

**BEMIDJI AREA SCHOOLS  
BEMIDJI, MINNESOTA**

**CODE OF CONDUCT  
SBR 700-40-42R MSBA 506R**

**Date: 22 April 1996**

**Revised Date: 15 July 2024**

Bemidji Area Schools is a partnership of parents, students and staff. We believe that, in addition to academic goals, our purpose is to help students to learn and demonstrate appropriate social skills and positive behaviors. Throughout our Early Childhood and K-12 programs we offer many curricular and co-curricular opportunities for students to learn and practice positive behavior and to develop good social skills, tolerance and leadership skills.

### **School Climate/Safety**

The Bemidji Area School's Mission Statement is to empower each learner to succeed in our diverse and changing world. To do this, schools are working to provide engaging, safe environments that support the whole student, including academic, social-emotional, and physical growth and well-being. A healthy school climate is marked by effective leadership, positive relationships, engaging teaching and learning, a welcoming physical environment, and physical/mental safety. In order to ensure that every child receives a high-quality education, schools must create healthy and respectful climates for learning. Schools with a positive climate and culture should have the following characteristics:

- Effective leadership that creates and communicates clear expectations, communicates openly and honestly, and is accessible and supportive of school staff and staff development.
- Positive relationships with all stakeholders – students, parents, teachers/staff, school resource officer, and community partners.
- Training and resources to resolve conflicts peacefully and respectfully, with suspensions, expulsions, and school resource officer interventions used only as measures of last resort.
- Professional supports for students who are experiencing emotional crisis, trauma, or serious challenges in their homes or communities.
- Engaging academic and extracurricular activities for students who meet behavioral, developmental, and academic needs.
- Effective and responsive communication among schools, parents, and communities.
- Clean, well-maintained, and welcoming environments that clearly demonstrate school pride and love of learning.
- A learning environment where students and staff feel physically and emotionally safe.

### **Desirable Behaviors That Should be Modeled and Encouraged**

#### **A. Respect rights of others and respect ourselves.**

Students need to develop skills that will help them to become good citizens and community members. Included are a basic knowledge of personal rights and responsibilities, learning to resolve conflicts in appropriate ways and learning to make safe, healthy choices in their daily lives. It is important for students to learn to show common courtesy and respect to others and to learn to feel positively about themselves.

All students need to behave in a way that allows everyone, regardless of gender, race, disability, health, ethnicity, personal identity, and religious affiliation, to feel free of fear and intimidation.

#### **B. Display positive learning traits.**

A very important factor in preventing violence is helping students to feel and be more successful during their time in school. A focus on helping students understand the importance of doing quality work, having high expectations for themselves, setting personal goals and achieving them, and learning to work and play cooperatively with others are key components of assisting students to be successful

persons. Opportunities to work as part of a team can help develop a sense of belonging and purposefulness. District staff believe that improving students' personal feelings of success and self-worth will result in their exhibiting less aggressive and violent behaviors in the schools and in the community.

**C. Follow rules and accept responsibility.**

In any community, a system of rules is necessary for successful work and learning to take place and to ensure personal safety. It is crucial that students learn school rules and understand the value and importance of following them. Another key lesson that everyone needs to understand is the importance of staying in one's own personal space (both verbally and physically) and to respect the personal space of others. We want students to accept and understand when they have made a poor choice or done something inappropriate, and accept the consequences for their behavior as part of their learning experience.

In addition to educating students about appropriate behaviors, we follow a list of consequences for inappropriate behaviors to help ensure that all students can learn in a safe environment. Along with these consequences, we provide follow-up interventions such as mediations, drug/alcohol referrals, suicide screenings/prevention, counseling referrals, etc.

Additional positive behavioral supports and intervention program examples may include SEL (social emotional learning) lessons, Responsive Classroom, Peer Leaders at the Middle School, Lumberjack Leaders, Link Crew for freshman, Catalyst, and Restorative Practices.

## CONSEQUENCES FOR MISBEHAVIOR BASED UPON STUDENT CODE OF CONDUCT

### Overview

- A. The consequences for misbehavior described in this regulation are designed to be fair and consistent for all students in the Bemidji Area Schools. **They apply to Bemidji Area Schools students on district property, in district vehicles (including buses) and at all school activities (in or out of the district) and events on or off campus.**
- B. Because it is not possible to list every misbehavior that occurs, misbehaviors not included in this regulation will be responded to as necessary by staff. This regulation is based on the assumption that minor behaviors are dealt with by bus drivers, chaperones, teachers, counselors, administrators and other appropriate district staff with administrative discretion.
- C. This policy applies to all students (including participants and those in attendance) in all district activities. **An additional policy (SBR 700-30-6) and the Minnesota State High School League rules also apply to extracurricular activities.**
- D. Violation of any Code of Conduct may be reported to law enforcement. Some violations, such as the misuse of social media may occur outside of the school day but have a significant nexus and negative impact to the school's learning environment, social dynamics, student functioning, and academic pursuits.

