Board Adopted:	June 18, 1984
Last Reviewed:	December 11, 2024 [Annual]
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Contact Person:	Assistant Superintendent

POLICY 506 STUDENT DISCIPLINE

I. PURPOSE

To ensure the District establishes a Code of Student Conduct and disciplinary action options that minimize loss of student instruction time due to misbehavior, and to ensure that students are aware of and comply with the District's Code of Student Conduct.

II. GENERAL STATEMENT OF POLICY

The School Board recognizes that individual responsibility and mutual respect are essential components of the educational process. The School Board further recognizes that nurturing the maturity of each student is of primary importance and is closely linked with the balance that must be maintained between authority and self-discipline as the individual progresses from a child's dependence on authority to the more mature behavior of self-control. The District will take appropriate disciplinary action when students fail to adhere to the Code of Student Conduct established in Regulation 506.

All students are entitled to learn and develop in a setting which promotes respect of self, others and property. Proper positive discipline can only result from an environment, which provides options and stresses student self-direction, decision-making and responsibility. Schools can function effectively only with internal discipline based on mutual understanding of rights and responsibilities.

Students must conduct themselves in an appropriate manner that maintains a climate in which learning can take place. A learning environment of respect and high expectations affects student attitudes and influences student behavior. Proper student conduct is necessary to facilitate the education process and to create an atmosphere conducive to high student achievement.

Although this Policy emphasizes the development of self-discipline, it is recognized that there are instances when it will be necessary to administer disciplinary measures. It is the position of the District that a fair and equitable district-wide Code of Student Conduct will contribute to the quality of the student's educational experience.

This discipline Policy is adopted in accordance with and subject to the Minnesota Pupil Fair Dismissal Act.

In view of the foregoing and in accordance with Minnesota Statute the School Board, with the participation of District administrators, staff, students, parents/guardians/families,

community members, and such other individuals and organizations as appropriate, has developed this Policy and accompanying Regulation, the Student Code of Conduct, which applies to all students of the District.

III. DEFINITIONS

A. "Non-exclusionary disciplinary policies and practices" means policies and practices that are alternatives to dismissing a pupil from school, including but not limited to evidence based positive behavior interventions and supports, social and emotional services, school linked mental health services, counseling services, social work services, academic screening for Title I services or reading interventions, and alternative education services. Non-exclusionary discipline policies and practices include but are not limited to the policies and practices outlined in MN State Statutes, sections 120B.12; 121A.575, clauses (1) and (2); 121A.031, subdivision 4, paragraph (a), clause (1); 121A.61, subdivision 3, paragraph (r); and 122A.627, clause (3).

B. "Pupil withdrawal agreement" means a verbal or written agreement between a school administrator or district administrator and a pupil's parent to withdraw a student from the District to avoid expulsion or exclusion dismissal proceedings. The duration of the withdrawal agreement cannot be for more than a 12-month period.

IV. POLICY

A. The School Board must establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of the Minnesota Pupil Fair Dismissal Act. The Policies must include non-exclusionary disciplinary policies and practices consistent with MN State Statutes, section 121A.41, subdivision 12, and must emphasize preventing dismissals through early detection of problems. The policies must be designed to address students' inappropriate behavior from recurring.

B. The policies must recognize the continuing responsibility of the school for the education of the pupil during the dismissal period.

C. The school is responsible for ensuring that alternative educational services, if the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress toward meeting the graduation standards adopted under Minnesota Statute, and help prepare the pupil for readmission in accordance with Minnesota Statutes, section 121A.46, subdivision 5.

D. For expulsion and exclusion dismissals and pupil withdrawal agreements as defined in Minnesota Statute:

1. for a pupil who remains enrolled in the District or is awaiting enrollment in a new district, the District's continuing responsibility includes reviewing the pupil's schoolwork and grades on a quarterly basis to ensure the pupil is on track for readmission with the pupil's peers. The District must communicate on a regular basis with the pupil's parent or

guardian to ensure that the pupil is completing the work assigned through the alternative educational services as defined in Minnesota Statutes, section 121A.41, subdivision 11. These services are required until the pupil enrolls in another school or returns to the same school;

2. a pupil receiving school-based or school-linked mental health services in the District under Minnesota Statutes, section 245.4889 continues to be eligible for those services until the pupil is enrolled in a new district; and

3. the District must provide to the pupil's parent or guardian information on accessing mental health services, including any free or sliding fee providers in the community. The information must also be posted on the District website.

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REGULATION 506 STUDENT DISCIPLINE

I. AREAS OF RESPONSIBILITY

A. The School Board. The School Board holds all staff responsible for the maintenance of order within the District and supports all staff acting within the framework of this discipline Policy.

