bullying, and the appropriate response, the District may take into account all relevant circumstances including, but not limited to, the following factors:
   1. The age, maturity, and understanding levels of the parties involved;
   2. The levels of harm, surrounding circumstances, and nature of the behavior;
   3. Past incidents or past or continuing patterns of behavior;
   4. The relationship between the parties involved; and
   5. The context in which the alleged incidents occurred.

J. Data collected by the District during an investigation is subject to the Minnesota Government Data Practices Act and the Family Educational Rights and Privacy Act.

RESPONSES

A. When a complaint of prohibited conduct is substantiated, the responsible administrator will consider all available remedial responses and take appropriate action and/or intervention in accordance with the Student Behavior Handbook: Rights and Responsibilities and the procedures created by the Superintendent.

B. Where appropriate for a child with a disability to prevent or respond to prohibited conduct, the child’s individualized education program or section 504 plan will
address the skills and proficiencies the child needs to respond to or not engage in prohibited conduct.

VI. PUBLICATION, INFORMATION, AND TRAINING

A. This policy will be publicized through: (1) new employee materials; (2) inclusion in the Student Behavior Handbook: Rights and Responsibilities for Students, Parents, Guardians and Staff; (3) posting on the District’s website; (4) provision to each school employee and independent contractor, if a contractor regularly interacts with students, at the time of employment with the District; and (5) conspicuous posting in summary form in administrative offices throughout the District.

B. The District will require ongoing professional development, consistent with the law, to ensure implementation of this policy.

C. The District will provide information about available community resources to the target of prohibited conduct, the actor, and other affected individuals, as appropriate.

LEGAL REFERENCES:
Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. § 121A.03 (Model Policy)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.69 (Hazing Policy)

CROSS REFERENCES:
102.00 Equal Opportunity/Non-Discrimination
415.00 Harassment, Violence and Other Offensive Behavior
501.00 Hazing Prohibition
506.00 Student Discipline
Student Behavior Handbook: Rights and Responsibilities
520.00 Technology Usage and Safety
SPPS Administration Response

Saint Paul Public Schools ISD #625
Administrative Response to the 2017-2018 Latino Consent Decree (LCD)
Annual Report to the Superintendent and Board of Education
AGENDA

● Introductions
● Demographics
● Background
● SPPS Administration Response
● Questions
Demographics

- Latino Students: 5,065 (14%)
- Home Language Spanish: 9%
- LCD Eligible K-12: 2,329 (6.3%)
- LCD Eligible K-6: 1,487 (64%)
- LCD Eligible 7-12: 842 (36%)
**Latino Consent Decree (LCD)**

**decree**

The Latino Consent Decree (LCD) is a legally binding court order (consent decree) which the Saint Paul Public Schools entered into as part of the settlement of the federal court case. It details the full range of responsibilities which the SPPS have agreed to, regarding the education of Latino students who have limited English proficiency.

**purpose**

The purpose of the Latino Consent Decree Program shall be to provide for the systematic development of basic cognitive, affective, and psychomotor skills and to bring such Latino students enrolled in the St. Paul Public Schools to the educational performance level that is expected by the District of non-limited English-speaking students whose primary language is English.
LCD Parent Advisory Council

**Purpose**
Serve as a forum for the expression of concerns and recommendations of Latino parents, representatives of community-based organizations and public school personnel, pertaining to the education of Spanish-speaking students in SPPS.

**Function**
- Assist the Superintendent and Board by providing information and input on needs of Hispanic students in the District.
- Review and make recommendations to the Superintendent/Board of Education regarding the education of Spanish-speaking students.

**Responsibilities**
- The District shall provide effective parent and community participation. This shall include continuation of the parent advisory group established by the District pursuant to a Resolution of the Board of Education on July 26, 1983.
Background: LCD Implementation Guide

The existing Latino Consent Decree Implementation Guide, as it is today, does not address all the advancements, improvements and best practices in education. There are also considerable gaps between what the LCD Stipulation states and what is actually done across the SPPS district.

LCD PAC TASK

The LCD Parent Advisory Council continues to work in revising and updating specific areas of the LCD Implementation Guide.