In order to ensure that all parents and students are informed about the policy, the following procedures shall be followed:

### Dissemination

- A. Parents - The policy shall be published on our district website prior to the beginning of each new school year. It is also on the district's website. Parents enrolling their children in school after the beginning of the school year shall be provided a copy of the policy.
- B. Students - When a student receives a consequence for a violation of policy, he/she should be informed of the consequences for additional violations. During the first two weeks of each new school year, the consequences for misbehavior listed in this policy shall be reviewed with each student. Students beginning school at other times of the year shall have the policy reviewed with them within two weeks of entering the district. All 5th through 12th grade students shall be asked to sign a form indicating that the policy was reviewed with them. The building principal shall keep the signed form on file until the student has graduated or exited the district. The form shall include the following: student's name, school, grade, date of review, and signature.

### Non-Exclusionary Discipline

- A. Applicable at all district facilities and/or school sponsored activities or when involved in incidents affecting the safety or welfare of school.

### Consequences

- A. For each misbehavior described in this regulation, there are specific consequences for first, second, third and fourth violations. Consequences are defined as follows:
  - 1. Suspension. "Suspension" means an action by the school administration, under rules promulgated by the school board, prohibiting a pupil from attending school for a period of no more than ten school days. If a suspension is longer than five days, the suspending administrator must provide the superintendent with a reason for the longer suspension. This definition does not apply to dismissal from school for one school day or less, except as provided in federal law for a student with a disability. Each suspension action may include a re-admission plan. The re-admission plan shall include, where appropriate, a provision for implementing alternative educational services upon re-admission and may not be used to extend the current suspension. Consistent with section 125A.09, subdivision 5, the re-admission plan must not obligate a parent to provide a sympathomimetic medication for the parent's child as a condition of re-admission. The school

administration may not impose consecutive suspensions against the same pupil for the same course of conduct, or incident of misconduct, except where the pupil will create an immediate and substantial danger to self or to surrounding persons or property, or where the district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of 15 days. In the case of a student with a disability, the student's Individual Education Plan team must meet immediately but not more than ten 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 that 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.

Detention as referenced in this Code of Conduct is addressed in the student handbook of each respective building.

2. The requirement of the Individual Education Plan team meeting applies when:
  - (1) the parent requests a meeting;
  - (2) the student is removed from the student's current placement for five or more consecutive days; or
  - (3) the student's total days of removal from the student's placement during the school year exceed ten cumulative days in a school year.

The school administration shall implement alternative educational services when the suspension exceeds five days. A separate administrative conference is required for each period of suspension. Any student suspended is not allowed on school property, in school district vehicles (including buses), at school activities (in or out of the district) and events.

Alternative educational services. "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 assessment, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center under section 123A.05 selected to allow the pupil to progress toward meeting graduation standards under section 120B.02 although in a different setting.

3. M.S. 121A.41, Subd. 4 "Exclusion" means an action taken by the school board to prevent enrollment or re-enrollment of a pupil for a period that shall not extend beyond the school year. Any student excluded is not allowed on school property, in school district vehicles (including buses), at school activities (in or out of the district) and events.
  4. M.S. 121A.41, Subd. 5 "Expulsion" means a school board action to prohibit an enrolled pupil from further attendance for up to 12 months from the date the pupil is expelled. Any student expelled is not allowed on school property, in school district vehicles (including buses), at school activities (in or out of the district) and events.
- B. In addition to the consequences detailed in this regulation, a specific school or the District Transportation Department may respond to student misbehavior in a variety of ways which include, but are not limited to, parent conferences, mediation, restitution, reports to probation services, criminal reports, community service, fines, loss of driving and parking privileges (at the high school level) and chemical evaluation.
  - C. Administrators will refer all suspected crimes committed on district property, in district vehicles (including buses) and at all school activities (in or out of the district) and events to Law Enforcement (School Board Regulation 700-40-3 will be followed).
  - D. Building administrators or their designees are responsible for thoroughly investigating occurrences of misbehavior, and based on credible evidence, assigning consequences as listed in this document. Consequences should not be determined until all investigations are complete. If needed, another school day should be used to investigate all leads and sources of information. Students may need to be suspended until investigations are completed. Inappropriate behavior by a student on a school bus or at the school bus stop or transfer point shall be investigated by the

Transportation Department and the building principal in which the student attends. Consequences for the transportation violation shall be administered by the principal of the building the student attends.

- E. Any student expelled/excluded from another school in another district will not be allowed to attend a school within the Bemidji Area Schools until the length of time of the expulsion/exclusion in the other district has expired. If a student enters the Bemidji Area Schools and district officials are not aware that the student had been expelled/excluded from another district, the student shall be excluded at the time district officials become aware of the expulsion/exclusion. Students fitting this description shall be allowed to attend alternative learning centers. The Board of Education may modify this provision on a case-by-case basis.
- F. Any pupil who brings a firearm to school unlawfully shall, as soon as practical, be referred to the criminal justice or juvenile delinquency system.
- G. Firearms (including replica firearms, airsoft guns and paint ball guns) shall not be brought onto school property.
- H. A student who discovers that he/she has accidentally brought a weapon or a “facsimile of” on property or in school vehicles will not receive a consequence for possessing a weapon or “facsimile of” if immediately upon discovering he/she has it in his/her possession, the student informs a staff person about the weapon or “facsimile of.”
- I. Any student suspended for threatening, bullying, or harassing another person may be referred for restorative practices/conflict resolution intervention or other follow-up.
- J. Any student who believes that he/she is being threatened, bullied, or harassed by another student is encouraged to tell an educator and/or his/her parents about the concern. The educator and/or parent should inform a building administrator of the threat. Information provided by a student to a bus driver about a threat should be passed on to the Transportation Coordinator.
- K. Unless otherwise specified in an IEP, state laws or federal laws, a student with a disability will comply with these procedures.

