

SCHOOL DISCIPLINE POLICY

FOR

ELEMENTARY AND SECONDARY SCHOOLS

2011-2012



Independent School District 709, 215 North First Avenue East, Duluth, Minnesota 55802

SCHOOL DISCIPLINE POLICY FOR ELEMENTARY AND SECONDARY SCHOOLS

FOREWORD

The School Discipline Policy has been prepared to define clearly the rights and responsibilities of persons in the Duluth Public Schools, ISD 709. WE URGE EACH PARENT OR GUARDIAN AND STUDENT TO REVIEW THIS MATERIAL CAREFULLY AND REFER ANY QUESTIONS TO SCHOOL ADMINISTRATION.

The Duluth School Board and administrative team believe that a self-disciplined, respect-filled, restorative culture attaining the aims of high student achievement, a safe and welcoming environment, and efficient and effective systems is essential.

The rights of individual students shall be protected and each student shall be expected to respect the person and rights of all other students, teachers, and other school personnel as well as school property.

SCHOOL/COMMUNITY RESPONSIBILITIES

THE DULUTH SCHOOL BOARD shall carry out the educational requirements as expressed in law and formulate and adopt policies for the organization, management, and control of the school system, including policies applicable to its operation. The board, acting through the superintendent of schools, is responsible for the supervision of the behavior of students while legally under the supervision of the school.

THE SUPERINTENDENT OF SCHOOLS shall establish all necessary procedures, rules, and regulations to make effective the school board policies relating to the standards of student behavior and shall be responsible to the board for discipline in the ISD 709 public schools.

THE ASSISTANT SUPERINTENDENT OF SCHOOLS shall be responsible to the superintendent and shall implement all necessary procedures, rules, and regulations to make effective the school board policies relating to standards of student behavior in the schools and data collection regarding student behavior in the schools.

THE SCHOOL PRINCIPAL includes both the principal and assistant principal(s) and shall be responsible to the assistant superintendent of schools in implementing all necessary procedures, rules, and regulations to make effective the school board policies relating to the standards of student behavior.

The principal:

- a. Shall have the responsibility and the authority to formulate school expectations and regulations not in conflict with school board policies relating to standards of student behavior and data collection regarding student behavior in the schools.
- b. Shall be responsible for disseminating the expectations and regulations currently in effect for the school to all faculty, students, parents/guardians, and all interested community groups at the beginning of each school year, and to each new student upon registration.
- c. Has the authority to impose suspensions and/or recommend to the superintendent of schools the exclusion or expulsion of a student consistent with the guidelines of M.S. 121A.41, The Pupil Fair Dismissal Act, for violation of law or failure to comply with school regulations.

THE SCHOOL RESOURCE OFFICER (SRO) is a police officer employed by the Duluth Police Department, not an employee of ISD 709. The officer is a resource to the school principal, staff, parent(s) or guardian(s), and students, and is available to talk to students about personal matters.

When assisting the school in investigations initiated and conducted by the school district, the resource officer may speak with students who are victims, witnesses, and suspects. In such cases, questioning should take place in the presence of

the school principal or designee, and the school will attempt to notify the student's parent(s) or guardian(s) if the student's actions could result in criminal charges.

When the resource officer or other law enforcement official must conduct non-school related law enforcement business on school grounds, school officials, unless prohibited by law, will attempt to contact parent(s) or guardian(s) before the student is questioned.

TRANSPORTATION is a service and a privilege provided to eligible students in the Duluth school system. All district and building discipline policies apply to student behavior during transportation to and from school and all school-sponsored activities. Transportation personnel will forward all bus conduct reports to the Transportation Office and to the building principal. If the student's transportation privileges are suspended, it is the responsibility of the parent(s) or guardian(s) to provide transportation to and from school.

THE STAFF shall be responsible to the principal for implementing all necessary procedures, rules, and regulations to make effective the school board policies relating to the standards of student behavior.

When a staff member's efforts to solve a behavior problem are unsuccessful, the student shall be referred to the principal, who has the responsibility and authority to use such measures as may be necessary to maintain control within the classroom, school building, and on school property.

All employees are expected to participate directly in the supervision and guidance of the behavior of all students within their scope of authority and responsibility.

Principals will notify all personnel (including custodians, para-professionals, cafeteria personnel, and clerical staff) of their authority and responsibilities relating to student behavior.

All staff are expected to deal with students in a fair, firm, and consistent fashion. It shall be the responsibility of the principal to assist all concerned with this task.

THE TEACHING STAFF has the responsibility/authority to:

- a. Make clear what standards of student behavior are required by the teacher. A copy of the teacher's expectations of acceptable behavior shall be posted in the teacher's classroom. These rules shall be consistent with district policy.
- b. Report any violations of the district and/or building discipline policy to the principal.
- c. Manage classroom privileges.
- d. Assign school classroom learning activities.
- e. Request a parent(s) or guardian(s) conference.
- f. Refer learning challenges to the building principal or for students with disabilities, to the Individual Education Plan (IEP) manager.
- g. Use reasonable measures as may be necessary to ensure an appropriate learning culture in the classroom, school, and on school grounds.
- h. Confront inappropriate behavior and respond pursuant to the ISD 709 Student Discipline Policy.

