

506 STUDENT DISCIPLINE

I. PURPOSE

The purpose of this policy is to ensure that students are aware of and comply with the school's expectations for student conduct. Such compliance will enhance the school's ability to maintain discipline and ensure that there is no interference with the educational process. The school 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.

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 which creates 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 school that a fair and equitable school-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.40, the school board, with the participation of service providers, students, parents and 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.

III. AREAS OF RESPONSIBILITY

A. **The School Board:** The school board holds all staff members responsible for the maintenance of order within the school and supports all personnel acting within the framework of this discipline policy.

B. **Staff Members:** Staff shall be responsible for providing a well-planned teaching/learning environment and shall have primary responsibility for student conduct. Staff members shall enforce the Code of Student Conduct.

- C. **Parents or Legal Guardians:** Parents and guardians shall be responsible for the behavior of their children as determined by law and community practice. They are expected to cooperate with staff and to participate regarding the behavior of their children.
- D. **Students:** Students are individually responsible for their behavior and for knowing and obeying the Code of Student Conduct and this policy.
- E. **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 arrive on time at school each day and to 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;
- F. to assist the school staff in maintaining a safe school for all students;
- 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;
- 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 STUDENT CONDUCT

- A. The following are examples of unacceptable behavior subject to disciplinary action by the school. 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, school-sponsored activities or trips, school bus stops, school buses, school vehicles, school contracted vehicles or any other vehicles approved for school purposes, the area of entrance or departure from school premises or events, and all school-related functions. 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 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. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping school or classes, or leaving school grounds without permission;
 - 5. Violent opposition to authority;
 - 6. Using, possessing or distributing tobacco or tobacco paraphernalia;
 - 7. Using, possessing, distributing or being under the influence of alcohol or other intoxicating substances;
 - 8. Using, possessing, distributing or being under the influence of narcotics, drugs or other controlled substances, except as prescribed by a physician;
 - 9. Using, possessing or distributing items or articles that are illegal or harmful to persons or property including, but not limited to, drug paraphernalia;

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10. Using, possessing or distributing weapons or other dangerous objects;
11. Violation of the school Weapons Policy;
12. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;
13. Possession, use or distribution of explosives or any compound or mixture, the primary or common purpose or intended use of which is to function by explosion;
14. 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;
15. Violation of any local, state or federal law as appropriate;
16. 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;
17. Possession of nuisance devices or objects which cause distractions including, but not limited to pagers, radios and phones;
18. Violation of school bus or transportation rules or the school bus safety policy;
19. 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;
20. Violation of directives or guidelines relating to lockers and personal space;
21. Possession or distribution of slanderous, libelous or pornographic materials;
22. 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.
23. Criminal activity;
24. Falsification of any records, documents, notes or signatures;

25. Tampering with, changing, or altering records or documents of the school by any method including, but not limited to, computer access or other electronic means;
26. Impertinent or disrespectful language toward teachers or other school personnel;
27. Sexual abuse and/or harassment;
28. 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 students or staff;
29. Committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;
30. Violations against persons, including, but not limited to, assault or threatened assault, fighting, harassment, interference or obstruction, attack with a weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure;
31. Verbal assaults, or verbally abusive behavior, including, but not limited to, use of language that is discriminatory, abusive, obscene, threatening, intimidating or that degrades other people;
32. Physical or verbal threats, including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;
33. 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;
34. Disobedience or insubordination to staff;
35. Violation of school rules, regulations, policies or procedures;
36. Other acts, as determined by the school, which are disruptive of the educational process or dangerous or detrimental to students or staff 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 school or the safety or welfare of students or staff.
37. Students may not display in their Personal Space or in or around the school buildings, items which create a danger to health or safety or creates a disruption to the educational process, including but not limited to items which bear a message which is lewd, vulgar, or obscene, or items which promote products or activities that are illegal for use by minors, or containing objectionable emblems, signs, words, objects, or pictures communicating a message that is racist, sexist, or otherwise derogatory to any student or staff or protected minority group or which connotes gang membership or causes continual/ chronic harassment. If posted

items are objectionable, the student will be asked to remove the objectionable item or a staff member will remove the item and return it to the student.. Refusal to remove displayed materials may result in suspension.

- 38. Shoplifting.
- 39. Stealing from other students.

VII. DISCIPLINARY ACTION OPTIONS

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

- A. Student conference with staff member or staff team, and verbal warning;
- B. Parent contact;
- C. Parent conference;
- D. Removal from class;
- E. In-school suspension;
- F. Suspension from extracurricular activities;
- G. Restriction of privileges;
- H. Loss of school privileges;
- I. In-school monitoring or revised class schedule;
- J. Modified school programs;
- K. Referral to in-school support services;
- L. Referral to community resources or outside agency services;
- M. Financial restitution;

- N. Assignment to alternative program;
- O. Assignment to Area Learning Center;
- P. Transfer to another school;
- Q. Referral to police, other law enforcement agencies, or other appropriate authorities;
- R. Petition County Court for juvenile delinquency adjudication;
- S. Out-of-school suspension under the Pupil Fair Dismissal Act;
- T. Preparation of an admission or readmission plan;
- U. Expulsion under the Pupil Fair Dismissal Act;
- V. Exclusion under the Pupil Fair Dismissal Act;
- W. Other disciplinary action as deemed appropriate by the school.