### **Sources of Additional Information**

For more information about student behavior, discipline and related issues, refer to individual building’s student handbooks.

See appendix for references regarding state rules and statutes and district policies applicable to this document.

### **Misbehaviors**

Students are expected to not engage in the following activities. The consequences apply regardless of whether the misbehavior took place on school property, in a district vehicle or at a school or district activity or event.

Recorded offenses accumulate for a maximum of three consecutive years and will not be considered for imposing new disciplinary consequences beyond three years of the offense. For the purposes of tracking cumulative offenses however, throughout the student’s years in the school setting the discipline record will remain a part of the student’s permanent record. (Disciplinary actions from other school districts may be considered as part of the student’s discipline record.) An offense is dropped from the student’s record three years from the date the offense occurred. For example, a first offense for ammunition possession (I.B.4) that begins in grade 4 in October will continue through the same October date of grade 7. The next offense of ammunition possession that occurs in March of grade 4 will remain on the student’s record through the same March date of grade 7. If a student returning from an expulsion commits another offense in the same category, he/she may again be expelled. The decision to expel a student is based on the category of misbehavior and whether the student has committed the number of offenses within a three year period that call for expulsion.

**Violent Behavior**

In an effort to provide a safe learning environment, the district may move to more severe penalties based upon the degree of violent behavior/aggression that has been exhibited.

<b>Level 1</b>	<b>Examples of Administrative Interventions and Responses</b> <p>These interventions can involve the school administration and aim to correct behavior by stressing the seriousness of the behavior while keeping the student in school. Staff should use these responses in a graduated fashion.</p>	<p style="text-align: center;"><b>Non-Exclusionary Discipline</b></p> <p>Note: Applicable at all district facilities and/or school sponsored activities or when involved in incidents affecting the safety or welfare of school. One or more additional interventions/supports may be recommended by administrators such as:</p> <ul style="list-style-type: none"> <li>▪ Revision to IEP (students with disabilities) if needed.</li> <li>▪ Conduct a Functional Behavioral Assessment and develop Behavior Intervention Plan.</li> <li>▪ Referral to community organization, mental health referral, or Social Services.</li> <li>▪ Parent/Guardian notification.</li> <li>▪ In-school suspension.</li> <li>▪ Referral to Child Study Team (CST)/Student Support Team (SST)</li> <li>▪ Referral to Teacher Assistance Team (TAT)</li> <li>▪ Prohibit use of technology.</li> <li>▪ Behavior/Attendance contract.</li> <li>▪ Truancy/Re-engagement Specialist Support.</li> <li>▪ Referral to school social worker/guidance counselor.</li> <li>▪ Referral to Indian Home School Liaison.</li> <li>▪ Referral to Substance Abuse Counseling or Smoking Cessation Program.</li> <li>▪ Referral to Credit Recovery Program.</li> <li>▪ Restorative Justice strategies, including school and community services.</li> <li>▪ Positive Behavioral Support Plan.</li> <li>▪ Referral to IEP Team (students with disabilities) for Manifestation Determination.</li> <li>▪ Referral to Threat Assessment Team.</li> <li>▪ Restitution</li> </ul>
<b>Level 2</b>	<b>1 Day Suspension and Potential Referral Responses</b> <p>These interventions will involve a 1 day removal of a student from the school environment because of the severity of the behavior. Additionally, staff should consider which additional supports may be helpful to the student's future success.</p>	
<b>Level 3</b>	<b>3 Day Suspension and Potential Referral Responses</b> <p>These interventions will involve a 3 day removal of a student from the school environment because of the severity of the behavior. Additionally, staff should consider which additional support may be helpful to the student's future success.</p>	
<b>Level 4</b>	<b>5 Day Suspension and Potential Referral Responses</b> <p>These interventions will involve a 5 day removal of a student from the school environment because of the severity of the behavior. Additionally, staff should consider which additional supports may be helpful to the student's future success.</p>	
<b>Level 5</b>	<b>10 Day Suspension While Following Expulsion Process</b> <p>These interventions involve removal/expulsion of a student from the school environment because of the severity of the behavior. They may involve the placement of the student in a safe environment that provides additional structure to address behavior. These interventions focus on monitoring the safety of the school community and ending self-destructive and dangerous behavior and preparing the student for reintegration into our schools. The length of the expulsion may be dependent on follow through with the additional outside supports.</p>	
<p><b>Guidelines:</b>  Level 1: Non Exclusionary Discipline Practice  Level 2: Administrative actions as indicated in notes with 1 day suspension for 4<sup>th</sup> – 12<sup>th</sup> grade and same day dismissal for K-3  Level 3: Administrative actions as indicated in notes with 3 day suspension.  Level 4: Administrative actions as indicated in notes with 5 day suspension.  Level 5: Administrative actions as indicated in notes with Expulsion (which may start with a 10 day suspension during due process procedures).  *There will be a good faith effort to follow State Statute in regards to K-3 discipline, therefore discipline levels in K-3 may be amended throughout the year.</p>		



# Misbehaviors and Consequences

Use Lowest Level Indicated First

## I. Physical Violence Towards Others

### A. Physical Contact

a. \*\*Assault, Aggravated – Committing an assault upon another person with a weapon or an assault which inflicts great bodily harm.