PARENT(S) OR GUARDIAN(S) have the legal responsibility for the behavior of their children as determined by law and community practice. Parent(s) or guardian(s) are expected to exercise the required controls so that the student's behavior will be conducive to the development of self-discipline and will not be disruptive to the school's education program. Parent(s) or guardian(s) shall provide the school with information on how they may be contacted.

Partnership between parent(s) or guardian(s) and school is essential in assisting students to work to the best of their ability and achieve a good school experience. Parent(s) or guardian(s) have a responsibility to help maintain communication with the school by participating in school community activities such as Parent-Teacher-Student Association (PTSA) meetings, attending scheduled individual conferences, and bringing matters of concern to the attention of the principal or faculty.

Parent(s) or guardian(s) should report to school staff any information they have concerning illegal activities or any violations of school rules that threaten the health, safety, or property of others.

STUDENTS' RIGHTS AND RESPONSIBILITIES

RIGHTS – The rights of an individual are preserved only by the protection and preservation of the rights of others. A student is responsible for the manner in which his/her individual rights are exercised and must accept the consequences of any actions that are committed outside the boundaries of those rights. Cooperative relationships between staff, students, and parent(s) or guardian(s) is the foundation for quality support and service. Rights bring responsibilities. The rights and responsibilities listed here are not all inclusive, for students have other rights guaranteed by the Constitution and by state and local laws. This statement of rights and responsibilities is a general guide and is not proposed to cover every situation that may arise.

THE RIGHT TO LEARN – Each student has the right to attend school in a safe environment, free from fear, and gain an education as provided by law. The right to learn also includes the right of classes to meet and carry on studies without interruptions, disruptions, or distractions, whether from inside or outside the classroom. Behavior that disrupts the normal functioning of classes is an infringement on the rights of others.

THE RIGHT TO FREE SPEECH AND EXPRESSION – Students in the Duluth Public Schools represent a wide range and diversity of opinion and background. Students have the right to express opinions, take stands, and support causes, either publicly or privately, provided such expressions are not libelous or obscene according to current legal definition and do not interfere with the rights of others or disrupt or distract from the atmosphere for learning in the school. The right to free expression of religion under the U.S. Constitution and the American Indian Religious Freedom Act is protected.

THE RIGHT TO BE INFORMED OF RULES – Students have the right to be informed of all policies, rules, and regulations they are expected to follow. Copies of these rules governing the code of conduct shall be available in each school office, and the basic rules shall be published and distributed to all students, parent(s) or guardian(s), and other interested persons.

THE RIGHT TO PRIVACY – Students' rights to privacy regarding school records will be protected and any disclosure of information from student permanent records shall be consistent with legal requirements.

THE RIGHT TO PERSONAL PROPERTY – Students have the right to be secure in their persons, papers, and effects; however, they must refrain from bringing onto school property or to school-sponsored events any material or item that would cause, or tend to cause, a disruptive activity or endanger the health and safety of students or other persons. When reasonable cause exists for a school principal to believe that such items are present, general or individual searches may be conducted under the authorization of the principal or representative designated by the principal.

School lockers are the property of the school district. At no time does the school district relinquish its exclusive control of lockers provided for the convenience of students. Inspection of the interior of lockers may be conducted by school authorities for any reason at any time, without notice, without student consent, and without a search warrant. The personal possessions of students within a school locker may be searched only when school authorities have a reasonable suspicion that the search will uncover evidence of a violation of law or school rules. As soon as practicable after the search of a student's personal possessions, the school authorities must provide notice of the search to students whose lockers were searched unless disclosure would impede an ongoing investigation by the police or school officials. If practical and reasonable, search of an area assigned to a student will be made in the presence of an adult witness and in the presence of the student. Illegal items may be seized by school authorities, and items which disrupt, distract from, or interfere with the educational process may be removed from student possession.

When school officials deem it appropriate, the Duluth Police Department may perform random safety sweeps of the buildings including parking lots, and lockers as appropriate.

RESPONSIBILITIES – Students are responsible for the consequences of their behavior. Each student is responsible for knowing and obeying all school rules and regulations. Principals shall be responsible for informing the parent(s) or guardian(s) of any student whose behavior is in serious conflict with established rules, public laws, and procedures. Notwithstanding the provisions of any law to the contrary, the conduct of all students twenty-one years of age and under attending a public elementary or secondary school shall be governed by a single set of reasonable rules and regulations promulgated by the local school board (M.S. 120A.20).

Students are responsible for reporting any illegal activities or serious violations that threaten their health, safety, or property of themselves or others.

Students are responsible for following all necessary procedures, rules, and regulations to make effective the school board policies relating to the standards of student behavior. All acts or conduct prohibited by state, federal, or local law are also considered a violation of the School Discipline Policy.

RESPONSIBILITY FOR ACADEMIC WORK – Duluth Public Schools faculty and staff are responsible to provide learning opportunities that are relevant and of high quality. Students are responsible to engage these opportunities through:

- Completing class assignments on time as instructed by the teacher.
- Properly caring for the instructional materials furnished to them by the school district.
- Bringing to class all materials required for daily classroom use.
- Actively participating in the learning activities.

RESPONSIBILITY REGARDING ATTENDANCE AND TARDINESS – Students are responsible for being in attendance each school day. Students shall be familiar with and responsible for following all school district attendance and tardiness policies, rules, and regulations.

