

# 506 DISTRICT-WIDE STUDENT DISCIPLINE

## I. PURPOSE

The purpose of this policy is to ensure that students are aware of and comply with the school district's expectations for student conduct. Such compliance will enhance the school district's ability to maintain discipline and ensure that there is no interference with the educational process. The school district will take appropriate disciplinary action when students fail to adhere to the Code of Student Conduct established by this policy.

## 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.

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. Overall decorum 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. The position of the school district is that a fair and equitable district-wide student discipline policy 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, Minn. Stat. §§ 121A.40-121A.56.

In view of the foregoing and in accordance with Minn. Stat. § 121A.55, the school board, with the participation of school district administrators, teachers, employees, students, parents, community members and such other individuals and organizations as appropriate, has developed this policy which governs student conduct and applies to all students of the school district.

## III. AREAS OF RESPONSIBILITY

### A. The School Board

The school board holds all school personnel responsible for the maintenance of order within the school district and supports all personnel acting within the framework of this discipline policy.

B. Superintendent

The superintendent shall establish guidelines and directives to carry out this policy, hold all school personnel, students and parents responsible for conforming to this policy and support all school personnel 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. Any guidelines or directives established to implement this policy shall be submitted to the school board for approval and shall be attached as an addendum to this policy.

C. Principal

The school principal is given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy, subject to final school board approval. The principal shall give direction and support to all school personnel performing their duties within the framework of this policy. The principal shall consult with parents of students conducting themselves in a manner contrary to the policy. The principal shall also involve other professional employees in the disposition of behavior referrals and shall make use of those agencies appropriate for assisting students and parents. A principal, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to 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 correct or restrain a student or prevent bodily harm or death to another.

E. Other School District Personnel

All school district personnel 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. A school employee, school bus driver or other agent of a school district, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student or prevent bodily harm or death to another.

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.

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.

**IV. STUDENT RIGHTS**

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

**V. STUDENT RESPONSIBILITIES**

All students have the responsibility:

- A. For their behavior and for knowing and obeying all school rules, regulations, policies and procedures;
- 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 school 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 school 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.

## **VI. CODE OF CONDUCT**

The School District community will operate under an established code of conduct. Through open and effective communication, this set of guiding principles will promote excellence in a safe learning and teaching environment.

Students, staff, parents and community members will dedicate themselves to the following standards:

### **Respect** –

Be considerate of self, others, their beliefs and property.

### **Honesty** –

Be truthful.

### **Kindness** –

Be caring, friendly and helpful.

### **Responsibility** –

Be dependable and accountable.

### **Fairness** –

Be committed to the just treatment of others.

## **VII. CODE OF STUDENT CONDUCT**

- A. The following are examples of unacceptable behavior subject to disciplinary action by the school 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 policy. 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 school district purposes; the area of entrance or departure from school premises or events and all school-related functions, school-sponsored activities, events or trips. School 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 school 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 school district or the safety or welfare of the student, other students or employees.

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. Violation of the school district's Hazing Prohibition Policy;
5. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes or leaving school grounds without permission;
6. Violation of the school district's Student Attendance Policy;
7. Opposition to authority using physical force or violence;
8. Using, possessing or distributing tobacco, tobacco-related devices, electronic cigarettes, vaping devices or tobacco paraphernalia in violation of the school district's Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices and Electronic Delivery Devices Policy;
9. Using, possessing, distributing, intending 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;
10. 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);
11. Using, possessing or distributing items or articles that are illegal or harmful to persons or property including, but not limited to, drug paraphernalia;
12. Using, possessing or distributing weapons or look-alike weapons or other dangerous objects;
13. Violation of the school district's Weapons Policy;