	Level 1	Level 2	Level 3	Level 4	Level 5
*K-3					•
4-5					•
6-12					•
b. **Assault, Intentionally inflicting or attempting to inflict bodily harm upon another person or acting with intent to cause fear in another person or immediate bodily harm. (Includes laser pointers, mace or pepper spray.)	•	•			•
4-5			•	•	•
6-12				•	•
c. Physical Contact– Poking, pushing, slapboxing, shoving, etc. (Physical acts not Intended to cause harm, lead to harm, or disrupting learning.)	•	•			
4-5	•				
6-12	•	•			
d. Bodily Harm – Committing a reckless act that unintentionally causes bodily harm/or endangerment to self or others. (Includes laser pointers, mace or pepper spray.)	•	•			
4-5		•	•	•	•
6-12			•	•	•
e. Fighting – Mutual combat (differentiated from poking, pushing, shoving or scuffling) in which both parties contributed to the situation by verbal and/or physical action.	•	•			
4-5		•	•	•	•
6-12			•	•	•
f. Terroristic Threats – Threats directly and indirectly, to commit any crime of violence with the purpose of terrorizing another or to cause evacuation of a building, place or assembly, vehicle or facility.	•	•			
4-5			•	•	•
6-12					•
g. Bullying – Intimidating, threatening, abusive, or harming conduct that is objectively offensive and there is an actual or perceived imbalance of power between the student engaging in the prohibiting conduct and the target of the behavior and the conduct is repeated or forms a pattern, or materially and substantially interferes with a student’s educational opportunities or performance or ability to participate in school functions or activities or receives school benefits, services, or privileges. This includes cyberbullying. Cyberbullying means bullying using technology or other electronic communication.	•	•			
4-5		•	•	•	•
6-12			•	•	•
h. Hazing – Committing an act against another student or coercing a student into committing an act that creates a substantial risk of harm to as person in order for the student to be initiated or affiliated with any organization.	•	•			
4-5		•	•	•	•
6-12			•	•	•

#### Guidelines:

Level 1: Non Exclusionary Discipline Practice

Level 2: Administrative actions as indicated in notes with 1 day suspension for 4<sup>th</sup> – 12<sup>th</sup> grade and same day dismissal for K-3

Level 3: Administrative actions as indicated in notes with 3 day suspension.

Level 4: Administrative actions as indicated in notes with 5 day suspension.

Level 5: Administrative actions as indicated in notes with Expulsion (which may start with a 10 day suspension during due process procedures).

\*There will be a good faith effort to follow State Statute in regards to K-3 discipline, therefore discipline levels in K-3 may be amended throughout the year.

\*\* Staff will be notified per State Statute

**B. Weapons Possession**

a. Firearms – Means any firearm, whether loaded or unloaded.

	Level 1	Level 2	Level 3	Level 4	Level 5
*K-3					•
4-5					•
6-12					•
b. Replica Firearm/Weapon – Means a device or object that is not defined as a dangerous weapon, and that is a facsimile and reasonably appears to be a pistol, revolver, shotgun, sawed-off shotgun, rifle, machine gun, rocket launcher, grenade, knife or any other firearm/weapon. (This category includes but not limited to splat/paint ball guns,..)	*K-3	•	•		
4-5			•	•	•
6-12				•	•
c. Weapons – A weapon, device, instrument, liquid material, substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury. This includes, but is not limited to, razor blades, straight razors, taser, and all knives (administrative discretion will be used with knives having blades or less than two and one-half inches, <b>BB guns, and pellet guns</b> ).	*K-3	•	•		
4-5			•	•	•
6-12					•
d. Ammunition Possession – Possession of bullets, BB's, shot or other projectiles designed to be used in a weapon.	*K-3	•	•		
4-5		•	•	•	•
6-12				•	•
e. Explosives, Possession and/or Use – Possession or using any compound or mixture, the primary or common purpose of which is to function by explosion, with substantial and instantaneous release of gas and heat.	*K-3	•	•		
4-5					•
6-12					•
f. Fireworks, Possession – Possession or offering for sale any substance or combination of substance or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation.	*K-3	•	•		
4-5		•	•	•	•
6-12			•	•	•
g. Arson – Intentional destruction or damage to school or district buildings or property by means of fire.	*K-3	•	•		
4-5			•	•	•
6-12					•
h. Possession and/or misuse of devices or other potentially dangerous object, including but not limited to laser pointer, mace or pepper spray, cameras, or other devices to record inappropriate acts.	*K-3	•	•		
4-5		•	•	•	•
6-12			•	•	•

**Guidelines:**

Level 1: Non Exclusionary Discipline Practice

Level 2: Administrative actions as indicated in notes with 1 day suspension for 4<sup>th</sup> – 12<sup>th</sup> grade and same day dismissal for K-3

Level 3: Administrative actions as indicated in notes with 3 day suspension.

Level 4: Administrative actions as indicated in notes with 5 day suspension. **Additional days may be assigned after an investigation. School Board Policy SBR 900-30-1:School Weapons Policy**

Level 5: Administrative actions as indicated in notes with Expulsion (which may start with a 10 day suspension during due process procedures).