RESPONSIBILITY FOR DISCIPLINE – Students have the right to a free public education and they are responsible for:

- Complying with the expectations and regulations of the school district and the instructions of all school district personnel.
- Respecting the authority of the faculty and school district officials on school property, on district-provided transportation, and at school-sponsored, off-campus events.

Failure to meet these responsibilities may be cause of disciplinary action.

~~Principal discretion to the enforcement of policy will be used when age and development/ability are factors to behavioral issues.~~

~~Principals who have been endorsed by Restorative Learning, Inc. may choose to use the Restorative Learning processes and procedures when dealing with adult referrals of students to the principal. The application, and use, and dissemination of the Restorative Learning processes is at the discretion of the superintendent. The principals will report back to the superintendent about the effectiveness of using the alternative Restorative Learning process.~~

DEFINITIONS OF DISCIPLINARY ACTIONS

SCHOOL ZONE – Students are subject to all school disciplinary actions or violations while in a school zone. A school zone is defined as an area that begins at the boundaries of the school property and extends three hundred feet from that point, or one city block, whichever is greater. This zone also includes the area within a school bus being used to transport one or more elementary or secondary school students.

STUDENT CONFERENCE – Depending on the violation and the seriousness of the action, a student may meet with the principal and/or a teacher to discuss the incident. Students may be asked to formulate a plan during this conference which addresses their behavior and a commitment to solutions for improvement.

PARENT(S) OR GUARDIAN(S) CONFERENCE – A parent(s) or guardian(s) conference is required if a student has committed a serious rule violation or has been suspended out of school. If a parent or guardian is unable to be present, the principal shall contact the parent(s) or guardian(s) by letter or telephone.

DETENTION – A student may be asked to remain after school by a teacher or principal for the purpose of correction of a violation, ~~including tardiness to class~~. Any student, who is instructed to report after school but is unable for any reason, must obtain permission from the teacher or principal. Reasonable attempts will be made to contact parent(s) or guardian(s) prior to implementation.

~~**SATURDAY SCHOOL** – Saturday School represents an alternative to in- or out-of-school suspension. Students may be required or requested to attend Saturday School as determined by school sites. Reasonable attempts will be made to contact parent(s) or guardian(s) prior to implementation.~~

REMOVAL FROM CLASS – All students have the right to learn and teachers the right to teach. Disruption to the learning process may result in the loss of privilege to remain in the class. This removal is limited to a reasonable time-frame to be reinstated upon an agreed solution with the instructor and principal as necessary. Students shall be allowed the privilege of making up daily work, including tests and final exams, upon return after removal from class.

DISMISSAL FOR THE DAY means an action by a principal requiring a student to leave school property for one day or less. Parent(s) or guardian(s) notification is required and a parent(s) or guardian(s) conference is required prior to re-admittance. Students shall be allowed the privilege of making up daily work, including tests and final exams, upon return after dismissal for the day.

~~Grounds for removal from class or dismissal from the building shall be:~~

- ~~a. Willful violation of a classroom or school rule or of any rule of conduct specified in the School Discipline Policy.~~
- ~~b. Willful conduct which materially and substantially disrupts the rights of others to an education.~~
- ~~c. Willful conduct which endangers school district employees, the student or other students, or the property of the school or others.~~

Removal from class or dismissal for the day of students with disabilities is also governed by the Individuals with Disabilities Education Act, M.S. 125A.03, and Minnesota Rules. See the section of this policy entitled “Students with Disabilities.”

IN-SCHOOL SUSPENSION means an action taken by the principal removing a student from class to a separate room for part or all of a school day(s). Credit will be given for all school assignments completed during the period of in-school suspension.

SUSPENSION means an action taken by school administration prohibiting a student from attending school for a period of no more than ten school days. Students will also be prohibited from all school-related activities during suspension.

If a suspension is longer than five days, the suspending administrator must provide the superintendent with a reason for the longer suspension. Additional suspensions following a five-day suspension may be imposed if the student will create an immediate and substantial danger to self or to surrounding persons or property, so long as the total suspension does not exceed fifteen school days (ten total days for students with an IEPs).

Alternative educational services shall be implemented if a suspension exceeds five days. The purpose of suspension is to remove the student from the school environment and to provide time for professional staff, parent(s) or guardian(s), and

student to discuss the matter and bring about an agreement on future conduct. A separate administrative conference is required for each period of suspension.

Suspension of students with disabilities shall be made pursuant to the Pupil Fair Dismissal Act, Minnesota Rules, the Individuals with Disabilities Education Act, and M.S. 125A.03. See the section of this policy entitled "Students with Disabilities."

A pupil may be suspended for:

- a. Willful violation of any reasonable school board regulation.
- b. Willful conduct which materially and substantially disrupts the rights of others to an education.
- c. Willful conduct which endangers school district employees, the student or other students, or the property of the school or others.

Suspension procedures are the following:

- a. The principal shall hold an informational conference with the student, except where it appears the student will create an immediate and substantial danger to self or to surrounding persons or property.
- b. A written notice of suspension shall be served upon the student at the time of suspension, if possible, and upon his/her parent(s) or guardian(s) by mail. Staff will also attempt to notify the student's parent(s) or guardian(s) by telephone at or before the suspension is to take effect.
- c. Students should have the opportunity to complete and receive credit for any assigned course work and/or tests given during their time of suspension. The work shall be completed and the tests taken in a timely manner.
- d. Days of out-of-school suspension shall not be counted as unexcused absences for purposes of attendance.