14. Violation of the school district's Violence Prevention Policy;
15. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;
16. 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;
17. 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;
18. Using an ignition device, including a 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;
19. Violation of any local, state or federal law as appropriate;
20. Acts disruptive of the educational process, including, but not limited to, disobedience, disruptive or disrespectful behavior, defiance of authority, cheating, insolence, insubordination, failure to identify oneself, improper activation of fire alarms or bomb threats;
21. Violation of the school district's Internet Acceptable Use and Safety Policy;
22. Possession of nuisance devices or objects which cause distractions and may facilitate cheating, including, but not limited to, pagers, radios and phones, including picture phones;
23. Violation of school bus or transportation rules or the school district's Student Transportation Safety Policy;
24. 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;
25. Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker;
26. Violation of the school district's Search of Student Lockers, Desks, Personal Possessions and Student's Person Policy;
27. Violation of the school district's Student Use and Parking of Motor Vehicles; Patrols, Inspections and Searches Policy;
28. Possession or distribution of slanderous, libelous or pornographic materials;
29. Violation of the school district's Bullying Prohibition Policy;

30. 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;
31. Criminal activity;
32. Falsification of any records, documents, notes or signatures;
33. Tampering with, changing or altering records or documents of the school district by any method including, but not limited to, computer access or other electronic means;
34. Scholastic dishonesty which includes, but is not limited to, cheating on a school assignment or test, plagiarism or collusion, including the use of picture phones or other technology to accomplish this end;
35. Impertinent or disrespectful words, symbols, acronyms or language, whether written or oral, related to teachers or other school district personnel;
36. Violation of the school district's Harassment and Violence Policy;
37. 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 school district personnel or other persons;
38. Committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;
39. 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;
40. Verbal assaults or verbally abusive behavior, including, but not limited to, use of words, symbols, acronyms or language, whether written or oral, that are discriminatory, abusive, obscene, threatening, intimidating, degrading to other people or threatening to school property;
41. Physical or verbal threats, including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;

42. Inappropriate, abusive, threatening or demeaning actions based on race, color, creed, religion, sex, marital status, status with regard to public assistance, disability, national origin or sexual orientation;
43. Violation of the school district's Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees Policy;
44. Violation of the school district's one-to-one device rules and regulations;
45. Violation of school rules, regulations, policies or procedures, including, but not limited to, those policies specifically enumerated in this policy;
46. Other acts, as determined by the school district, which are disruptive of the educational process or dangerous or detrimental to the student or other students, school district personnel 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 obstructs the mission or operations of the school district or the safety or welfare of students or employees.

## **VIII. DISCIPLINARY ACTION OPTIONS**

The general policy of the school district is 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 school district. At a minimum, violation of school district rules, regulations, policies or procedures will result in discussion of the violation and a verbal warning. The school 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 school district. Disciplinary action may include, but is not limited to, one or more of the following:

- A. Student conference with teacher, principal, counselor or other school district personnel, and verbal warning;
- B. Confiscation by school district personnel and/or by law enforcement of any item, article, object or thing, prohibited by or used in the violation of any school district policy, rule, regulation, procedure or state or federal law. If confiscated by the school district, the confiscated item, article, object or thing will be released only to the parent/guardian following the completion of any investigation or disciplinary action instituted or taken related to the violation.
- C. Parent contact;
- D. Parent conference;
- E. Removal from class;
- F. In-school suspension;

- 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 Action;
- Q. Preparation of an admission or readmission plan;
- R. Saturday school;
- S. Expulsion under the Pupil Fair Dismissal Act;
- T. Exclusion under the Pupil Fair Dismissal Act; and/or
- U. Other disciplinary action as deemed appropriate by the school district.

## **IX. REMOVAL OF STUDENTS FROM CLASS**

- A. The teacher of record shall have the general control and government of the classroom. Teachers 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. When such measures fail, or when the teacher determines it is otherwise appropriate based upon the student's conduct, the teacher shall have the authority to remove the student from class pursuant to the procedures established by this discipline policy. "Removal from class" and "removal" mean any actions taken by a teacher, principal or other school district employee 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.

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 school district employees, 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; or
4. Other conduct, which in the discretion of the teacher 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 teacher.