*\*There will be a good faith effort to follow State Statute in regards to K-3 discipline, therefore discipline levels in K-3 may be amended throughout the year.*

	Level 1	Level 2	Level 3	Level 4	Level 5
<b>II. Sexual Violence</b>					
A. Sexual – Nonconsenting intercourse/oral sex.					•
					•
					•
B. Other – Nonconsenting sexual contact.	•	•			
			•	•	•
				•	•
C. Sexual Extortion – Threatening an individual to obtain sexual favors or promising preferential treatment for sexual favors.	•	•			
		•	•	•	•
				•	•
D. Sexual Harassment/Inappropriate sexual behavior including indecent exposure and behavior or public nudity and sexting through the use of electronic devices, includes the forwarding of all data as defined. Unwelcomed sexual behavior (to include gestures, comments, physical actions, soliciting sexual acts, pictures or written words) that creates a hostile learning environment. This would also include cyberbullying which is a willful and repeated harm inflicted through the use of electronic media using a computer or cell phone (which creates substantial disruption in the learning environment).	•	•			
		•	•	•	•
			•	•	•
<b>III. Verbal/Written Aggression Towards Others</b>					
A. Abuse – Directly or indirectly arousing alarm in others through the use of language or gestures (verbal and written) abusive or obscene, or intended to provoke physical aggression.	•	•			
		•	•	•	
		•	•	•	
B. Threats – Directly threatening (verbal, in writing, or through gestures) another person with bodily harm. This would also include willful harm inflicted through the use of electronic media using a computer or cell phone (which creates substantial disruption in the learning environment) and including sexting through the use of electronic devices.	•	•			
		•	•	•	•
			•	•	•
C. Robbery or Extortion – Obtaining property from another person where his/her consent was induced by use of force, threats of force, or under false pretense.	•	•			
			•	•	•
				•	•
D. Derogatory Slurs – Willful and repeated use of racial slurs that target race, color, religion or creed, sex, sexual orientation, age, physical or mental disability, veteran status, genetic information, national origin or citizenship.	•	•			
		•	•	•	
			•	•	

**Guidelines:**

Level 1: Non Exclusionary Discipline Practice

Level 2: Administrative actions as indicated in notes with 1 day suspension for 4<sup>th</sup> – 12<sup>th</sup> grade and same day dismissal for K-3

Level 3: Administrative actions as indicated in notes with 3 day suspension.

Level 4: Administrative actions as indicated in notes with 5 day suspension.

Level 5: Administrative actions as indicated in notes with Expulsion (which may start with a 10 day suspension during due process procedures).

\*There will be a good faith effort to follow State Statute in regards to K-3 discipline, therefore discipline levels in K-3 may be amended throughout the year.

**IV. Insubordinate and Disrespectful Behavior Towards Others**

**A. Behavior that disrupts the normal operation of the school.**

a. Acts disruptive of the educational process, including, but not limited to, Disobedience, Disruptive or Disrespectful Behavior, Defiance of Authority, Cheating, Insolence, Insubordination and Interference— Any action taken to attempt to prevent a staff member or student from exercising his/her lawfully assigned duties.

	Level 1	Level 2	Level 3	Level 4	Level 5
*K-3	•	•			
4-5		•	•	•	•
6-12		•	•	•	•
b. Dress and Grooming – Wearing clothing that includes words and/or visuals which are obscene, abusive or discriminatory, or which advertise illegal narcotics, drugs or alcohol	*K-3	•	•		
4-5	•	•	•	•	
6-12	•	•	•	•	
c. Driving Motor Vehicles, Careless or Reckless – Driving on school property in such a manner as to endanger persons or property.	*K-3				
4-5					
6-12	•	•	•	•	
d. Giving False Information – Falsifying signatures or data, or refusing to give proper identification or giving false information.	*K-3	•	•		
4-5		•	•	•	
6-12		•	•	•	•
e. Stalking – Behaviors on school grounds or having a substantial impact on the school environment that causes another person to feel frightened, threatened, oppressed, persecuted or intimidated.	*K-3	•	•		
4-5		•	•	•	•
6-12				•	•
f. Use or Possession of Ignition Devices – Igniting matches, cigarette lighters and other devices that produce flames.	*K-3	•	•		
4-5		•	•	•	
6-12		•	•	•	•
g. Gambling – Playing a game of chance for stakes.	*K-3	•	•		
4-5		•	•	•	
6-12		•	•	•	
h. Unacceptable sexual behavior (consensual).	*K-3	•	•		
4-5		•	•	•	
6-12			•	•	•
j. Fire Alarm, False – Intentionally giving a false alarm of fire, or tampering or interfering with a fire Alarm.	*K-3	•	•		
4-5		•	•	•	
6-12				•	•

**Guidelines:**

Level 1: Non Exclusionary Discipline Practice

Level 2: Administrative actions as indicated in notes with 1 day suspension for 4<sup>th</sup> – 12<sup>th</sup> grade and same day dismissal for K-3

Level 3: Administrative actions as indicated in notes with 3 day suspension.

Level 4: Administrative actions as indicated in notes with 5 day suspension.

Level 5: Administrative actions as indicated in notes with Expulsion (which may start with a 10 day suspension during due process procedures).

\*There will be a good faith effort to follow State Statute in regards to K-3 discipline, therefore discipline levels in K-3 may be amended throughout the year.

