



Melrose Area Public Schools  
Regular Board Meeting  
Monday, January 27, 2025 - 6:30 p.m.

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Agenda Item I: Call Meeting to Order  
Commentary by: Eric Seanger

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Background:  
The Board Chair will call the meeting to order.

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Administration Recommendation: Board Action not required.

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Agenda Item II: Pledge of Allegiance  
Commentary by: Eric Seanger

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Background:  
The Board Chair will call the Pledge of Allegiance.

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Administration Recommendation: Board Action not required.



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Agenda Item III: Roll Call  
Commentary by: Eric Seanger

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Background:

The Board Chair will take roll call. A quorum must be established in order for the meeting to proceed.

Board Members:

Eric Seanger, Chair  
Becky Feldewerd, Vice Chair  
Mark Heidgerken, Treasurer  
Melissa Poepping, Clerk  
Josh Thieschafer, Director  
Joe Rosenberger, Director  
Jason Toenyan, Director

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Administration Recommendation: Board Action not required.



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Agenda Item IV: Approve the Agenda  
Commentary by Eric Seanger

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Background:

Once quorum has been established the Board Chair will request approval of the meeting agenda.

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Administration Recommendation: To approve the meeting agenda.

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Motion to approve the meeting agenda made by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Action: \_\_\_\_\_



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Agenda Item V: Communications/Recognition - A. Comments & Requests from Visitors  
Commentary by: Eric Seanger

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Background  
The Board will hear Comments & Requests from visitors.

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Administration Recommendation: Board Action not required.



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Agenda Item VI: Board Committees  
Commentary by: Committee Members

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Background  
A. WCED Governance

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Administration Recommendation: Board Action not required.



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Agenda Item VII: Administrative Reports  
Commentary by: Administration

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Background:

Administration will provide an update to the School Board.  
Greg Winter, Superintendent

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Administration Recommendation: Board Action not required.





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Agenda Item VIII: Non-Action A: Mr. Reller on Curriculum  
Commentary by: Greg Winter

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Background:  
Mr. Reller will give a presentation on Curriculum.

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Administration Recommendation: Board Action not required.

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Agenda Item VIII: Non-Action B: Discussion on Girls' Flag Football  
Commentary by: Greg Winter

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Background:

Mr. Winter and the Board will have a discussion on Girls' Flag Football.

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Administration Recommendation: Board Action not required.

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Agenda Item VIII: Non-Action C: Superintendent Contract Parameters  
Commentary by: Greg Winter

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Background:  
The Board

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Administration Recommendation: Board Action not required.

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Agenda Item VIII: Non-Action D: Policy 102 - Equal Educational Opportunity  
Commentary by: Greg Winter

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Background:  
This is the first review of this policy.

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Administration Recommendation: Board Action not required.

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**Melrose Area Public Schools**

Adopted: 9-24-07

Revised: 10-23-23

Policy 102  
Orig. 1995  
Rev. ~~2023~~ 2024

**102 EQUAL EDUCATIONAL OPPORTUNITY**

**(NOTE: School districts are required by statute to have a policy addressing these issues.)**

**I. PURPOSE**

The purpose of this policy is to ensure that equal educational opportunity is provided for all students of the school district.

**II. GENERAL STATEMENT OF POLICY**

- A. The policy of the school district is to provide equal educational opportunity for all students. The school district does not ~~unlawfully~~ discriminate on the basis of **one or more of the following**: race, color, creed, religion, national origin, sex, marital status, parental status, status with regard to public assistance, disability, sexual orientation, including gender identity and expression, or age. The school district also makes reasonable accommodations for students with disabilities.
- B. The school district prohibits harassment and discrimination of any individual based on any of the protected classifications listed above. For information about the types of conduct that constitute violation of the school district's policy on harassment and violence and the school district's procedures for addressing such complaints, refer to the school district's policy on harassment and violence (Policy 413).
- C. The school district prohibits discrimination of students with a disability, within the intent of Section 504 of the Rehabilitation Act of 1973 ("Section 504"), who need services, accommodations, or programs in order to receive a free appropriate public education. For information as to protections that may apply pursuant to Section 504 and the school district's corresponding procedures for addressing disability discrimination complaints, refer to the school district's policy on student disability nondiscrimination (Policy 521).
- D. The school district prohibits sexual harassment discrimination of any individual on the basis of sex in its education programs or activities. For information as to the protections that apply pursuant to Title IX and school district's corresponding procedures and processes for addressing sexual harassment and discrimination, 102-2 refer to the school district's policy on Title IX sex nondiscrimination (Policy 522).
- E. The school district shall provide equal opportunity for members of each sex and to members of all races and ethnicities to participate in its athletic program. In determining whether equal opportunity to participate in athletic programs is available for the purposes of this law, at least the following factors shall be considered to the extent that they are applicable to a given situation: whether the opportunity for males and females to participate in the athletic program reflects the demonstrated interest in athletics of the males and females in the student body of the educational institution; whether the opportunity for members of all races and ethnicities to participate in the athletic program reflects the demonstrated interest in athletics of members of all races and ethnicities in the student body of the educational institution; whether the variety and selection of sports



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and levels of competition effectively accommodate the demonstrated interests of members of each sex; whether the variety and selection of sports and levels of competition effectively accommodate the demonstrated interests of members of all races and ethnicities; the provision of equipment and supplies; scheduling of games and practice times; assignment of coaches; provision of locker rooms; practice and competitive facilities; and the provision of necessary funds for teams of one sex.

- F. This policy applies to all areas of education including academics, coursework, co-curricular and extracurricular activities, or other rights or privileges of enrollment.
- G. Every school district employee shall be responsible for complying with this policy conscientiously.
- H. Any student, parent, or guardian having a question regarding this policy should discuss it with the appropriate school district official as provided by policy. In the absence of a specific designee, an inquiry or a complaint should be referred to the superintendent.

**Legal References:** Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)  
Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
20 U.S.C. § 1681 *et seq.* (Title IX of the Education Amendments of 1972)  
42 U.S.C. § 2000d *et seq.* (Title VI of the Civil Rights Act of 1964)  
42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)

**Cross References:** MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)  
MSBA/MASA Model Policy 522 Title IX-Sex Nondiscrimination Policy, Grievance Procedure and Process)



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Agenda Item VIII: Non-Action E: Policy 204 - School Board Meeting Minutes  
Commentary by: Greg Winter

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Background:  
This is the first review of this policy.

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Administration Recommendation: Board Action not required.

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**Melrose Area Public Schools**

Adopted: 10-22-07

~~MSBA/MASA Model~~ Policy 204

Orig. 1995

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

Rev. ~~2004~~ 2024

**204 SCHOOL BOARD MEETING MINUTES**

**(NOTE: The provisions of this policy are required by statute.)**

**I. PURPOSE**

The purpose of this policy is to establish procedures relating to the maintenance of records of the school board and the publication of its official proceedings.

**II. GENERAL STATEMENT OF POLICY**

It is the policy of the school district to maintain its records so that they will be available for inspection by members of the general public and to provide for the publication of its official proceedings in compliance with law.

**III. MAINTENANCE OF MINUTES AND RECORDS**

A. The clerk shall keep and maintain permanent records of the school board, including records of the minutes of school board meetings and other required records of the school board. All votes taken at meetings required to be open to the public pursuant to the Minnesota Open Meeting Law shall be recorded in a journal kept for that purpose. Public records maintained by the school district ~~must~~ **shall** be available for inspection by members of the public during the regular business hours of the school district. Minutes of meetings shall be available for inspection at the administrative offices of the school district after they have been prepared. Minutes of a school board meeting shall be approved or modified by the school board at a subsequent meeting, which action shall be reflected in the official proceedings of that subsequent meeting.

**B. Recordings of Closed Meetings**

1. All closed meetings, except those closed as permitted by the attorney-client privilege, must be electronically recorded at the school district's expense. Recordings of closed meetings shall be made separately from the recordings of an open meeting to the extent such meetings are recorded. If a meeting is closed to discuss more than one (1) matter, each matter shall be separately recorded.
2. Recordings of closed meetings shall be preserved by the school district for the following time periods:
  - a. Meetings closed to discuss labor negotiations strategy shall be preserved for two (2) years after the contract is signed.
  - b. Meetings closed to discuss security matters shall be preserved for at





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least four (4) years.

- c. Meetings closed to discuss the purchase or sale of property shall be preserved for at least eight (8) years after the date of the meeting.
  - d. All other closed meetings shall be preserved by the school district for at least three (3) years after the date of the meeting.
  - e. Following the expiration of the above time periods, recordings of closed meetings shall be maintained as set forth in the school district's Records Retention Schedule.
3. Recordings of closed meetings shall be classified by the school district as protected non-public data that is not accessible by the public or any subject of the data, with the following exceptions:
- a. Recordings of labor negotiations strategy meetings shall be classified as public data and made available to the public after all labor contracts are signed by the school district for the current budget period.
  - b. Recordings of meetings related to the purchase or sale of property shall be classified as public data and made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the school district has abandoned the purchase or sale.
  - c. Recordings of any other closed meetings shall be classified and/or released as required by court order.
4. Recordings of closed meetings shall be maintained separately from recordings of open meetings, to the extent recordings of open meetings are maintained by the school district, with the exception of recordings that have been classified as public data as set forth in Section III.B.3. above. Recordings of closed meetings classified as non-public data also shall be maintained in a secure location, separate from recordings classified as public data.
5. Recordings of closed meetings shall be maintained in a manner to easily identify the data classification of the recording. The recordings shall be identified with at least the following information:
- a. The date of the closed meeting;
  - b. The basis upon which the meeting was closed (i.e.: labor negotiations strategy, purchase or sale of real property, educational data, etc.); and
  - c. The classification of the data.
6. Recordings of closed meetings related to labor negotiations strategy and the purchase or sale of property shall be maintained and monitored in a manner that reclassifies the recording as public upon the occurrence of an event reclassifying



that data as set forth in Section III.B.3. above.

#### IV. PUBLICATION OF OFFICIAL PROCEEDINGS

- A. The school board shall cause its official proceedings to be published once in the official newspaper of the school district within thirty (30) days of the meeting at which the proceedings occurred; however, if the school board conducts regular meetings not more than once every thirty (30) days, the school board need not publish the minutes until ten (10) working days after they have been approved by the school board.

(NOTE: In 2024, the Minnesota Legislature enacted two laws regarding publication of school board minutes. Under Chapter 109 (2024), five school districts are authorized to publish their minutes on their websites; this section expires on August 1, 2026.

Under Chapter 115 (2024), the Minnesota legislature enacted the following:

(a) Notwithstanding any law to the contrary, when a qualified newspaper designated by a school district ceases to exist for any reason except consolidation with another newspaper, the school district may publish its proceedings on the school district's website instead of publishing the proceedings in a newspaper. The school district must also request that the same information be posted at each public library located within the school district for the notice's publication period. This section expires August 1, 2026.

(b) If, before August 1, 2026, there is a newspaper located within a school district's boundaries that is qualified to be designated as the school district's official newspaper pursuant to Minnesota Statutes, section 331A.04, then the exemption provided in this section shall not apply, provided that the qualified newspaper's legal rate is not more than ten percent above the rate charged by the school district's previous official newspaper and the qualified newspaper provides some coverage of the activities of the school district that is publishing the notice.

**[NOTE: MSBA has not inserted paragraph (a) into this model policy because its application is limited to specific circumstances and for a defined period. School districts that meet the conditions in paragraph (a) may choose to publish on the school district's website.]**

- B. The proceedings to be published shall be sufficiently full to fairly set forth the proceedings. They must include the substance of all official actions taken by the school board at any regular or special meeting, and at minimum must include the subject matter of a motion, the persons making and seconding the motion, a listing of how each member present voted on the motion, the character of resolutions offered including a brief description of their subject matter and whether adopted or defeated. The minutes and permanent records of the school board may include more detail than is required to be published with the official proceedings. If the proceedings have not yet been approved by the school board, the proceedings to be published may reflect that fact.
- C. The proceedings to be published may be a summary of the essential elements of the proceedings, and/or of resolutions and other official actions of the school board. Such a summary shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When a summary is published, the publication shall clearly indicate that the published material is only a summary and that the full text is available for public inspection at the administrative offices of the school district and that a copy of the proceedings, other than attachments to the minutes, is available without cost at the offices of the school district or by means of standard or electronic mail.



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- Legal References:** Minn. Stat. § 123B.09, Subd. 10 (Boards of Independent School Districts) (~~Publishing Proceedings~~)  
Minn. Stat. § 123B.14, Subd. 7 (Officer of Independent School Districts) (~~Record of Meetings~~)  
Minn. Stat. § 331A.01 (Definitions)  
Minn. Stat. § 331A.05, Subd. 8 (Form of Public Notices) (~~Notice Regarding Published Summaries~~)  
Minn. Stat. § 331A.08, Subd. 3 (Computation of Time) (~~Publication of Proceedings~~)  
Minn. Stat. § 13D.01, Subd. 4-6 (Meetings Must be Open to the Public; Exceptions) (~~Open Meeting Law~~)  
Op. Atty. Gen. 161-a-20, December 17, 1970  
*Ketterer v. Independent School District No. 1*, 248 Minn. 212, 79 N.W.2d 428 (1956)
- Cross References:** MSBA/MASA Model Policy 205 (Open Meetings and Closed Meetings)  
~~MSBA Service Manual, Chapter 1, School District Governance, Powers and Duties~~



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Agenda Item VIII: Non-Action F: Policy 522 - Title IX Sex Non Discrimination Policy & Grievance  
Procedure & Process

Commentary by: Greg Winter

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Background:

This is the first review of this policy. Two version are being presented on this policy.

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Administration Recommendation: Board Action not required.