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

C. Procedure for Removal of a Student From a Class

1. When circumstances permit, student(s) shall be removed from class upon agreement of the appropriate teacher and principal after an informal conference with the pupil.
2. The removal from class may be imposed without an informal conference when it appears that the student will create an immediate and substantial danger to himself/herself or to persons or property. If a student is removed from class due to immediate and substantial danger to himself/herself and no conference has been held, the teacher will notify the office immediately to inform the principal of the action taken.
3. The length of time of the removal from class shall be at the discretion of the principal after consultation with the teacher, subject to the provisions of Minn. Stat. § 127.41, Subd. 3(e) and the Pupil Fair Dismissal Act.
4. A written disciplinary report shall be submitted by the teacher or district employee within 24 hours of the removal of any student from his/her class.

D. Responsibility for and Custody of a Student Removed from Class

1. Students removed from class shall be the responsibility of the principal or his/her lawful designee.
2. Students removed from class must report directly to the principal's office or designated area and inform the office employees of his/her arrival. Prior to the student's removal, the teacher or district employee will inform the office of the student's removal, the reason for the removal and the time of removal.
3. The teacher will determine if the student requires a school employee to accompany him/her to the office, and if so, make the necessary arrangements.

E. Procedures for Return of a Student to a Class from Which the Student was Removed

1. The student may return to class after a conference with the appropriate administrator, teacher, school personnel and/or parent(s)/guardian(s). At the time of this conference, a plan of action will be established.
2. Students removed from class will be required to examine and take measures to correct the behavior.
3. The principal or designee will complete the appropriate follow-up disciplinary consequences and school documentation with the student.
4. The principal or designee readmits the student pursuant to the readmission plan.

F. Procedures for Notification

1. The principal or designee determines the necessity of parent/guardian notification resulting from the student being removed from class. The notice of suspension form will be used to communicate related information in writing when out of school suspension is deemed appropriate (see Appendix B).
2. The principal or designee will work with the teacher to notify the student of the violation of the discipline rules and resulting disciplinary action.

G. Disabled Student; Special Provisions

When a student with special needs is removed from a classroom, the teacher will adhere to any special provisions in that student's Individual Education Plan (IEP).

H. Procedures for Detecting and Addressing Chemical Abuse Problems of Students while on School Premises

1. The district has established a chemical abuse pre-assessment team pursuant to Minn. Stat. §121A.26; and

2. The district has established teacher reporting procedures to the chair of the chemical abuse pre-assessment team.

I. Multi-Tiered System of Support

When deemed necessary, the Multi-Tiered System of Support (MTSS) framework will be used to develop:

1. Procedures for immediate and appropriate interventions tied to violations of the Code of Student Conduct;
2. Any procedures determined appropriate for encouraging early involvement of parents or guardians in attempts to improve a student's behavior; and/or
3. Any procedures determined appropriate for encouraging early detection of behavioral problems.

**X. 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.

The school 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 school district shall not dismiss any student without attempting to provide alternative educational services before dismissal proceedings, except where it appears that the student will create an immediate and substantial danger to self or surrounding persons or property.

- 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;
  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 school district employees, or property of the school.
- C. Suspension Procedures

1. “Suspension” means an action by the school administration, under rules promulgated by the School Board, prohibiting a student from attending school for a period of time 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 superintendent with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) school day or less where a student with a disability does not receive regular or special education instruction during that dismissal period.
2. If a student’s total days of removal from school exceed ten (10) cumulative days in a school year, the school 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 student’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.
3. 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. School 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 school 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 school district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of fifteen (15) days.
4. 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 (6<sup>th</sup>) consecutive day of suspension or the tenth (10<sup>th</sup>) cumulative day of suspension has elapsed.

5. The school administration shall implement alternative educational services when the suspension exceeds five (5) 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, homebound instruction, supervised homework or enrollment in another district or in an alternative learning center under Minn. Stat. § 123A.05 selected to allow the student to progress toward meeting graduation standards under Minn. Stat. § 120B.02, although in a different setting.
6. The school 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, a school 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.
7. After school 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 attend school on Saturday as supervised by the principal or the principal's designee; and
  - c. Petition the juvenile court that the student is in need of services under Minn. Stat. Ch. 260C.
8. 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, Minn. Stat. §§ 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. (See Appendix B)
9. The school administration shall make reasonable efforts to notify the student's parent or guardian of the suspension by telephone as soon as possible following suspension.
10. 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 forty-eight (48) hours of the suspension. Service by mail shall be complete upon mailing.