	Level 1	Level 2	Level 3	Level 4	Level 5
k. Actions that indicate gang behavior.	*K-3	•	•		
	4-5		•	•	•
	6-12			•	•
<b>B. Refusing to take directions from someone in authority.</b>					
a. Insubordination – Willful refusal to follow an appropriate direction.	*K-3	•	•		
	4-5		•	•	
	6-12		•	•	
<b>C. Damage or destruction to school or personal property.</b>					
a. Willful Damage of Property (Vandalism) – Defacing, cutting, or otherwise damaging property (includes unauthorized entrance into a computer system) that belongs to the school, to other students, to staff members or to other individuals while the student is on school property, at a school activity, in a district vehicle or under the supervision of school staff. <b>May include restitution.</b>	*K-3	•	•		
	4-5		•	•	
	6-12		•	•	•
b. Fire Extinguishers, Unauthorized Use – Unauthorized handling of a fire extinguisher and emergency equipment including AEDs.	*K-3	•	•		
	4-5			•	•
	6-12				•
c. False 911 or Emergency Response System notification calls.	*K-3	•	•		
	4-5		•	•	
	6-12			•	•
d. Theft or Knowingly Receiving or Possessing Stolen Property – Unauthorized taking of the property of another person, or receiving or possessing such property, or unpaid theft of a service to include the utilization of technology hotspots.	*K-3	•	•		
	4-5		•	•	
	6-12		•	•	•
e. Burglary – Entering a building or computer system without consent and with intent to commit a crime, or entering a building or computer system without consent and committing a crime.	*K-3	•	•		
	4-5			•	•
	6-12				•
f. Trespassing – Being present in any district facility or portion of a district facility when it is closed to the public, or unauthorized presence in a district vehicle. (Includes unauthorized entrance into a computer system.)	*K-3	•	•		
	4-5		•	•	•
	6-12			•	•

**Guidelines:**

Level 1: Non Exclusionary Discipline Practice

Level 2: Administrative actions as indicated in notes with 1 day suspension for 4<sup>th</sup> – 12<sup>th</sup> grade and same day dismissal for K-3

Level 3: Administrative actions as indicated in notes with 3 day suspension.

Level 4: Administrative actions as indicated in notes with 5 day suspension.

Level 5: Administrative actions as indicated in notes with Expulsion (which may start with a 10 day suspension during due process procedures).

~~\*There will be a good faith effort to follow State Statute in regards to K-3 discipline, therefore discipline levels in K-3 may be amended throughout the year.~~

**V. Substance and Tobacco Use**

Any student committing an offense under substance and tobacco use will be required to meet with the appropriate staff. Parents will be invited to the meeting.

A. Alcohol ~~or Chemicals~~, Possession or Use – Possessing or using any narcotic, inhalants, synthetic substance that mimic controlled substances, or controlled substance where possession or use is prohibited by district policy, MN or federal law. (Any prescription medication a student is required to take, with the exception of prescribed inhalers, must be left with and administered by the school nurse in accordance with district administrative regulations.) May include look alike substances.

	Level 1	Level 2	Level 3	Level 4	Level 5
*K-3	•	•			
4-5		•	•	•	•
6-12			•	•	•

B. Chemicals Possession or Use – Possessing or using any narcotic, inhalants, synthetic substance that mimic controlled substances, or controlled substance where possession or use is prohibited by district policy, MN or federal law. (Any prescription medication a student is required to take, with the exception of prescribed inhalers, must be left with and administered by the school nurse in accordance with district administrative regulations.) May include look alike substances.

*K-3	•	•			
4-5		•	•	•	•
6-12			•	•	•

~~C~~B. Alcohol, Distribute or possession with the intent to distribute alcohol where sale or distribution is prohibited by MN or federal law.

*K-3	•	•			
4-5			•	•	•
6-12				•	•

~~D~~C. Chemicals, Distributing or possessing with the intent to distribute any narcotic, inhalant or controlled substance including prescription drugs when sale or distribution is prohibited by MN or federal law. This may include evidence of sales or possession including look alike substances.

*K-3	•	•			•
4-5			•	•	•
6-12					•

~~E~~D. Tobacco, Possessing or using tobacco, include electronic cigarettes (regardless of vapor flavor), or tobacco paraphernalia in district buildings, on district grounds, in district vehicles or at district events, in violation of district administrative regulations.

*K-3	•	•			
4-5		•	•		
6-12		•	•	•	

~~F~~E. Drug Paraphernalia – Possessing drug paraphernalia in district buildings, on district grounds, in district vehicles or at district events.

*K-3	•	•			
4-5		•	•	•	
6-12		•	•	•	

~~G~~F. Possession with intent to distribute over-the-counter medication in district buildings, in district vehicles or at district events, in violation of district administrative regulations.

*K-3	•	•			
4-5		•	•	•	
6-12			•	•	•

**Guidelines:**

Level 1: Non Exclusionary Discipline Practice

Level 2: Administrative actions as indicated in notes with 1 day suspension for 4<sup>th</sup> – 12<sup>th</sup> grade and same day dismissal for K-3

Level 3: Administrative actions as indicated in notes with 3 day suspension.

Level 4: Administrative actions as indicated in notes with 5 day suspension.

Level 5: Administrative actions as indicated in notes with Expulsion (which may start with a 10 day suspension during due process procedures).

