



STUDENT DISCIPLINE

POLICY:	506
ADOPTED:	06/20/05
REVISED:	06/26/23

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 and insure schools are in a safe environment. 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 Inver Grove Heights School District recognizes that appropriate school behavior/choice is critical to academic success and sustaining a safe and caring learning community. It is also the intention of this policy to ensure a safe and orderly learning environment for all students and a safe working environment for staff.

Effective teaching of school appropriate behavior is the responsibility of the adults in every school. Effective school discipline includes the establishment of high standards or behavior/choices, school cultures of respect and acceptance, instruction in appropriate behavior/choices, time for students to learn appropriate behavior/choices, and proportionate consequences for failure to meet behavioral expectations. Students share in the responsibility to uphold and respect the high standards of school behavior/choices that contribute to the ability of all to learn.

All district staff are committed to teaching all students and to ensuring that students' learning is not disturbed by the significant disruptive or dangerous behavior of others.

All district staff are committed to taking actions to provide a safe learning environment for all students and a safe working environment for all staff.

All district staff are committed to establishing and engaging in relationships with parents/guardians, other public agencies and community resources to ensure support for the social and emotional needs of all students.

Every classroom will establish and teach behavior expectations within the district's policy, the Superintendent's directives and the school's behavior plan with participation from the students in the classroom.

Every school employee will demonstrate high standards of behavior, modeling appropriate actions and response to student behaviors.

Every school will examine its discipline data to ensure that responses to student behavior do not show evidence of bias or discriminatory behavior. Statistical data alone will not establish bias or discrimination. Schools shall also use behavior data to identify and provide additional training to staff and students; and to provide effective interventions for students to improve student outcomes.

Individual needs shall be considered in determining the appropriate response to behavior that does not meet school standards.

All students are subject to the terms of this discipline policy. Students with disabilities are entitled to the procedural protection of Section XI.

Students, staff, and parents and/or guardians will receive annual notice of the Student Handbook: Rights and Responsibilities and Superintendent's regulations supporting it.

Students, staff, and parents and/or guardians shall receive annual notice of the school behavior expectations established by individual schools.

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, Minnesota Statutes sections 121A.40 through 121A.56.

In view of the foregoing and in accordance with Minnesota Statutes section 121A.55, the school board, with the participation of school district administrators, staff, 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 district.

III. District Wide Responsibilities

- 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 may 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 shall give direction and support to all school personnel performing their duties within the framework of this policy. Principals are responsible for leading the collaborative development of the schoolwide and classroom rule/plans, implementation of restorative practices; assuring that

annual notices are given to students, parents/guardians and staff; developing and sustaining partnerships with identified community resources; leading the review of school behavior data to identify training needs with a view toward improving student outcomes through the lens of equity; and reviewing behavior data monthly in your building with leadership teams and other district leadership no less than quarterly. A principal may use reasonable force when it is necessary under the circumstance to correct or restrain a student or prevent serious bodily harm or death to another.

- D. Teachers. All teachers are responsible for leading the development of a positive teaching/learning environment and the classroom behavior and procedures; assuring that all students are taught the expected school behavior in their classroom and school; participating in identifying students that would benefit from the additional support from school and community resources; participating in implementation of the school behavior/classroom plans and restorative practices; participating in data review, necessary training, and analysis of behavior data to improve student outcomes; and enforcing the Student Handbook: Rights and Responsibilities. 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 are responsible for implementing the district/building school behavior standards, participating in data review as directed by the principal or site administrator, and attending necessary training to improve student outcomes. 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/or guardians are responsible to partner with their student's schools to implement the school behavior standards and school and classroom rules to improve their student's outcomes. Parents/guardians shall review the Student Handbook: Rights and Responsibilities and will help their student learn the behavior standards of their schools and classrooms. 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 Student Handbook: Rights and Responsibilities and the policy. Students will learn and meet the behavior expectations of this district, their school and their classrooms; will take personal responsibility for their behavior as they are able, and work to to improve the relationships they have with their peers, their teachers and with other school staff; will know and be responsible for meeting the expectations set forth in the Student Handbook: Rights and Responsibilities.
- 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/choices 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 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, 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 delivery devices, or tobacco paraphernalia in violation of the school district's Tobacco-Free Environment 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-a-like 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-a-like 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. Violation of the school district Weapons Policy; Using, possessing or distributing weapons or look-a-like weapons or other dangerous objects; 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 as an explosive;
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. 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;
16. Violation of any local, state or federal law as appropriate;
17. 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;
18. Violation of the school district's Electronic Technologies Acceptable Use Policy;
19. Possession of nuisance devices or objects which cause distractions and may facilitate cheating when activated;
20. Violation of school bus or transportation rules or the school district's Student Transportation Safety Policy;
21. 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;
22. Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker;
23. Violation of the school district's Search of Student Lockers, Desks, Personal Possessions, and Student's Person Policy;