2017-18 Counseling Guidelines under LCD
Saint Paul Public Schools
Administrative Response to the 2017-2018
Latino Consent Decree (LCD) Annual Report to
the Superintendent and Board of Education
RECOMMENDATION 1

Revise the district guidelines in regards to counseling and support in the schools to LCD eligible students.
● Darren Ginther, Assistant Director
● Dr. Breanna Galuska, Lead Counselor, High School
● Susan Arvidson, Lead Counselor, Elementary School
● Richard Mack, Counselor on Special Assignment LEAD, Middle School & Career Paths
Counseling: District guidelines under LCD

1. Access to Elective Courses
2. Access to Advanced Courses
3. Scheduling
4. Professional Development
5. Program Coordination
6. Monitoring Graduation Requirements
1. Access to Elective Courses

● The School Counseling Leadership Team will:
  ○ work with the Office of Teaching and Learning and Middle School teams to find ways to promote elective course options to middle school students at open houses and showcase nights.

● School Counselors will:
  ○ ensure graduation requirements are met while also promoting elective courses which will allow our Latino students to seek out their own unique interests.
2. Access to Advanced Courses

- The School Counseling Leadership Team will:
  - partner with the LCD staff, PAC and SPPS Communications to find new and additional ways to promote academic planning nights.
  - partner with SPPS Communications to ensure documents, advertisements and other information are accessible and translated for students and families.

- School Counselors will:
  - promote advanced courses during classroom lessons and spring registration at all grade levels.
  - partner with building staff to provide needed supports to increase success in advanced courses.
3. Scheduling

- School Counselors will:
  - continue to engage and partner with students’ families during the scheduling process.
  - collaborate with LCD Bilingual Educational Assistants during the scheduling process.
  - collaborate with the LCD Bilingual Educational Assistants in contacting parents regarding their student’s schedule.
4. Professional Development

- The School Counseling Leadership Team will:
  - partner with LCD District staff in planning a training for School Counselors that is culturally responsive to the educational needs of Latino students and their families.
  - invite LCD District staff to SPPS Middle and High School Counselors’ Professional Development annually.
  - partner with LCD District staff in planning additional professional development for School Counselors new to SPPS.
5. Program Coordination

- The School Counseling Leadership Team will:
  - collaborate and meet regularly with LCD district staff to review and evaluate guidelines 1 and 2 and the professional development provided to new and existing school counselors in SPPS.
6. Monitoring Graduation Requirements

● The School Counseling Leadership Team will:
  ○ create and share a mailing calendar for graduation progress letters with LCD district staff.
  ○ work in collaboration with the LCD Program in the development of a program for parents to learn about students achievement in alignment with SPPS Achieves.

● School counselors will:
  ○ mail home a “graduation progress letter” translated in the student’s home language.
  ○ collaborate with the LCD Bilingual Educational Assistants in contacting parents/guardians regarding their student’s academic progress towards graduation.
Appendix A: Class 2019 Senior Progress Letter

Dear Parent and Guardian of <<student name>>

I am writing to inform you about your child’s progress towards meeting graduation requirements by June 2019. In order to earn a diploma and participate in graduation, your child must meet all coursework/credit requirements.

1. To graduate, your child must earn ___ credits and complete all required coursework.
   a. Your child is on track with courses and credits.
   b. Graduation requirements for students with an IEP are individualized. If your child has an IEP, please contact your child’s special education case manager about graduation requirements.
   c. Your child is behind in required courses and credits. Please contact your student’s counselor for more information.

The following is a list of remaining credits needed for graduation, not including current and 12th grade coursework (1 credit = 1 quarter class):

___ World History  ___ Geography  ___ US History  ___ Economics  ___ US Government
___ English 9  ___ English 10  ___ English 11  ___ English 12
___ Intermediate Alg  ___ Geometry  ___ Algebra 2  ___ Other Math
___ Biology  ___ Chemistry or Physics  ___ Other Science  ___ Fine Arts
___ Physical Education  ___ Health  ___ Career & Tech Ed.  ___ Electives

2. Personal Learning Plan: SPPS students explore post-secondary options using Naviance. Each student has their own personal Naviance account (Naviance Student) where they can research colleges and careers, create a resume and take interest inventories. Families are encouraged to review Naviance accounts with their child. Students can access their Naviance account by going to www.spps.org/pages/5096, or by visiting their school’s webpage.