**Melrose Area Public Schools**

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

~~MSBA/MASA Model~~ Policy 522

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

Orig. 1995

Rev. 2024

**522 TITLE IX SEX NONDISCRIMINATION POLICY, GRIEVANCE PROCEDURE AND PROCESS**

**[NOTE: In 2024, the U.S. Department of Education, Office of Civil Rights (OCR), released the latest version of the Final Rule amending Title IX regulations at 34 Code of Federal Regulations, part 106. These regulations have an effective date of August 1, 2024.]**

**I. GENERAL STATEMENT OF POLICY**

- A. The school district does not discriminate on the basis of sex, including discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, in any education program or activity that it operates, including in admission and employment. The school district does not discriminate in such a manner in its implementing regulations. The school district is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.
- B. Except as provided elsewhere under Title IX or its regulations, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by the school district.
- C. The school district prohibits sex-based discrimination or sexual harassment that occurs within its education programs and activities. The school district shall promptly respond in a manner that is prompt and effective.
- D. Except as provided therein, Title IX and its regulations apply to all sex discrimination occurring under a school district's education program or activity in the United States. For the purpose of this paragraph, conduct that occurs under the school district's education program or activity includes but is not limited to conduct that is subject to the school district's disciplinary authority. The school district has an obligation to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the school district's education program or activity or outside the United States.
- E. The school district has adopted, published, and implemented grievance procedures consistent with the requirements of 34 Code of Federal Regulations, section 106.45, and if applicable section 106.46, that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in the school district's education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or its regulations.
- F. The school district's obligation to comply with Title IX and its regulations is not obviated or alleviated by the Federal Educational Rights and Privacy Act (FERPA), 20 United States Code, section 1232g, or its implementing regulations, 34 Code of Federal Regulations,



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part 99, or any state law or local law. The obligation to comply is not obviated or alleviated by any rule or regulation of any organization, club, athletic or other league, or association which would render any applicant or student ineligible to participate or limit the eligibility or participation of any applicant or student, on the basis of sex, in any education program or activity operated by the school district and which receives Federal financial assistance.

- G. The school district has an obligation to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the school district's education program or activity or outside the United States.
- H. Nothing in Title IX or its regulations may be read in derogation of any legal right of a parent, guardian, or other authorized legal representative to act on behalf of a complainant, respondent, or other person, subject to Paragraph F of this section, including but not limited to making a complaint through the school district's grievance procedures for complaints of sex discrimination.
- I. In the limited circumstances in which Title IX or its regulations permits different treatment or separation on the basis of sex, the school district must not carry out such different treatment or separation in a manner that discriminates on the basis of sex by subjecting a person to more than de minimis harm, except as permitted by 20 United States Code, section 1681(a)(1) through (9) and the corresponding regulations sections 106.12 through 106.15, 20 United States Code, section 1686 and its corresponding regulation section 106.32(b)(1), or section 106.41(b). Adopting a policy or engaging in a practice that prevents a person from participating in an education program or activity consistent with the person's gender identity subjects a person to more than de minimis harm on the basis of sex.
- J. Any student, parent, or guardian having questions regarding the application of Title IX and its regulations and/or this policy and grievance process should discuss them with the Title IX Coordinator. The school district's Title IX Coordinator(s) is/are:

**[INSERT: NAME(S) TITLE(S) PHONE NUMBER(S) OFFICE ADDRESS(ES) EMAIL ADDRESS(ES)]**

Inquiries about Title IX and its regulations may be referred to the Title IX Coordinator(s), the United States Department of Education's Office for Civil Rights, or both.

- K. To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to **[INSERT: LINK TO LOCATION(S) ON WEBSITE OR OTHERWISE DESCRIBE LOCATION(S)]**
- L. The effective date of this policy is August 1, 2024, and applies to alleged violations of this policy occurring on or after August 1, 2024.

## II. DEFINITIONS

- A. "Admission" means selection for part-time, full-time, special, associate, transfer, exchange or any other enrollment, membership, or matriculation in or at an education program or activity operated by the school district.
- B. "Complainant" means



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1. a student or employee of the school district who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or
  2. a person other than a student or employee of the school district who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX and who was participating or attempting to participate in a school district education program or activity at the time of the alleged sex discrimination.
- C. “Complaint” means an oral or written request to the school district that objectively can be understood as a request for the school district to investigate and make a determination about alleged discrimination under Title IX or its regulations.
1. A person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of 34 Code of Federal Regulations, section 106.44(f)(1)(v).
  2. The following individuals have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that the school district investigate and make a determination about alleged discrimination under Title IX:
    - a. a complainant;
    - b. a parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
    - c. the school district’s Title IX Coordinator.

**[NOTE: When a Title IX Coordinator is notified of conduct that reasonably may constitute sex discrimination under Title IX (and in the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process), the Title IX Coordinator must determine whether to initiate a complaint of sex discrimination as required under Title IX. The requirements for such a fact-specific determination are set forth in 34 Code of Federal Regulations, section 106.44(f)(1)(v).]**
  3. With respect to complaints of sex discrimination other than sex-based harassment, in addition to the persons listed above, the following persons have a right to make a complaint:
    - a. any school district student or employee; or
    - b. any person other than a school district student or employee who was participating or attempting to participate in a school district education program or activity at the time of the alleged sex discrimination.
- D. “Confidential employee” means



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1. A school district employee whose communications are privileged or confidential under Federal or Minnesota law. The employee's confidential status, for purposes of this part, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or
  2. A school district employee whom the school district has designated as confidential under this part for the purpose of providing services to persons related to sex discrimination. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about sex discrimination in connection with providing those services.
- E. "Day" or "days" means, unless expressly stated otherwise, business days (i.e. day(s) that the school district office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).
- F. "Disciplinary sanctions" means consequences imposed on a respondent following a determination under Title IX that the respondent violated the school district's prohibition on sex discrimination.
- G. "Parental status" as used in Title IX and its regulations means the status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is:
1. A biological parent;
  2. An adoptive parent;
  3. A foster parent;
  4. A stepparent;
  5. A legal custodian or guardian;
  6. In loco parentis with respect to such a person; or
  7. Actively seeking legal custody, guardianship, visitation, or adoption of such a person.
- H. "Party" means a complainant or respondent.
- I. "Peer retaliation" means retaliation by a student against another student.
- J. "Pregnancy or related conditions" means:
1. Pregnancy, childbirth, termination of pregnancy, or lactation;
  2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
  3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.





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- K. “Program or activity” and “program” means all of the operations of a local education agency as defined in 20 United States Code, section 8801, a special purpose district, a system of vocational education, or other school system.
- L. “Relevant” means related to the allegations of sex discrimination under investigation as part of the grievance procedures under Title IX and 34 Code of Federal Regulations, section 106.44. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.
- M. “Remedies” means measures provided, as appropriate, to a complainant or any other person the school district identifies as having had their equal access to the school district’s education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person’s access to the school district’s education program or activity after a school district determines that sex discrimination occurred.
- N. “Respondent” means a person who is alleged to have violated the school district’s prohibition on sex discrimination.
- O. “Retaliation” means intimidation, threats, coercion, or discrimination against any person by the school district, a student, or an employee or other person authorized by the school district to provide aid, benefit, or service under the school district’s education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.
- P. “Sex-based harassment” prohibited by Title IX and its regulations is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:
1. *Quid pro quo harassment.*

An employee, agent, or other person authorized by the school district to provide an aid, benefit, or service under the school district’s education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct;
  2. *Hostile environment harassment.*

Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the school district’s education program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

    - a. The degree to which the conduct affected the complainant’s ability to access the school district’s education program or activity;



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- b. The type, frequency, and duration of the conduct;
  - c. The parties' ages, roles within the school district's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
  - d. The location of the conduct and the context in which the conduct occurred; and
  - e. Other sex-based harassment in the school district's education program or activity; or
3. *Specific offenses.*
- a. Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
  - b. Dating violence meaning violence committed by a person:
    - i. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
    - ii. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
      - (a) The length of the relationship;
      - (b) The type of relationship; and
      - (c) The frequency of interaction between the persons involved in the relationship;
  - c. Domestic violence meaning felony or misdemeanor crimes committed by a person who:
    - i. is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the state of Minnesota, or a person similarly situated to a spouse of the victim;
    - ii. is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
    - iii. shares a child in common with the victim; or
    - iv. commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
  - d. Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:



i. Fear for the person's safety or the safety of others; or

ii. Suffer substantial emotional distress.

Q. "Student" means a person who has gained admission.

R. "Student with a disability" means a student who is an individual with a disability as defined in the Rehabilitation Act of 1973, as amended, or a child with a disability as defined in the Individuals with Disabilities Education Act.

S. "Supportive measures" means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

1. Restore or preserve that party's access to the school district's education program or activity, including measures that are designed to protect the safety of the parties or the school district's educational environment; or

2. Provide support during the school district's grievance procedures or during the informal resolution process.

The school district will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the school district's education program or activity or provide support during the school district's Title IX grievance procedures or during the informal resolution process.

T. "Title IX" means Title IX of the Education Amendments of 1972, as amended.

### III. DESIGNATION OF TITLE IX COORDINATOR AND DESIGNEES

A. The school district must designate and authorize at least one employee, referred to as a Title IX Coordinator, to coordinate its efforts to comply with its obligations under Title IX and its regulations. If a school district has more than one Title IX Coordinator, it must designate one of its Title IX Coordinators to retain ultimate oversight over the responsibilities and ensure the school district's consistent compliance with its responsibilities under Title IX and its regulations.

B. As appropriate, the school district may delegate, or permit a Title IX Coordinator to delegate, specific duties to one or more designees.

### IV. PARENTAL, FAMILY, OR MARITAL STATUS; PREGNANCY OR RELATED CONDITIONS

#### A. Status Generally

The school district must not adopt or implement any policy, practice, or procedure concerning a student's current, potential, or past parental, family, or marital status that treats students differently on the basis of sex.

#### B. Pregnancy or Related Conditions

##### 1. Nondiscrimination

The school district must not discriminate in its education program or activity



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against any student based on the student's current, potential, or past pregnancy or related conditions. The school district does not engage in prohibited discrimination when it allows a student, based on pregnancy or related conditions, to voluntarily participate in a separate portion of its education program or activity provided the school district ensures that the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions.

2. Responsibility to Provide Title IX Coordinator Contact and Other Information

The school district must ensure that when a student, or a person who has a legal right to act on behalf of the student, informs any employee of the student's pregnancy or related conditions, unless the employee reasonably believes that the Title IX Coordinator has been notified, the employee promptly provides that person with the Title IX Coordinator's contact information and informs that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the school district's education program or activity.

3. Specific Actions to Prevent Discrimination and Ensure Equal Access

The school district must take specific actions below to promptly and effectively prevent sex discrimination and ensure equal access to the school district's education program or activity once the student, or a person who has a legal right to act on behalf of the student, notifies the Title IX Coordinator of the student's pregnancy or related conditions. The Title IX Coordinator must coordinate these actions.

a. Responsibility to provide information about school district obligations.

The school district must inform the student, and if applicable, the person who notified the Title IX Coordinator of the student's pregnancy or related conditions and has a legal right to act on behalf of the student, of the school district's obligations under 34 Code of Federal Regulations, section 106.31, paragraphs (b)(1) through (5) and section 106.44(j) and provide the school district's notice of nondiscrimination under section 106.8(c)(1)

b. Reasonable modifications

- i. The school district must make reasonable modifications to the school district's policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to the school district's education program or activity. Each reasonable modification must be based on the student's individualized needs. In determining what modifications are required under this paragraph, the school district must consult with the student. A modification that a school district can demonstrate would fundamentally alter the nature of its education program or activity is not a reasonable modification.
- ii. The student has discretion to accept or decline each reasonable modification offered by the school district. If a student accepts



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the school district's offered reasonable modification, the school district must implement it.

- iii. Reasonable modifications may include, but are not limited to, breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom; intermittent absences to attend medical appointments; access to online or homebound education; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; allowing a student to sit or stand, or carry or keep water nearby; counseling; changes in physical space or supplies (for example, access to a larger desk or a footrest); elevator access; or other changes to policies, practices, or procedures.

c. Voluntary access to separate and comparable portion of program or activity

The school district must allow the student to voluntarily access any separate and comparable portion of the school district's education program or activity under Paragraph A. above.

d. Voluntary leaves of absence

The school district must allow the student to voluntarily take a leave of absence from the school district's education program or activity to cover, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. To the extent that a student qualifies for leave under a leave policy maintained by the school district that allows a greater period of time than the medically necessary period, the school district must permit the student to take voluntary leave under that policy instead if the student so chooses. When the student returns to the school district's education program or activity, the student must be reinstated to the academic status and, as practicable, to the extracurricular status that the student held when the voluntary leave began.

e. Lactation space

The school district must ensure that the student can access a lactation space, which must be a space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed.

f. Limitation on supporting documentation

The school district must not require supporting documentation under Paragraph B.3, subparagraphs b. through e. unless the documentation is necessary and reasonable for the school district to determine the reasonable modifications to make or whether to take additional specific actions. Examples of situations when requiring supporting documentation is not necessary and reasonable include, but are not limited to, when the



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student's need for a specific action under Paragraph C. subparagraphs 3 through 5 is obvious, such as when a student who is pregnant needs a bigger uniform; when the student has previously provided the school district with sufficient supporting documentation; when the reasonable modification because of pregnancy or related conditions at issue is allowing a student to carry or keep water nearby and drink, use a bigger desk, sit or stand, or take breaks to eat, drink, or use the restroom; when the student has lactation needs; or when the specific action under Paragraph C. subparagraphs 3 through 5 is available to students for reasons other than pregnancy or related conditions without submitting supporting documentation.

4. Comparable Treatment to Other Temporary Medical Conditions

To the extent consistent with Paragraph B.3 above, the school district must treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions with respect to any medical or hospital benefit, service, plan, or policy the school district administers, operates, offers, or participates in with respect to students admitted to the school district's education program or activity.

5. Certification to Participate

The school district must not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that the student is physically able to participate in the school district's class, program, or extracurricular activity unless:

- a. The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
- b. The school district requires such certification of all students participating in the class, program, or extracurricular activity; and
- c. The information obtained is not used as a basis for discrimination prohibited by this part.

