

## **506 - STUDENT DISCIPLINE**

### **I. PURPOSE**

The purpose of this policy is to ensure that students are aware of and comply with the education district's expectations for student conduct. Such compliance will enhance the education district's ability to maintain discipline and ensure that there is no interference with the educational process. The education 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 education district recognizes that individual responsibility and mutual respect are essential components of the educational process. The district 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 education 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 education district board, with the participation of the 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 student of the education district.

### **III. AREAS OF RESPONSIBILITY**

- A. **Governing Board:** The governing board holds all school personnel responsible for the maintenance of order within the education district and supports all personnel acting within the framework of this discipline policy.
- B. **Program/Building Administrator:** Administrators are given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy, subject to final governing board approval. Administrators shall give direction and support to all school personnel performing their duties within the framework of this policy. The program coordinator shall consult with parents/guardians of students conducting themselves in a manner contrary to the policy. Administrators 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/guardians. An administrator, in exercising the person's 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.
- C. **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.
- D. **Other Education District Personnel:** All education 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 executive director. A school employee, school bus driver, or other agent of the education district, in exercising the person's 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.
- E. **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.
- F. **Students:** All students shall be held individually responsible for their behavior and for knowing and obeying the Code of Student Conduct and this policy.

#### **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 education 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 STUDENT CONDUCT**

The following are examples of unacceptable behavior subject to disciplinary action by the education 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; school-sponsored activities or trips; school bus stops; school buses, school vehicles, school contracted vehicles, or any other vehicles approved for education district 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 education district or the safety or welfare of the student, other students, or employees.

- A. 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;
- B. The use of profanity or obscene language, or the possession of obscene materials;
- C. Gambling, including, but not limited to, playing a game of chance for stakes;
- D. Violations of the education district's Hazing Prohibition Policy;
- E. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission;
- F. Opposition to authority using physical force or violence;
- G. Using, possessing, or distributing tobacco or tobacco-related devices, electronic cigarettes, or tobacco paraphernalia in violation of the education district's Tobacco-Free Environment Policy;
- H. 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;
- I. 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 (these prohibitions include medical marijuana or medical cannabis, even when prescribed by a physician, and one student sharing prescription medications with another student);
- J. Using, possessing, or distributing items or articles that are illegal or harmful to persons or property including, but not limited to, drug paraphernalia;
- K. Using, possessing, or distributing weapons, or look-alike weapons or other dangerous objects;
- L. Violation of the education district Weapons Policy;
- M. Violation of the education district's Violence Prevention Policy;
- N. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;
- O. 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;
- P. 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;
- Q. 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;
- R. Violation of any local, state or federal law as appropriate;
- S. 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;

- T. Violation of the education district's Internet Acceptable use and Safety Policy;
- U. 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;
- V. Violation of school bus or transportation rules or the school bus safety policy;
- W. 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;
- X. Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker;
- Y. Possession or distribution of slanderous, libelous or pornographic materials;
- Z. Violation of the education district's Bullying Prohibition Policy;
- AA. 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;
- BB. Criminal activity;
- CC. Falsification of any records, documents, notes or signatures;
- DD. Tampering with, changing, or altering records or documents of the education district by any method including, but not limited to, computer access or other electronic means;
- EE. Scholastic dishonesty that 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;
- FF. Impertinent or disrespectful words, symbols, acronyms, or language, whether oral or written, related to teachers or other education district personnel;
- GG. Violation of the education district's Harassment and Violence Policy;
- HH. 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 education district personnel, or other persons;
- II. Committing an act that inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;
- JJ. 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;
- KK. Verbal assaults, or verbally abusive behavior, including, but not limited to, use of words, symbols, acronyms, or language, whether oral or written, that is discriminatory, abusive, obscene, threatening, intimidating, degrading to other people, or threatening to school property;
- LL. Physical or verbal threats including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;

- MM. 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;
- NN. Violation of education district's Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees Policy;
- OO. Violation of the education district's one-to-one device rules and regulations;
- PP. Violations of school rules, regulations, policies, or procedures, including, but not limited to, those policies specifically enumerated in this policy;
- QQ. Other acts, as determined by the education district, which are disruptive of the educational process or dangerous or detrimental to the student or other students, education 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 obstruct the mission or operations of the education district or the safety or welfare of students or employees.

## **VII. 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 building administrator. At a minimum, violation of education district rules, regulations, policies or procedures will result in discussion of the violation and a verbal warning. The building administrator 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 building administrator. Disciplinary action may include, but is not limited to, one or more of the following:

- A. Student conference with teacher, administrator, counselor or other education district personnel, and verbal warning;
- B. Confiscation by education district personnel and/or by law enforcement of any item, article, object, or thing, prohibited by, or used in the violation of, any education district policy, rule, regulation, procedure, or state or federal law. If confiscated by the education 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/Guardian contact;
- D. Parent/Guardian 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 school support services;
- L. Referral to community resources or outside agency services;
- M. Financial restitution;

- N. Referral to police, other law enforcement agencies, or other appropriate authorities;
- O. A request for a petition to be filed in district court for juvenile delinquency adjudication;
- P. Out-of-school suspension under the Pupil Fair Dismissal Act;
- Q. Preparation of an admission or readmission plan;
- R. Early Dismissal;
- 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 building administrator.