B. Superintendent. The superintendent shall establish guidelines and directives to carry out this Policy, hold all staff, students and parents/guardians responsible for conforming to this Policy, and support all staff performing their duties within the framework of this Policy. The superintendent shall also establish guidelines and directives for using the services of appropriate agencies for assisting students and parents/guardians.

C. Principal. The school principal is given the responsibility and authority to formulate building rules and regulations necessary to enforce this Policy. The principal shall give direction and support to all staff performing their duties within the framework of this Policy. The principal shall consult with parents/guardians of students conducting themselves in a manner contrary to the Policy. The principal shall also involve other staff in the disposition of behavior referrals and shall make use of those agencies appropriate for assisting students and parents/guardians. A principal, in exercising their lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student to prevent imminent bodily harm or death to the student or another.

D. Teachers. All teachers shall be responsible for providing a well-planned teaching/learning environment and shall have primary responsibility for student conduct, with appropriate assistance from the administration. All teachers shall enforce the Code of Student Conduct. In exercising the teacher's lawful authority, a teacher may use reasonable force when it is necessary under the circumstances to restrain a student to prevent imminent bodily harm or death to the student or another.

E. Other School District Staff. All District staff shall be responsible for contributing to the atmosphere of mutual respect within the school. Their responsibilities relating to student behavior shall be as authorized and directed by the superintendent. District staff, in exercising their lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student to prevent bodily harm or death to the

student or another.

For the purpose of Minnesota Statutes, section 121A.582 (Student Discipline; Reasonable Force), a school resource officer, as defined in Minnesota Statutes, section 626.8482, subdivision 1, paragraph (c) is not a school employee or agent of the district.

School District staff shall not use prone restraint and shall not inflict any form of physical holding that restricts or impairs a student's ability to breathe; restricts or impairs a student's ability to communicate distress; places pressure or weight on a student's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a student's torso.

F. Parents or Legal Guardians. Parents and guardians shall be held responsible for the behavior of their children as determined by law and community practice. They are expected to cooperate with school authorities and to participate regarding the behavior of their children.

G. Students. All students shall be held individually responsible for their behavior and for knowing and obeying the Code of Student Conduct and this Policy/Regulation.

H. Community Members. Members of the community are expected to contribute to the establishment of an atmosphere in which rights and duties are effectively acknowledged and fulfilled.

I. Reasonable Force Reports

1. The District must report data on its use of any reasonable force used on a student with a disability to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under Minnesota State Statutes, section 125A.0941, paragraph (c), as outlined in section 125A.0942, subdivision 3, paragraph (b).

2. Beginning with the 2024-2025 school year, the District must report annually by July 15, in a form and manner determined by the MDE Commissioner, data from the prior school year about any reasonable force used on a general education student to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under Minnesota State Statutes, section 125A.0941, paragraph (c)..

3. Any reasonable force used under Minnesota State Statute which intends to hold a child immobile or limit a child's movement where body contact is the only source of physical restraint or confines a child alone in a room from which egress is barred shall be reported to the Minnesota Department of Education as a restrictive procedure, including physical holding or seclusion used by an unauthorized or

untrained staff person.

II. STUDENT RIGHTS

All students have the right to an education and the right to learn.

III. STUDENT RESPONSIBILITIES

All students have the responsibility:

A. To be aware of all school rules, regulations, Policies and procedures, including those in this Policy/Regulation, and to conduct themselves in accord with them;

B. To attend school daily, except when excused, and to be on time to all classes and other school functions;

C. To pursue and attempt to complete the courses of study prescribed by the state and local school authorities;

D. To make necessary arrangements for making up work when absent from school;

E. To assist the school staff in maintaining a safe school for all students;

F. To be aware of all school rules, regulations, policies, and procedures, including those in this policy, and to conduct themselves in accord with them;

G. To assume that until a rule or Policy is waived, altered or repealed, it is in full force and effect;

H. To be aware of and comply with federal, state and local laws;

I. To volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with staff as appropriate;

J. To respect and maintain the school's property and the property of others;

K. To dress and groom in a manner which meets standards of safety and health and common standards of decency and which is consistent with applicable District Policy;

L. To avoid inaccuracies in student newspapers or publications and refrain from indecent or obscene language;

M. To conduct themselves in an appropriate physical or verbal manner; and

N. To recognize and respect the rights of others.

IV. CODE OF STUDENT CONDUCT

A. The following are examples of unacceptable behavior subject to disciplinary action by the District. These examples are not intended to be an exclusive list. Any student who engages in any of these activities shall be disciplined in accordance with this or other relevant Policies. This Policy applies to all

school buildings, school grounds, and school property or property immediately adjacent to school grounds; school-sponsored activities or trips; school bus stops; school buses, school vehicles, school contracted vehicles, or any other vehicles approved for District purposes; the area of entrance or departure from school premises or events; and all school-related functions, school sponsored activities, events or trips. District property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting unacceptable behavior subject to disciplinary action at these locations and events, the District does not represent that it will provide supervision or assume liability at these locations and events. This Policy also applies to any student whose conduct at any time or in any place interferes with or obstructs the mission or operations of the District or the safety or welfare of the student, other students, or staff.