3. (Insert school specific graduation requirements here) i.e. senior project or portfolio.

If you have any questions about your student’s progress, please contact your school counselor to ensure your student continues on a path toward graduation.

Sincerely,
School Counselor
Contact information

Estimado padre/guardiano de <<student name>>

Le escribo para informarle del progreso de su hijo para cumplir con los requisitos de graduación en junio del 2019. Para obtener su diploma de secundaria y participar en la ceremonia de graduación, su estudiante debe cumplir con todos los requisitos de créditos/cursos y evaluaciones requeridos.

1. Para graduarse, su hijo debe obtener ___ créditos y completar todos los cursos requeridos.
   a. Su hijo está al día en sus cursos y créditos.
   b. Los requisitos para estudiantes con un IEP son individualizados. Si su hijo tiene un IEP, por favor contacte al encargado del educación especial de su hijo para conocer los requisitos de graduación.
   c. Su hijo está atrasado en cursos y créditos requeridos. Para más información, por favor contacte al consejero de su estudiante.

La siguiente es una lista de los créditos restantes que su hijo necesita para graduarse, no incluyendo los cursos de 12° grado: (1 crédito = 1 cuarto de año)

___ Historia Mundial  ___ Geografía  ___ Historia de los EEUU  ___ Economía  ___ Gobierno de los EEUU
___ Ingles 9  ___ Ingles 10  ___ Ingles 11  ___ Ingles 12
___ Álgebra Intermedia  ___ Geometría  ___ Álgebra 2  ___ Otra Matemática
___ Biología  ___ Química o Física  ___ Otra Ciencia  ___ Artes Bellas
___ Educación Física  ___ Salud  ___ Educación Técnica o Carreras  ___ Electivo

2. Plan de Aprendizaje Personal: Los estudiantes pueden explorar opciones post-secundarias usando Naviance. Cada estudiante tiene su propia cuenta personal de Naviance (Family Connection), donde pueden investigar universidades y carreras, crear resúmenes y responder preguntas sobre sus intereses. Se anima a las familias a que revisen la cuenta de Naviance con su estudiante. Los estudiantes pueden acceder visitando www.spps.org/pages/5096 o el sitio web de su escuela.

3. (Insert school specific graduation requirements here) i.e. senior project or portfolio.

Si usted tiene cualquier pregunta sobre el progreso de su estudiante, por favor contacte al consejero de su escuela para asegurar que está encaminado para la graduación.

Atentamente,
School counselor name
School contact information
RECOMMENDATION 2

Continue strengthening the collaboration with community-based organizations and Saint Paul Public Schools district programs and schools.
- Heather Kilgore, Director
- Pablo Matamoros, Coordinator, LCD Program
- Sara Reyes, LCD PAC District Liaison
● The OFECP and the LCD Program, will continue to lead and support the collaboration with community-based organizations and SPPS district programs and schools.

● We will provide multiple opportunities for Latino families to be engaged in their children’s education throughout workshops, learning sessions and community programs.
## Engagement Opportunities for LCD Families

<table>
<thead>
<tr>
<th>Activity</th>
<th>Program / Organization</th>
<th>When / #Sessions</th>
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<tbody>
<tr>
<td>LCD Parent Training</td>
<td>LCD</td>
<td>Fall 2018 / 1 session</td>
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<tr>
<td>LCD Parent Academy</td>
<td>LCD &amp; OFECP</td>
<td>Fall 2018 / 6 sessions</td>
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<tr>
<td>Sexual Health Education</td>
<td>CLUES</td>
<td>Winter 2019 / 4 sessions</td>
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<tr>
<td>Latino Leadership Program</td>
<td>Amherst H. Wilder</td>
<td>Spring 2019 / 7 sessions</td>
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<td></td>
<td>Foundation</td>
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<tr>
<td>LCD Parent Advisory Council</td>
<td>LCD</td>
<td>SY 18-19 / 10 meetings</td>
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## Status: 2016-17 Administrative Response