**V. REPORTING PROHIBITED CONDUCT**

- A. Any student who believes they have been the victim of unlawful sex discrimination or sexual harassment, or any person (including the parent of a student) with actual knowledge of conduct which may constitute unlawful sex discrimination or sexual harassment toward a student should report the alleged acts as soon as possible to the Title IX Coordinator.
- B. The school district requires all employees who are not confidential employees to notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX or its regulations. This requirement does not apply to an employee who has personally been subject to conduct that reasonably may constitute sex discrimination under Title IX or its regulations.
- C. Confidential Employee Requirements



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1. The school district must notify all participants in the school district's education program or activity of how to contact its confidential employees, if any.
2. The school district must require a confidential employee to explain to any person who informs the confidential employee of conduct that reasonably may constitute sex discrimination under Title IX or its regulations:
  - a. The employee's status as confidential for purposes of this part, including the circumstances in which the employee is not required to notify the Title IX Coordinator about conduct that reasonably may constitute sex discrimination;
  - b. How to contact the school district's Title IX Coordinator and how to make a complaint of sex discrimination; and
  - c. That the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under the grievance procedures.
- D. Any employee of the school district who has experienced, has knowledge of, or has witnessed unlawful sex discrimination, including sexual harassment, or who otherwise becomes aware of unlawful sex discrimination, including sexual harassment, must promptly report the allegations to the Title IX Coordinator without screening or investigating the report or allegations.
- E. A report of unlawful sex discrimination or sexual harassment may be made at any time, including during nonbusiness hours, and may be made in person, by mail, by telephone, or by email using the Title IX Coordinator's contact information. A report may also be made by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.
- F. Sexual harassment may constitute both a violation of this policy and criminal law. To the extent the alleged conduct may constitute a crime, the school district may report the alleged conduct to law enforcement authorities. The school district encourages complainants to report criminal behavior to the police immediately.

## VI. SCHOOL DISTRICT'S RESPONSE TO SEXUAL HARASSMENT

### A. General

Upon knowledge of conduct that reasonably may constitute sex discrimination in its education program or activity, the school district must respond promptly and effectively. The school district must also comply with 34 Code of Federal Regulations, section 106.44 to address sex discrimination in its education program or activity.

### B. Barriers to Reporting

The school district must require its Title IX Coordinator to:

1. Monitor the school district's education program or activity for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX or its regulations; and



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2. Take steps reasonably calculated to address such barriers.

C. Title IX Coordinator Requirements

1. The Title IX Coordinator is responsible for coordinating the school district's compliance with its obligations under Title IX and its regulations. The school district must require its Title IX Coordinator, when notified of conduct that reasonably may constitute sex discrimination under Title IX or its regulations, to take the following actions to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects:
  - a. Treat the complainant and respondent equitably;
  - b. Offer and coordinate supportive measures, as appropriate, for the complainant. In addition, if the school district has initiated grievance procedures or offered an informal resolution process to the respondent, offer and coordinate supportive measures, as appropriate, for the respondent;
  - c. Notify the complainant or, if the complainant is unknown, the individual who reported the conduct, of the grievance procedures and if applicable and the informal resolution process, if available and appropriate. If a complaint is made, notify the respondent of the grievance procedures and the informal resolution process, if available and appropriate;
  - d. In response to a complaint, initiate the grievance procedures or the informal resolution process, if available and appropriate and requested by all parties;
  - e. In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, determine whether to initiate a complaint of sex discrimination that complies with the grievance procedures.
    - i. To make this fact-specific determination, the Title IX Coordinator must consider, at a minimum, the following factors:
      - [a] The complainant's request not to proceed with initiation of a complaint;
      - [b] The complainant's reasonable safety concerns regarding initiation of a complaint;
      - [c] The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
      - [d] The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
      - [e] The age and relationship of the parties, including





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- whether the respondent is an employee of the school district;
- [f] The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
  - [g] The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
  - [h] Whether the school district could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.
- ii. If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other person, or that the conduct as alleged prevents the school district from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a complaint
- f. If initiating a complaint under Subparagraph e. above, notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures; and
  - g. Regardless of whether a complaint is initiated, take other appropriate prompt and effective steps, in addition to steps necessary to effectuate the remedies provided to an individual complainant, if any, to ensure that sex discrimination does not continue or recur within the school district's education program or activity.
- 2. The Title IX Coordinator is not required to comply with Paragraph C.1, subparagraphs a. through g. above upon being notified of conduct that may constitute sex discrimination if the Title IX Coordinator reasonably determines that the conduct as alleged could not constitute sex discrimination under Title IX or its regulations.

D. Supportive Measures

Under the *Title IX Coordinator Requirements* above, the school district must offer and coordinate supportive measures, as appropriate, as described below. For allegations of sex discrimination other than sex-based harassment or retaliation, the school district's provision of supportive measures does not require the school district, its employee, or any other person authorized to provide aid, benefit, or service on the school district's behalf to alter the alleged discriminatory conduct for the purpose of providing a supportive measure.

- 1. Supportive measures may vary depending on what the school district deems to be reasonably available. These measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments;



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campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to sex-based harassment.

2. Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties or the school district's educational environment, or to provide support during the school district's grievance procedures, or during the informal resolution process. The school district must not impose such measures for punitive or disciplinary reasons.
3. The school district may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures or at the conclusion of the informal resolution process, or the school district may continue them beyond that point.
4. The school district must provide a complainant or respondent with a timely opportunity to seek, from an appropriate and impartial employee, modification or reversal of the school district's decision to provide, deny, modify, or terminate supportive measures applicable to them. The impartial employee must be someone other than the employee who made the challenged decision and must have authority to modify or reverse the decision, if the impartial employee determines that the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures. The school district must also provide a party with the opportunity to seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.
5. The school district must not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the education program or activity, or when an exception in 34 Code of Federal Regulations section 106.44(j)(1) through (5) applies.
6. The school district must require the Title IX Coordinator to consult with one or more members, as appropriate, of the student's Individualized Education Program (IEP) team, if any, or one or more members, as appropriate, of the group of persons responsible for the student's placement decision under 34 Code of Federal Regulations, section 104.35(c), if any, to determine how to comply with the requirements of the Individuals with Disabilities Education Act, and Section 504 of the Rehabilitation Act of 1973 in the implementation of supportive measures.

E. Students with Disabilities

If a complainant or respondent is an elementary or secondary student with a disability, the school district must require the Title IX Coordinator to consult with one or more members, as appropriate, of the student's Individualized Education Program (IEP) team, if any, or one or more members, as appropriate, of the group of persons responsible for the student's placement decision under 34 Code of Federal Regulations, section 104.35(c), if any, to determine how to comply with the requirements of the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973 throughout the school



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district's implementation of grievance procedures under 34 Code of Federal Regulations, section 106.45.

F. Emergency Removal

Nothing in Title IX or its regulations precludes the school district from removing a respondent from the school district's education program or activity on an emergency basis, provided that the school district undertakes an individualized safety and risk analysis, determines that an imminent and serious threat to the health or safety of a complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision must not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

G. Administrative Leave

Nothing in Title IX or its regulations precludes the school district from placing an employee respondent on administrative leave from employment responsibilities during the pendency of the school district's grievance procedures. This provision must not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act of 1990.

H. Prohibited Disclosures of Personally Identifiable Information

The school district must not disclose personally identifiable information obtained in the course of complying with this part, except in the following circumstances:

1. When the school district has obtained prior written consent from a person with the legal right to consent to the disclosure;
2. When the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
3. To carry out the purposes of 34 Code of Federal Regulations, section 106, including action taken to address conduct that reasonably may constitute sex discrimination under Title IX in the school district's education program or activity;
4. As required by federal law, federal regulations, or the terms and conditions of a Federal award, including a grant award or
5. To the extent such disclosures are not otherwise in conflict with Title IX or its regulations, when required by Minnesota or local law or when permitted under FERPA or its implementing regulations.

**VII. GRIEVANCE PROCEDURES FOR THE PROMPT AND EQUITABLE RESOLUTION OF COMPLAINTS OF SEX DISCRIMINATION**

A. General



The school district's grievance procedures for the prompt and equitable resolution of complaints of sex discrimination must be in writing and include provisions that incorporate the requirements of this section. The requirements related to a respondent apply only to sex discrimination complaints alleging that a person violated the school district's prohibition on sex discrimination. When a sex discrimination complaint alleges that a school district's policy or practice discriminates on the basis of sex, the school district is not considered a respondent.

B. Basic Requirements for Grievance Procedures

The school district's grievance procedures must:

1. Treat complainants and respondents equitably;
2. Require that any person designated as a Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The decisionmaker may be the same person as the Title IX Coordinator or investigator;
3. Include a presumption that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of the school district's grievance procedures for complaints of sex discrimination;
4. Establish reasonably prompt timeframes for the major stages of the grievance procedures, including a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay. Major stages include, for example, evaluation (i.e., the school district's decision whether to dismiss or investigate a complaint of sex discrimination); investigation; determination; and appeal, if any;

**[NOTE: The Title IX regulations require reasonably prompt timeframes for major stages of the grievance procedures, but do not specify any particular timeframes. School districts may establish their own district-specific timeframes. A sample set of provisions is offered below.]**

- a. Any informal resolution process must be completed within thirty (30) calendar days following the parties' agreement to participate in such informal process.
- b. An appeal of a determination of responsibility or of a decision dismissing a formal complaint must be received by the school district within five (5) days of the date the determination of responsibility or dismissal was provided to the parties.
- c. Any appeal of a determination of responsibility or of a dismissal will be decided within thirty (30) calendar days of the day the appeal was received by the school district.
- d. The school district will seek to conclude the grievance process, including any appeal, within 120 calendar days of the date the formal complaint was received by the school district.



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- e. Although the school district strives to adhere to the timelines described above, in each case, the school district may extend the time frames for good cause. Good cause may include, without limitation: the complexity of the allegations; the severity and extent of the alleged misconduct; the number of parties, witnesses, and the types of other evidence (e.g., forensic evidence) involved; the availability of the parties, advisors, witnesses, and evidence (e.g., forensic evidence); concurrent law enforcement activity; intervening school district holidays, breaks, or other closures; the need for language assistance or accommodation of disabilities; and/or other unforeseen circumstances.
- f. The school district has established the following process for reasonable extension of timeframes on a case-by-case basis for good cause as set forth above. The process includes notice to the parties and the reason for the delay:

**[NOTE: The school district should set forth its process for determining a reasonable extension of a timeframe.]**

- 5. Require the school district to take reasonable steps to protect the privacy of the parties and witnesses during the pendency of the school district's grievance procedures, provided that the steps do not restrict the ability of the parties to: obtain and present evidence, including by speaking to witnesses, subject to the prohibition against retaliation; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures;
- 6. Require an objective evaluation of all evidence that is relevant, as defined in Article II, and not otherwise impermissible—including both inculpatory and exculpatory evidence—and provide that credibility determinations must not be based on a person's status as a complainant, respondent, or witness;
- 7. Exclude the following types of evidence, and questions seeking that evidence, as impermissible (i.e., must not be accessed or considered, except by the school district to determine whether an exception in subparagraphs (a) through (c) applies; must not be disclosed; and must not otherwise be used), regardless of whether they are relevant:
  - a. Evidence that is protected under a privilege as recognized by federal or Minnesota law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
  - b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the school district obtains that party's or witness's voluntary, written consent for use in the school district's grievance procedures; and
  - c. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the



alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred; and

8. If the school district adopts grievance procedures that apply to the resolution of some, but not all, complaints articulate consistent principles for how the school district will determine which procedures apply.

C. Notice of Allegations

Upon initiation of the school district's grievance procedures, the school district must provide notice of the allegations to the parties whose identities are known.

1. The notice must include:
  - a. The school district's grievance procedures, and if applicable, any informal resolution process;
  - b. Sufficient information available at the time to allow the parties to respond to the allegations. Sufficient information includes the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination under Title IX or this part, and the date(s) and location(s) of the alleged incident(s), to the extent that information is available to the school district;
  - c. A statement that retaliation is prohibited; and
  - d. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence; and if the school district provides a description of the evidence, the parties are entitled to an equal opportunity to access to the relevant and not otherwise impermissible evidence upon the request of any party.
2. If, in the course of an investigation, the school district decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice or that are included in a complaint that is consolidated, the school district must provide notice of the additional allegations to the parties whose identities are known.

**[NOTE: If the school district provides a description of the evidence, the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.]**

If, in the course of an investigation, the school district decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the school district will notify the parties of the additional allegations.



D. Consolidation

The school district may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

E. Complaint Investigation

A. The school district must provide for adequate, reliable, and impartial investigation of complaints. To do so, the school district must:

1. Ensure that the burden is on the school district – not on the parties – to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred;
2. Provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible;
3. Review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance, consistent with § 106.2 and with paragraph (b)(7) of this section; and
4. Provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible in the following manner:
  - a. The school district must provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If the school district provides a description of the evidence, it must further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
  - b. The school district must provide a reasonable opportunity to respond to the evidence or to the accurate description of the evidence; and
  - c. The school district must take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. For purposes of this paragraph, disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

F. Questioning Parties and Witnesses to Aid in Evaluating Allegations and Assessing Credibility



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The school district must provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

G. Determination Whether Sex Discrimination Occurred

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the school district must:

1. Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred, unless the school district uses the clear and convincing evidence standard of proof in all other comparable proceedings, including proceedings relating to other discrimination complaints, in which case the school district may elect to use that standard of proof in determining whether sex discrimination occurred. Both standards of proof require the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness; if the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker must not determine that sex discrimination occurred.
2. Notify the parties in writing of the determination whether sex discrimination occurred under Title IX or its regulations including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;
3. If there is a determination that sex discrimination occurred, as appropriate, require the Title IX Coordinator to coordinate the provision and implementation of remedies to a complainant and other persons the school district identifies as having had equal access to the school district's education program or activity limited or denied by sex discrimination, coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions, and require the Title IX Coordinator to take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the school district's education program or activity. The school district may not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the school district's grievance procedures that the respondent engaged in prohibited sex discrimination;
4. Comply with 34 Code of Federal Regulations, section 106.45, before the imposition of any disciplinary sanctions against a respondent; and
5. Not discipline a party, witness, or others participating in school district's grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the school district's determination whether sex discrimination occurred.

H. Additional Provisions

If the school district adopts additional provisions as part of its grievance procedures for handling complaints of sex discrimination, including sex-based harassment, such





additional provisions must apply equally to the parties.

I. Informal Resolution

In lieu of resolving a complaint through the school district's grievance procedures, the parties may instead elect to participate in an informal resolution process under 34 Code of Federal Regulations, section 106.44(k) if provided by the school district consistent with that paragraph.

J. Provisions Limited to Sex-Based Harassment Complaints

For complaints alleging sex-based harassment, the grievance procedures must:

1. Describe the range of supportive measures available to complainants and respondents; and
2. List, or describe the range of, the possible disciplinary sanctions that the school district may impose and remedies that the school district may provide following a determination that sex-based harassment occurred.