1. Violations against property including, but not limited to, damage to or destruction of school property or the property of others, failure to compensate for damage or destruction of such property, arson, breaking and entering, theft, robbery, possession of stolen property, extortion, trespassing, unauthorized usage, or vandalism;

2. The use of profanity or obscene language, or the possession of obscene materials;

3. Gambling, including, but not limited to, playing a game of chance for stakes;

4. Hazing, including violation of District Policy 540: Hazing Prohibition;

5. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, leaving school grounds without permission or violating District Policy 503: Student Attendance;

6. Opposition to authority using physical force or violence;

7. Using, possessing, or distributing tobacco, electronic cigarettes or tobacco paraphernalia, in accordance with District Policy 419: Tobacco Free Environment;

8. Using, possessing, distributing, attempting to distribute, making a request to another person for (solicitation) or being under the influence of alcohol or other intoxicating substances or look-alike substances;

9. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of narcotics, drugs, or other controlled substances (except as prescribed by a physician), or look-alike substances (these prohibitions include medical marijuana or medical cannabis, even

when prescribed by a physician, and one student sharing prescription medication with another student);

10. Using, possessing, or distributing items or articles that are illegal or harmful to persons or property including, but not limited to, drug paraphernalia;

11. Using, possessing, or distributing weapons, or look-alike weapons or other dangerous objects;

12. Violation of District Policy 501: Weapon Free Schools;

13. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;

14. Possession, use, or distribution of explosives or any compound or mixture, the primary or common purpose or intended use of which is to function as an explosive;

15. Possession, use, or distribution of fireworks or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation;

16. Using an ignition device, including butane or disposable lighter or matches, inside an educational building and under circumstances where there is a risk of fire, except where the device is used in a manner authorized by the school;

17. Violation of any local, state or federal law as appropriate;

18. Acts disruptive of the educational process, including, but not limited to, disobedience, disruptive or disrespectful behavior, conduct which interferes with staffs' ability to teach or communicate effectively with students in class or the ability of other students to learn, defiance of authority, cheating, insolence, insubordination, failure to identify oneself, improper activation of fire alarms, or bomb threats;

19. Violations of Policy 524: Internet Acceptable Use and Safety;

20. Classroom misuse of devices or objects, which cause distractions and may facilitate cheating including, but not limited to; phones, smart phones, and mobile devices;

21. Violation of school bus or transportation rules or District Policy 707: Transportation;

22. Violation of parking or school traffic rules and regulations, including, but not limited to, driving on school property in such a manner as to endanger persons or property;

23. Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker;

24. Violation of District Policy: 502 Search of Student Lockers, Desks, Personal Possessions and Student's Person;

25. Possession or distribution of slanderous, libelous or pornographic materials;

26. Student attire or personal grooming which creates a danger to health or safety or creates a disruption to the educational process, including clothing which bears a message which is lewd, vulgar, or obscene, apparel promoting products or activities that are illegal for use by minors, or clothing containing objectionable emblems, signs, words, objects, or pictures communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership;

27. Criminal activity;

28. Falsification of any records, documents, notes or signatures;

29. Tampering with, changing, or altering records or documents of the District by any method including, but not limited to, computer access or other electronic means;

30. Scholastic dishonesty which includes, but is not limited to, cheating on a school assignment or test, plagiarism, or collusion, including the use of phones or other technology to accomplish this end;

31. Impertinent or disrespectful language, symbols or acronyms, whether oral or written toward teachers or other school District personnel;

32. Violations of District Policy 413: Harassment and Violence;

33. Actions, including fighting or any other assaultive behavior, which causes or could cause injury to the student or other persons or which otherwise endangers the health, safety, or welfare of teachers, students, other District staff, or other persons;

34. Committing an act, which inflicts great bodily harm upon another person, even though, accidental or a result of poor judgment;

35. Violations against persons, including, but not limited to, assault or threatened assault, fighting, harassment, interference or obstruction, attack with a weapon, or look-alike weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure;

36. Verbally abusive behavior, including, but not limited to; use of language, symbols or acronyms, whether oral or written, that is discriminatory, abusive, obscene, threatening, intimidating or that

degrades other people, or that is threatening to school property;

37. Bullying or intimidation in all forms including electronic forms, forms involving Internet use, an intentional gesture or a written verbal or physical act or threat that a reasonable person under the circumstances knows or should know has the effect of the following:

    - harming a student;
    - damaging a student's property;
    - placing a student in reasonable fear of harm to their person or property; or
    - creating a hostile educational environment for a student. Violation of District Policy 514: Bullying Prohibition;