REFERRAL FOR RISK ASSESSMENT – Students deemed to be a threat to themselves and/or others may be asked to undergo a formal risk assessment by a district approved mental health professional before being readmitted to school.

REFERRAL TO STUDENT SUPPORT TEAMS (SST) – Referral to building SST is to be by school personnel, parent(s) or guardian(s), or community agencies. The parent(s) or guardian(s) shall be consulted if any special services are to be made available to a student.

ALTERNATIVE EDUCATIONAL SERVICES may include special tutoring, modified curriculum, other modifications or adaptations, instruction through electronic media, special educational services as indicated by appropriate assessment, homebound instruction, supervised homework, or enrollment in another district or alternative learning center, selected to allow the pupil to progress toward meeting graduation standards although in a different setting.

EXPULSION OR EXCLUSION – "Expulsion" means a school board action to prohibit an enrolled student from further attendance for up to twelve months from the date the student is expelled. "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. Expulsion and exclusion proceedings shall be in accordance with M.S. 121A.41, the Pupil Fair Dismissal Act.

A school board may expel for a period of at least one year a student who is determined to have brought a firearm to school. For the purposes of this section, firearm is as defined in United States Code, title 18, section 921.

In accordance with M.S. 121A.41, The Pupil Fair Dismissal Act, a student and his/her parent(s) or guardian(s) shall be served personally or by mail with notice of the expulsion hearing. The hearing will be held within ten days of service of the written note, unless continued pursuant to the statute. The recommendation of the hearing officer shall be made to the school board within two days of the end of the hearing. The decision of the school board shall be rendered at a special meeting within five days after receipt of the recommendation of the hearing officer. The student shall receive due process as set forth in M.S. 121A.41, The Pupil Fair Dismissal Act.

STUDENTS WITH DISABILITIES being served on an IEP are expected to follow the School Discipline Policy the same as other students. Standard disciplinary action or variance from that action must be stated in each IEP. Specific exceptions to the code of conduct related to manifestation of the student's disability will also be included in the IEP. The basic additional rules for discipline concerning students with disabilities are as follows:

- a. School Rules – “Regular” school rules apply if and only if the student discipline rules are determined at an IEP meeting to be appropriate for the student.
- b. Maximum Suspension – No student with a disability may be suspended for more than ten total days in a school year unless due process procedures have been carefully followed.
- c. Manifestation Determination – An IEP team meeting must be held to conduct a manifestation determination for student misconduct resulting in removal from school for more than five consecutive or ten cumulative school days, when subjected to a series of removals that constitute a pattern, or at parent request. That meeting must be held within ten school days of the beginning date of suspension to determine whether misconduct is a manifestation of the student's disability.

When misconduct is determined to be a manifestation of the disability, and the IEP team has not created a positive behavior intervention plan (BIP) prior to removal, both a functional behavioral determination (FBA) and BIP must be developed as soon as possible, but not more than thirty school days from the time of the manifestation determination meeting. If the student already had a BIP at the time of the misconduct, the IEP team must review it and decide whether to modify it to address the misconduct (M.R. 3525.2550).

When the misconduct is not determined to be a manifestation of the disability, school personnel may apply relevant disciplinary procedures in the same manner and for the same duration as the procedures would be applied to children without disabilities. Educational services would be provided for a removal from the educational setting, so as to enable the student to continue to participate in the general education curriculum and progress toward meeting IEP goals. The student may also receive, as appropriate, an FBA, BIP, and modification designed to address the behavior violation so that it does not recur.

- d. Positive Behavior Intervention – The district expects and encourages the planned development and use of positive behavioral interventions. The district discourages the use of punitive, aversive, or deprivational interventions.

REFERRAL TO JUVENILE AUTHORITIES – If a student's behavior may be a violation of law, the principal or designated representative may contact juvenile authorities or police. If the officer indicates that he/she is arresting the student, with or without a warrant, he/she shall have complete jurisdiction and responsibility in the matter and the principal shall not interfere with the student's removal from the building.

The student will, in all cases, be accorded the rights of due process.

INFORMATION AND REVIEW PROCESS – Students or parent(s) or guardian(s) who wish to discuss concerns or review actions taken, provided actions do not involve expulsion or suspension, may request a conference with school personnel. It is recommended that conferences occur between personnel closest to the concern and be solution-based toward district aims and vision.

POLICY REVIEW PROCESS ~~The principal and representatives of parent(s) or guardian(s), students, and staff in each school shall confer annually to review the School Discipline Policy and assess whether the policy has been enforced.~~ The school board shall conduct an annual review of the School Discipline Policy.

NOTE: Residential/Day Treatment and alternative sites will have some discretion in the application of the policy.

STANDARDS OF CONDUCT

Standards of conduct are developed to ensure the district's aim of high achievement and safe and welcoming environments. Disciplinary policies within the elementary and secondary schools shall be enforced within the general guidelines as set forth below and are designed to prevent student's inappropriate behavior from recurring. These guidelines clearly describe the various administrative actions that will be taken for violations of the law and the school district standards of behavior.