VIII. **INFORMAL RESOLUTION OF A COMPLAINT**

**[NOTE: The 2024 Title IX amendments do not require a school district to offer an informal resolution process. However, a school district is free to provide such a process in some circumstances, as long as it complies with certain regulatory requirements. Requirements related to informal resolution are set forth in 34 Code of Federal Regulations, section 106.44(k).]**

- A. At any time prior to determining whether sex discrimination occurred, the school district may offer to a complainant and respondent an informal resolution process, unless the complaint includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student or such a process would conflict with federal, Minnesota, or local law. A school district that provides the parties an informal resolution process must, to the extent necessary, also require its Title IX Coordinator to take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the school district's education program or activity.
1. Subject to the limitations in Paragraph A. above, the school district has discretion to determine whether it is appropriate to offer an informal resolution process when it receives information about conduct that reasonably may constitute sex discrimination under Title IX or its regulations or when a complaint of sex discrimination is made, and may decline to offer informal resolution despite one or more of the parties' wishes.
  2. In addition to the limitations in Paragraph A. above, circumstances when the school district may decline to allow informal resolution include but are not limited to when the school district determines that the alleged conduct would present a future risk of harm to others.
- B. The school district must not require or pressure the parties to participate in an informal resolution process. The school district must obtain the parties' voluntary consent to the informal resolution process and must not require waiver of the right to an investigation and determination of a complaint as a condition of enrollment or continuing enrollment, or



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employment or continuing employment, or exercise of any other right.

- C. Before initiation of an informal resolution process, the school district must provide to the parties notice that explains:
  - 1. The allegations;
  - 2. The requirements of the informal resolution process;
  - 3. That, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the school district's grievance procedures;
  - 4. That the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;
  - 5. The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
  - 6. What information the school district will maintain and whether and how the school district could disclose such information for use in grievance procedures, if grievance procedures are initiated or resumed.
- D. The facilitator for the informal resolution process must not be the same person as the investigator or the decisionmaker in the school district's grievance procedures. Any person designated by the school district to facilitate an informal resolution process must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Any person facilitating informal resolution must receive training as provided under this policy.
- E. Potential terms that may be included in an informal resolution agreement include but are not limited to:
  - 1. Restrictions on contact; and
  - 2. Restrictions on the respondent's participation in one or more of the school district's programs or activities or attendance at specific events, including restrictions the school district could have imposed as remedies or disciplinary sanctions had the school district determined at the conclusion of the school district's grievance procedures that sex discrimination occurred.

#### **IX. DISMISSAL OF A COMPLAINT**

- A. The school district may dismiss a complaint of sex discrimination made through its grievance procedures under this policy for any of the following reasons:
  - 1. The school district is unable to identify the respondent after taking reasonable steps to do so;
  - 2. The respondent is not participating in a school district education program or activity and is not employed by the school district;



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3. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the school district determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or,
  4. The school district determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the school district will make reasonable efforts to clarify the allegations with the complainant.
- B. Upon dismissal, the school district will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the school district will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.
- C. The school district must notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint on the bases set out in 34 Code of Federal Regulations, section 106.46(i)(1). If the dismissal occurs after the respondent has been notified of the allegations, then the school district will also notify the respondent that the dismissal may be appealed on the bases set out in 34 Code of Federal Regulations, section 106.46(i)(1). If the dismissal is appealed, the school district must:
1. Notify the parties of any appeal, including notice of the allegations consistent with paragraph (c) of this section if notice was not previously provided to the respondent;
  2. Implement appeal procedures equally for the parties;
  3. Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
  4. Ensure that the decisionmaker for the appeal has been trained as set out in this policy;
  5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
  6. Notify the parties of the result of the appeal and the rationale for the result.
- D. When the school district dismisses a complaint, it must, at a minimum:
1. Offer supportive measures to the complainant as appropriate;
  2. For dismissals under Paragraph A. 3 and 4 above in which the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate under 34 Code of Federal Regulations, section 106.44(g); and
  3. Require its Title IX Coordinator to take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the



school district's education program or activity.

- E. Dismissal of a formal complaint or a portion thereof does not preclude the school district from addressing the underlying conduct in any manner that the school district deems appropriate.

**[NOTE: For example, school districts are reminded of the obligation under Minnesota Statutes, section 122A.20, subdivision 2, to make a mandatory report to the Minnesota Professional Educator Licensing and Standards Board concerning any teacher who resigns during the course of an investigation of misconduct.]**

## **XI. APPEAL OF DETERMINATION**

**[NOTE: Regarding an appeal of a determination, the 2024 Title IX Final Rule states that the school district must offer the parties an appeal process that, at a minimum, is the same as it offers in all other comparable proceedings, if any, including proceedings relating to other discrimination complaints.]**

**This section provides sample text a school district may elect to include in its grievance procedures, but school districts are not required to use the text provided.]**

- A. The school district offers the following process for appeals from a determination whether sex discrimination occurred. This appeal process will be, at a minimum, the same as the school district offers in all other comparable proceedings, including proceedings relating to other discrimination complaints.
- B. If notice of an appeal is timely received by the school district, the school district will notify the parties in writing of the receipt of the appeal, assign or designate the appellate decisionmaker, and give the parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.
- C. After reviewing the parties' written statements, the appellate decisionmaker must issue a written decision describing the result of the appeal and the rationale for the result.
- D. The written decision describing the result of the appeal must be provided simultaneously to the parties.
- E. The decision of the appellate decisionmaker is final. No further review beyond the appeal is permitted.

## **XII. SANCTIONS AND REMEDIES**

Following a determination that sex-based harassment occurred, the school district may impose disciplinary sanctions, which may include **[INSERT LIST OR DESCRIBE RANGE]**. The school district may also provide remedies, which may include **[INSERT LIST OR DESCRIBE RANGE]**.

**[NOTE: The school district may choose to consult its legal counsel for district-specific sanctions and remedies. The following sample language may be considered:]**

1. **The following is the range of possible remedies that the school district may provide a complainant and disciplinary sanctions that the school district might impose upon a respondent, following determination of responsibility:**



counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual or unilateral restrictions on contact between the parties, changes in work locations, leaves of absence, monitoring of certain areas of the school district buildings or property, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge.

2. If the decisionmaker determines a respondent is responsible for violating this policy, the decisionmaker will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the superintendent of the recommended remedies, such that an authorized administrator can consider the recommendation(s) and implement appropriate remedies in compliance with MSBA Model Policy 506 – Student Discipline. The discipline of a student-respondent must comply with the applicable provisions of Minnesota Pupil Fair Dismissal Act, the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.]

### **XIII. RETALIATION**

The school district must prohibit retaliation, including peer retaliation, in its education program or activity. When the school district has information about conduct that reasonably may constitute retaliation under Title IX or its regulations, the school district is obliged to comply with 34 Code of Federal Regulations, section 106.44. Upon receiving a complaint alleging retaliation, the school district must initiate its grievance procedures or, as appropriate, an informal resolution process.

### **XIV. TRAINING**

**[NOTE: Training requirements are set forth in 34 Code of Federal Regulations, section 106.8(d).]**

- A. The school district must ensure that the following persons receive training related to their duties under Title IX promptly upon hiring or change of positions that alters their duties under Title IX or its regulations, and annually thereafter. This training must not rely upon sex stereotypes.

1. *All employees must be trained on:*
  - a. The school district's obligation to address sex discrimination in its education program or activity;
  - b. The scope of conduct that constitutes sex discrimination under Title IX and its regulations, including the definition of sex-based harassment; and
  - c. All applicable notification and information requirements under 34 Code of Federal Regulations, sections 106.40(b)(2) and 106.44.
2. *Investigators, decisionmakers, and other persons who are responsible for implementing the school district's grievance procedures or have the authority to modify or terminate supportive measures.*

In addition to the training requirements for all employees described in



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Paragraphs 1 and 2 above, all investigators, decisionmakers, and other persons who are responsible for implementing the school district's grievance procedures or have the authority to modify or terminate supportive measures under 34 Code of Federal Regulations, section 106.44(g)(4) must be trained on the following topics to the extent related to their responsibilities:

- a. The school district's obligations under 34 Code of Federal Regulations, section 106.44;
- b. The school district's grievance procedures under 34 Code of Federal Regulations, section 106.45, and if applicable section 106.46;
- c. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and
- d. The meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under 34 Code of Federal Regulations, section 106.45, and if applicable section 106.46.

3. *Facilitators of informal resolution process*

In addition to the training requirements for all employees described in Paragraph 1 above, all facilitators of an informal resolution process under 34 Code of Federal Regulations, section 106.44(k) must be trained on the rules and practices associated with the school district's informal resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias.

4. *Title IX Coordinator and Title IX Personnel*

In addition to the training requirements in Paragraphs 1 through 3 above, the Title IX Coordinator and Title IX Personnel must be trained on their specific responsibilities under 34 Code of Federal Regulations, section 106.8(a), section 106.40(b)(3), section 106.44(f) and (g), the school district's recordkeeping system and the requirements of 34 Code of Federal Regulations, section 106.8 (f), and any other training necessary to coordinate the school district's compliance with Title IX. "Title IX Personnel" means any person who addresses, works on, or assists with the school district's response to a report of sexual harassment or formal complaint, and includes persons who facilitate informal resolutions.

**XV. DISSEMINATION OF POLICY**

- A. This policy shall be made available to all students, parents/guardians of students, school district employees, and employee unions.
- B. The school district shall conspicuously post the name of the Title IX Coordinator, including office address, telephone number, and work e-mail address on its website and in each handbook that it makes available to parents, employees, students, unions, or applicants.
- C. Notice of Nondiscrimination
  1. The school district must provide notice of nondiscrimination to applicants for



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admission and employment, students, parents, guardians, or other authorized legal representatives of elementary and secondary school students, employees, and all unions holding collective bargaining agreements with the school district.

2. Contents of Notice of Nondiscrimination

The notice of nondiscrimination must include the following elements:

- a. A statement that the school district does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment;
  - b. A statement that inquiries about the application of Title IX and its regulations to the school district may be referred to the school district's Title IX Coordinator, the federal Office for Civil Rights, or both;
  - c. The name or title, office address, email address, and telephone number of the Title IX Coordinator;
  - d. How to locate the school district's nondiscrimination policy and the school district's grievance procedures; and
  - e. How to report information about conduct that may constitute sex discrimination under Title IX; and how to make a complaint of sex discrimination under the regulations.
3. The school district must prominently include all elements of its notice of nondiscrimination on its website and in each handbook, catalog, announcement, bulletin, and application form that it makes available to people entitled to notice, or which are otherwise used in connection with the recruitment of students or employees.
4. If necessary, due to the format or size of any publication, the school district may instead include in those publications the information covered in the following statement: "[INSERT NAME OF SCHOOL DISTRICT] prohibits sex discrimination in any education program or activity that it operates. Individuals may report concerns or questions to the Title IX Coordinator. The notice of nondiscrimination is located at [INSERT WEBSITE ADDRESS]."
5. The school district must not use or distribute a publication stating that the school district treats applicants, students, or employees differently on the basis of sex, except as such treatment is permitted by Title IX or its regulations.

**XVI. RECORDKEEPING**

The school district must create, and maintain for a period of seven years:

- A. For each complaint of sex discrimination, records documenting the informal resolution process under 34 Code of Federal Regulations, section 106.44(k) or the grievance procedures under section 106.45, and if applicable section 106.46, and the resulting outcome.



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- B. For each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute sex discrimination under Title IX or its regulations, including notifications under 34 Code of Federal Regulations, section 106.44(c)(1) or (2), records documenting the actions the school district took to meet its obligations under section 106.44
- C. All materials used to provide training under this policy. The school district must make these training materials available upon request for inspection by members of the public.

**Legal References:** Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)  
Minn. Stat. §§ 121A.40 – 121A.575 (Minnesota Pupil Fair Dismissal Act)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments)  
34 C.F.R. Part 106 (Implementing Regulations of Title IX)  
20 U.S.C § 1400, *et seq.* (Individuals with Disabilities Education Act)  
29 U.S.C. § 794 (Section 504 of the Rehabilitation Act)  
42 U.S.C. § 12101, *et seq.* (Americans with Disabilities Act)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act of 1974)  
20 U.S.C. § 1092 *et seq.* (Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (“Clery Act”))

**Cross References:** MSBA/MASA Model Policy 102 (Equal Educational Opportunity)  
MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)





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Adopted: 2-22-10

Policy 522

Orig. 1995

Revised: 9-28-20

Rev. ~~2020~~ 2024

*[NOTE – this policy and grievance procedure are drafted to meet the minimum requirements in the 2024 Title IX Final Rule]*

**522 – TITLE IX SEX NONDISCRIMINATION POLICY & GRIEVANCE PROCEDURE**

**I. GENERAL STATEMENT OF POLICY/ NOTICE OF NONDISCRIMINATION**

- A. The school district does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in employment.
- B. Inquiries about Title IX may be referred to the Title IX Coordinator(s), the United States Department of Education's Office for Civil Rights, or both. The school district's Title IX Coordinator(s) is/are:  
**[INSERT: NAME(S) TITLE(S) PHONE NUMBER(S) OFFICE ADDRESS(ES) EMAIL ADDRESS(ES)]**
- C. To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please contact the Title IX Coordinator identified above or refer to **[INSERT: LINK TO LOCATION(S) ON WEBSITE OR OTHERWISE DESCRIBE LOCATION(S)]**
- D. The school district's nondiscrimination policy and grievance procedures can be located on the school district's website as Policy 522 **[identify other locations, if any]**.
- E. The effective date of this policy is August 1, 2024, and applies to alleged violations of this policy occurring on or after August 1, 2024.

**Legal References:** Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)  
Minn. Stat. §§ 121A.40 – 121A.575 (Minnesota Pupil Fair Dismissal Act)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments)  
34 C.F.R. Part 106 (Implementing Regulations of Title IX)  
20 U.S.C § 1400, *et seq.* (Individuals with Disabilities Education Act)  
29 U.S.C. § 794 (Section 504 of the Rehabilitation Act)  
42 U.S.C. § 12101, *et seq.* (Americans with Disabilities Act)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act of 1974)

**Cross References:** MSBA/MASA Model Policy 102 (Equal Educational Opportunity)  
MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 506 (Student Discipline)

Drafted by Squires, Waldspurger & Mace, P.A., August 13, 2024



**Title IX Grievance Procedure and Process**  
**Addendum to Policy 522**

**I. General**

The school district has adopted these grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

**II. Complaints**

A. **Complaints of Sex-based Harassment.** The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that the school district investigate and make a determination about alleged discrimination under Title IX:

1. A "complainant," which includes:
  - a. a student or employee of the school district who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
  - b. a person other than a student or employee of the school district who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the school district's education program or activity;
2. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
3. The school district's Title IX Coordinator.