38. Physical or verbal threats including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;

39. Inappropriate, abusive, threatening, or demeaning actions based on race, color, creed, religion, age, sex, marital status, familial status, status with regard to public assistance, national origin or sexual orientation, including gender identity or expression, immigration status, or disability;

40. Violations of District Policy 904: Distribution of Non-curricular Materials by Students and Employees Policy;

41. Violations of District Policy 904.1: Distribution of Materials on School District Property by Non-School Persons;

42. Violation of the school district's one-to-one device rules and regulations;

43. Violation of school rules, regulations, policies, or procedures including but not limited to those specifically enumerated in this Policy/Regulation; and

44. Other acts, as determined by the District, which are disruptive of the educational process or dangerous or detrimental to the student or other students, District staff or surrounding persons, or which violate the rights of others or which damage or endanger the property of the school, or which otherwise interferes with or obstruct the mission or operations of the District or the safety or welfare of students or staff.

V. RECESS AND OTHER BREAKS

A. "Recess detention" means excluding or excessively delaying a student from participating in a scheduled recess period as a consequence for student behavior. Recess detention does not include, among other things, providing alternative recess at the student's choice.

B. The District is encouraged to ensure student access to structured breaks from the demands of school and to support teachers, principals, and other school staff in their efforts to use evidence-based approaches to reduce exclusionary forms of discipline.

C. The District must not use recess detention unless:

1. a student causes or is likely to cause serious physical harm to other students or staff; or

2. the student's parent or guardian specifically consents to the use of recess detention; or

3. for students receiving special education services, the student's individualized education program team has determined that withholding recess is appropriate based on the individualized needs of the student.

D. The District must not withhold recess from a student based on incomplete schoolwork.

E. The District must require school staff to make a reasonable attempt to notify a parent or guardian within 24 hours of using recess detention.

F. The District must compile information on each recess detention at the end of each school year, including the student's age, grade, gender, race or ethnicity, and special education status. This information must be available to the public upon request. The District is encouraged to use the data in professional development promoting the use of nonexclusionary discipline.

G. The District must not withhold or excessively delay a student's participation in scheduled mealtimes. This section does not alter a district or school's existing responsibilities under Minnesota Statutes, section 124D.111 or federal law.

VI. DISCIPLINARY ACTION OPTIONS

It is the general Policy of the District to utilize progressive discipline to the extent reasonable and appropriate based upon the specific facts and circumstances of student misconduct. The specific form of discipline chosen in a particular case is solely within the discretion of the District. At a minimum, violation of District rules, regulations, Policies or procedures will result in discussion of the violation and a verbal warning. The District shall, however, impose more severe disciplinary sanctions for any violation, including exclusion or expulsion, if warranted by the student’s misconduct, as determined by the District. Disciplinary action may include, but is not limited to, one or more of the following:

A. Student conference with teacher, principal, or other District staff, and verbal warning;

B. Confiscation by District staff and/or by law enforcement of any item, article,

object, or thing, prohibited by, or used in the violation of, any District Policy, rule regulation, procedure, or state or federal law. If confiscated by the District, the confiscated item, article, object, or thing may only be released following the completion of any investigation or disciplinary action instituted or taken related to the violation.

C. Parent/guardian contact;

D. Parent/guardian conference;

E. Removal from class;

F. In-school suspension or referral to the District's alternative to school suspension program;

G. Suspension from extracurricular activities;

H. Detention or restriction of privileges;

I. Loss of school privileges;

J. In-school monitoring or revised class schedule;

K. Referral to in-school support services;

L. Referral to community resources or outside agency services;

M. Financial restitution;

N. Referral to police, other law enforcement agencies, or other appropriate authorities;

O. A request for a petition to be filed in district court for juvenile delinquency adjudication;

P. Out-of-school suspension under the Pupil Fair Dismissal Act;

Q. Preparation of an admission or readmission plan;

R. Expulsion under the Pupil Fair Dismissal Act;

S. Exclusion under the Pupil Fair Dismissal Act; and/or

T. Other disciplinary action as deemed appropriate by the District.

VII. REMOVAL OF STUDENTS FROM CLASS

A. Staff have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement, assigning detention or other consequences, or contacting the student's parents/guardians. When such measures fail, or when the staff determines it is otherwise appropriate based upon the student's conduct, the staff shall have the authority to remove the student from class pursuant to the

procedures established by this discipline Policy/Regulation. "Removal from class" and "removal" mean any actions taken by a teacher, principal, or other District staff to prohibit a student from attending a class or activity period for a period of time not to exceed five (5) days, pursuant to this discipline Policy and with approval by school and/or District Administration.