11. 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) days.

D. 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, Minn. Stat. §§ 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 school district's intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and his or her 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, Minn. Stat. §§ 121A.40-121A.56; describe alternative educational services 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 school 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 the Minnesota Department of Education (MDE).
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 school 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 school 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 school 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 school 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 school 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 school 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 school district employee 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 school 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 Minn. Stat. § 121A.49. The decision of the school board shall be implemented during the appeal to the Commissioner.
19. The school 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 school 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 his/her parent or guardian by mail of the student's right to attend and to be reinstated in the school district.

## **XI. ADMISSION OR READMISSION PLAN**

A school administrator shall prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. The plan may include measures to improve the student's behavior, including completing a character education program consistent with Minn. Stat. § 120B.232, Subd. 1, and require parental 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 to provide a sympathomimetic medication for their child as a condition of readmission.

## **XII. 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 school district must report, through the MDE electronic reporting system, each physical assault of a school district employee by a student within thirty (30) days of the assault. This report must include a statement of the alternative educational services 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.

### **XIII. STUDENT DISCIPLINE RECORDS**

The policy of the school district is 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, Minn. Stat. Ch. 13.

### **XIV. 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 parents 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 school 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 school 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.

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

### **XV. OPEN ENROLLED STUDENTS**

The school district may terminate the enrollment of a nonresident student enrolled under an Enrollment Options Program (Minn. Stat. § 124D.03) or Enrollment in Nonresident District (Minn. Stat. § 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 (Minn. Stat. Ch. 260A) and the student's case has been referred to juvenile court. The school 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.

## **XVI. DISTRIBUTION OF POLICY**

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

## **XVII. REVIEW OF POLICY**

The principal and representatives of parents, 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 superintendent or designee for consideration by the school board, which shall conduct an annual review of this policy.

### **Legal References:**

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 120B.02 (Educational Expectations for Minnesota Students)  
Minn. Stat. § 120B.232 (Character Development Education)  
Minn. Stat. § 121A.26 (School Preassessment Teams)  
Minn. Stat. § 121A.29 (Reporting; Chemical Abuse)  
Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.575 (Alternatives to Pupil Suspension)  
Minn. Stat. § 121A.582 (Reasonable Force)  
Minn. Stat. § 121A.60-121A.61 (Removal from Class)  
Minn. Stat. § 122A.42 (General Control of Schools)  
Minn. Stat. § 123A.05 (Area Learning Center Organization)  
Minn. Stat. § 124D.03 (Enrollment Options Program)  
Minn. Stat. § 124D.08 (Enrollment in Nonresident District)  
Minn. Stat. Ch. 125A (Students with Disabilities)  
Minn. Stat. § 152.22 (Medical Cannabis; Definitions)  
Minn. Stat. § 152.23 (Medical Cannabis; Limitations)  
Minn. Stat. Ch. 260A (Truancy)  
Minn. Stat. Ch. 260C (Juvenile Court Act)  
20 U.S.C. §§ 1400-1487 (Individuals with Disabilities Education Improvement Act of 2004)  
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)

34 C.F.R. § 300.530(e)(1) (Manifestation Determination)

**Cross References:**

Policy 413 (Harassment and Violence)

Policy 419 (Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices and Electronic Delivery Devices)

Policy 501 (School Weapons)

Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)

Policy 503 (Student Attendance)

Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)

Policy 514 (Bullying Prohibition Policy)

Policy 524/453 (Internet Acceptable Use and Safety Policy)

MSBA/MASA Model Policy 525 (Violence Prevention)

Policy 526 (Student Hazing Prohibition)

Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)

Policy 538 (Field Trips)

Policy 733 (Student Transportation Safety Policy)

Policy 735 (Video Recording on School Buses)

Policy 736 (Video Surveillance Other Than on Buses)

Policy Adopted: 8/8/84

Revised: 5/16/11, 4/20/15, 7/16/18, 8/19/19, 9/28/20, 8/16/21, 6/20/22

Alexandria Public Schools - No. 206

Alexandria, Minnesota

**APPENDIX A**

DISCIPLINARY GUIDELINES

Discipline should not be confused with punishment. The goal of discipline is to foster self-disciplined individuals, with mature attitudes and socially acceptable standards of conduct.