B. **Complaints of Sex Discrimination other than Sex-Based Harassment.** In addition to the people identified in Paragraph 1, the following people have a right to make a complaint of sex discrimination other than sex-based harassment:

1. Any student or employee of the school district; or
2. Any person other than a student or employee who was participating or attempting to participate in the school district's education program or activity at the time of the alleged sex discrimination.

C. **Consolidation.** The school district may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

**III. Basic Requirements of Title IX Grievance Procedures**

- A. The school district will treat complainants and respondents equitably.
- B. The school district requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or



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respondents generally or an individual complainant or respondent. The decisionmaker may be the same person as the Title IX Coordinator or investigator.

- C. The school district presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of the grievance procedures.
- D. The school district has established the following reasonably prompt timeframes for the major stages of the grievance procedures:
  - 1. Any informal resolution process must be completed within thirty (30) calendar days following the parties' agreement to participate in such informal process.
  - 2. An appeal of a decision dismissing a complaint must be received by the school district within five (5) days of the date the notice of dismissal was provided to the parties.
  - 3. Any appeal of a dismissal will be decided within ten (10) calendar days of the day the appeal was received by the school district.
  - 4. The school district will seek to conclude the grievance process within 90 calendar days of the date the complaint was received by the school district.
- E. The school district has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay:
  - 1. Any party or an investigator, decisionmaker, appellate decisionmaker, or informal resolution facilitator may make a request to the Title IX Coordinator to extend the timeline for good cause. If the Title IX Coordinator determines the reason for the extension constitutes good cause, the Title IX Coordinator will notify the parties of the reason for delay.
  - 2. Good cause may include, without limitation: the complexity of the allegations; the severity and extent of the alleged misconduct; the number of parties, witnesses, and the types of other evidence (e.g., forensic evidence) involved; the availability of the parties, advisors, witnesses, and evidence (e.g., forensic evidence); concurrent law enforcement activity; intervening school district holidays, breaks, or other closures; the need for language assistance or accommodation of disabilities; and/or other unforeseen circumstances.
- F. The school district will take reasonable steps to protect the privacy of the parties and witnesses during the pendency of the grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses, subject to the prohibition against retaliation; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures.
- G. The school district will objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.
- H. The following types of evidence, and questions seeking that evidence, as impermissible (i.e., will not be accessed or considered, unless an exception below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:



- a. Evidence that is protected under a privilege as recognized by federal or Minnesota law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the school district has that party's or witness's voluntary, written consent for use in the grievance procedures; and
- c. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

#### **IV. Notice of Allegations**

- A. Upon initiation of the school district's grievance procedures, the school district will notify the parties of the following:
  - 1. The school district's Title IX grievance procedures, and if applicable, any informal resolution process;
  - 2. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s), to the extent that information is available to the school district;
  - 3. Retaliation is prohibited; and
  - 4. The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. If the school district provides a description of the evidence, the parties are entitled to an equal opportunity to access to the relevant and not otherwise impermissible evidence upon the request of any party.
- B. If, in the course of an investigation, the school district decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice, the school district will provide notice of the additional allegations to the parties whose identities are known.

#### **V. Dismissal of a Complaint**

- A. The school district may dismiss a complaint of sex discrimination if:
  - 1. The school district is unable to identify the respondent after taking reasonable steps to do so;



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2. The respondent is not participating in a school district education program or activity and is not employed by the school district;
  3. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the school district determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
  4. The school district determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the school district will make reasonable efforts to clarify the allegations with the complainant.
- B. Upon dismissal, the school district will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the school district will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.
- C. The school district will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the school district will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:
1. Procedural irregularity that would change the outcome;
  2. New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
  3. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.
- D. If the dismissal is appealed, the school district will:
1. Notify the parties of any appeal, including notice of the allegations if notice was not previously provided to the respondent;
  2. Implement appeal procedures equally for the parties;
  3. Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
  4. Ensure that the decisionmaker for the appeal has received training required by Title IX;
  5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
  6. Notify the parties of the result of the appeal and the rationale for the result.
- E. When a complaint is dismissed, the school district must, at a minimum:
1. Offer supportive measures to the complainant as appropriate;
  2. If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and



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3. Take other appropriate prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the school district's education program or activity.
- F. Dismissal of a complaint or a portion thereof does not preclude the school district from addressing the underlying conduct in any manner that the school district deems appropriate.

**VI. Investigation**

- A. The school district will provide for adequate, reliable, and impartial investigation of complaints.
- B. The burden is on the school district – not on the parties – to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred;
- C. The school district will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible;
- D. The school district will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.
- E. The school district will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible in the following manner:
  - a. The school district will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If the school district provides a description of the evidence, it will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
  - b. The school district will provide a reasonable opportunity to respond to the evidence or to the accurate description of the evidence; and
  - c. The school district will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.
- F. Questioning Parties and Witnesses to Aid in Evaluating Allegations and Assessing Credibility

The decisionmaker may ask questions of parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.
- G. Determination Whether Sex Discrimination Occurred

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the school district will:



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1. Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. This standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
2. Notify the parties in writing of the determination whether sex discrimination occurred under Title IX or its regulations including the rationale for such determination;
3. Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination;
4. If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
  - a. Coordinate the provision and implementation of remedies to a complainant and other persons the school district identifies as having had equal access to the school district's education program or activity limited or denied by sex discrimination;
  - b. Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
  - c. Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the school district's education program or activity;
4. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
5. Not discipline a party, witness, or others participating in school district's grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the school district's determination whether sex discrimination occurred.

**V. Informal Resolution**

In lieu of resolving a complaint through the school district's grievance procedures, the parties may instead elect to participate in an informal resolution process offered by the school district. Informal resolution is not available to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of a student, or when such a process would conflict with Federal, Minnesota, or local law.

**VI. Disciplinary Sanctions & Remedies for Complaints of Sex-Based Harassment**

- A. Supportive measures may be made available to complainants and respondents, as appropriate. Available supportive measures include: reassignment of classes, transportation changes, no-contact directives, alternate passing times, escorts, extensions of deadlines or course-related requirements, counseling or support from designated adults, and other measures that are necessary and appropriate to ensure complainants and respondents are not denied equal access to the school district's education program and activity.



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- B. Following a determination that sex-based harassment occurred by a student-respondent, the school district may impose discipline consistent with Policy 506. Following a determination that sex-based harassment occurred by an employee-respondent, the school district may impose discipline consistent with any applicable personnel policy, collective bargaining agreement, or Minnesota law, including suspension without pay and termination or discharge.
- C. Following a determination that sex-based harassment occurred, available remedies may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual or unilateral restrictions on contact between the parties, leaves of absence, monitoring of certain areas of school district buildings or property, transfer, transportation changes, and other remedies determined appropriate by the Title IX Coordinator.





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Agenda Item VIII: Non-Action G: Policy 524 - Acceptable Use of Technology; Services, Resources &  
Internet Safety

Commentary by: Greg Winter

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Background:

This is the second review of this policy.

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Administration Recommendation: Board Action not required.



**Melrose Area Public Schools**

Adopted: 7-28-08

~~MSBA/MASA Model~~ Policy 524

Orig. 1996

Revised: 6-28-21

Rev. ~~2021~~ 2024

**524 INTERNET, TECHNOLOGY, AND CELL PHONE ACCEPTABLE USE AND SAFETY POLICY**

**[NOTE: School districts are required by statute to have a policy addressing these issues.]**

**I. PURPOSE**

The purpose of this policy is to set forth policies and guidelines for access to the school district computer system and acceptable and safe use of the Internet, including electronic communications.

**II. GENERAL STATEMENT OF POLICY**

In making decisions regarding student and employee access to the school district computer system and the Internet, including electronic communications, the school district considers its own stated educational mission, goals, and objectives. Electronic information research skills are now fundamental to preparation of citizens and future employees. Access to the school district computer system and to the Internet enables students and employees to explore thousands of libraries, databases, bulletin boards, and other resources while exchanging messages with people around the world. The school district expects that faculty will blend thoughtful use of the school district computer system and the Internet throughout the curriculum and will provide guidance and instruction to students in their use.

**III. LIMITED EDUCATIONAL PURPOSE**

The school district is providing students and employees with access to the school district computer system, which includes Internet access. The purpose of the system is more specific than providing students and employees with general access to the Internet. The school district system has a limited educational purpose, which includes use of the system for classroom activities, educational research, and professional or career development activities. Users are expected to use Internet access through the district system to further educational and personal goals consistent with the mission of the school district and school policies. Uses which might be acceptable on a user's private personal account on another system may not be acceptable on this limited-purpose network.

**IV. USE OF SYSTEM IS A PRIVILEGE**

The use of the school district system and access to use of the Internet is a privilege, not a right. Depending on the nature and degree of the violation and the number of previous violations, unacceptable use of the school district system or the Internet may result in one or more of the following consequences: suspension or cancellation of use or access privileges; payments for damages and repairs; discipline under other appropriate school district policies, including suspension, expulsion, exclusion, or termination of employment; or civil or criminal liability under other applicable laws.

**V. UNACCEPTABLE USES**

A. While not an exhaustive list, the following uses of the school district system and Internet resources or accounts are considered unacceptable:

1. Users will not use the school district system to access, review, upload, download, store, print, post, receive, transmit, or distribute:
  - a. pornographic, obscene, or sexually explicit material or other visual



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- depictions that are harmful to minors;
- b. obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit language;
  - c. materials that use language or images that are inappropriate in the education setting or disruptive to the educational process;
  - d. information or materials that could cause damage or danger of disruption to the educational process;
  - e. materials that use language or images that advocate violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination.
2. Users will not use the school district system to knowingly or recklessly post, transmit, or distribute false or defamatory information about a person or organization, or to harass another person, or to engage in personal attacks, including prejudicial or discriminatory attacks.
  3. Users will not use the school district system to engage in any illegal act or violate any local, state, or federal statute or law.
  4. Users will not use the school district system to vandalize, damage, or disable the property of another person or organization, will not make deliberate attempts to degrade or disrupt equipment, software, or system performance by spreading computer viruses or by any other means, will not tamper with, modify, or change the school district system software, hardware, or wiring or take any action to violate the school district's security system, and will not use the school district system in such a way as to disrupt the use of the system by other users.
  5. Users will not use the school district system to gain unauthorized access to information resources or to access another person's materials, information, or files without the implied or direct permission of that person.
  6. Users will not use the school district system to post private information about another person, personal contact information about themselves or other persons, or other personally identifiable information, including, but not limited to, addresses, telephone numbers, school addresses, work addresses, identification numbers, account numbers, access codes or passwords, labeled photographs, or other information that would make the individual's identity easily traceable, and will not repost a message that was sent to the user privately without permission of the person who sent the message.

**[NOTE: School districts should consider the impact of this paragraph on present practices and procedures, including, but not limited to, practices pertaining to employee communications, school or classroom websites, and student/employee use of social networking websites. Depending upon school district policies and practices, school districts may wish to add one or more of the following clarifying paragraphs.]**

- a. This paragraph does not prohibit the posting of employee contact information on school district webpages or communications between employees and other individuals when such communications are made for education-related purposes (i.e., communications with parents or other staff members related to students).
- b. Employees creating or posting school-related webpages may include personal contact information about themselves on a webpage. However, employees may not post personal contact information or



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other personally identifiable information about students unless:

- (1) such information is classified by the school district as directory information and verification is made that the school district has not received notice from a parent/guardian or eligible student that such information is not to be designated as directory information in accordance with Policy 515; or
- (2) such information is not classified by the school district as directory information but written consent for release of the information to be posted has been obtained from a parent/guardian or eligible student in accordance with Policy 515.

In addition, prior to posting any personal contact or personally identifiable information on a school-related webpage, employees shall obtain written approval of the content of the postings from the building administrator.

- c. These prohibitions specifically prohibit a user from utilizing the school district system to post personal information about a user or another individual on social networks, including, but not limited to, social networks such as "Facebook," "Twitter," "Instagram," "Snapchat," "TikTok," "Reddit," and similar websites or applications.
7. Users must keep all account information and passwords on file with the designated school district official. Users will not attempt to gain unauthorized access to the school district system or any other system through the school district system, attempt to log in through another person's account, or use computer accounts, access codes, or network identification other than those assigned to the user. Messages and records on the school district system may not be encrypted without the permission of appropriate school authorities.
8. Users will not use the school district system to violate copyright laws or usage licensing agreements, or otherwise to use another person's property without the person's prior approval or proper citation, including the downloading or exchanging of pirated software or copying software to or from any school computer, and will not plagiarize works they find on the Internet.
9. Users will not use the school district system for conducting business, for unauthorized commercial purposes, or for financial gain unrelated to the mission of the school district. Users will not use the school district system to offer or provide goods or services or for product advertisement. Users will not use the school district system to purchase goods or services for personal use without authorization from the appropriate school district official.
10. Users will not use the school district system to engage in bullying or cyberbullying in violation of the school district's Bullying Prohibition Policy. This prohibition includes using any technology or other electronic communication off school premises to the extent that student learning or the school environment is substantially and materially disrupted.
- B. The school district has a special interest in regulating off-campus speech that materially disrupts classwork or involves substantial disorder or invasion of the rights of others. A student or employee engaging in the foregoing unacceptable uses of the Internet when off school district premises also may be in violation of this policy as well as other school district policies. Examples of such violations may include, but are not limited to, serious or severe bullying or harassment targeting particular individuals, threats aimed at teachers or other students, failure to follow rules concerning lessons, the writing of papers, the use of computers, or participation in other online school activities, and breaches of school security devices. If the school district receives a



report of an unacceptable use originating from a non-school computer or resource, the school district may investigate such reports to the best of its ability. Students or employees may be subject to disciplinary action for such conduct, including, but not limited to, suspension or cancellation of the use or access to the school district computer system and the Internet and discipline under other appropriate school district policies, including suspension, expulsion, exclusion, or termination of employment.