Grounds for removal from class shall include any of the following:

1. Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;

2. Willful conduct that endangers surrounding persons, including District staff, the student or other students, or the property of the school;

3. Willful violation of any school rules, regulations, policies or procedures, including the Code of Student Conduct in this Policy/Regulation; or

4. Other conduct, which in the discretion of the staff or administration requires removal of the student from class.

Such removal shall be for at least one (1) activity period or class period of instruction for a given course of study and shall not exceed five (5) such periods.

A student must be removed from class immediately if the student engages in assault or violent behavior. "Assault" is an act done with intent to cause fear in another of immediate bodily harm or death; or the intentional infliction of, or attempt to inflict, bodily harm upon another. The removal from class shall be for a period of time deemed appropriate by the principal, in consultation with the staff.

B. If a student is removed from class more than ten (10) times in a school year, the parent or guardian will be notified of the student's tenth removal from class and reasonable attempts will be made to convene a meeting with the student's parent or guardian to discuss the circumstance that is causing the student to be removed from class.

C. The following procedures will be followed when a student is removed from class:

1. Authority to remove a student from class under the provisions and limitations of this section shall rest with the staff immediately involved. Staff may remove students from their class for violations of any conditions listed in (A. 1-4) above.

2. If removal is for part of one class period simply to provide the

student with some time to avoid problems or to provide a clear warning of serious consequences, the formal procedures of this section need not be followed, and procedures which buildings have worked out to cover such circumstances will remain in effect. If, however, the removal is for an entire period or more, up to a limit of five (5) periods or five (5) hours, whichever is less, the following procedures must be observed:

a. Students must be sent to the principal's office or another area clearly designated by the building principal. The principal or designee will provide custodial care of the student and will assure that the Policies and procedures included in this section are observed.

b. The referring staff shall provide the building principal or their designee with the following information: 1) Specific grounds for removal 2) Any request for administrative support (e.g., staff would like a principal included in a re-entry conference if one is to be held)

c. The staff shall provide the student with the following information: 1) Specific grounds for removal 2) Upon conferring with principal or principal's designees, conditions of re-entry (e.g., may meet separately with staff, may work out a contract, may appear for a conference with parent(s)/guardian(s), etc.) 3) Whenever possible, class assignments for the days following the first day of removal.

d. Parents/guardians will be contacted to engage their support in correcting the misconduct. The staff shall provide the parent(s) or guardian(s) with the following information: 1) Specific grounds for removal 2) Length of period of removal that will occur 3) Conditions of re-entry including the scheduling of a conference with the parent/guardian if necessary. This information will be conveyed by telephone by the referring staff. Staff may also use a written notice when it is not possible to reach the parent/guardian by telephone or as a follow-up to the telephone contact.

3. The principal and staff in a school building shall confer at least annually to review and modify any needed building discipline practices.

4. Removal from class of students with disabilities must comply with the conditions specified in state and federal laws and rules. The student's special education case manager will be notified of the incident leading to removal from class.

5. The steps outlined in District Policy 417 Chemical Use and Abuse

will be taken when a student is removed from class due to evidence of being under the influence of drugs.

VIII. DISMISSAL

A. "Dismissal" means the denial of the current educational program to any student, including exclusion, expulsion and suspension. Dismissal does not include removal from class or in school suspension.

The District shall not deny due process or equal protection of the law to any student involved in a dismissal proceeding, which may result in suspension, exclusion or expulsion.

The District shall not dismiss any student without attempting to use non-exclusionary disciplinary policies and procedures before dismissal proceedings or pupil withdrawal agreements, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

The use of exclusionary practices for early learners as defined in Minnesota Statutes, section 121A.425, is prohibited. The use of exclusionary practices to address attendance and truancy issues is prohibited.

B. Violations leading to suspension, based upon severity, may also be grounds for actions leading to expulsion, and/or exclusion. A student may be dismissed on any of the following grounds:

1. Willful violation of any reasonable school board regulation, including those found in this Policy/Regulation;

2. Willful conduct that significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities; or

3. Willful conduct that endangers the student or other students, or surrounding persons; including staff or property of the school.

C. Disciplinary Dismissals Prohibited

1. A pupil enrolled in the following is not subject to dismissals under the Pupil Fair Dismissal Act:

a. a preschool or prekindergarten program, including an early childhood family education, school readiness, voluntary prekindergarten, Head Start, or other school-based preschool or prekindergarten program; or

b. kindergarten through Grade 3.

2. This section does not apply to a dismissal from school for less than one school day, except as provided under Minnesota Statutes, chapter 125A and federal law for a student receiving special education services.

3. Notwithstanding this section, expulsions and exclusions may be used only after resources outlined under non-exclusionary discipline have been exhausted, and only in circumstances where there is an ongoing serious safety threat to the child or others.