Disciplinary policies within the schools shall be enforced within the general guidelines as set forth below. These guidelines describe clearly the various actions which may be taken for violations of the law and the school district standards of discipline.

The MAXIMUM actions are expulsion and exclusion.

The listing of potential actions does not imply or require that a “step-by-step” progression of increasing severity be employed by an administrator or staff member in dealing with a violation. However, there shall be a logical relationship between the severity of the offense and the disciplinary action.

The format of this section is to list the potential action for each violation. The following represent the majority of violations that occur in the schools.

\*\*\*\*\*

<u>1. VIOLATIONS AGAINST SCHOOL ADMINISTRATIVE PROCEDURES</u>	<u>POTENTIAL DISCIPLINARY ACTION</u>
A. <u>Truancy</u>	Detention, suspension, student parent/guardian conference, notification of county attorney.
B. <u>Chronic and Unexcused Tardiness</u>	Detention, suspension, student parent/guardian conference.
C. <u>Leaving School Grounds</u> Leaving school grounds during school hours without proper clearance.	Detention, suspension, student parent/guardian conference upon return.
D. <u>Disobedience</u> Refusal to follow published school rules and regulations.	Detention, suspension, student parent/guardian conference.
E. <u>Defiance of Authority</u> Willful refusal to follow a legal direction/order given by a staff member.	Detention, suspension, student parent/guardian conference.
F. <u>Disruptive Behavior</u> Actions which interfere with effective operation of the school.	Detention, suspension, student parent/guardian conference.
<u>2. VIOLATIONS AGAINST PROPERTY</u>	<u>POTENTIAL DISCIPLINARY ACTION</u>
A. <u>Damage of School Property</u> Any student who willfully cuts, defaces or otherwise injures in any way any property, real or personal, belonging to the school district is liable to suspension or expulsion.	Student parent/guardian conference, suspension or expulsion. The student and the parent/guardian shall be liable for all damages so caused by their child.
B. <u>Damage to Property of Staff Members and Others</u>	Detention, suspension, student parent/guardian conference, police notification.

C.	<u>Theft</u> The unauthorized taking of the property of another.	Detentions, suspension, student parent/guardian conference and notification of police.
D.	<u>Robbery/Extortion</u> The obtaining of property from another where his/her consent was induced by a use of force or a threat of force.	Immediate notification of police, student parent/guardian conference, suspension.
E.	<u>Unauthorized Use of School Property</u> The unauthorized/illegal use of school property for non-school sponsored activities.	Detention, suspension, student parent/guardian conference and notification of police.
3.	<u>VIOLATIONS AGAINST PERSONS/SELF</u>	<u>POTENTIAL DISCIPLINARY ACTION</u>
A.	<u>Possession of a Dangerous Weapon</u> 1. Firearms	Confiscation of the firearm (if it can be done safely), immediate notification of police, notification of parent/guardian, initial suspension for five to ten (5-10) days. All students in possession of a firearm must be expelled from school or placed in an alternative program for at least one year (Gun Free Schools Act, 1994). The superintendent, under appropriate circumstances, may impose a lesser penalty.
	2. Weapons other than Firearms	Confiscation of the weapon (if it can be done safely), police notification, notification of parent/guardian, up to ten day suspension from school, recommendation to superintendent for expulsion.
B.	<u>Assault</u> “Assault” is doing an act with intent to cause fear in another of immediate bodily harm or death or intentionally inflicting or attempting to inflict bodily harm upon another. Assault is non-mutual.	Immediate notification of police who will investigate, parent conference, suspension: Students may be suspended from school for one to ten (1-10) days.
C.	<u>Aggravated Assault</u> “Aggravated Assault” is committing an assault upon the person of another with a dangerous weapon or an assault which inflicts great bodily harm upon the person of another.	Confiscation of the weapon, immediate notification of police and student parent/guardian conference, initial five to ten (5-10) day suspension and recommendation to the superintendent for expulsion.
D.	<u>Fighting</u> “Fighting” shall be characterized by a violent aggressive behavior by two or more individuals with the intent of inflicting physical harm upon one another and differentiated from “poking, pushing, shoving or scuffling.”	Student parent/guardian conference, suspension: Students may be suspended from school for one to ten (1-10) days, police notification.
E.	<u>Harassment</u> Harassment is an act designed to persistently torment or irritate another by committing any of the following:	Notification of Human Rights Officer for religious, racial and sexual harassment, student conference, detention, suspension with parent/guardian conference upon return. Recommendation to superintendent

for exclusion or expulsion.