24. Violation of the school district's Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches Policy;
25. Possession or distribution of slanderous, libelous, or pornographic materials;
26. Violation of the school district's Bullying Prohibition Policy;
27. 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;
28. Criminal activity;
29. Falsification of any records, documents, notes or signatures;
30. 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;
31. Scholastic dishonesty which includes, but is not limited to, cheating on a school assignment or test, plagiarism or collusion, including the use of technology to accomplish this end;
32. Impertinent or disrespectful words, symbols, acronyms, or language, whether oral or written, related to teachers or other school district personnel;
33. Violation of the school district's Harassment and Violence Policy;
34. 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;
35. Committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;
36. Violations against persons, including, but not limited to, assault or threatened assault, fighting, harassment, interference or obstruction, attack with a weapon or look-a-like weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure;
37. Verbal assaults, or verbally abusive behavior, including, but not limited to, use of words, symbols, acronyms, or language, whether oral or written

that are discriminatory, abusive, obscene, threatening, intimidating or that degrading to other people, or threatening to school property;

38. Physical or verbal threats, including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;
39. Inappropriate, abusive, threatening, or demeaning actions based on race, color, creed, religion, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation including gender identity and expression, or disability (Protected Class);
40. Violation of the school district's Distribution of Non-school Sponsored Materials on School Premises by Students and Employees Policy;
41. Violation of the school district's Student Electronic Technologies Use Policy and/or device agreements;
42. Violation of school rules, regulations, policies or procedures, including, but not limited to, those policies specifically enumerated in this policy; or
43. 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 obstruct the mission or operations of the school district or the safety or welfare of students or employees.

VII. Factors Impacting Discipline Decisions

Effective discipline considers the age and development of the student in framing the instruction in appropriate behavior and the consequences for misbehavior. Effective discipline is educational, not punitive. Effective discipline includes building relationships, repair of harm and restoring relationships and restorative practices to re-engage students in the learning community.

The ISD 199 district staff shall make disciplinary decisions using clear, developmentally appropriate criteria, ensuring that consequences applied are proportional and consistent with:

- A. The student's age;
- B. Previous severe disciplinary infractions, including the nature of prior misconduct, the number of prior instances of misconduct and the progressive disciplinary measures implemented for such misconduct;
- C. Cultural or linguistic factors that may provide context to understand student behavior/choices;
- D. The circumstances, including the nature and seriousness of the offense,

surrounding the incident;

- E. Other mitigating or aggravating circumstances.

Factors and circumstances will be considered, at the district's discretion, on a case-by-case basis.

VIII. Behavior Intervention

The general policy of the school district is to intervene with student behavior based upon the facts and circumstances of student misconduct.

All responses to inappropriate student behavior shall include elements of progressive discipline and elements of teaching or reteaching appropriate school behavior; or provide opportunities to repair harm to relationships affected by the student behavior. 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.

The specific form of intervention chosen in a particular case is solely within the discretion of the school district. A violation of school district rules, regulations, policies or procedures will result in a behavior intervention. The school district shall, however, impose a behavioral referral for any violation, including exclusion or expulsion, if warranted by the student's misconduct, as determined by the school district. Behavior intervention may include, but is not limited to, one or more of the following behavior intervention levels:

A. Level 1 - Classroom and Support Responses

An Office Referral would not be completed at this stage. These teacher responses aim to change the conditions contributing to the negative behavior/choices.