D. Suspension (Out of School) Procedures

1. "Suspension" means an action by the administration, under rules promulgated by the School Board, prohibiting a student from attending school for a period of no more than ten (10) school days; provided, however, if a suspension is longer than five (5) school days, the suspending administrator shall provide the Assistant Superintendent with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) school day or less, except as may be provided in federal law for a student with a disability.

2. School administration must allow a suspended pupil the opportunity to complete all school work assigned during the period of the pupil's suspension and to receive full credit for satisfactorily completing the assignments. The school principal or other person having administrative control of the school building or program is encouraged to designate a District or school employee as a liaison to work with the pupil's teachers to allow the suspended pupil to (1) receive timely course materials and other information, and (2) complete daily and weekly assignments and receive teachers' feedback.

3. If a student's total days of removal from school exceed ten (10) cumulative days in a school year, the District shall make reasonable attempts to convene a meeting with the student and the student's parent or guardian before subsequently removing the student from school and, with the permission of the parent or guardian, arrange for a mental health screening for the student at the parent or guardian's expense. The purpose of this meeting is to attempt to determine the pupil's need for assessment or other services or whether the parent or guardian should have the student assessed or diagnosed to determine whether the student needs treatment for a mental health disorder.

4. The definition of suspension under Minnesota Statute does not apply to a student's dismissal from school for one school day or less, except as provided under federal law for a student receiving special education services. Each suspension action may include a

readmission plan. The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission, which must not be used to extend the current suspension. A readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. Administration must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening, or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of a charge of child abuse, child neglect, or medical or educational neglect. The administration may not impose consecutive suspensions against the same student for the same course of conduct, or incident of misconduct, except where the student will create an immediate and substantial danger to self or to surrounding persons or property or where the District is in the process of initiating an expulsion, in which case the administration may extend the suspension to a total of fifteen (15) days.

5. A child with a disability may be suspended. When a child with a disability has been suspended for more than five (5) consecutive days or ten (10) cumulative school days in the same year, and that suspension does not involve a recommendation for expulsion or exclusion or other change in placement under federal law, relevant members of the child's IEP team, including at least one of the child's teachers, shall meet and determine the extent to which the child needs services in order to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the child's IEP. That meeting must occur as soon as possible, but no more than ten (10) days after the sixth (6th) consecutive day of suspension or the tenth (10th) cumulative day of suspension has elapsed.

6. Alternative education services must be provided to a pupil who is suspended for more than five (5) consecutive days. Alternative educational services may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessments, home based instruction, supervised homework, or enrollment in another district or in an alternative learning center under Minnesota Statutes, section 123A.05 selected to allow the pupil to progress toward meeting graduation standards under Minnesota Statutes, section 120B.02, although in a different setting.

7. The administration shall not suspend a student from school without an informal administrative conference with the student.

The informal administrative conference shall take place before the suspension, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension. At the informal administrative conference, an administrator shall notify the student of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the student may present the student's version of the facts. A separate administrative conference is required for each period of suspension.

8. After administration notifies a student of the grounds for suspension, school administration may, instead of imposing the suspension, do one or more of the following:

   a. strongly encourage a parent or guardian of the student to attend school with the student for one day;

   b. assign the student to in-school suspension or provide the option of the student attending an alternative to suspension program for one day or more; and

   c. petition the juvenile court that the student is in need of services under Minnesota Statutes, chapter 260C.

9. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of the Minnesota Pupil Fair Dismissal Act, Minnesota Statutes, sections 121A.40-121A.56, shall be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent or guardian by mail within forty-eight (48) hours of the conference.

10. The administration shall make reasonable efforts to notify the student's parent or guardian of the suspension by telephone as soon as possible following suspension.

11. In the event a student is suspended without an informal administrative conference on the grounds that the student will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the student and the student's parent or guardian within fortyeight (48) hours of the suspension. Service by mail shall be complete upon mailing.

12. Notwithstanding the foregoing provisions, the student may be suspended pending the School Board's decision in an expulsion or exclusion proceeding, provided that alternative educational services are implemented to the extent that suspension exceeds

five (5) consecutive school days.

E. Expulsion and Exclusion Procedures

1. "Expulsion" means a school board action to prohibit an enrolled student from further attendance for up to twelve (12) months from the date the student is expelled. The authority to expel rests with the School Board.

2. "Exclusion" means an action taken by the School Board to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the school year. The authority to exclude rests with the School Board.

3. All expulsion and exclusion proceedings will be held pursuant to and in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minnesota Statutes, sections 121A.40-121A.56.

4. No expulsion or exclusion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent or guardian.

5. The student and parent or guardian shall be provided written notice of the District's intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and their parent or guardian personally or by mail, and shall contain a complete statement of the facts; a list of the witnesses and a description of their testimony; state the date, time and place of hearing; be accompanied by a copy of the Pupil Fair Dismissal Act, Minnesota Statutes, sections 121A.40-121A.56; describe the non-exclusionary disciplinary practices accorded the student in an attempt to avoid the expulsion proceedings; and inform the student and parent or guardian of their right to: (1) have a representative of the student's own choosing, including legal counsel at the hearing; (2) examine the student's records before the hearing; (3) present evidence; and (4) confront and cross- examine witnesses. The District must advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Minnesota Department of Education (MDE) and is posted on its website.