<table>
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<th>Recommendations</th>
<th>Status</th>
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<tr>
<td>1. Update the Latino Consent Decree (LCD) Teacher Responsibilities</td>
<td>In place</td>
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<tr>
<td>2. Prioritize recruiting and hiring EL-LCD qualified bilingual teachers</td>
<td>Under review</td>
</tr>
<tr>
<td>3. Increase the number of LCD Bilingual Educational Assistants EA2</td>
<td>In progress</td>
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<tr>
<td>4. Re-write job titles and descriptions for all LCD EA2</td>
<td>In place</td>
</tr>
<tr>
<td>5. Create an &quot;LCD Flag&quot; in the SPPS Student Information System</td>
<td>In place</td>
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<tr>
<td>6. Continue to strengthen the collaboration with community-based organizations and SPPS district programs.</td>
<td>In place</td>
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Questions?
DATE: December 4, 2018
TO: Latino Consent Decree Parent Advisory Council (LCD PAC)
FROM: Dr. Joe Gothard, Superintendent
SUBJECT: Administrative Response to the 2017-2018 Latino Consent Decree Parent Advisory Council Annual Report to the Superintendent and Board of Education

Thank you for your commitment to the ongoing support of our Latino students in Saint Paul Public Schools. Your hard work is evident in the quality and content of your LCD Annual Report, and we look forward to working together with you to ensure the continuing success of our students through our new SPPS Achieves strategic plan.

Enclosed you will find the administrative response to the 2017-2018 Latino Consent Decree Parent Advisory Council’s Annual Report to the Superintendent and Board of Education. I have been working with the Office of College and Career Readiness (OCCR), the Office of Family and Community Engagement and the Latino Consent Decree Program to address the recommendations and action steps included in the LCD Annual Report.
Recommendation 1: Review and revise counseling guidelines to meet the requirements of the LCD Stipulation.

During the past three years, the Saint Paul Public schools and the Latino Consent Decree (LCD) Program have moved forward with the initiative to review the LCD Stipulation Guide and emphasize greater accountability for LCD students’ outcomes. One of the efforts, for the SY 2017-18, includes the revision of Chapter IX Counseling Guidelines under the consent decree. The following describes specifically the district guidelines in regards to counseling and support in the schools to LCD eligible students. From that perspective, the LCD Council has proposed the following revisions:

1. Access to Elective Courses
2. Access to Advanced Courses
3. Schedule
4. Professional Development
5. Program Coordination
6. Monitoring Graduation Requirements
**Guideline 1: Access to Elective Courses**

School counselors will encourage students to enroll in elective classes in which students who qualify for the Latino Decree program and / or who identify as Latino or Hispanic have not been traditionally represented.

**Response to Guideline 1**

- School counselors will ensure graduation requirements are met while also promoting elective courses which will allow our Latino students to seek out their own unique interests.
- A main responsibility of High School Counselors is to support students’ progress towards on-time graduation by providing academic advising and connecting students to needed supports/resources.
- The School Counseling Leadership Team will work with the Office of Teaching and Learning and Middle School teams to find ways to promote elective course options to middle school students at open houses and showcase nights.

**Guideline 2: Access to Advanced Courses**

School counselors will encourage and advocate for Latino students to have equitable access to all types of subjects, classes and opportunities otherwise known as Career and Technical Education (CTE), Advanced Placement (AP), International Baccalaureate (IB), College in the School (CIS), Concurrent Enrollment, Post-Secondary Enrollment Options (PSEO), Seals of Bilingualism and other existing or similar classes.
Response to Guideline 2

- The School Counseling Leadership Team will partner with the LCD staff, LCD PAC and SPPS Communications to find new and additional ways to promote academic planning nights.
- The School Counseling Leadership Team will partner with SPPS Communications to ensure documents, advertisements and other information are translated and accessible for students and families.
- School Counselors will continue to promote advanced courses during classroom lessons at all grade levels.
- School Counselors will continue to promote the selection of advanced courses during spring registration for grades 8-11.
- School Counselors will partner with building staff to provide needed supports to increase success in advanced courses.