~~The MAXIMUM administrative actions are expulsion and exclusion.~~ The listing of ~~MINIMUM~~ minimum actions does not require that a "step-by-step" progression of increasing severity be employed by an administrator in dealing with a violation. However, there should be a logical relationship between the severity of the offense and the administrative action. The intent of this section is to list the mandatory ~~MINIMUM~~ minimum disciplinary actions for each violation. The following represent the majority of violations that occur in the schools, but others may occur which will warrant disciplinary action. Principal discretion to the enforcement of policy will be used when age and development/ability are factors to behavioral issues.

The assistant superintendent of schools will be consulted if any site desires to implement policy which exceeds the ~~minimum~~ disciplinary action for violations stated in this handbook.

For students with a history of violent behavior, staff will be notified per Policy 5022 – Staff Notification of Violent Students.

The following pages set forth **MINIMUM** consequences for any of the violations listed below. **HOWEVER, MORE SEVERE CONSEQUENCES, UP TO AND INCLUDING EXPULSION AND EXCLUSION, MAY BE CONSIDERED AND IMPOSED WHERE AN INITIAL OR SUBSEQUENT VIOLATION IS SEVERE ENOUGH TO WARRANT SUCH CONSEQUENCES.**



	VIOLATION	MINIMUM DISCIPLINARY ACTION
ALCOHOL*	<p>A student shall not possess, use, transmit, or be under the influence of alcoholic beverages of any kind:</p> <ul style="list-style-type: none"> ▪ On school grounds immediately before, during, or after school hours. ▪ On school grounds at any time when the school is being used by any school group. ▪ Off school grounds at a school activity, function, or event. ▪ On any district-provided transportation. ▪ In a school zone as defined by Minnesota Statutes. 	<ul style="list-style-type: none"> - <u>First Offense</u>: Mandatory, timely notification of police; notification of parent(s) or guardian(s); <u>1 to 3 days in- or out-of school suspension</u>; referral to building SST. - <u>Second Offense</u>: 3 days out-of-school suspension; referral to building SST. - <u>Third Offense</u>: 5 days out-of-school suspension. - <u>Fourth Offense</u>: Move for expulsion.
ARSON	<p>1. "Arson" – The intent or intentional destruction of or damage to any school building, school or personal property, injury to persons by means of fire or explosives. This includes all behaviors within the 'school zone' on school-sponsored/supervised activities.</p> <hr style="border-top: 1px dashed black;"/> <p>2. Failure to exercise ordinary caution resulting in fire within any area identified in #1 above, damage to school or personal property, or injury to person(s).</p> <hr style="border-top: 1px dashed black;"/> <p>3. False alarm or tampering with any part of a fire suppression system (including, but not limited to sprinkler, fire alarms, smoke detectors, fire extinguishers, or any other part of the fire suppression system). Giving a false alarm (police, fire, ambulance, 911) or tampering or interfering with any fire alarm system.</p> <hr style="border-top: 1px dashed black;"/> <p>4. Matches, lighters, and other fire starting materials are not allowed on school premises.</p>	<ul style="list-style-type: none"> - <u>First Offense</u> – Mandatory, timely notification of police, Fire Marshall, and F.I.R.S.T. Program; notification of parent(s) or guardian(s); refer for attendance at F.I.R.S.T. Program Saturday School; restitution if damage occurred; risk assessment and 3 days out-of-school suspension; consideration for expulsion. - <u>Second Offense</u> – 5 days out-of-school suspension; consideration for expulsion. <hr style="border-top: 1px dashed black;"/> <ul style="list-style-type: none"> - <u>First Offense</u> – Mandatory, timely notification of police and Fire Marshall; notification of parent(s) or guardian(s); restitution if damage occurred; suspension; consideration for expulsion. - <u>Second Offense</u> – Consideration for expulsion. <hr style="border-top: 1px dashed black;"/> <ul style="list-style-type: none"> - <u>First Offense</u> – Mandatory, timely notification of Fire Marshall or appropriate authorities; notification of parent(s) or guardian(s); 3 days out-of-school suspension; consideration for expulsion. - <u>Second Offense</u>: Consideration for expulsion. <hr style="border-top: 1px dashed black;"/> <p><u>First Offense</u>: Materials will be confiscated and parents may be notified.</p>
ASSAULT	<p>1. "Assault" is acting to cause fear in another of immediate bodily harm or death or intentionally inflicting or attempting to inflict bodily harm upon another.</p> <hr style="border-top: 1px dashed black;"/> <p>2. "Aggravated assault" is committing an assault upon another person with a dangerous weapon or an assault that inflicts great bodily harm upon another person. (In cases involving harassment, as defined in the Harassment Policy, a district specialist will be consulted.)</p> <hr style="border-top: 1px dashed black;"/> <p>3. "Criminal Sexual Assault" is defined by M.S. 609.341. (Refer to Sexual Harassment/Assault Response Protocol.)</p>	<ul style="list-style-type: none"> - <u>First Offense</u>: Mandatory, timely notification of police or probation officer, if applicable; notification of parent(s) or guardian(s); 1 to 3 days in- or out-of school suspension. - <u>Second Offense</u>: 3 to 5 days out-of-school suspension. - <u>Third Offense</u>: 3 to 5 days out-of-school suspension; consideration for expulsion. <hr style="border-top: 1px dashed black;"/> <ul style="list-style-type: none"> - Mandatory, timely notification of police or probation officer, if applicable; notification of parent(s) or guardian(s); 3 to 5 days out-of-school suspension; consideration for expulsion depending on the severity of assault and past infractions. <hr style="border-top: 1px dashed black;"/> <ul style="list-style-type: none"> - <u>First Offense</u>: Mandatory, timely notification of police or probation officer, if applicable; 3 to 5 days out-of-school suspension. - <u>Second Offense</u>: Move for expulsion.
ATTENDANCE	Truancy/tardiness	- See Policy 5025 and Regulation 5025R Attendance.