1. Classroom based responses (e.g. verbal correction, written reflection, reminder, redirection, break/processing, daily progress);
2. Classroom detention (build academic or social/emotional skills);
3. Collaboration with support staff (e.g. case manager, school counselor, school social worker, mentor, coach, etc.);
4. Parent/Guardian outreach (e.g. contact caregiver via telephone, email, text);
5. Restitution;
6. Restorative practices

B. Level 2 - Classroom and Support

An Office Referral would be created in this situation but would include ongoing Level 1 interventions. Partnership with teacher and administration. These responses are designed to teach behavior and reinforce appropriate behavior. Many of these responses engage the student's support system in order

to alter conditions that contribute to the student's inappropriate or disruptive behavior.

These responses aim to correct behavior:

1. Behavior/Success Contracts;
2. Call for an IEP meeting and/or request a Functional Behavioral Assessment/Positive Support Plan;
3. Classroom based responses (e.g. verbal corrections, written reflection, reminder, redirection, break/processing, daily progress);
4. Detention;
5. Informal and/or preventative school-based mentoring;
6. Loss of privileges connected to the infraction;
7. Parent/Guardian conference;
8. Parent/Guardian outreach (e.g., contact caregiver via telephone, email, text);
9. Restitution;
10. Restorative practices;
11. School-based facilitated conflict resolution;
12. Temporary classroom removal

C. Level 3 - Support, Administrative Responses

An Office Referral would be completed and the administrator and/or building intervention team would coordinate interventions. These responses engage the student's support system to ensure successful learning and to alter conditions that contribute to the student's inappropriate or disruptive behavior. These responses may include short-term removal of a student but should be inclusive and practical in nature in order to change the long-term outcomes:

1. Behavior/Success Contract;
2. Call for an IEP meeting and/or request a Functional Behavioral Assessment/Positive Support Plan;
3. Classroom based responses (e.g., verbal correction, written reflection, reminder, redirection, daily progress);
4. Classroom removal;
5. Collaboration with Community-based organization;
6. Detention;
7. In-school intervention;
8. Informal and/or preventative school-based mentoring;
9. Notification to Activities Office;
10. Parent/Guardian conference;
11. Parent/Guardian outreach (contact caregiver via telephone, email, text);
12. Referral to School Social Worker/School Success Coach;
13. Restitution;
14. Restorative practices;
15. School-based facilitated conflict resolution;
16. Temporary classroom removal

D. Level 4 - Support, Removal Responses

Immediate notification would be made to the office in this situation. Administration would be working collaboratively with each other to collect information and make a determination for placement. These responses address serious, safety-related instances. When necessary, due to the nature of the behavior or potential implications for future harm, a student may be removed from the school environment for a period of time:

1. Classroom removal;
2. Collaboration with community-based organization;
3. Dismissal;
4. Formal mentoring program;
5. In-school suspension;
6. Involvement of School Resource Officer;
7. Loss of privileges/removal from extracurricular activities (referral to Activities Director);
8. Manifestation Determination (for students with an IEP/504 plan);
9. Out of School Suspension;
10. Parent/Guardian and student conference [with administrator(s)];
11. Recommendation for expulsion or exclusion;
12. Referral to an alternative education setting;
13. Restitution

IX. Removal of Students from Class

- A. When an incident occurs that necessitates removal from class the teacher will contact the administrator/administrative designee. Upon removal, the administrator/administrative designee will meet with the student. The administrator may refer the student to a student support room. If the student has an IEP, the administration/administrative designee will notify the IEP manager.
- B. 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, and 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" means any actions taken by the teacher, principal, or other school district employee 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 school district employees, surrounding persons, 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. A classroom may be evacuated to separate the students from the student engaging in assault or violent behavior.