Guideline 3: Schedule

School counselors will coordinate closely with Latino Consent Decree teachers in determining students’ schedule.

Response to Guideline 3: Schedule

- School Counselors will continue to engage and partner with students’ families during the scheduling process.
- Once LCD staff and teachers are identified in all schools, school counselors will collaborate with them during the scheduling process. Including collaborating on ways to more actively involve families and students in the scheduling process.
- School counselors will collaborate with the LCD Bilingual Educational Assistants in contacting parents regarding their student’s schedule.
• In partnership with District LCD staff and Human Resources, the School Counseling Team will inform School Counselors of LCD staff at their sites.

Guideline 4: Professional Development

School counselors will receive training and be knowledgeable of the Latino Consent Decree Program. The training must be conducted by November 30 of each school year. The LCD program will be responsible for providing this training for counselors.

Response to Guideline 4

• LCD District staff will be invited to SPPS Middle and High School Counselors’ Professional Development annually.
• The School Counseling Leadership Team will partner with LCD District staff in planning a training for School Counselors that is culturally responsive to the educational needs of Latino students and their families.
• The School Counseling Leadership Team will partner with LCD District staff in planning additional professional development for school counselors new to SPPS.

Guideline 5: Program Coordination

Coordination will take place at the district level between the administrator assigned to the Office of College and Career Readiness (OCCR), district lead counselors, and the Latino Consent Decree district staff.

Response to Guideline 5

• The School Counseling Leadership Team will collaborate and meet regularly with LCD District staff to review and evaluate Guidelines 1 and 2 and the Professional Development provided to new and existing School Counselors in SPPS.
Guideline 6: Monitoring Graduation Requirements

School counselors will monitor Latino Consent Decree students credit records to ensure all graduation requirements are fulfilled.

Response to Guideline 6

- School Counselors will continue to inform students and families of the student’s graduation progress by mailing home a “graduation progress letter.” Additionally, this letter is an outreach strategy that can invite increased communication and partnership between families and schools.
- The School Counseling Leadership Team will continue to work with SPPS Communications, Office of Teaching and Learning and Research, Evaluation and Assessment to create and translate the graduation progress letters.
- The School Counseling Leadership Team will create and share a mailing calendar with LCD District staff.
- The School Counseling Leadership Team will work in collaboration with the LCD Program in the development of a program for parents to learn about students’ achievement in alignment with SPPS Achieves.
- School Counselors will collaborate with the LCD Bilingual Educational Assistants in contacting parents/guardians regarding their student’s academic progress towards graduation.
Recommendation 2

Continue strengthening the collaboration with community-based organizations and Saint Paul Public Schools district programs and schools.

The involvement of Latino/Hispanic parents is necessary to ensure that their children's educational needs are being met. All Latino/Hispanic parents are encouraged to participate in the educational process and work with everyone, especially teachers and schools. The Latino Consent Decree Parent Advisory Council strongly recommends to continue strengthening the collaboration with community-based organizations, district programs and schools, such as: Amherst H. Wilder Foundation (Latino Leadership Program); Office of Family Engagement (Parent Academy Program) and CLUES (Sexual Health Education).

Response to Recommendation 2

The Office of Family Engagement & Community Partnerships (OFECP) in collaboration with the LCD program will continue to lead and support the collaboration with community-based organizations and Saint Paul Public Schools district programs and schools. As in previous years, our LCD staff will lead this initiative and provide multiple opportunities for Latino families to be engaged in their children’s education throughout workshops, learning sessions and community programs.
All meetings will be held at the Saint Paul Public Schools Administration Building. The workshops will be presented in Spanish and they are as follows:

### I. LCD Parent Training (1 session)

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<th>End</th>
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This parent training is designed to learn about the services and rights that Latino LCD eligible students and parents have in the Saint Paul Public Schools.