	VIOLATION	MINIMUM-DISCIPLINARY ACTION
BOMB*	A student shall not possess or commit crimes of violence using explosive devices including, but not limited to, bombs, grenades, rockets, mines, and fireworks. This also means devices that produce a chemical reaction that produces gas producing destructive effects.	- Mandatory, timely notification of police or probation officer, if applicable; notification of parent(s) or guardian(s); 5 days out-of-school suspension; consideration for expulsion.
BOMB THREAT*	A student shall not threaten directly or indirectly, to commit any crime of violence with purpose to cause evacuation of a school building or grounds or a school-related activity.	- Mandatory, timely notification of police; notification of parent(s) or guardians(s); 3 to 5 days out-of-school suspension; consideration for expulsion. A plan for readmission must be developed, which may include a risk assessment if the student is to return to school.
BULLYING	A student shall not intentionally hurt another person, either physically or psychologically. A student may not participate in or conspire with others to engage in harassing acts that injure, degrade, or disgrace other individuals. No student may intentionally or knowingly cause physical contact with another when the student knows or should reasonably believe that the other will regard the contact as offensive or provocative.	- <u>First Offense</u> : Student conference; notification of parent(s) or guardian(s); consideration for 1 day in- or out-of-school suspension or dismissal; conference with parent(s) or guardian(s) if suspended; mandatory filing of a complaint with ISD 709 Human Resources. - <u>Second Offense</u> : 3 days out-of-school suspension. - <u>Third Offense</u> : 5 days out-of-school suspension; consideration for expulsion.
CYBER BULLYING	A student shall not use technology (e-mailing, instant messaging, text messaging, personal web pages such as MySpace or Facebook) to bully, intimidate and harass a person or group of people. This includes off-campus behavior that negatively impacts effective school operations or the rights of others to an education or instruction.	- <u>First Offense</u> : Student conference; notification of parent(s) or guardian(s); consideration for 1 day in- or out-of-school suspension or dismissal; conference with parent(s) or guardian(s) if suspended; mandatory filing of a complaint with ISD 709 Human Resources. - <u>Second Offense</u> : 3 days out-of-school suspension. <u>Third Offense</u> : 5 days out-of-school suspension; consideration for expulsion.
COMPUTER	Data tampering, unauthorized use of data, violations of Policy 3187- Use Policy for Internet Access and Regulation 3187R - Internet Use Regulations (i.e. software modification or copyright violation, any attempt to install or use software that has not been approved by the district, violation of district network security, hardware damage/vandalism, etc.) is prohibited.	- <u>First Offense</u> – Loss or restriction of technology use; notification of parent(s) or guardian(s) and police or probation officer, if applicable; required restitution by parent(s) or guardian(s) and student; student conference; consideration for 1 to 3 days in- or out-of-school suspension. - <u>Second Offense</u> : Loss or restriction of technology use; 1 to 3 days out-of-school suspension; consideration for expulsion; required restitution by parent(s) or guardian(s) and student.
CONTROLLED SUBSTANCE (Prescription)*	A student shall not possess, use, transmit or be under the influence of a controlled substance that is not prescribed to the student by a licensed health care professional: <ul style="list-style-type: none"> ▪ On school grounds immediately before, during, or after school hours. ▪ On school grounds at any time when the school is being used by any school group. ▪ Off school grounds at a school activity, function, or event. ▪ On any district-provided transportation. ▪ In a school zone as defined by Minnesota Statutes. <p>Refer to Regulation 6180R – Procedures of Administration of Medication During the School Day</p>	- <u>First Offense</u> : Mandatory, timely notification of police; notification of parent(s) or guardian(s); <u>1-3 day</u> suspension; referral to building SST. - <u>Second Offense</u> : 3 days out-of-school suspension; referral to building SST. - <u>Third Offense</u> : 5 days out-of-school suspension. - <u>Fourth Offense</u> : Move for expulsion.