VIII. 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 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 staff shall have the authority to remove the student from an activity pursuant to the procedures established by this discipline policy. "Removal from activity" and "removal" mean any actions taken by staff to prohibit a student from attending an 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 the following:

1. Willful conduct which materially and substantially disrupts the rights of others to an education;
2. Willful conduct which endangers 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; or
4. Other conduct, which in the discretion of staff, requires removal of the student from class.

Such removal shall be for at least one (1) activity period or day and shall not exceed five (5) such periods.

B. Procedures for Removal of a Student From a Class

1. A student shall receive a verbal warning, if the behavior should continue, the staff will conference with the student and outline the steps of a suspension.
2. Parents will be notified by telephone when possible of the suspension. A suspension form will be completed and mailed to the parents.

C. Responsibility For and Custody of a Student Removed From Class

1. A student removed from class will be in the supervision of a staff member until parents have been notified. Students will be expected to remain with a staff member until parents/guardians have been notified and arrangements made for the student to go home.
2. Transportation home will be provided by the parent/guardian or with the parent/guardian's approval.
3. The student will be expected to work on their personal learning plan while placed in suspension.

D. Procedures for Return of a Student to a Class From Which the Student Was Removed

1. Actions or approvals required such as notes, conferences, readmission plans.

E. Procedures for Notification

1. Specify procedures for notifying students and parents/guardians of violations of the rules of conduct and resulting disciplinary action;
2. Actions or approvals required, such as notes, conferences, readmission plans.

F. Disabled Students; Special Provisions

1. Procedures for consideration of whether there is a need for further assessment;

2. Procedures for consideration of whether there is a need for a review of the adequacy of the current Individual Education Plan (IEP) of a disabled student who is removed from class or disciplined; and
 3. Any procedures determined appropriate for referring students in need of special education services to those services.
- G. Procedures for Detecting and Addressing Chemical Abuse Problems of Students While on School Premises
1. The staff will comprise the chemical abuse preassessment team pursuant to Minn. Stat. § 126.034;
 2. Establishment of a school and community advisory team to address chemical abuse problems in the school pursuant to Minn. Stat. § 126.035; and
 3. Establishment of teacher reporting procedures to the chemical abuse preassessment team pursuant to Minn. Stat. § 126.037.
- H. Procedures for Immediate and Appropriate Interventions Tied to Violations of the Code of Student Conduct
- I. Any Procedures Determined Appropriate for Encouraging Early Involvement of Parents or Guardians in Attempts to Improve a Student's Behavior
- J. Any Procedures Determined Appropriate for Encouraging Early Detection of Behavioral Problems

IX. Dismissal

- A. "Dismissal" means the denial of the appropriate educational program to any student, including exclusion, expulsion and suspension. The school 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 shall not dismiss any student without attempting to provide alternative programs of education prior to dismissal proceedings, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property. Such programs may include special tutoring, modification of the curriculum for the student, placement in a special class or assistance from other agencies.

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 the following grounds:

1. willful violation of any reasonable school board regulation, including those found in this policy;
2. willful conduct which materially and substantially disrupts the rights of others to an education; and
3. willful conduct which endangers the student or other students or the property of the school.

C. Suspension Procedures

1. “Suspension” means an action taken by the school staff 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 staff shall provide the board chairperson with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) school day or less.
2. Each suspension action shall include a readmission plan. The plan shall include, where appropriate, a provision for alternative programs to be implemented upon readmission. Suspension may not be consecutively imposed 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 surrounding persons or property.
3. In no event shall suspension exceed fifteen (15) school days, provided that an alternative educational program shall be implemented to the extent that suspension exceeds five (5) days.
4. No suspension from school shall be imposed without an informal conference with the student, advisor, and student's parent or guardian, except where it appears the student will create an immediate and substantial danger to self or to surrounding persons or property.
5. 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. §§ 127.26 through 127.39, 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 certified mail within 48 hours of the conference. (See attached sample Notice of Suspension.)

6. In the event a student is suspended without an informal conference with the student, advisor, and student's parent or guardian, on the grounds that the student will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served either personally or by certified mail upon the student and the student's parent or guardian within 48 hours of the suspension. Service by certified mail shall be complete upon mailing.
7. Notwithstanding the foregoing provisions, the student may be suspended pending the school board's decision in an expulsion or exclusion proceeding, provided that an alternative educational program shall be implemented to the extent that suspension exceeds five (5) days.
8. The School Board reserves the right to review and evaluate student conduct cases on an individual basis to determine if the suspension record(s) will be recorded on a student's permanent record.