- C. If a user inadvertently accesses unacceptable materials or an unacceptable Internet site, the user shall immediately disclose the inadvertent access to an appropriate school district official. In the case of a school district employee, the immediate disclosure shall be to the employee's immediate supervisor and/or the building administrator. This disclosure may serve as a defense against an allegation that the user has intentionally violated this policy. In certain rare instances, a user also may access otherwise unacceptable materials if necessary to complete an assignment and if done with the prior approval of and with appropriate guidance from the appropriate teacher or, in the case of a school district employee, the building administrator.

## **VI. FILTER**

**[NOTE: Pursuant to state law, school districts are required to restrict access to inappropriate materials on school computers with Internet access. School districts seeking technology revenue pursuant to Minnesota Statutes, section 125B.26 or certain federal funding, such as e-rate discounts, for purposes of Internet access and connection services and/or receive funds to purchase Internet accessible computers are subject to the federal Children's Internet Protection Act, effective in 2001. Those districts are required to comply with additional standards in restricting possible access to inappropriate materials. Therefore, school districts should select one of the following alternative sections depending upon whether the school district is seeking such funding and the type of funding sought.]**

### **ALTERNATIVE NO. 1**

**[NOTE: For a school district that does not seek either state or federal funding in connection with its computer system, the following language should be adopted. It reflects a mandatory requirement under Minnesota Statutes, section 125B.15.]**

All computers equipped with Internet access and available for student use at each school site will be equipped to restrict, by use of available software filtering technology or other effective methods, all student access to materials that are reasonably believed to be obscene, child pornography or harmful to minors under state or federal law. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.

**[NOTE: The purchase of filtering technology is not required by state law if the school site would incur more than incidental expense in making the purchase. In the absence of filtering technology, school sites still are required to use "other effective methods" to restrict student access to such materials.]**

### **ALTERNATIVE NO. 2**

**[NOTE: Technology revenue is available to school districts that meet the additional condition of also restricting adult access to inappropriate materials. School districts that seek such state technology revenue may adopt or retain the following language. However, the school district is not required to do so.]**

- A. All school district computers with Internet access and available for student use will be equipped to restrict, by use of available software filtering technology or other effective methods, all student access to materials that are reasonably believed to be obscene, child pornography or harmful to minors under state or federal law.
- B. All school district computers with Internet access, not just those accessible and



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available to students, will be equipped to restrict, by use of available software filtering technology or other effective methods, adult access to materials that are reasonably believed to be obscene or child pornography under state or federal law.

- C. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.

**ALTERNATIVE NO. 3**

**[NOTE: School districts that receive certain federal funding, such as e-rate discounts, for purposes of Internet access and connection services and/or receive funds to purchase Internet accessible computers are subject to the federal Children’s Internet Protection Act, effective in 2001. This law requires school districts to adopt an Internet safety policy that contains the provisions set forth below. Also, the Act requires such school districts to provide reasonable notice and hold at least one public hearing or meeting to address the proposed Internet safety policy prior to its implementation. School districts that do not seek such federal financial assistance need not adopt the alternative language set forth below nor meet the requirements with respect to a public meeting to review the policy. The following alternative language for school districts that seek such federal financial assistance satisfies both state and federal law requirements.]**

- A. With respect to any of its computers with Internet access, the School district will apply a content filter or block the online activities of minors (and adults) and employ technology protection measures during any use of such computers by minors (and adults). The technology protection measures utilized will attempt to block and filter internet access or internet content with any visual depictions that are: obscene, explicit (pornography), or harmful to minors.

CIPA (Children’s Internet Protection Act) uses the federal criminal definitions for obscenity and child pornography. The term “harmful to minors” is defined as “any picture, image, graphic image file, or other visual depiction that – (i) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; (ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and (iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.”

- B. An administrator, supervisor, or other person authorized by the Superintendent may disable the technology protection measure, during use by an adult, to enable access for bona fide research or other lawful purposes. The adult user will be responsible for any inappropriate use.
- C. The school district will educate students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

**VII. CONSISTENCY WITH OTHER SCHOOL POLICIES**

Use of the school district computer system and use of the Internet shall be consistent with school district policies and the mission of the school district.

**VIII. LIMITED EXPECTATION OF PRIVACY**



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- A. By authorizing use of the school district system, the school district does not relinquish control over materials on the system or contained in files on the system. Users should expect only limited privacy in the contents of personal files on the school district system.
- B. Routine maintenance and monitoring of the school district system may lead to a discovery that a user has violated this policy, another school district policy, or the law.
- C. An individual investigation or search will be conducted if school authorities have a reasonable suspicion that the search will uncover a violation of law or school district policy.
- D. Parents may have the right at any time to investigate or review the contents of their child's files and e-mail files in accordance with the school district's Protection and Privacy of Pupil Records Policy. Parents have the right to request the termination of their child's individual account at any time.
- E. School district employees should be aware that the school district retains the right at any time to investigate or review the contents of their files and e-mail files. In addition, school district employees should be aware that data and other materials in files maintained on the school district system may be subject to review, disclosure, or discovery under Minnesota Statutes chapter 13 (Minnesota Government Data Practices Act).
- F. The school district will cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with school district policies conducted through the school district system.

**IX. INTERNET USE AGREEMENT**

- A. The proper use of the Internet, and the educational value to be gained from proper Internet use, is the joint responsibility of students, parents, and employees of the school district.
- B. This policy requires the permission of and supervision by the school's designated professional staff before a student may use a school account or resource to access the Internet.
- C. The Internet Use Agreement form for students must be read and signed by the user, the parent or guardian, and the supervising teacher. The Internet Use Agreement form for employees must be signed by the employee. The form must then be filed at the school office. As supervising teachers change, the agreement signed by the new teacher shall be attached to the original agreement.

**X. LIMITATION ON SCHOOL DISTRICT LIABILITY**

Use of the school district system is at the user's own risk. The system is provided on an "as is, as available" basis. The school district will not be responsible for any damage users may suffer, including, but not limited to, loss, damage, or unavailability of data stored on school district diskettes, tapes, hard drives, or servers, or for delays or changes in or interruptions of service or misdeliveries or nondeliveries of information or materials, regardless of the cause. The school district is not responsible for the accuracy or quality of any advice or information obtained through or stored on the school district system. The school district will not be responsible for financial obligations arising through unauthorized use of the school district system or the Internet.

**XI. USER NOTIFICATION**

- A. All users shall be notified of the school district policies relating to Internet use.



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- B. This notification shall include the following:
1. Notification that Internet use is subject to compliance with school district policies.
  2. Disclaimers limiting the school district's liability relative to:
    - a. Information stored on school district diskettes, hard drives, or servers.
    - b. Information retrieved through school district computers, networks, or online resources.
    - c. Personal property used to access school district computers, networks, or online resources.
    - d. Unauthorized financial obligations resulting from use of school district resources/accounts to access the Internet.
  3. A description of the privacy rights and limitations of school sponsored/managed Internet accounts.
  4. Notification that, even though the school district may use technical means to limit student Internet access, these limits do not provide a foolproof means for enforcing the provisions of this acceptable use policy.
  5. Notification that goods and services can be purchased over the Internet that could potentially result in unwanted financial obligations and that any financial obligation incurred by a student through the Internet is the sole responsibility of the student and/or the student's parents.
  6. Notification that the collection, creation, reception, maintenance, and dissemination of data via the Internet, including electronic communications, is governed by Public and Private Personnel Data Policy, and Protection and Privacy of Pupil Records Policy.
  7. Notification that, should the user violate the school district's acceptable use policy, the user's access privileges may be revoked, school disciplinary action may be taken and/or appropriate legal action may be taken.
  8. Notification that all provisions of the acceptable use policy are subordinate to local, state, and federal laws.

**XII. PARENTS' RESPONSIBILITY; NOTIFICATION OF STUDENT INTERNET USE**

- A. Outside of school, parents bear responsibility for the same guidance of Internet use as they exercise with information sources such as television, telephones, radio, movies, and other possibly offensive media. Parents are responsible for monitoring their student's use of the school district system and of the Internet if the student is accessing the school district system from home or a remote location.
- B. Parents will be notified that their students will be using school district resources/accounts to access the Internet and that the school district will provide parents the option to request alternative activities not requiring Internet access. This notification should include:
1. A copy of the user notification form provided to the student user.
  2. A description of parent/guardian responsibilities.
  3. A notification that the parents have the option to request alternative





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educational activities not requiring Internet access and the material to exercise this option.

4. A statement that the Internet Use Agreement must be signed by the user, the parent or guardian, and the supervising teacher prior to use by the student.
5. A statement that the school district's acceptable use policy is available for parental review.

**XIII. NOTIFICATION REGARDING TECHNOLOGY PROVIDERS**

- A. "Technology provider" means a person who:
  1. contracts with the school district, as part of a one-to-one program or otherwise, to provide a school-issued device for student use; and
  2. creates, receives, or maintains educational data pursuant or incidental to a contract with the school district.
- B. "Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.
- C. Within 30 days of the start of each school year, the school district must give parents and students direct and timely notice, by United States mail, e-mail, or other direct form of communication, of any curriculum, testing, or assessment technology provider contract affecting a student's educational data. The notice must:
  1. identify each curriculum, testing, or assessment technology provider with access to educational data;
  2. identify the educational data affected by the curriculum, testing, or assessment technology provider contract; and
  3. include information about the contract inspection and provide contact information for a school department to which a parent or student may direct questions or concerns regarding any program or activity that allows a curriculum, testing, or assessment technology provider to access a student's educational data.
- D. The school district must provide parents and students an opportunity to inspect a complete copy of any contract with a technology provider.
- E. A contract between a technology provider and the school district must include requirements to ensure appropriate security safeguards for educational data. The contract must require that:
  1. the technology provider's employees or contractors have access to educational data only if authorized; and
  2. the technology provider's employees or contractors may be authorized to access educational data only if access is necessary to fulfill the official duties of the employee or contractor.
- F. All educational data created, received, maintained, or disseminated by a technology provider pursuant or incidental to a contract with a public educational agency or institution are not the technology provider's property.

**XIV. SCHOOL-ISSUED DEVICES**

- A. "School-issued device" means hardware or software that the school district, acting independently or with a technology provider, provides to an individual student for that



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student's dedicated personal use. A school-issued device includes a device issued through a one-to-one program.

- B. Except as provided in paragraph C, the school district or a technology provider must not electronically access or monitor:
1. any location-tracking feature of a school-issued device;
  2. any audio or visual receiving, transmitting, or recording feature of a school-issued device; or
  3. student interactions with a school-issued device, including but not limited to keystrokes and web-browsing activity.
- C. The school district or a technology provider may only engage in activities prohibited by paragraph B if:
1. the activity is limited to a noncommercial educational purpose for instruction, technical support, or exam-proctoring by school district employees, student teachers, staff contracted by the school district, a vendor, or the Minnesota Department of Education, and notice is provided in advance;
  2. the activity is permitted under a judicial warrant;
  3. the school district is notified or becomes aware that the device is missing or stolen;
  4. the activity is necessary to respond to an imminent threat to life or safety and the access is limited to that purpose;
  5. the activity is necessary to comply with federal or state law, including but not limited to Minnesota Statutes section 121A.031; or
  6. the activity is necessary to participate in federal or state funding programs, including but not limited to the E-Rate program.
- D. If the school district or a technology provider interacts with a school-issued device as provided in paragraph C, clause 4, it must, within 72 hours of the access, notify the student to whom the school-issued device was issued or that student's parent and provide a written description of the interaction, including which features of the device were accessed and a description of the threat. This notice is not required at any time when the notice itself would pose an imminent threat to life or safety, but must instead be given within 72 hours after that imminent threat has ceased.

## **XV. CELL PHONE USE**

### **A. Limited Use Cell Phone Policy Framework for Melrose Area Public Schools**

#### **1. Purpose:**

This framework provides guidance for limited cell phone use in Melrose Public Schools while emphasizing that the official policy is outlined in each school's **board-approved school building handbook**. The goal is to balance educational priorities with appropriate use of technology.

#### **2. Policy Foundation**



The cell phone policy for students aligns with each school's handbook as approved by the school board. Students, staff, and parents are required to familiarize themselves with the handbook for the specific rules and expectations in their building.

### 3. General Principles

- a. Educational Focus:  
Cell phone use should not interfere with the learning environment. Students are encouraged to focus on academic, social, and personal development during the school day.
- b. Respectful Use:  
Cell phone use must respect the rights of others, maintain privacy, and adhere to the guidelines set by each school building handbook.
- c. Authority of School Staff:  
Teachers and school staff have the authority to regulate and enforce cell phone use according to the handbook policies.

### B. Guidelines for Limited Use

The following guidelines apply unless otherwise stated in the board-approved building handbook:

1. Classroom Use:
  - Cell phones must be off or silenced during class unless explicitly permitted by the teacher for educational purposes.
  - Unauthorized use in class may result in confiscation or disciplinary action as outlined in the handbook.
2. Non-Instructional Time:
  - Limited use may be allowed during lunch, passing time, or before/after school, as per handbook guidelines.
  - Excessive or disruptive use (e.g., loud music, video recording) is prohibited.
3. Restricted Areas:
  - Use is prohibited in restrooms, locker rooms, and other private spaces to ensure privacy and safety.

### C. Enforcement and Consequences:

1. Violations of the cell phone policy will be addressed as described in the handbook, which may include:
  - Verbal warnings.



- Confiscation of the device, to be returned at the end of the day or to a parent/guardian.
- Additional disciplinary actions, such as detention or loss of privileges.

#### D. Partnership with Parents/Guardians

Parents and guardians play a key role in supporting the limited-use policy by:

- Reviewing the school handbook with their student.
- Encouraging responsible use of cell phones.
- Communicating with the school in emergencies through the main office instead of student cell phones.

#### E. Policy Review and Updates

The school district will review cell phone policies annually and communicate updates through board-approved school building handbooks.

For specific details, please refer to your school's handbook, available on the school website or upon request.

### **XVI. LIMIT ON SCREEN TIME FOR CHILDREN IN PRESCHOOL AND KINDERGARTEN**

A child in a publicly funded preschool or kindergarten program may not use an individual-use screen, such as a tablet, smartphone, or other digital media, without engagement from a teacher or other students. This section does not apply to a child for whom the school has an individualized family service plan, an individualized education program, or a 504 plan in effect.