DISRUPTIVE/DISORDERLY CONDUCT/INSUBORDINATION

VIOLATION	MINIMUM-DISCIPLINARY ACTION
MINOR INFRACTIONS	
<p>A student shall not participate in actions that interfere with the rights of others to an education, instruction, and/or with the effective operations of the school. Such actions include off-campus behavior that negatively impacts effective school operations or the rights of others to an education or instruction including but not limited to: Refusal to follow school rules and regulations, refusal to follow directions given by a staff member, <u>loud/boisterous behavior</u>, inappropriate language, rude gestures, defiance, lying, throwing objects, running, <u>cell-phone usage</u>, leaving school grounds without proper authorization, and distributing unauthorized materials on school property.</p>	<ul style="list-style-type: none"> - Student conference; possible notification of parent(s) or guardian(s); possible detention or 1 to 3 days in- or out-of-school suspension.
<p>Attire - Attire or personal grooming that presents a risk to health, safety, property, interferes with education, or violates Policy 4015 and Regulation 4015R Prohibiting Harassment and Violence is prohibited. Hats, caps, scarves, jackets, and coats are to be stored in student lockers during the school day.</p>	<ul style="list-style-type: none"> - Student conference; notification of parent(s) or guardian(s). Student will be required to modify his/her attire in such a manner that it no longer violates this policy. The student may be sent home to modify unacceptable attire. Articles may be confiscated and returned to the parent(s) or guardian(s) at their request.
MAJOR INFRACTIONS	
<p>Academic Dishonesty – A student shall not cheat in any form on school grounds or in any school-related activity. This includes plagiarizing (copying from print, the internet, or other electronic resources, purchasing or copying another person’s work, and paraphrasing without citing the source).</p>	<ul style="list-style-type: none"> - <u>First Offense</u>: Teacher conference with student; teacher discretion for consequences. - <u>Second Offense</u>: Notification of parent(s) or guardian(s) and/or conference; teacher discretion for consequences. - <u>Third Offense</u>: Administration conference; consideration for loss of credit; consideration for 1 to 3 days in- or out-of-school suspension.
<p>Gambling – A student shall not gamble in any form on school grounds or in any school-related activity.</p>	<ul style="list-style-type: none"> - Referral to juvenile authorities or police and notification of parent(s) or guardian(s).
<p>Motor Vehicle Infractions</p> <ol style="list-style-type: none"> 1. <u>Parking</u> - A student shall not park in an unauthorized area on school property or park on school property without a valid school permit. 2. <u>Reckless or Careless Driving</u> – A student shall not drive on or near school property in such a manner as to endanger persons or property. 	<ul style="list-style-type: none"> - Parking ticket; possible loss of parking privileges; possible towing at owner’s expense. - Suspension; notification of police and parent(s) or guardian(s); suspension of parking privileges.
<p>Record and Identification Falsification - A student shall not falsify signatures or data, refuse to give proper identification or give false identification when requested to do so by a staff member, or give a false name or date of birth to police.</p>	<ul style="list-style-type: none"> - Student conference; notification of parent(s) or guardian(s); possible result in a court referral for giving a false name or date of birth to police.
<p>Transportation Infractions – A student shall not participate in disruptive, distracting, or destructive conduct that interferes with the safe and orderly operation of the transporting of students.</p>	<ul style="list-style-type: none"> - <u>First Offense</u>: Student conference; notification of parent(s) or guardian(s). - <u>Second Offense</u>: Up to 1 week suspension of bus privileges. - <u>Third Offense</u>: Up to 2 week suspension of bus privileges. - <u>Fourth Offense</u>: Up to 1 month suspension or possible loss of all bus privileges for the remainder of school year. - <u>NOTE</u>: Reporting to local police of misbehavior on a school bus causing an immediate and substantial danger to self or surrounding persons or property is required by law.
<p>Trespassing – A student shall not be physically present in a school building without permission, after being requested to leave by a school official, or after suspension or expulsion.</p>	<ul style="list-style-type: none"> - <u>First Offense</u>: Student conference; notification of parent(s) or guardian(s) and police; possible 1 day in- or out-of-school suspension. - <u>Second Offense</u>: 2 days out-of-school suspension; referral to building SST.