## **VIII. 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, administrator, or other education district employee to prohibit a student from attending a class or activity period for a period of time not to exceed one class or activity period, 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 education 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.
- B. If a student is removed from class more than ten (10) times in a school year, the education 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. Procedures for Removal of a Student From a Class
1. In the event that a student must be removed from class, the teacher will ask the student to quietly exit the room and make their way to one of three designated areas (Principal, Counselor, Focus Room). The teacher is responsible for that student until they arrive to the appropriate place. If the student will not cooperate, the Principal or Liaison Officer will be called to assist.
  2. A Discipline Incident Report will be filled out by the staff member and given to the Principal for review.
  3. The Principal will meet with the student to determine appropriate consequences and restitution.
- D. Responsibility for and Custody of a Student Removed From Class.
1. The student will go to the Principal's Office, Counselor's Office or the Focus Room;
  2. If student is calm and collected they may be asked to walk to the designated location with a phone call to ensure this happens;
  3. If a student is agitated, the staff member may walk with the student to the designated area;
  4. While the student is removed from class the teacher will bring work to the designated area for the removed student to complete;
  5. The Principal, Counselor or Focus Room worker will have responsibility of the student until a discipline conference is held to determine further action.
- E. Procedures for Return of a Student to a Class From Which the Student Was Removed.
1. Once the student has met with the Principal to discuss the classroom behavior issues, the teacher will be called to determine when the student may return to the classroom.
  2. The student will be expected to fill out their portion of the discipline incident report and verify that they will accept the consequences of their actions.
- F. Procedures for Notification
1. The Discipline Incident Report will be filled out by the teacher, principal and student while discussing the issue.
  2. This Report will be mailed home and placed in a file at the school. It will include all reports, notes and readmission plans.
- G. Disabled Students; Special Provisions.
1. If the action does not align with the stated goals of the IEP, a team meeting could be considered in order to determine the cause of such classroom behavior.

2. If the team believes there is a need to reevaluate the current IEP, a meeting will be called to determine the appropriate accommodations.
  3. If the team is concerned that a student is displaying behaviors that do not match the current IEP, a meeting will be called to determine the cause of such behaviors and how to best meet the needs of the student.
- H. Procedures for Detecting and Addressing Chemical Abuse Problems of Students While on School Premises
1. A Chemical Abuse Preassessment Team will be made up of the Principals, Counselors and Social Workers as pursuant to Minn. Stat. 121A.26
  2. When staff expects that a student is under the influence of a controlled substance, they will report their findings to a team member. This will allow a team member to complete a chemical assessment survey with the student. The assessment will be used to determine further action.
- I. Procedures for Immediate and Appropriate Interventions Tied to Violations of the Code of Student Conduct
1. Several levels of communication will occur to determine the underlying issue and why it is causing certain behavior problems for the student.
  2. As we reveal the root cause, we can intervene before the behavior problems arise and assist the student in recognizing how to control the negative behaviors.
- J. Procedures Determined Appropriate for Encouraging Early Involvement of Parents or Guardians in Attempts to Improve a Student's Behavior
1. Staff communication with parents is expected often. Staff will maintain open lines of communication through email, phone calls and incident reports sent home.
  2. Parents will be expected to take part in writing the Continual Learning Plan during the initial intake meeting. This will provide the parents and school staff clear expectations involving the goals of the student.
  3. The CLP will be reviewed throughout the year and the parents will be encouraged to provide information helpful in providing their student an appropriate education.
3. Procedures Determined Appropriate for Encouraging Early Detection of Behavioral Problems
1. The CLP can be used to its full potential as the student does not meet the goals they have created for themselves.
  2. Staff will review the CLP goals with each student and assist them in providing information to assist the school in early interventions of behavior problems.

## **IX. EARLY RELEASE**

When the nature and intensity of a student's behavior is such that the student's continued presence significantly disrupts the educational process, or when removal from class is insufficient in halting inappropriate behaviors, a student may be released to a parent/guardian for the remainder of the school day pursuant to any requirements set forth by the Pupil Fair Dismissal Act. Should a parent/guardian or responsible individual designated by the parent/guardian not be available to remove the student from the school and the student poses an immediate threat to persons, self, or property, then law enforcement may be utilized to escort the student from school property and supervised in an appropriate manner in accordance with statutes.