### **XVII. IMPLEMENTATION; POLICY REVIEW**

- A. The school district administration may develop appropriate user notification forms, guidelines, and procedures necessary to implement this policy for submission to the school board for approval. Upon approval by the school board, such guidelines, forms, and procedures shall be an addendum to this policy.
- B. The administration shall revise the user notifications, including student and parent notifications, if necessary, to reflect the adoption of these guidelines and procedures.
- C. The school district Internet policies and procedures are available for review by all parents, guardians, staff, and members of the community.
- D. Because of the rapid changes in the development of the Internet, the school board shall conduct an annual review of this policy.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 13.32 (Educational Data)  
Minn. Stat. § 121A.031 (School Student Bullying Policy)  
Minn. Stat. § 121A.73 (School Cell Phone Policy)  
Minn. Stat. § 124D.166 (Limit on Screen Time for Children in Preschool and Kindergarten)  
Minn. Stat. § 125B.15 (Internet Access for Students)  
Minn. Stat. § 125B.26 (Telecommunications/Internet Access Equity Act)  
15 U.S.C. § 6501 *et seq.* (Children's Online Privacy Protection Act)



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17 U.S.C. § 101 *et seq.* (Copyrights)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
47 U.S.C. § 254 (Children's Internet Protection Act of 2000 (CIPA))  
47 C.F.R. § 54.520 (FCC rules implementing CIPA)  
*Mahanoy Area Sch. Dist. v. B.L.*, 594 U.S. 180, 141 S. Ct. 2038 (2021)  
*Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969)  
*United States v. Amer. Library Assoc.*, 539 U.S. 194 (2003)  
*Sagehorn v. Indep. Sch. Dist. No. 728*, 122 F.Supp.2d 842 (D. Minn. 2015)  
*R.S. v. Minnewaska Area Sch. Dist. No. 2149*, 894 F.Supp.2d 1128 (D. Minn. 2012)  
*Tatro v. Univ. of Minnesota*, 800 N.W.2d 811 (Minn. App. 2011), *aff'd* on other grounds 816 N.W.2d 509 (Minn. 2012)  
*S.J.W. v. Lee's Summit R-7 Sch. Dist.*, 696 F.3d 771 (8<sup>th</sup> Cir. 2012)  
*Parents, Families and Friends of Lesbians and Gays, Inc. v. Camdenton R-III Sch. Dist.*, 853 F.Supp.2d 888 (W.D. Mo. 2012)  
*M.T. v. Cent. York Sch. Dist.*, 937 A.2d 538 (Pa. Commw. Ct. 2007)

**Cross References:**

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA/MASA Model Policy 519 (Interviews of Students by Outside Agencies)  
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)  
MSBA/MASA Model Policy 522 (Title IX Sex Nondiscrimination Grievance Procedures and Process)  
MSBA/MASA Model Policy 603 (Curriculum Development)  
MSBA/MASA Model Policy 604 (Instructional Curriculum)  
MSBA/MASA Model Policy 606 (Textbooks and Instructional Materials)  
MSBA/MASA Model Policy 806 (Crisis Management Policy)  
MSBA/MASA Model Policy 904 (Distribution of Materials on School District Property by Nonschool Persons)



Melrose Area Public Schools  
Regular Board Meeting  
Monday, January 27, 2025 - 6:30 p.m.

---

Agenda Item IX: Consent Agenda  
Commentary by: Eric Seanger

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Background:

- A. December 16, 2024 Regular Board Meeting Minutes
- B. January 6, 2025 Organization Mtg. Minutes
- C. January 22, 2025 Special Board Meeting Minutes
- D. Bills & Wire Transfers
  - a. A copy of the Bills and Wire Transfers have been available for your review
- E. Personnel Action
  - a. A summary of personnel actions for this month is attached, including hires, retirements, leaves of absence, changes in assignments, additional assignments, resignations and terminations.
  - b. Coaches are present for any questions in regard to additional coaching staff requested.

Any items Board members wish to have considered as separate action?

Board approval of Consent Agenda is needed.

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Administration Recommendation: To approve the Consent agenda.

Motion to approve the Consent Agenda made by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Action \_\_\_\_\_



Melrose Area Public Schools  
Regular Board Meeting  
Monday, January 27, 2025 - 6:30 p.m.

Regular Board Minutes - Melrose Area Public Schools  
Monday, December 16, 2024

Chair Heller called the meeting to order at 6:35 pm. The Pledge of Allegiance was recited. The following members were present: Chair Heller, Vice-Chair Dufner, Treasurer Heidgerken, Director Poepping & Director Seanger. Director Uphoff & Clerk Feldewerd were absent. Also present were: Superintendent Winter, Business Manager Uittenbogaard, Principal Pearson, Principal Doetkott & Principal Anderson.

Treasurer Heidgerken moved, with a second by Director Poepping, to approve the agenda. The Motion was unanimously carried.

Nothing to report on Comments & Requests from Visitors. No action was taken.

Board reports were given. No action was taken.

Administrative reports were given. No action was taken.

Principal Anderson presented the initial review of the 2025-26 school calendar. No action was taken.

Principal Doetkott presented on the Cell Phone Policy. No action was taken.

Director Poepping moved, with a second by Treasurer Heidgerken, to approve the following Consent Agenda items:

- November 25, 2024 Regular Board Meeting Minutes
- December 11, 2024 Special Board Meeting Minutes
- New Hire - Geraldi Orozco Gutierrez (Step 1) - Paraprofessional - Middle School - Full time - Effective 12-9-24
- Resignation - Tony Klasen - Softball Coach - Middle School - Part time - Effective 12-9-24

The Motion was unanimously carried.

Director Poepping moved, with a second by Director Seanger, to approve the Treasurer's Report. The Motion was unanimously carried.

Vice-Chair Dufner moved, with a second by Treasurer Heidgerken, to approve the following donations:

- 11-22-24 - La Societe Defemme - High School - Girls Sports - \$50.00
- 11-22-24 - Mike & Mara Frieler - High School - Swimming - \$130.00
- 11-26-24 - Methodist Church of Grey Eagle - Elementary - Coats, Hats, Mittens & Boots - \$188.50
- 12-2-24 - Trisha & Jason Kraemer - High School - Suit Donation - Swimming - \$100.00
- 12-2-24 - New Munich Lions - Community Education - ABE - Technology - \$1,000.00
- 12-3-24 - Standard Iron - High School - Steel - \$350.00
- 12-3-24 - Felling Trailers - High School - Steel - \$500.00
- 12-3-24 - Well Concrete - High School - 2 concrete benches for the 2024 Legacy - \$3,000.00
- 12-9-24 - Dave Sieben Family - High School - Mary Tousignant Memorial Fund - \$200.00
- 12-10-24 - BBB - Anonymous - High School - BBB - \$305.00



Melrose Area Public Schools  
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- 12-13-24 - Melrose Electric Inc. - High School - Electrical for Metals Shop - \$7,700.00

Upon a roll call vote being taken those voting in favor thereof: Chair Heller, Vice-Chair Dufner, Treasurer Heidgerken, Director Poepping & Director Seanger. Director Uphoff & Clerk Feldewerd was absent.

Those voting against the same: None

The Motion was unanimously carried.

Treasurer Heidgerken moved, with a second by Director Seanger, to approve the Final 2024 Payable 2025 District 740 Property Tax Levy. The Motion was unanimously carried.

Vice-Chair Dufner moved, with a second by Treasurer Heidgerken, to approve the Budget Reduction Resolution. The Motion was unanimously carried.

Director Poepping moved, with a second by Treasurer Heidgerken, to approve the Food Service Notice of Assignment for the 2024-25 & 2025-26 school years. The Motion was unanimously carried.

Director Poepping moved, with a second by Treasurer Heidgerken, to adjourn the meeting at 7:45 pm. The Motion was unanimously carried.

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Becky Feldewerd, Clerk





Melrose Area Public Schools  
Regular Board Meeting  
Monday, January 27, 2025 - 6:30 p.m.

Special School Board Minutes - Melrose Area Public Schools  
Monday, January 6, 2025

Treasurer Heidgerken called the meeting to order at 6:31 pm. The Pledge of Allegiance was recited. The following members were present: Treasurer Heidgerken, Clerk Feldewerd (Zoom), Director Poepping, Director Seanger, Director Toenyan, Director Thieschafer & Director Rosenberger. Also present was: Superintendent Winter, Business Manager & Principal Anderson.

Director Poepping moved with a second by Director Thieschafer, to approve the agenda.

Upon a vote being taken those voting in favor thereof:

Treasurer Heidgerken, Director Thieschafer, Director Seanger, Director Toenyan, Director Rosenberger, Director Poepping & Clerk Feldewerd

Those voting against the same: None

The Motion was unanimously carried.

Treasurer Heidgerken called for nominations for Chair. Director Seanger and Clerk Feldewerd were nominated.

Upon a roll call vote being taken the votes were as follows:

Treasurer Heidgerken - Director Seanger  
Director Thieschafer - Director Seanger  
Director Seanger - Director Seanger  
Director Toenyan - Director Seanger  
Director Rosenberger - Director Seanger  
Director Poepping - Clerk Feldewerd  
Clerk Feldewerd - Clerk Feldewerd

Director Seanger was voted Chair.

Director Thieschafer & Clerk Feldewerd were nominated for Vice Chair.

Upon a roll call vote being taken the votes were as follows:

Treasurer Heidgerken - Clerk Feldewerd  
Director Thieschafer - Clerk Feldewerd  
Chair Seanger - Clerk Feldewerd  
Director Toenyan - Director Thieschafer  
Director Rosenberger - Director Thieschafer  
Director Poepping - Clerk Feldewerd  
Clerk Feldewerd - Clerk Feldewerd

Clerk Feldewerd was voted for Vice Chair.



Melrose Area Public Schools  
Regular Board Meeting  
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Director Poepping was nominated for clerk. Treasurer Heidgerken was nominated as Treasurer. They take their positions by acclamation.

Director Thieschaefer moved, with a second by Director Toenyan, to approve the current salaries for board members for 2024:

- Chair - \$350.00
- Vice-Chair - \$300.00
- Clerk - \$275.00
- Treasurer - \$275.00
- \$65.00/meeting
- \$125.00 for meetings over 5 hours

Upon a roll call vote being taken those voting in favor thereof:

Treasurer Heidgerken, Director Thieschafer, Chair Seanger, Director Toenyan, Clerk Poepping, Vice Chair Feldewerd

Those voting against the same: None

The Motion was unanimously carried.

Treasurer Heidgerken moved, with a second by Vice Chair Feldewerd, to approve the school board meeting dates for the 2025-26 school year:

July 28, 2025  
August 25, 2025  
September 22, 2025  
October 27, 2025  
November 24, 2025  
December 15, 2025 (The 4th Week Falls Over Christmas)  
January 5, 2026 (Organizational Meeting)  
January 26, 2026  
February 23, 2026  
March 23, 2026  
April 27, 2026  
May 18, 2026 (The 4th week falls on Memorial Day)  
June 22, 2026

Upon a roll call vote being taken those voting in favor thereof:

Treasurer Heidgerken, Director Thieschafer, Chair Seanger, Director Toenyan, Director Rosenberger, Clerk Poepping & Vice Chair Feldewerd

Those voting against the same: None

The Motion was unanimously carried.



Melrose Area Public Schools  
Regular Board Meeting  
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Director Thieschaefer moved, with a second by Director Rosenberger, to table the Board Committees.

Upon a roll call vote being taken those voting in favor thereof:

Treasurer Heidgerken, Director Thieschafer, Chair Seanger, Director Toenyan, Director Rosenberger,  
& Vice Chair Feldewerd

Those voting against the same: Clerk Poepping

The Motion was carried.

Treasurer Heidgerken moved, with a second by Director Thieschafer, to approve the designation of official depositories for the district as follows: Magnifi Financial & PMA. Freeport State Bank will be the depository of a school district Certificate of Deposit.

Upon a roll call vote being taken those voting in favor thereof:

Treasurer Heidgerken, Director Thieschafer, Chair Seanger, Director Toenyan, Director Rosenberger,  
Clerk Poepping & Vice Chair Feldewerd

Those voting against the same: None

The Motion was unanimously carried.

Director Toenyan moved, with a second by Director Rosenberger, to approve the Star Post as the official Publication for 2025.

Upon a roll call vote being taken those voting in favor thereof:

Treasurer Heidgerken, Director Thieschafer, Chair Seanger, Director Toenyan, Director Rosenberger,  
Clerk Poepping & Vice Chair Feldewerd

Those voting against the same: None

The Motion was unanimously carried.

Clerk Poepping moved, with a second by Treasurer Heidgerken, to approve the district travel, accommodation, & meal allowance:

- Mileage - Federal Mileage Reimbursement Rate
- Workshops or training sessions that need accommodations in reference to hotel stays will only be reimbursed if the workshop or training sessions that exceed 60 miles one way from the school district. Any acceptance to this guideline would need prior approval from the Superintendent.
- Breakfast - \$12.00
- Lunch \$17.00
- Supper - \$22.00

Upon a roll call vote being taken those voting in favor thereof:



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Treasurer Heidgerken, Director Thieschafer, Chair Seanger, Director Toenyan, Director Rosenberger, Clerk Poepping & Vice Chair Feldewerd

Those voting against the same: None

The Motion was unanimously carried.

Director Thieschafer moved, with a second by Clerk Poepping, to approve MSDLAF+ - Minnesota Liquid Asset Fund be designated as an official depository of state funds due to the district.

Upon a roll call vote being taken those voting in favor thereof:

Treasurer Heidgerken, Director Thieschafer, Chair Seanger, Director Toenyan, Director Rosenberger, Clerk Poepping & Vice Chair Feldewerd

Those voting against the same: None

The Motion was unanimously carried.

Vice Chair Feldewerd moved, with a second by Treasurer Heidgerken, to approve the use of facsimile signatures on all district checks. The board also directs the current facsimile signatures to be used until the new signatures can be obtained, if necessary.

Upon a roll call vote being taken those voting in favor thereof:

Treasurer Heidgerken, Director Thieschafer, Chair Seanger, Director Toenyan, Director Rosenberger, Clerk Poepping & Vice Chair Feldewerd

Those voting against the same: None

The Motion was unanimously carried.