6. The hearing shall be scheduled within ten (10) days of the service of the written notice unless an extension, not to exceed five (5) days, is requested for good cause by the District, student, parent or guardian.

7. All hearings shall be held at a time and place reasonably convenient to the student, parent or guardian and shall be closed,

unless the student, parent or guardian requests an open hearing.

8. The District shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense.

9. The student shall have a right to a representative of the student's own choosing, including legal counsel, at the student's sole expense. The District shall advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from MDE. The School Board may appoint an attorney to represent the District in any proceeding.

10. If the student designates a representative other than the parent or guardian, the representative must have a written authorization from the student and the parent or guardian providing them with access to and/or copies of the student's records.

11. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by the District. The hearing shall be conducted in a fair and impartial manner. Testimony shall be given under oath and the hearing officer shall have the power to issue subpoenas and administer oaths.

12. At a reasonable time prior to the hearing, the student, parent or guardian, or authorized representative shall be given access to all District records pertaining to the student, including any tests or reports upon which the proposed dismissal action may be based.

13. The student, parent or guardian, or authorized representative, shall have the right to compel the presence of any staff or agent or any other person who may have evidence upon which the proposed dismissal action may be based, and to confront and cross-examine any witnesses testifying for the District.

14. The student, parent or guardian, or authorized representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.

15. The student cannot be compelled to testify in the dismissal proceedings.

16. The hearing officer shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to the school board and served upon the parties within two (2) days after the close of the hearing.

17. The School Board shall base its decision upon the findings and recommendation of the hearing officer and shall render its

decision at a meeting held within five (5) days after receiving the findings and recommendation. The School Board may provide the parties with the opportunity to present exceptions and comments to the hearing officer's findings and recommendation provided that neither party presents any evidence not admitted at the hearing. The decision by the School Board must be based on the record, must be in writing, and must state the controlling facts on which the decision is made in sufficient detail to apprise the parties and the Commissioner of Education (Commissioner) of the basis and reason for the decision.

18. A party to an expulsion or exclusion decision made by the School Board may appeal the decision to the Commissioner within twenty-one (21) calendar days of School Board action pursuant to Minnesota Statutes, section 121A.49. The decision of the School Board shall be implemented during the appeal to the Commissioner.

19. The District shall report any suspension, expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.

20. The District must report, through the MDE electronic reporting system, each expulsion or exclusion within thirty (30) days of the effective date of the action to the Commissioner. This report must include a statement of alternative educational services given the student and the reason for, the effective date, and the duration of the exclusion or expulsion. The report must also include the student's age, grade, gender, race, and special education status. The dismissal report must include state student identification numbers of affected students.

21. Whenever a student fails to return to school within ten (10) school days of the termination of dismissal, a school administrator shall inform the student and their parent or guardian by mail of the student's right to attend and to be reinstated in the District.

IV. ADMISSION OR READMISSION PLAN

An administrator must prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. The plan must include measures to improve the student's behavior, which may include completing a character education program consistent with Minnesota Statutes, section 120B.232, subdivision 1, social and emotional learning, counseling, social work services, mental health services, referrals for special education or 504 evaluation, and evidence-based academic interventions. The plan must include reasonable attempts to obtain parent/guardian involvement in the admission or readmission process, and may indicate the consequences to the student of not improving the student's behavior. The readmission plan must not obligate parents/guardians to provide a sympathomimetic medication for their child as a condition of readmission.

X. NOTIFICATION OF POLICY VIOLATIONS

Notification of any violation of this policy and resulting disciplinary action shall be as provided herein, or as otherwise provided by the Pupil Fair Dismissal Act or other applicable law. The teacher, principal or other school district official may provide additional notification as deemed appropriate.

In addition, the District must report, through the MDE electronic reporting system, each exclusion or expulsion, physical assault of a District employee by a student, and each student withdrawal agreement within thirty (30) days of the effective date of the dismissal action, pupil withdrawal, or assault to the MDE Commissioner. This report must include a statement of the non-exclusionary discipline practices or other sanction, intervention, or resolution given to the student in response to the assault and the reason for, the effective date, and the duration of the exclusion or expulsion or other sanction, intervention, or resolution. The report must also include the student's age, grade, gender, race, and special education status.

XI. STUDENT DISCIPLINE RECORDS

It is the Policy of the District that complete and accurate student discipline records be maintained. The collection, dissemination, and maintenance of student discipline records shall be consistent with applicable school district policies and federal and state law, including the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13.