D. Expulsion and Exclusion Procedures

1. "Expulsion" means an action taken by the school board to prohibit an enrolled student from further attendance for a period that shall not extend beyond an amount of time equal to one school year from the date a 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 reenrollment 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 an in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. 121A.40 to 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's intent to initiate expulsion or exclusion proceedings.

This notice shall be served upon the student and his or her parent or guardian by certified 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 to 121A.56; describe alternative educational programs accorded to the student prior to commencement of the expulsion or exclusion proceedings; and inform the student and parent or guardian of their right to: (1) have legal counsel at the hearing; (2) examine the student's records before the hearing; (3) present evidence; and (4) confront and cross-examine witnesses.

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, 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 proceedings of the hearing shall be recorded and preserved at the expense of the school, pending ultimate disposition of the action.
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. If the student is financially unable to retain legal counsel, the school shall advise the student's parent or guardian of available legal assistance. The school board may appoint an attorney to represent the school 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 the student's records and allowing the representative to obtain copies thereof.
11. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by the school. Testimony shall be given under oath and the hearing officer shall have the power to issue subpoenas and administer oaths. The student cannot be compelled to testify in the dismissal proceedings.

12. At a reasonable time prior to the hearing, the student, parent or guardian, or authorized representative shall be given access to all school records pertaining to the student, including records 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 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.
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 hearing officer shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which will be made to the school board within two (2) days after the close of the hearing.
16. The decision by the school board shall be based upon the findings and recommendation of the hearing officer and shall be made at a special meeting within five (5) days after receipt of the findings and recommendation. The school board's decision shall be in writing and the controlling facts found upon which the decision is made shall be stated in sufficient detail to apprise the parties and the Commissioner of Education of the basis and reason for the decision.
17. Any expulsion or exclusion decision made by the school board may be appealed to the Commissioner of Education pursuant to the Pupil Fair Dismissal Act, Minn. Stat. 121A.40 to 121A.56
18. The school shall report any expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.
19. The school shall report each expulsion or exclusion within thirty (30) days of the effective date of the action to the Commission of Education. This report shall include a statement of alternative programs of education accorded to the student prior to the commencement of the expulsion or exclusion proceedings.
20. Whenever a student fails to return to school within ten (10) school days of the termination of dismissal, the student and his/her parent

or guardian shall be informed by certified mail of the student's right to attend and to be reinstated in the school.

21. The School Board reserves the right to review and evaluate student conduct cases on an individual basis to determine if the exclusion or expulsion will be recorded on a student's permanent record.

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 school staff official may provide additional notification as deemed appropriate.

XI. STUDENT DISCIPLINE RECORDS

It is the policy of the school that complete and accurate student discipline records be maintained. The collection, dissemination, and maintenance, and of student discipline records shall be consistent with applicable school policies and federal and state law, including the Minnesota Government Data Practices Act, Minn. Stat. Chapter 13.

XII. DISABLED STUDENTS

Students who are currently identified as disabled under IDEA or Section 504 will be subject to the provisions of this policy providing that their violations are not a direct result of their disabling condition unless an educational program has specified a necessary modification.

When a disabled student is removed from class, the staff team will review the educational plan and current assessment data. The team will determine if the placement was appropriate and recommend, if necessary, other methods of dealing with the behavior. The team may also make exceptions as necessary and appropriate based on the disabling conditions of the student involved. Such exceptions may be reflected in the student's educational plan.

For students with IEPs, a team meeting is required within five (5) school days of a suspension or prior to an expulsion or exclusion. If a student is placed on in-school suspension status according to school policy established for all students, for all or part of the day for two (2) or more consecutive days or three (3) times in one (1) month, a team meeting must be held. A student disabled under Section 504 but not under IDEA shall be entitled to such a meeting only pending expulsion, exclusion or suspension over ten (10) days. The team shall (a) determine whether the misconduct is related to the disabling condition; (b) review any assessments and determine the need for further assessment; and (c) review the adequacy of the current IEP and amend the goals and objectives or develop an alternative IEP program as appropriate. If it is determined that a student's misconduct

is related to the student’s disabling condition, the student may not be expelled or excluded, and an alternative program shall be sought.

When a student who has an IEP is excluded or expelled for misbehavior that is not a manifestation of the student’s disabling condition, the school shall provide special education and related services after a period of suspension, if suspension is imposed. The school shall initiate a review of the student’s individual education plan within ten (10) days of the commencement of an expulsion, exclusion, or a suspension of ten (10) days or more.

XIII. DISTRIBUTION OF POLICY

The school 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 to the board chairperson.

XIV. REVIEW OF POLICY

The 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 the board chairperson for consideration by the school board, which shall conduct an annual review of this policy.

Legal Reference: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. §§ 121A.40 to 121A.56 (Pupil Fair Dismissal Act of 1974)
Minn. Stat. §§ 121A.40 to 121A.56 (Removal from Class)
Goals 2000: Educate America Act, Pub.L.No. 103-227 (1994)
Minn. Stat. § 120.17 (Students with Disabilities)
29 U.S.C. § 794 et seq. (Section 504 of the Rehabilitation Act of 1973)