### II. LCD Parent Academy (Weekly – Mondays – 6 sessions)

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<th>Start</th>
<th>End</th>
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<td>November 5, 2018</td>
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</tr>
</tbody>
</table>

Saint Paul Public Schools’ (SPPS) Latino Consent Decree (LCD) Parent Academy Program is designed especially for Latino parents/guardians of children that attend SPPS. The LCD-PA is a curriculum-based program that focuses especially in understanding the essential steps to college enrollment.

### III. CLUES (Weekly – Thursdays – 4 sessions)

<table>
<thead>
<tr>
<th>Start</th>
<th>End</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>February 7, 2019</td>
<td>February 14, 2019</td>
<td><strong>Sexual Health Program for Families</strong></td>
</tr>
</tbody>
</table>

CLUES was awarded funding from the Minnesota Department of Health’s Eliminating Health Disparities Initiative in July 2016 to start this multi-generational sexual health education program. Since receiving this grant, CLUES has facilitated workshops for parents and teens in partnership with a number of local schools and non-profit organizations, including the Latino Consent Decree Program, Office of Family Engagement & Community Partnership, Saint Paul Public Schools.
IV. Amherst H. Wilder Foundation (Weekly – Wednesdays – 7 sessions)

<table>
<thead>
<tr>
<th>Start</th>
<th>End</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 17, 2019</td>
<td>May 29, 2019</td>
<td><strong>Latino Leadership Program</strong></td>
</tr>
</tbody>
</table>

Wilder’s Neighborhood Leadership Program (NLP) in partnership with the Saint Paul Public School’s Latino Consent Decree (LCD) provides a unique training experience that prepares community members to becoming more involved in their communities, more active in their child’s school and often leads them to seek out further leadership opportunities. The purpose of our Latino Leadership Program (LLP) is to help participants:

- Build leadership skills to be more actively engaged in community life.
- Develop a greater awareness of their potential as leaders in the community, and
- Make connections with other Latinos, institutions and organizations

V. LCD Parent Advisory Council (Monthly - 10 sessions)

<table>
<thead>
<tr>
<th>Start</th>
<th>End</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 11, 2018</td>
<td>June 11, 2019</td>
<td><strong>LCD PAC</strong></td>
</tr>
</tbody>
</table>

The general purpose of the Latino Consent Decree (LCD), Parent Advisory Council (PAC), is to serve as a forum for the expression of concerns and recommendations of Latino parents, representatives of community-based organizations and public schools personnel, pertaining to the education of Spanish-speaking students in SPPS.

- Each program will provide binders, folders and/or printed materials for all Latino families participating in the workshops or sessions. All material will be translated into Spanish.
- LCD Parent Academy, CLUES and Wilder Foundation will offer a recognition night upon completion of their programs.
• Parent Academy: The Office of Family Engagement & Community Partnerships (OFECP) will continue to provide childcare, transportation and a light dinner for all sessions.

• CLUES Program: The Office of Family Engagement & Community Partnerships (OFECP) will continue to provide space, staff and childcare. CLUES will provide facilitators, dinner and transportation for all meetings.

• Latino Leadership Program: The Office of Family Engagement & Community Partnerships (OFECP) will continue to provide 3 meals, a cake for graduation and childcare. The remaining meals and transportation for all sessions will be covered by Wilder Foundation.

• The LCD Program will consider adding targeted meetings with Latino/Hispanic students in grades 6-11, and Latino/Hispanic professionals, regarding the benefits of taking advanced classes in the calendar year 2019-20, if funding is available.
## Status: Administrative Response to the 2016-2017 Latino Consent Decree Parent Advisory Council Annual Report to the Superintendent and Board of Education