~~\*There will be a good faith effort to follow State Statute in regards to K-3 discipline, therefore discipline levels in K-3 may be amended throughout the year.~~

**VI. Technology and Telecommunication Misuse**

A. Misuse of equipment (personal or district-owned), such as computers, phones, etc.

	Level 1	Level 2	Level 3	Level 4	Level 5
*K-3	•	•			
4-5		•	•	•	
6-12		•	•	•	•
B. Unauthorized commercial use or financial gain of the user.					
*K-3	•	•			
4-5		•	•	•	
6-12		•	•	•	•
C. Creating fake internet accounts (for purposes of bullying, harassing, or defaming).					
*K-3	•	•			
4-5		•	•	•	•
6-12		•	•	•	•
D. Videotaping fights/assaults – Videotaping, distributing, and/or promoting the distribution of fights and/or assaults. (Includes an accomplice to any fight who may assist by encouraging the act of the fight by instigating, promoting, or videotaping/recording the fight.)					
*K-3	•	•			
4-5		•	•	•	
6-12		•	•	•	
E. Electronic devices such as Bluetooth speakers, walkie talkies, and apps, on electronic Devices that disrupt the learning environment.					
*K-3	•				
4-5	•	•			
6-12	•	•	•		

**Guidelines:**

Level 1: Non Exclusionary Discipline Practice

Level 2: Administrative actions as indicated in notes with 1 day suspension for 4<sup>th</sup> – 12<sup>th</sup> grade and same day dismissal for K-3

Level 3: Administrative actions as indicated in notes with 3 day suspension.

Level 4: Administrative actions as indicated in notes with 5 day suspension.

Level 5: Administrative actions as indicated in notes with Expulsion (which may start with a 10 day suspension during due process procedures).

~~\*There will be a good faith effort to follow State Statute in regards to K-3 discipline, therefore discipline levels in K-3 may be amended throughout the year.~~

## APPENDIX

### State Statutes

**M.S. 120A.22, Subd. 4 School Defined:** For the purpose of compulsory attendance, a “school” means a public school, as defined in section 120A.05, subdivisions 9, 11, 13, and 17, or a nonpublic school, church or religious organization, or home school in which a child is provided instruction in compliance with this section and section 120A.24.

**M.S. 121A.41, Subd. 4. Exclusion:** “Exclusion” means an action taken by the school board to prevent enrollment or re-enrollment of a pupil for period that shall not extend beyond the school year.

**M.S. 121A.41, Subd. 5. Expulsion:** “Expulsion” means a school board action to prohibit an enrolled pupil from further attendance for up to 12 months from the date the pupil is expelled.

**M.S. 121A.59:** “Transportation by school bus is a privilege not a right for an eligible student. A student’s eligibility to ride a school bus may be revoked for a violation of school bus safety or conduct policies, or for violation of any other law governing student conduct on a school bus, pursuant to a written school district discipline policy. Revocation of a student’s bus riding privilege is not exclusion, expulsion, or suspension under the Pupil Fair Dismissal Act. Revocation procedures for a student who is an individual with a disability under the Disabilities Education Act, United States Code, title 20, section 1400 et seq., Section 504 or the Rehabilitation Act of 1973, United States Code, title 29, section 794, and the Americans with Disabilities Act, Public Law, 101-336, are governed by these provisions.

**M.S. 121A.41, Subd. 10. Suspension:** “Suspension” means an action by the school administration, under rules promulgated by the school board, prohibiting a pupil from attending school for a period of no more than ten school days. If a suspension is longer than five days, the suspending administrator must provide the superintendent with a reason for the longer suspension. This definition does not apply to dismissal from school for one school day or less, except as provided in federal law for a student with a disability. Each suspension action may include a re-admission plan. The re-admission plan shall include, where appropriate, a provision for implementing alternative educational services upon re-admission and may not be used to extend the current suspension. Consistent with section 125A.091, subdivision 5, the re-admission plan must not obligate a parent to provide a sympathomimetic medication for the parent’s child as a condition of re-admission. The school administration may not impose consecutive suspensions against the same pupil for the same course of conduct, or incident of misconduct, except where the pupil will create an immediate and substantial danger to self or to surrounding persons or property, or where the district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of 15 days. In the case of a student with a disability, the student’s Individual Education Plan team must meet immediately but not more than ten 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 that 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 requirement of the Individual Education Plan team meeting apply when:

- (1) the parent requests a meeting;
- (2) the student is removed from the student’s current placement for five or more consecutive days; or
- (3) the student’s total days of removal from the student’s placement during the school year exceed ten cumulative days in a school year.

The school administration shall implement alternative educational services when the suspension exceeds five days. A separate administrative conference is required for each period of suspension.

**A. Withdrawal Agreement in Lieu of Expulsion:** A withdrawal agreement in lieu of expulsion provides that the student will withdraw from enrollment in the district and, as a result, the district will not proceed with an expulsion. The agreement gives students an alternative to being expelled from school for the most serious acts of disobedience or misconduct. The district may consider such an agreement for Level 5 offenses. This agreement may be offered by the building principal when a student has acknowledged involvement in the misconduct and expressed appropriate understanding of the implications of the misconduct, remorse and/or a commitment to avoid serious misconduct in the future. The agreement will not exceed the maximum duration of an expulsion (i.e., 12 months). All withdrawal agreements in lieu of expulsion require the approval of parent/guardian, building principal, and Superintendent or his/her designee.

**Alternative educational services.** “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 assessment, homebound instruction, supervised



homework, or enrollment in another district or in an alternative learning center under section 123A.05 selected to allow the pupil to progress toward meeting graduation standards under section 120B.02 although in a different setting.