- C. If a student is removed from class, every attempt is made to contact the parent or guardian. If a student is removed from class more than ten (10) 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.
- D. Procedures for Removal of a Student from a Class.
 1. Definitions.
 - a. "Class period" or "activity period" means, in secondary grades, instruction for a given course of study. A class period or activity period means, in elementary grades, a period of time not to exceed one hour, regardless of subject or instruction.
 - b. "Initial removal from class" means action taken to prohibit a student from attending class for no longer than one class period or activity period or one hour in elementary grades.
 - c. "Administrator" refers to the principal, assistant principal, or dean person or persons who are responsible for student discipline within a particular building.
 2. Preliminary actions that may be taken to avoid removal from class. (Early intervention and communication among involved parties are essential. The following are possible alternatives that are not necessarily in order of priority).

- a. Warn the student.
- b. Check the student record.
- c. Confer with parent.
- d. Consult guidance counselor.
- e. Consult special services personnel.
- f. Consult administrator.
- g. Detain student after school.
- h. Send report to the student's home.
- i. Suspension from extra-curricular activities.

3. Procedure for Removal from Class.

- a. Initial removal may be implemented by the teacher without conferring with the administrator.
- b. Extended removal can take place only with administrative approval. The length of time beyond the initial removal from class shall be the decision of the administrator after consulting with the teacher. A reasonable attempt to contact the student's parent or guardian shall be made before the informal conference occurs.
- c. A Student Referral Form must be completed if a student is removed from class.
- d. If circumstances require that the student be sent to the administrator before there is an opportunity for the teacher to complete the form, the teacher shall complete the form within the current or following school day.
- e. The administrator will not consider extended removal until the Student Referral Form has been completed.
- f. Digital or paper copies of the completed Student Referral Form will be available to the student, parent, counselor and teacher. The original copy will be kept by the administrator. A digital or paper copy will be provided to the parents or legal guardian.

- 4. Removal from class should be taken as an opportunity to develop plans among the involved parties to avoid further removals. Other disciplinary alternatives should be strongly considered if a student continues to be removed from a class or classes.

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

- 1. The student removed from class shall be the responsibility of the administrator or the administrator's designee. The administrator's responsibility shall include:
 - a. Designation of where student is to go when removed;
 - b. Designation of how student is to get to designated destination;
 - c. Whether student must be accompanied;
 - d. Statement of what student is to do when and while removed.

F. Notification Procedures.

1. The principal or designee determines the necessity of parent/guardian notification resulting from the student being removed from class.
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. Students with Disabilities; Special Provisions.

When students with disabilities are dismissed or removed from class, the IEP case manager will be notified. The IEP case manager and relevant team members will consider the adequacy of the IEP, the need for additional assessment when there is a pattern of removals or significant behavior issues.

Students who are currently identified as eligible under the Individuals with Disabilities Education Act (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.

When a student with a disability is dismissed for more than ten (10) days in a school year, is being considered for a 45-day unilateral placement, or before initiating an expulsion or exclusion of a student with a disability, relevant members of the child's IEP team and the child's parent 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. Such a meeting must be held within ten (10) days of the school district's decision to remove the student from his or her current educational placement and must be held before commencing an expulsion or exclusion of the student.

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.

IDEA has three categories of exceptions where, regardless of whether the behavior is a manifestation of the student's disability; a district may remove the student to an alternative setting for not more than forty-five (45) school days.

The exceptions apply if the student:

1. Carries a weapon to or possess a weapon at school, on school premises, or to or at a school function under the jurisdiction of the District;
2. Knowingly possesses or uses illegal drugs, or sells or solicit the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the District; or
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District.

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.

H. Detecting and Addressing Chemical Abuse Problems of Students While on School Premises

1. The district has established staff reporting procedures to the school social worker.

I. Return of a Student Procedure.

1. The principal or designee will complete the appropriate follow-up disciplinary consequences and school documentation with the student.
2. The principal or designee readmits the student pursuant to the readmission plan.

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.
- B. 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 to surrounding persons or property.
- C. The school 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, for exclusion or expulsion. Dismissal is the removal from class for one class period up to one school day.

- D. 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 materially and substantially 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.