1. Directly or indirectly manifesting a purpose or intent to injure, degrade or disgrace the person, property or rights of another by the commission of an unlawful act;

2. Repeatedly making telephone calls, or induces a victim to make telephone calls to the perpetrator, whether or not conversation ensues;

3. Making or causing the telephone of another repeatedly or continuously to ring;

4. Repeatedly using the mail or E-mail or delivers or causes the delivery of letters, telegrams or packages or other objects; or

5. Engaging in any other harassing conduct that interferes with another person or intrudes on the person's privacy or liberty.

F. Bullying, including cyberbullying (Policy 514)  
Bullying means intimidating, threatening, abusive or harming conduct that is objectively offensive and:

Student conference, detention, suspension with parent/guardian conference upon return. Recommendation to superintendent for exclusion or expulsion.

1. An actual or perceived imbalance of power exists between the student engaging in the prohibited conduct and the target of the prohibited conduct, and the conduct is repeated or forms a pattern; or

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

G. Interference/Obstruction  
Any action taken to attempt to prevent a staff member from exercising his/her lawfully assigned duties, including withholding information pertinent to solving an investigation. Any action of video-taping a disciplinary event which is determined to be obstructive or in violation of data privacy guidelines.

Detention, suspension, with student parent/guardian conference upon return.

H. Non-physical Assault  
Assaults which are abusive, threatening, profane or obscene whether oral, visual or written, toward a staff member or another student. This includes, but is not limited to, conduct which degrades people because of their race, sex, religion, ethnic background, physical or mental handicaps.

Notification of police, student parent/guardian conference, detention, suspension, expulsion. Notification of Human Rights Officer for religious, racial or sexual assault.

<p>I. <u>Self-Mutilation</u> Causing oneself injury or to bleed through cutting, scratching, hair pulling or similar self-destructive measures.</p>	<p>Notification of parents. Notification of police. Referral to Mental Health.</p>
<p>4. <u>DANGEROUS, HARMFUL AND NUISANCE SUBSTANCES</u></p>	<p><u>POTENTIAL DISCIPLINARY ACTION</u></p>
<p>A. <u>Alcohol</u> Possession, use or being under the influence of any alcoholic product while on school grounds or at school sponsored activities.</p>	<p>Confiscation, immediate notification of police, suspension, referral for chemical intervention support. Referral for assessment and alcohol testing. MSHSL suspension, if applicable.</p>
<p>B. <u>Tobacco</u> Possession or use of any type of tobacco product, including e-cigarettes by a student or use by one while on school grounds or at school sponsored activities.</p>	<p>Confiscation, student conference, detention, parent/guardian notification, suspension, notification of police. MSHSL suspension, if applicable.</p>
<p>C. <u>Dangerous, Harmful and Nuisance Substances</u> Possession, sale or pre-sale, distribution or use on or off the school premises of any controlled or look-alike substances as defined in Minn. Statute 152.02 or drug paraphernalia. These prohibitions include medical marijuana or medical cannabis, even when prescribed by a physician, and one student sharing prescription medication with another student.</p>	<p>Confiscation, immediate notification of police, suspension, referral for chemical intervention support. Referral for assessment and drug testing. MSHSL suspension, if applicable. Possible exclusion or expulsion.</p>
<p>5. <u>BUS DISCIPLINE</u></p>	<p><u>POTENTIAL DISCIPLINARY ACTION</u></p>
<p>A. <u>Inappropriate Behavior on School Bus</u> Bus drivers are responsible for the orderly conduct of students while they are on the school bus.</p>	<p>Detention, suspension with student parent/guardian conference or written report sent to parents/guardian.</p>
<p>B. <u>Repeated Inappropriate Behavior on School Bus</u></p>	<p>Denial of transportation on school bus.</p>
<p>6. <u>OTHER VIOLATIONS</u></p>	<p><u>POTENTIAL DISCIPLINARY ACTION</u></p>
<p>A. <u>Gambling</u> The playing of a game of chance for stakes.</p>	<p>Student conference.</p>
<p>B. <u>Disorderly Conduct</u> Engaging in offensive, obscene or abusive language or in boisterous and noisy conduct tending to arouse alarm, anger or resentment in others or inappropriate displays of affection.</p>	<p>Detention, suspension, student parent/guardian conference, police notification.</p>
<p>C. <u>Record and Identification Falsification</u> 1. Falsifying signatures or data.  2. Refusal to give proper identification or giving false identification when requested to do so by a staff member.</p>	<p>Detention, with student parent/guardian conference.</p>
<p>D. <u>Unauthorized Distribution</u> Distribution or possession of literature on or</p>	<p>Detention, suspension, student parent/guardian conference.</p>