**M.S. 121A.44. Firearms Expulsion:** (a) Notwithstanding the time limitation in section 121A.41, subdivision 5, a school board must expel for a period of at least one year a pupil who is determined to have brought a firearm to school except the board may modify this expulsion requirement for a pupil on a case-by-case basis. For the purpose of this section, firearm is as defined in United States Code, title 18, section 921. (b) Notwithstanding chapter 13, a student's expulsion or withdrawal or transfer from a school after an expulsion action is initiated against the student for a weapons violation under paragraph (a) may be disclosed by the school district initiating the expulsion proceeding. Unless the information is otherwise public, the disclosure may be made only to another school district in connection with the possible admission of the student to the other district.

**M.S. 121A.42: Exclusion and expulsion of pupils with a disability.** When a pupil who has an Individual Education Plan is excluded or expelled under sections 121A.40 to 121A.56 for misbehavior that is not a manifestation of the pupil's disability, the district shall continue to provide special education and related services after a period of suspension, if suspension is imposed. The district shall initiate a review of the pupil's Individual Education Plan and conduct a review of the relationship between the pupil's disability and the behavior subject to disciplinary action and determine the appropriateness of the pupil's education plan before commencing an expulsion or exclusion.

**M.S. 121A.425 Subd. 2: Nonexclusionary discipline**

- (1) collaborating with the pupil's family or guardian, child mental health consultant or provider, education specialist, or other community-based support;
- (2) creating a plan, written with the parent or guardian, that details the action and support needed for the pupil to fully participate in the current educational program, including a preschool or prekindergarten program; or
- (3) providing a referral for needed support services, including parenting education, home visits, other supportive education interventions, or, where appropriate, an evaluation to determine if the pupil is eligible for special education services or section 504 services.

**M.S. 626.556: Reporting Maltreatment of Minors.** SBR 700-90-3 based on M.S. 626.556 requires that a person who knows or has reason to believe a child is being neglected or physically or sexually abused within the last preceding three years, shall immediately report the information to the human services agency, police department, or the county sheriff where the child resides if the person is: 1) A professional or professional's delegate who is engaged in the practice of healing arts, social services, hospital administration, psychological or psychiatric treatment, child care, education, or law enforcement; or 2) Employed as a member of the clergy and received the information while engaged in ministerial duties, provided that a member of the clergy is not required by this subdivision to report information that is otherwise privileged.

**School Board Policy 700-40-3: Student Personnel - School District Involvement with the Police.** If the school makes a formal request for outside law enforcement intervention or outside law enforcement requests to have contact with a student, the school will make reasonable efforts to contact parent(s) or guardian(s) prior to such contact, depending on the urgency of the situation. Parents or guardians will be informed of their right to be present during questioning of the student. In cases where parents or guardians cannot be reached, the principal will use his/her discretion with respect to proceeding without parental contact, taking into account the severity and urgency of the situation. If the principal acts without parental consent, he/she will make a reasonable effort to notify the superintendent of schools or his/her designee, preferably in advance of any police involvement.

In cases when a student is out of control or is a potential danger to self or others, the principal will make a judgment about the necessity for the immediate involvement of police or medical personnel.

Employee Interaction with Students: All district employees are expected to deal with the students in a firm, fair and consistent fashion, to treat all students with respect and to recognize individual differences among students.

Victims of Violence: Victims of violence should be provided the opportunity to talk with personnel who can address concerns they may have and inform them that the behaviors of the perpetrators are being addressed. Prevention of further violence toward victims needs to be given close attention. Laws relating to confidentiality must be observed when dealing with all students.

Expulsion and Exclusion Hearings: Expulsion and exclusion hearings shall be conducted by an independent, impartial hearing officer (unless determined otherwise by the school board) and recommendations made to the school board and served upon the parties within two days of the end of the hearing. The school board has final authority regarding expulsion or exclusion of a student from school and shall render its decision within five days of receiving the recommendation of the hearing officer.

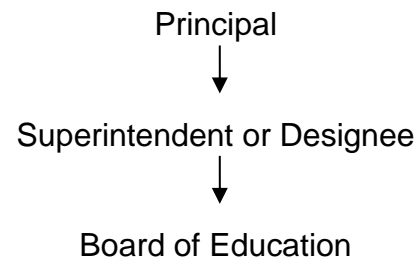
**M.S.121A.64:** Notification of staff regarding students with histories of violent behavior refer to SBR 700-40-7

## APPEAL PROCESS

Students who are concerned about a specific disciplinary action or student conduct violation may consult with their parents, teachers, and/or student support services staff (counselors, psychologists, etc.) to informally resolve the concern. If the concern cannot be resolved using these informal channels, students and parents or guardians may appeal their concerns through the channels listed in the appeals process shown below. (Students, parents and guardians are expected to appeal concerns in the order indicated by the arrows.)

In cases involving transporting students, the Transportation Coordinator should be involved with the principal in the appeal process.

### Appeals Process (Grades K-12)



Appeals regarding expulsion or exclusion decisions may be made under M.S. 121A.40 to 121A.56 to the Commissioner of Education at the Minnesota Department of Education.

This policy was created with the involvement of Bemidji Area Schools residents including: parents, students, educators and other citizens. With involvement of representatives of this population, it is reviewed and updated annually. All changes to the policy require School Board approval.