E. 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 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 in writing 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 shall 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 up to 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 (6th) consecutive day of suspension or the tenth (10th) cumulative day of suspension has elapsed.
 - a. A dismissal for one school day or less is a day or a partial day of suspension if the child with a disability does not receive regular or special education instruction during that dismissal period. The notice requirements under section 121A.46 do not apply to a dismissal of one day or less.
 - b. A child with a disability shall be provided alternative educational services to the extent a suspension exceeds five consecutive school days.
 - c. Before initiating an expulsion or exclusion under sections 121A.40 to 121A.56, the district, relevant members of the child's individualized education program team, and the child's parent shall, consistent with federal law, determine whether the child's behavior was caused by or had a direct and substantial relationship to the child's disability and whether the child's conduct was a direct result of a failure to implement the child's individualized education program. When a child with a disability who has an individualized education program is excluded or expelled under sections 121A.40 to 121A.56 for misbehavior that is not a manifestation of the child's disability, the district shall continue to provide special education and related services during the exclusion or expulsion.
5. The school administration shall implement alternative educational services to the extent that suspension exceeds ten (10) days. Alternative educational services may include, but are not limited to, special tutoring, modified curriculum, modified instruction, or 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 Minnesota Statutes section 123A.05 selected to allow the pupil to progress toward meeting graduation standards under Minnesota Statutes section 120B.02, although in a different setting.

6. The school administration shall not suspend a student from school without an informal administrative conference with the student and parents or legal guardian. 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 and parents or legal guardian 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. petition the juvenile court that the student is in need of services under Minnesota Statutes chapter 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, Minnesota Statutes section 121A.40 through 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 attached sample Notice of Suspension.)
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 a formal 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 ten (10) days.

F. 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 an in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minnesota Statutes sections 121A.40 through 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 their parent or guardian personally or 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, Minnesota Statutes sections 121A.40 through 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 the Minnesota Department of Education (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 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 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 of Education within 21 calendar days of school board action pursuant to Minnesota Statutes section 121A.49.
19. The school district shall report any expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.
20. 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 Minnesota Statutes section 120B.232, Subdivision 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, Minnesota Statutes Chapter 13.

XIV. Disabled Students

The principal and/or assistant principal may impose or recommend longer suspensions, expulsions or any other discipline as appropriate on a case by case basis.

Students who are currently identified as eligible under the IDEA or Section 504 will be subject to the provisions of this policy, unless an educational program has specified a necessary modification.

Before initiating an expulsion or exclusion of a student with a disability, relevant members of the child's IEP team and the child's parent 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 interventions – 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 option Program (Minnesota Statutes section 124D.03) or Enrollment in Nonresident District (Minnesota Statutes section 124D.08) at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy (Minnesota Statutes Chapter. 260A), and the student's case has been referred to juvenile court. The school district may also terminate the enrollment of a nonresident student over the age of sixteen (16) 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 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 and Graduation Requirements 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 to 121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.575 (Alternatives to Pupil Suspension)
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)
Minn. Stat. § 121A.60 (Definitions)
Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)
Minn. Stat. § 122A.42 (General Control of Schools)
Minn. Stat. § 123A.05 (State-Approved Alternative Program Organization)
Minn. Stat. § 124D.03 (Enrollment Options Program)
Minn. Stat. § 124D.08 (School Boards' Approval to Enroll in Nonresident District; Exceptions)
Minn. Stat. Ch. 125A (Special Education and Special Programs)
Minn. Stat. Ch. 260A (Truancy)
Minn. Stat. Ch. 260C (Juvenile Safety and Placement)
20 U.S.C. §§ 1400-1487 (Individuals with Disabilities Education Act)

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 417 – Chemical Use and Abuse
Policy 418 – Drug-Free Workplace and Drug-Free School
Policy 424 – Employee Electronic Technologies Acceptable Use
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 Non-school Sponsored Materials on School Premises by Students and Employees
Policy 514 – Bullying Prohibition Policy
Policy 524 – Student Electronic Technologies Acceptable Use
Policy 525 – Violence Prevention
Policy 526 – Student Hazing Prohibition
Policy 527 – Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches
Policy 610 – Field Trips