XII. STUDENTS WITH DISABILITIES

Students who are currently identified as eligible under the IDEA or Section 504 will be subject to the provisions of this policy, unless the student's IEP or 504 plan specifies a necessary modification.

Before initiating an expulsion or exclusion of a student with a disability, relevant members of the child's IEP team and the child's parent/guardian shall, consistent with federal law, conduct a manifestation determination and determine whether the child's behavior was (i) caused by or had a direct and

substantial relationship to the child's disability and (ii) whether the child's conduct was a direct result of a failure to implement the child's IEP. If the student's educational program is appropriate and the behavior is not a manifestation of the student's disability, the District will proceed with discipline – up to and including expulsion – as if the student did not have a disability, unless the student's educational program provides otherwise. If the team determines that the behavior subject to discipline is a manifestation of the student's disability, the team shall conduct a functional behavioral assessment and implement a behavioral intervention plan for such student provided that the District had not conducted such assessment prior to the manifestation determination before the behavior that resulted in a change of placement. Where a behavioral intervention plan previously has been developed, the team will review the behavioral intervention plan and modify it as necessary to address the behavior.

A. When a student who has an IEP is excluded or expelled for misbehavior that is not a manifestation of the student's disability, the District shall continue to provide special education and related services during the period of expulsion or exclusion.

B. Involvement of Law Enforcement Officers and Crisis Teams: Law enforcement officers may not be used to perform educational interventions, including regulated procedures, either on an emergency basis or in accordance with an IEP. Law enforcement officers shall not be involved in an educational decision to remove a student from school as a disciplinary consequence.

Staff may report a crime suspected to have been committed by a child with a disability to law enforcement and law enforcement will be allowed to exercise its responsibilities to respond to reports of criminal conduct, including the removal of a student from school grounds in appropriate circumstances. Staff shall neither request nor interfere with a law enforcement decision to remove a student from school for law enforcement purposes; however, reasonable efforts will be made to inform a student's parent or guardian of the involvement of law enforcement.

Staff may contact a county crisis team for support in an emergency mental health situation for an eligible student, when stated in the student's IEP or if requested by a parent/guardian. The school will not utilize a county crisis team as a method of removing a student from school grounds for discipline.

XIII. OPEN ENROLLED STUDENTS

The District may terminate the enrollment of a nonresident student enrolled under an Enrollment Option Program (Minnesota Statutes, section 124D.03) or Enrollment in Nonresident District (Minnesota Statutes, section 124D.08) at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy (Minnesota Statutes, chapter 260A), and the student's case has been referred to juvenile court. The

District may also terminate the enrollment of a nonresident student over the age of seventeen (17) enrolled under an Enrollment Options Program if the student is absent without lawful excuse for one or more periods on fifteen (15) school days and has not lawfully withdrawn from school.

XIV. DISCIPLINE COMPLAINT PROCEDURE

Students, parents and other guardians, and school staff may file a complaint and seek corrective action when the requirements of the Minnesota Pupil Fair Dismissal Act, including the implementation of the local behavior and discipline policies, are not being implemented appropriately or are being discriminately applied.

The Discipline Complaint Procedure must, at a minimum:

1. provide procedures for communicating this policy including the ability for a parent to appeal a decision under Minnesota Statutes, section 121A.49 that contains explicit instructions for filing the complaint;

2. provide an opportunity for involved parties to submit additional information related to the complaint;

3. provide a procedure to begin to investigate complaints within three school days of receipt, and identify personnel who will manage the investigation and any resulting record and are responsible for keeping and regulating access to any record;

4. provide procedures for issuing a written determination to the complainant that addresses each allegation and contains findings and conclusions;

5. if the investigation finds the requirements of Minnesota Statutes, sections 121A.40 to 121A.61, including any local policies that were not implemented appropriately, contain procedures that require a corrective action plan to correct a student's record and provide relevant staff with training, coaching, or other accountability practices to ensure appropriate compliance with policies in the future; and

6. prohibit reprisals or retaliation against any person who asserts, alleges, or reports a complaint, and provide procedures for applying appropriate consequences for a person who engages in reprisal or retaliation.

XV. DISTRIBUTION OF POLICY

The District will notify students and parents/guardians of the existence and contents of this policy in such a manner, as it deems appropriate. Copies of this discipline Policy shall be made available to all students and parents/guardians at the commencement of each school year and to all new students and parents/guardians upon enrollment. This Policy shall also be available upon request in each principal’s office.

XVI. REVIEW OF POLICY

The principal and representatives of parents/guardians, students and staff in each school building shall confer at least annually to review this discipline Policy, determine if the Policy is working as intended, and to assess whether the discipline Policy has been enforced. Any recommended changes shall be submitted to the Assistant Superintendent for consideration by the School Board, which shall conduct an annual review of this Policy.