<table>
<thead>
<tr>
<th>RECOMMENDATION</th>
<th>DESCRIPTION</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recommendation 1: Update the Latino Consent Decree (LCD) Teacher Responsibilities</td>
<td>Update job responsibilities regularly to include essential functions for all LCD teachers directly responsible for providing services to LCD eligible students.</td>
<td>In place</td>
</tr>
<tr>
<td>Recommendation 2: Qualified Bilingual Teachers</td>
<td>This recommendation focuses on the district’s obligations under Section III of the mandated consent, which is essential in carrying out the responsibilities established in Recommendation 1.</td>
<td>• As of today, the LCD Program and MLL has identified 8 full time teachers under the job title Latino Consent Decree. • LCD program is currently reviewing this recommendation and informed the LCD PAC at the October 9, 2018 monthly meeting. • Alignment to SPPS Achieves: Initiative 2c. Recruit and retain more employees who look like our students.</td>
</tr>
<tr>
<td>Recommendation 3: Increase the number of LCD Bilingual Educational Assistants EA2</td>
<td>The existing number of LCD Educational Assistants EA2 in the district of Saint Paul, is insufficient when it comes to support the LCD academic services in the classroom as well as the communication and engagement with Latino families at school sites.</td>
<td>• As of October 2018 the number of LCD EAs, serving students directly in the classroom, increased from 13 to 15 • Farnsworth Lower (.5) • Frost Lake Elementary (1.0) • Alignment SPPS Achieves: Initiative 2c. Recruit and retain more employees who look like our students.</td>
</tr>
<tr>
<td>Recommendation 4: “LCD” Initials in Job Postings. Re-write job titles and descriptions for all LCD EA2</td>
<td>Use of the LCD initials when it comes to job titles and descriptions.</td>
<td>In place</td>
</tr>
<tr>
<td>Recommendation 5: Create an “LCD Flag” in the SPPS Student Information System</td>
<td>In order to assisting school staff with the identification/record keeping of incoming Latino students who are eligible for Latino Consent Decree (LCD) services, the LCD Parent Advisory Council is recommending the school district to add an LCD Flag in Campus.</td>
<td>In place</td>
</tr>
<tr>
<td>Recommendation 6: Continue to strengthen the collaboration with community-based organizations and SPPS district programs.</td>
<td>Continue strengthening, supporting, funding and expanding the collaboration with community-based organizations and district programs, such as: Amherst H. Wilder Foundation (Latino Leadership Program); Office of Family Engagement (Parent Academy Program); CLUES (Sexual Health Education); Special Education (Family Night), Office of Multilingual Learning (MLL Family Night); and the University of Minnesota (SNAP Program).</td>
<td>In place</td>
</tr>
</tbody>
</table>
Appendix A: Class of 2019 Senior Progress Letter

Dear Parent and Guardian of

I am writing to inform you about your child’s progress towards meeting graduation requirements by June 2019. In order to earn a diploma and participate in graduation, your child must meet all course/credit requirements.

1. To graduate, your child must earn ____ credits and complete all required coursework.
   a. Your child is on track with courses and credits.
   b. Graduation requirements for students with an IEP are individualized. If your child has an IEP, please contact your child’s special education case manager about graduation requirements.
   c. Your child is behind in required courses and credits. Please contact your student’s counselor for more information.

The following is a list of remaining credits needed for graduation, not including current and 12th grade coursework (1 credit = 1 quarter class):

<table>
<thead>
<tr>
<th>Course</th>
<th>Credits Needed</th>
</tr>
</thead>
<tbody>
<tr>
<td>World History</td>
<td>____</td>
</tr>
<tr>
<td>Geography</td>
<td>____</td>
</tr>
<tr>
<td>US History</td>
<td>____</td>
</tr>
<tr>
<td>Economics</td>
<td>____</td>
</tr>
<tr>
<td>US Government</td>
<td>____</td>
</tr>
<tr>
<td>English 9</td>
<td>____</td>
</tr>
<tr>
<td>English 10</td>
<td>____</td>
</tr>
<tr>
<td>English 11</td>
<td>____</td>
</tr>
<tr>
<td>English 12</td>
<td>____</td>
</tr>
<tr>
<td>Intermediate Alg</td>
<td>____</td>
</tr>
<tr>
<td>Geometry</td>
<td>____</td>
</tr>
<tr>
<td>Algebra 2</td>
<td>____</td>
</tr>
<tr>
<td>Other Math</td>
<td>____</td>
</tr>
<tr>
<td>Biology</td>
<td>____</td>
</tr>
<tr>
<td>Chemistry or Physics</td>
<td>____</td>
</tr>
<tr>
<td>Other Science</td>
<td>____</td>
</tr>
<tr>
<td>Fine Arts</td>
<td>____</td>
</tr>
<tr>
<td>Physical Education</td>
<td>____</td>
</tr>
<tr>
<td>Health</td>
<td>____</td>
</tr>
<tr>
<td>Career &amp; Tech Ed.</td>
<td>____</td>
</tr>
<tr>
<td>Electives</td>
<td>____</td>
</tr>
</tbody>
</table>

