

Why school boards spend time on policy

Policy is how a board governs. The board does not run the school day. It does have to see how the policy plays out in that day.

A policy states what the district will do and the limits within which it will do it. Procedures, and the decisions that fill a school day, belong to the superintendent and staff. The board does not run those operations. While execution of the procedures belongs to district staff, the board’s audit of adherence to the policy is how the board makes sure the rule is carried out correctly, in good order, and with prudence. That audit is asking how the policy is being applied and holding administration to it. That is why policy shows up on so many agendas.

Where the requirement starts

- The legislature passes statutes that govern school district operations. Federal law adds requirements of its own.
- Some statutes require the board to adopt a written policy. Some also require the commissioner of education to maintain a model. Some do neither.
- Silence is not a ban. The board may still adopt a policy so the rule is clear and enforceable.
- A model is a template. It is not the district’s policy until the board adopts one, and the board may tailor that policy to the district.

One example: the bullying policy

Minnesota Statutes section 121A.031 is the student bullying policy. Subdivision 6 requires the commissioner, in consultation with the commissioner of human rights, to develop and maintain a state model policy. A district that does not adopt its own policy under subdivisions 3 to 5 must implement that state model, and may supplement it.

Subdivision 3 requires the board to adopt, implement, and review a written policy to prevent and prohibit student bullying, in consultation with students, parents, and community organizations to the extent practicable. The policy must conform with sections 121A.41 to 121A.56, and it must stay consistent with sections 121A.031 and 121A.0312.

The same statute produces two documents. MDE publishes the state model. MSBA publishes a member model the board can adopt. They answer the same requirement. They are not the same document.

MDE — state model	MSBA — member model
Document. Model Student Bullying Prohibition Policy. Who writes it. The commissioner, under § 121A.031, subdivision 6. What it is for. The model a district must implement if it does not adopt its own policy. A district may supplement it. It sets purpose, definitions, reporting, investigation, and intervention language a district can use as written. Its listed legal references are Minnesota statutes: data practices, character development, §§ 121A.03, 121A.031, 121A.0311, 121A.0312, and early-learning participation. It is the standard the statute points to. Adopting it, or a local policy that meets the statute, is still a board act.	Document. MSBA/MASA Model Policy 514, Bullying Prohibition Policy. Who writes it. MSBA with MASA. Not the commissioner. Not assigned this duty by statute. What it is for. A board-ready policy that cites the same statute, plus federal law, related statutes, and the other board policies discipline has to fit. It includes the statutory review cycle, consultation with students, parents, and community organizations, and a cross-reference list. Its legal references add the Pupil Fair Dismissal Act, the hazing statute, the Human Rights Act, FERPA, and related model policies. It is not in force until the board adopts it. Boards may tailor it to the district, sometimes on the advice of their own legal counsel. Districts use it because drafting this from scratch is costly.

Legal references, side by side

The difference shows up at the end of each document. MDE’s model cites the Minnesota statutes that create the bullying duty. MSBA’s model cites those and the other laws a board has to satisfy when it investigates, disciplines, and handles student records. That wider list is the practical reason districts adopt the MSBA version instead of drafting their own.

MDE model — legal references

Minn. Stat. ch. 13 — Government Data Practices Act
 Minn. Stat. § 120B.232 — Character development education
 Minn. Stat. § 121A.03 — Harassment and violence model policy
 Minn. Stat. § 121A.031 — School student bullying policy
 Minn. Stat. § 121A.0311 — Notice of rights and responsibilities
 Minn. Stat. § 121A.0312 — Malicious and sadistic conduct
 Minn. Stat. § 121A.425 — Full and equitable participation in early learning

MSBA Model Policy 514 — legal references

The same Minnesota statutes MDE lists, plus:
 Minn. Stat. § 120A.05 — Definitions
 Minn. Stat. §§ 121A.40 to 121A.56 — Pupil Fair Dismissal Act
 Minn. Stat. § 121A.69 — Hazing policy
 Minn. Stat. ch. 124E — Charter schools
 Minn. Stat. ch. 363A — Minnesota Human Rights Act
 20 U.S.C. § 1232g and 34 C.F.R. §§ 99.1 to 99.67 — FERPA
 Cross-references to the related board policies: discipline, harassment, mandated reporting, pupil records, Title IX, hazing, and transportation

Why boards usually choose the MSBA model

- Discipline under a bullying policy has to fit the Pupil Fair Dismissal Act. The MSBA model cites that act. The MDE model's reference list does not.
- A bullying report can also be a data-practices question, a hazing question, a Human Rights Act question, or a student-record question under FERPA. The MSBA list puts those next to the bullying statute.
- The cross-references tie Policy 514 to the other policies the district already has, so staff are not enforcing one rule that conflicts with another.
- Building that list, and keeping it current when the law changes, is what each district would otherwise pay to do itself. Member boards adopt the MSBA model, then tailor it to the district.
- Choosing it does not change the legal step. The commissioner still maintains the state model. The board still has to adopt a policy. MSBA's version is not in force until that vote, and boards may tailor the policy to the specifics of their districts, sometimes on the advice of their own legal counsel.

How often it is reviewed

- The statute controls. Section 121A.031 says the board reviews this policy on a cycle consistent with the district's other policies, and revises it in consultation with students, parents, and community organizations. That review is not annual.
- Some other policies are annual. Student discipline has a statutory annual review under section 121A.65. MSBA also treats Model Policies 506, 722, and 806 as annual.
- A three-year cycle is a common local practice where the statute does not set a shorter clock. It is not the legal default.
- The footer is the record. Adopted is the first board action. Revised is the last language change. Reviewed is the last time the board looked at the policy without necessarily changing the words.

Sources: Minn. Stat. § 121A.031, including subdivision 6, and §§ 121A.0312 and 121A.65; MDE Model Student Bullying Prohibition Policy; MSBA/MASA Model Policy 514.