near school property of inflammatory, libelous, slanderous or otherwise unauthorized material.

- |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                           |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| E. | <u>Student Attire</u><br>Manner of dress or personal grooming which presents a clear danger to the student's health and safety, causes an interference with work or creates classroom or school disorder. Clothing which promotes alcohol, drugs, tobacco, gang affiliation, nudity or profanity is not allowed.                                                                                                                                                                                                                                                                                     | Detention, suspension, student conference, sent home to change with parent/guardian notification, parent/guardian brings clothes to school, confiscation. |
| F. | <u>Fires, False Fire Alarms and Dangerous Threats</u><br>1. Lighting matches, lighters, fireworks, smoke bombs, "works<br>open fires, bombs," etc. in any part of the school building (except for science & technology labs while under adult supervision) or on a school bus is prohibited. This includes any classroom demonstrations using fires or flammables.<br><br>2. Pulling any fire alarm station, in the absence of an actual fire.<br><br>3. Tampering with fire, health and safety equipment/devices.<br><br>4. Falsely reporting dangerous threats via phone, computer or other means. | Immediate notification of police, suspension, recommendation to the superintendent for expulsion.                                                         |
| G. | <u>Arson</u><br>The destruction or damage to any school building or property by means of fire or explosives.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Immediate notification of police, suspension, recommendation to the superintendent for expulsion.                                                         |
| H. | <u>Use of Personal Communication Devices</u><br>Using personal communication devices during the school day that have been restricted at the school level.                                                                                                                                                                                                                                                                                                                                                                                                                                            | Student conference, retention of the communication device based on school discipline policy or picked up by parent/guardian.                              |

Policy Adopted: 8/8/84

Revised: 6/20/05, 6/19/06, 6/20/07, 4/21/08, 5/16/11, 5/2012, 5/2013, 4/20/15, 7/16/18, 8/19/19, 9/28/20, 8/16/21, 6/20/22

Alexandria Public Schools - No. 206

Alexandria, Minnesota

APPENDIX B

*(Sample Form)*  
NOTICE OF SUSPENSION  
(Date)

(Name of Parent or Guardian)  
(Address)  
(City, State, Zip)

Dear (Parent or Guardian)

(Name of Student) has been suspended from (name of school) for (number of days) commencing on (date).

The grounds for suspension are:

Briefly, the facts that have been determined are:

The testimony received was:

An administrative conference to determine the above was conducted before

\_\_\_\_\_, at \_\_\_\_\_ on \_\_\_\_\_  
(Name of Administrator) (Time) (Date)

pursuant to Minn. Stat. §§ 121A.40-121A.56, a copy of which is enclosed.

The plan of readmission is:

Alternative educational services in the form of homework will be available to be picked up at the school after \_\_\_\_\_ [date].

While suspended, the student may not come on any school campus except with you for the purpose of discussing conduct.

If you have any questions, please call.

Sincerely,

\_\_\_\_\_  
Administrator

Enc: Minn. Stat. §§ 121A.40-121A.56