## **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 education district shall not deny due process or equal protection of the law to any student involved in a dismissal proceeding that may result in suspension, exclusion or expulsion. The education 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 to 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 governing 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 education district employees, or property of the school.
- C. Suspension Procedures:
1. "Suspension" means an action by the school administration, under rules promulgated by the governing board, prohibiting a student from attending school for a period of no more than ten (10) school days; provided, however, if a suspension is longer than five (5) school days, the suspending administrator shall provide the executive director with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) school day or less, except as may be provided in federal law for a student with a disability.

2. If a student's total days of removal from school exceed ten (10) cumulative days in a school year, the education district shall make reasonable attempts to convene a meeting with the student and the student's parent or guardian prior to subsequently removing the student from school. The purpose of this meeting is to attempt to determine the pupil's need for assessment or other services.
3. Each suspension action may include a readmission plan. The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission and may not be used to extend the current suspension. 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 education 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. In the case of a student with a disability, the student's individual education plan team shall meet immediately but not more than ten (10) school days after the date on which the decision to remove the student from the student's current education placement is made. The individual education plan team shall, at the meeting, conduct a review of the relationship between the child's disability and the behavior subject to disciplinary action, and determine the appropriateness of the child's education plan.

The requirements of the individual education plan team meeting apply when:

- a. the parent requests a meeting;
  - b. the student is removed from the student's current placement for five (5) or more consecutive days; or
  - c. the student's total days of removal from the student's placement during the school year exceed ten (10) cumulative days in a school year. The school administration shall implement alternative educational services when the suspension exceeds five (5) days. A separate administrative conference shall be conducted for each period of suspension.
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 pupil 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. 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.
8. 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.
9. 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.
10. Notwithstanding the foregoing provisions, the student may be suspended pending the governing 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 governing 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 governing board.

2. “Exclusion” means an action taken by the governing 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 governing 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 education 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:
  - a. have a representative of the student’s own choosing, including legal counsel at the hearing;
  - b. examine the student’s records before the hearing;
  - c. present evidence; and
  - d. confront and cross-examine witnesses.

The education 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.

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 education 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 education 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

education 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 MN Dept. of Education. The governing board may appoint an attorney to represent the education 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 education 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 education 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 education 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 education 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 governing board and served upon the parties within two (2) days after the close of the hearing.
17. The governing 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 governing 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 governing 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 the MN Dept. of Education (Commissioner) of the basis and reason for the decision.

18. A party to an expulsion or exclusion decision made by the governing board may appeal the decision to the Commissioner within twenty-one (21) calendar days of governing board action pursuant to Minn. Stat. § 121A.49. The decision of the governing board shall be implemented during the appeal to the Commissioner.
19. The education 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 education 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 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 education 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 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, administrator, or other education 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 sanctions, intervention, or resolution. The report must also include the student's age, grade, gender, race, and special education status.

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

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

### **XIV. DISABLED STUDENTS**

Students who are currently identified as disabled under IDEA or Section 504 will be subject to the provisions of this policy provided that their misbehavior is not a manifestation of the student's disability, unless an educational program has specified a necessary modification.

When a disabled student is removed from class, the building's special needs committee will review the educational plan and current assessment data. The committee will determine if the placement was appropriate and recommend, if necessary, other methods of dealing with the behavior. The committee 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 education district 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 disability;
- 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 disability, 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 disability, the education district shall continue to provide special education and related services after a period of suspension, if suspension is imposed. The education district shall initiate a review of the student's IEP and conduct a review of the relationship between the disability and the behavior subject to disciplinary action and determine the appropriateness of the student's education plan before commencing an expulsion or exclusion.

## **XV. DISTRIBUTION OF POLICY**

The education 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 administrator's office.

Adopted: January 22, 2004  
Revised: September 17, 2009  
January 24, 2019  
November 18, 2021

## NOTICE OF SUSPENSION

Parent/Guardian \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_

Student \_\_\_\_\_ Date \_\_\_\_\_

School \_\_\_\_\_

Length of Suspension \_\_\_\_\_ Dates \_\_\_\_\_

Reason(s) for suspension:

Student Statement:

Readmission Plan:

\_\_\_\_\_ Administrative Conference (date, time)

\_\_\_\_\_ Pupil Notified of Grounds

\_\_\_\_\_ Mail Service (date, time)

\_\_\_\_\_ Pupil Fair Dismissal Act Enclosed

(MN Statute 121A.40-121A.56)

Conditions/Determinations of Suspension:

- While suspended, the student may not come on any school property except for the purpose of discussing conduct.
- If the student has a handicap, a child study team meeting may be required to determine if the behavior leading to the disciplinary action was a result of the student's handicapping condition.
- If the student has a handicap, parent/guardian or student (if over age of 18) may request a child study team meeting to determine if the behavior that led to the disciplinary action was the result of the student's handicapping condition.

Administrator/Designee Signature: \_\_\_\_\_