2. Personal Learning Plans: SPPS students explore post-secondary options using Naviance. Each student has their own personal Naviance account (Naviance Student) where they can research colleges and careers, create a resume and take interest inventories. Families are encouraged to review Naviance accounts with their child. Students can access their Naviance account by going to www.spps.org/page/5296, or by visiting their school’s webpage.

3. (Insert school specific graduation requirements here) i.e. senior project or portfolio.

If you have any questions about your student’s progress, please contact your school counselor to ensure your student continues on a path toward graduation.

Sincerely,

School Counselor

Contact information
Le escribo para informarle del progreso de su niño para cumplir con los requisitos de graduación en junio del 2019. Para poder obtener su diploma de secundaria y participar en la ceremonia de graduación, su estudiante debe cumplir con todos los requisitos de créditos/cursos y evaluaciones requeridas.

1. Para graduarse, su niño debe obtener _____ créditos y completar todos los cursos requeridos.
   a. Su niño está al día en sus cursos y créditos.
   b. Los requisitos para estudiantes con un IEP son individualizados. Si su niño tiene un IEP, por favor contacte al encargado del educación especial de su niño para conocer los requisitos de graduación.
   c. Su niño está atrasado en cursos y créditos requeridos. Para más información, por favor contacte al consejero de su estudiante.

La siguiente es una lista de los créditos restantes que su niño necesita para graduarse, no incluyendo los cursos de 12º grado: (1 crédito = clase de 1 quarter)

- Historia Mundial
- Geografía
- Historia de los EEUU
- Economía
- Gobierro de los EEU
- Inglés 9
- Inglés 10
- Inglés 11
- Inglés 12
- Álgebra Intermedia
- Geometría
- Álgebra 2
- Otra Matemática
- Biología
- Química o Física
- Otra Ciencia
- Otra Ciencia
- Electivo
- Educación Física
- Educación Física
- Salud
- Electivo
- Carreras
- Electivo

2. **Planes de Aprendizaje Personal**: Los estudiantes pueden explorar opciones post-secundarias usando Naviance. Cada estudiante tiene su propia cuenta personal de Naviance (Family Connection), donde pueden investigar universidades y carreras, crear resúmenes y responder preguntas sobre sus intereses. Se anima a las familias a que revisen la cuenta de Naviance con su estudiante. Los estudiantes pueden acceder visitando www.spps.org/page/5296 o el sitio web de su escuela.

3. (Insert school specific graduation requirements here) i.e. senior project or portfolio

Si usted tiene cualquier pregunta sobre el progreso de su estudiante, por favor contacte al consejero de la escuela de su estudiante para asegurar que esté encaminado para la graduación.

Atentamente
School counselor name
School contact information
Acknowledgements

The SPPS Administrative Response to the Latino Consent Decree Parent Advisory Council was made possible thanks to the support and advice of many individuals and departments. The Saint Paul Public Schools would like to thank everyone who contributed to this response.

Office of College and Career Readiness (OCCR)

- **Darren Ginther**
  Assistant Director

- **Dr. Breanna Galuska, Ed.D.**
  Lead High School Counselor

- **Sue Arvidson**
  Lead School Counselor for Elementary Schools, Office of College and Career Readiness

- **Richard Mack**
  Counselor on Special Assignment LEAD - Middle School & Career Paths

Office of Family Engagement & Community Partnerships (OFECQP)

- **Heather Kilgore**
  Director

- **Pablo Matamoros**
  Coordinator Latino Consent Decree (LCD), LCD Program

- **Sara P. Reyes**
  LCD PAC District Liaison and Cultural Specialist, LCD Program