Director Thieschafer moved, with a second by Director Rosenberger, to approve the Superintendent of Schools, or his designee, to make short term investments of school district funds and to perform the duties of the clerk and treasurer.

Upon a roll call vote being taken those voting in favor thereof:

Treasurer Heidgerken, Director Thieschafer, Chair Seanger, Director Toenyan, Director Rosenberger, Clerk Poepping & Vice Chair Feldewerd

Those voting against the same: None

The Motion was unanimously carried.

Treasurer Heidgerken moved, with a second by Director Poepping, to approve the agents of the board to lease, purchase, and contract for goods and services within the general budget categories. The Motion was unanimously carried.



Melrose Area Public Schools  
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Upon a roll call vote being taken those voting in favor thereof:

Treasurer Heidgerken, Director Thieschafer, Chair Seanger, Director Toenyan, Director Rosenberger, Clerk Poepping & Vice Chair Feldewerd

Those voting against the same: None

The Motion was unanimously carried.

Director Rosenberger moved, with a second by Director Toenyan, to approve to pay claims/bills before the regularly scheduled board meeting.

Upon a roll call vote being taken those voting in favor thereof:

Treasurer Heidgerken, Director Thieschafer, Chair Seanger, Director Toenyan, Director Rosenberger, Clerk Poepping & Vice Chair Feldewerd

Those voting against the same: None

The Motion was unanimously carried.

Treasurer Heidgerken moved, with a second by Director Theischafer, to approve Squires, Waldspurger & Mace PA for our legal counsel for 2025.

Upon a roll call vote being taken those voting in favor thereof:

Treasurer Heidgerken, Director Thieschafer, Chair Seanger, Director Toenyan, Director Rosenberger, Clerk Poepping & Vice Chair Feldewerd

Those voting against the same: None

The Motion was unanimously carried.

Director Poepping moved, with a second by Director Thieschaefer, to approve authorizing the Superintendent of Schools and designees to make electronic funds transfers of District 740 funds.

Upon a roll call vote being taken those voting in favor thereof:

Treasurer Heidgerken, Director Thieschafer, Chair Seanger, Director Toenyan, Director Rosenberger, Clerk Poepping & Vice Chair Feldewerd

Those voting against the same: None

The Motion was unanimously carried.

Vice Chair Feldewerd moved, with a second by Director Thieschafer, to adjourn the meeting at 6:57 pm.

Upon a roll call vote being taken those voting in favor thereof:



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Treasurer Heidgerken, Director Thieschafer, Chair Seanger, Director Toenyan, Director Rosenberger,  
Clerk Poepping & Vice Chair Feldewerd

Those voting against the same: None

The Motion was unanimously carried.

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Clerk, Melissa Poepping



Melrose Area Public Schools  
Regular Board Meeting  
Monday, January 27, 2025 - 6:30 p.m.

Special School Board Minutes - Melrose Area Public School  
Wednesday, January 22, 2025

Chair Seanger called the meeting to order at 6:02 pm. The Pledge of Allegiance was recited. The following members were present: Chair Seanger, Vice Chair Feldewerd, Clerk Poepping, Treasurer Heidgerken, Director Thieschafer, Director Toenyan & Director Rosenberger.

Treasurer Heidgerken moved, with a second by Vice Chair Feldewerd, to approve the agenda. The Motion was unanimously carried.

The Board & Barb Dorn from MSBA reviewed the superintendent search timeline & process. No action was taken.

The Board & Barb Dorn from MSBA reviewed and discussed the protocol and process for the superintendent position interviews. No action was taken.

The Board & Barb Dorn from MSBA reviewed and discussed the stakeholder report. No action was taken.

The Board & Barb Dorn from MSBA developed the first round of interview questions, interview schedule, and interview procedures. No action was taken.

The Board & Barb Dorn from MSBA discussed and scheduled the steps necessary for rest of the hiring process. No action was taken.

Director Thieschafer moved, with a second by Director Toenyan, to adjourn the meeting at 8:10 pm. The Motion was unanimously carried.

---

Melissa Poepping, Clerk



Melrose Area Public Schools  
Regular Board Meeting  
Monday, January 27, 2025 - 6:30 p.m.

		NEW HIRES			
Name	Title	Building	Status	Effective	
Kenzie Klasen (Step 1)	Interventionist	Elementary	Full time	1/6/2025	
Anna Johnson (Step 7)	Asst. Speech Coach	High School	Part time	12/16/2024	
Lainey Truebenbach (Step 1)	Speech Coach	Junior High	Part time	12/16/2024	
Justin Hinnenkamp	BBB	Junior High	Volunteer	1/3/2025	
Evan Reller (Step 4)	Asst. Track Coach	High School	Part time	3/11/2025	
Grant Ludwig (Step 2)	Baseball Coach	Junior High	Part time	3/25/2025	
Jasmine Fleischhacker (Step 1)	Softball Coach	Junior High	Part time	3/25/2025	
		RESIGNATIONS/ RETIREMENT			
Name	Title	Building	Status	Effective	Action
Vaughn Glasener (32 years)	Teacher	Middle School	Full time	6/5/2025	Retirement
Cecilia Montanez Rodriguez	Paraprofessional	Middle School	Full time	1/23/2025	Resignation
Cecilia Montanez Rodriguez	Head Girls Soccer Coach	High School	Part time	1/13/2025	Resignation
Gavin Sawyer	Baseball Coach	Junior High	Part time	1/22/2025	Resignation
		CHANGE OF ASSIGNMENTS/ LANE CHANGES/ CONTRACTS			
Name	Title	Building	Status	Effective	
		LEAVE REQUESTS			
Name	Title	Building	Status	Effective	
Alyssa Taffe	Teacher	Elementary	Full time	Approx. 5/21/2025	LOA
		POSITION AUTHORIZATION			
Name	Title	Building	Status	Effective	





Melrose Area Public Schools  
Regular Board Meeting  
Monday, January 27, 2025 - 6:30 p.m.

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Agenda Item X: Treasurer's Report  
Commentary by: Greg Winter, Stephanie Uittenbogaard

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Background:

Mr. Winter, Ms. Uittenboggard, and Mr. Heidegerken will give recommendations for the Treasurer's report subject to audit. The Board Treasurer and Business Manager meet once a month to review the previous month's financial activity. Reports that are reviewed are the treasurer's report, payment registers, and employee receipts.

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Administration Recommendation: To approve the treasurer's report subject to audit.

Motion to approve the Treasurer's Report made by: \_\_\_\_\_ Seconded by: \_\_\_\_\_ Action:  
\_\_\_\_\_

**Revenue/Expenditure Document is in School Board Folder**  
**Monthly Bills will be posted under the agenda on our website**



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The following checks were issued in paying claims: Wires transfers and checks 72177 - 72342			
<u>Expenditures:</u>			
01 General Fund	\$889,174.03		
02 Food Service	\$71,872.93		
04 Community Service	\$26,352.79		
06 Building Const Fund	\$8,720.00		
07 Debt Redemption Fund	\$0.00		
15 Student Activities	\$44,572.29		
18 Custodial Fund	\$0.00		
30 Internal Services (Dental)	\$9,060.97		
<b>Total AP</b>	<b>\$1,049,753.01</b>		
Payroll ACH	\$700,840.07		
<b>Total</b>	<b>\$1,750,593.08</b>		



Melrose Area Public Schools  
Regular Board Meeting  
Monday, January 27, 2025 - 6:30 p.m.

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Agenda Item XI: Action Item A: Gifts and Donations  
Commentary by: Greg Winter

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Background: Therefore the Superintendent recommends the following resolution:

WHEREAS, School Board Policy #706 establishes guidelines for acceptance of gifts/donations to the District; and

WHEREAS, Minnesota Statute 465.03 states the School Board may accept a gift, grant, or devise of real or personal property only by the adoption of a resolution approved by two-thirds of its members; and

BE IT RESOLVED that the School Board of Melrose Area Public Schools accept with appreciation the following gifts/donations and permit their use as designated by the donor(s)

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Administration Recommendation: To adopt resolution

Motion to approve donations made by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Roll Call Vote:

Eric Seanger	_____
Becky Feldewerd	_____
Mark Heidgerken	_____
Melissa Poepping	_____
Jason Toenyan	_____
Josh Thieschaefer	_____
Joe Rosenberger	_____



Melrose Area Public Schools  
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Date	Donor	Site	Item/Nature of Gift/Donation	Value/Amount
12-13-24	Melrose Lions	Community Ed.	Preschool	\$300.00
12-13-24	Melrose Lions	High School	Speech	\$3,500.00
12-13-24	Melrose Lions	High School	Football	\$3,500.00
12-13-24	Melrose Lions	High School	Wrestling	\$600.00
12-13-24	Melrose Lions	High School	CEO Class	\$350.00
12-16-24	Dutchmen Booster Club	High School	Football - JH Jerseys	\$4,380.00
12-18-24	Dutchmen Booster Club	Middle School	Spelling Bee T-shirts	\$400.00
12-19-24	Dutchmen Booster Club	High School	Weightroom for Chocolate Milk	\$1,000.00
1-2-25	Kwik Trip	Community Ed.	Doughnuts for Archery Tournament	\$150.00
1-8-25	Modern Farm	High School	FFA	\$1,000.00
1-15-25	Sauk Centre Conservation Club	Community Ed.	Archery	\$3,000.00
1-21-25	Felling Family Partnership Fund	High School	Metals Shop Upgrades	\$66,000.00
1-21-25	Melrose Rising Stars Gymnastics	High School	Gymnastics	\$4,750.00



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Agenda Item XI: Action B: Revised FY25 Budget  
Commentary by: Greg Winter

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Background:  
Business Manager Stephanie Uittenbogaard will review the Revised FY25 Budget.

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Administration Recommendation: Approve the resolution.

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Motion to approve the Revised FY25 Budget by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Action: \_\_\_\_\_



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Agenda Item XI: Action C: Pay Equity Study Resolution  
Commentary by: Greg Winter

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Background:

Every three years the district needs to review the Pay Equity report and submit the report to the State of Minnesota. Any creation of new positions or revision of current positions have to be included as a change of status within the district. Submission and review of the report by the state will keep us in compliance in regard to this mandate.

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Administration Recommendation: Approve the resolution.

Motion to approve the Pay Equity Study Resolution by: \_\_\_\_\_ Seconded by:  
\_\_\_\_\_ Action: \_\_\_\_\_



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Agenda Item XI: Action D: Committee Assignments  
Commentary by: Greg Winter

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Background:  
The Board will review the Committee Assignments and assign board members as needed.

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Administration Recommendation: Approve the resolution.

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Motion to approve the Committee Assignments by: \_\_\_\_\_ Seconded by:  
\_\_\_\_\_ Action: \_\_\_\_\_



Melrose Area Public Schools  
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Committee Assignments	2024 Board Rep(s)	2025 Board Rep(s)
Budget/Finance - 1	Becky, Mark, Eric	Full Board
Community Ed Advisory - 4	Pat, Mark	Discussion
Health & Safety - 4	Pat, Eric	Discussion
DAAC - 4	Becky, Randy	Discussion
Discipline Advisory - 4	Becky, Melissa	Ad Hoc
District Advisory: Curriculum, WBWF, Integration & Federal Programs - 3	Lee, Melissa	Needed
Exit Interview - 5	Lee, Becky	Needed
Facilities: Buildings, Grounds, Land Sales & Purchases - 3	Mark, Eric, Randy	Ad Hoc
Wellness - 4	Pat, Melissa	Needed
Insurance Advisory - 5	Pat, Randy	Ad Hoc
LMC (Support Staff) - 4	Becky, Eric	Ad Hoc
LMC (Teachers) - 4	Pat, Melissa	Ad Hoc
MSHSL/Title IX - 5	Randy, Pat Alt.	Needed
Policy Review - 3	Melissa, Eric	Full Board
PTA - 4	Lee	Discussion
School Advocating for Fair Funding (SAFF). 3	Becky	Needed
Professional Development - 3	Lee	Discussion
Stearns County Collaborative - 4	Becky	Needed
Technology - 4	Lee, Eric	Discussion
Transportation - 2	Randy, Becky, Mark	Ad Hoc
Trip Committee - 5	Becky, Lee	Admin
WCED - 2	Lee	Needed





Melrose Area Public Schools  
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 Monday, January 27, 2025 - 6:30 p.m.

Negotiating Committees	2024 Board Rep(s)	2025 Board Rep(s)
Achievement & Integration - 5	Becky, Mark	
Administration (Principals, Activity Director, & Comm. Ed. Director) - 2	Lee, Eric, Melissa	
Curriculum Coordinator - 5	Melissa, Eric	
Custodial Supervisors - 4	Mark, Lee	Needed this year
Custodians - 3	Becky, Mark, Melissa	
District Office - 4	Pat, Lee, Randy	
Food Service (Staff & Director) - 3	Pat, Eric, Becky	
Notice of Assignment - 3	Randy, Becky	Needed this year
Paraprofessionals - 1	Becky, Mark, Melissa	In progress
Secretaries - 3	Becky, Mark, Lee	
Superintendent - 2	Pat, Lee, Randy	
Teachers - 1	Pat, Lee, Randy	
Tech Coordinator/Tech Specialist/MARSS - 3	Becky, Mark	Needed this year



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Agenda Item XI: Action E: New Superintendent Selection Process  
Commentary by: Greg Winter

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Background:

The School District will discuss the process for determination of hiring the Superintendent.  
Make-up of the committee along with food/beverage.

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Administration Recommendation: Approve the resolution.

Motion to approve the New Superintendent Contract by: \_\_\_\_\_ Seconded by:  
\_\_\_\_\_ Action: \_\_\_\_\_



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Agenda Item XI: Action F: Close the Meeting to Discuss Para Negotiations  
Commentary by: Greg Winter

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Background:

Chair Seanger to close the meeting for the purpose of negotiation strategies pursuant to **MN Statute 13D.03**.

The meeting will be reopened after the discussion on negotiation strategies are complete.

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Administration Recommendation: Approve the resolution.

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Motion to approve to close the school board meeting for Para Negotiations by: \_\_\_\_\_  
Seconded by: \_\_\_\_\_ Action: \_\_\_\_\_



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Agenda Item XII: Adjournment  
Commentary by: Eric Seanger

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Background:  
Adjourn meeting

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Administration Recommendation: Approve the resolution

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Motion to adjourn the meeting made by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Action: \_\_\_\_\_