	VIOLATION	MINIMUM-DISCIPLINARY ACTION
EXTORTION	A student shall not obtain property from another by verbal intimidation.	<ul style="list-style-type: none"> - <u>First Offense</u>: Mandatory, timely notification of police or probation officer, if applicable; notification of parent(s) or guardian(s); 1 to 3 days in- or out-of-school suspension. - <u>Second Offense</u>: 3 to 5 days out-of-school suspension. - <u>Third Offense</u>: Move for expulsion.
FIGHTING*	"Fighting" is mutual combat in which both parties have contributed to the situation by verbal and/or physical action.	<ul style="list-style-type: none"> - <u>First Offense</u>: Mandatory, timely notification of police or probation officer, if applicable; notification of parent(s) or guardian(s); 1 to 3 days in- or out-of-school suspension. - <u>Second Offense</u>: 3 to 5 days out-of-school suspension. - <u>Third Offense</u>: 3 to 5 days out-of-school suspension; consideration for expulsion.
GANG ACTIVITY	Gang activity is strictly prohibited. A "gang" is herein identified as any group that participates in disruptive, intimidating, illegal, and/or violent activities as defined in this policy.	<ul style="list-style-type: none"> - <u>First Offense</u>: Student conference; Notification of parent(s) or guardian(s); police notification; <u>consideration for 1 to 3 days in- or out-of-school suspension.</u> - <u>Second Offense</u>: 1 to 3 days in- or out-of-school suspension. - <u>Third Offense</u>: 3 days out-of-school suspension. <p><u>NOTE</u>: Repeated offenses involving assault, intimidation, or other illegal activity may result in recommendation for expulsion.</p>
HARASSMENT	<ul style="list-style-type: none"> ▪ Sexual harassment ▪ Sexual orientation harassment ▪ Religious harassment ▪ Ethnic/racial harassment (racial slurs, displays, emblems, graffiti, etc.) ▪ Disability harassment as defined in Policy 4015 and Regulation 4015R Prohibiting Harassment and Violence. (These actions may also constitute harassment as defined in Policy 4015 and Regulation 4015R Prohibiting Harassment and Violence.) 	<ul style="list-style-type: none"> - <u>First Offense</u>: Student conference; notification of parent(s) or guardian(s); consideration for 1 day in-school suspension or dismissal; notification of Integration and/or harassment specialist, if appropriate; conference with parent(s) or guardian(s) if suspended; mandatory filing of a complaint with ISD 709 Human Resources. - <u>Second Offense</u>: 3 days out-of-school suspension. - <u>Third Offense</u>: 5 days out-of-school suspension.
HAZING	"Hazing" means committing an act against a student or coercing a student into committing an act that creates a substantial risk of harm to a person in order for the student to be initiated into or affiliated with a student organization. "Student organization" means a group, club, or organization having students as its primary members or participants. Hazing may be reported to any staff member or administrator. Refer to Policy 5083 Hazing Prohibition.	<ul style="list-style-type: none"> - <u>First Offense</u>: 1 to 3 days out-of-school suspension. - <u>Second Offense</u>: 3 to 5 days out-of-school suspension. - <u>Third Offense</u>: 5 days out-of-school suspension.
HOMICIDE**	A student shall not commit homicide, which means the killing of one human being by the act, procurement, or omission of another.	Mandatory, timely notification of police; move for expulsion.
ILLEGAL DRUGS**	<p>A student shall not possess, use, transmit, or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, intoxicants of any kind, look-alike drugs, or substances that may have the appearance of an illegal substance, such as catnip, oregano, flour, saccharin, or other items or paraphernalia:</p> <ul style="list-style-type: none"> ▪ On school grounds immediately before, during, or after school hours. ▪ On school grounds at any time when the school is being used by any school group. ▪ Off school grounds at a school activity, function, or event. ▪ On any district-provided transportation. ▪ In a school zone as defined by Minnesota Statutes. 	<ul style="list-style-type: none"> - <u>First Offense</u>: Mandatory, timely notification of police; notification of parent(s) or guardian(s); <u>1 to 3 days suspension</u>; referral to building SST. - <u>Second Offense</u>: 3 days out-of-school suspension; referral to building SST. - <u>Third Offense</u>: 5 days out-of-school suspension. - <u>Fourth Offense</u>: Move for expulsion. <p><u>NOTE</u>: Students who sell or deal controlled substances on school premises may be subject to expulsion on the first offense.</p>



	VIOLATION	MINIMUM-DISCIPLINARY ACTION
OVER THE COUNTER MEDICATIONS AGAINST SCHOOL POLICY	Refer to Regulation 6180R – Procedures of Administration of Medication During the School Day	<p><u>First Offense:</u> Student conference; notification of parent(s) or guardian(s); consideration for 1 to 3 days in- or out-of-school suspension.</p> <p><u>Second Offense:</u> 3 to 5 days out-of-school suspension; consideration for expulsion.</p> <p><u>NOTE:</u> The school may revoke a student's privilege to possess and use non-prescription pain relievers if the school determines that the student is abusing the privilege.</p>
PYROTECHNICS	A student shall not possess or detonate fireworks.	<p>– <u>First Offense:</u> Notification of parent(s) or guardian(s); 1 to 3 days in- or out-of-school suspension.</p> <p><u>Second Offense:</u> 3 days out-of-school suspension; consideration for expulsion.</p>
ROBBERY*	A student shall not obtain property from another by use of force or threat of force.	<p>– <u>First Offense:</u> Mandatory, timely notification of police or probation officer, if applicable; notification of parent(s) or guardian(s); 3 days out-of-school suspension.</p> <p>– <u>Second Offense:</u> 3 to 5 days out-of-school suspension.</p> <p><u>Third Offense:</u> Move for expulsion.</p>
TERRORISTIC THREATS*	A student shall not threaten to commit any crime of violence with the purpose to terrorize another person.	– Mandatory, timely notification of police; notification of parent(s) or guardians(s); 3 to 5 days out-of-school suspension; consideration for expulsion. A plan for readmission must be developed, which may include a risk assessment if the student is to return to school.
THEFT	A student shall not intentionally take, use, transfer, conceal, or retain possession of personal property of another without the other's consent and with intent to deprive the owner permanently of possession of the personal property.	<p>– <u>First Offense:</u> Notification of parent(s) or guardian(s), police, or probation officer, if applicable; required restitution by parent(s) or guardian(s) and student; student conference; 1 to 3 days in- or out-of-school suspension.</p> <p><u>Second Offense:</u> 3 days out-of-school suspension; consideration for expulsion; required restitution by parent(s) or guardian(s) and student.</p>
THREAT/INTIMIDATION	A student shall not use words or gestures to intimidate or incite fear in another person.	<p>– <u>First Offense:</u> Student conference; notification of parent(s) or guardian(s); consideration for 1 day in-school suspension or dismissal; conference with parent(s) or guardian(s) if suspended; mandatory filing of a complaint with ISD 709 Human Resources.</p> <p>– <u>Second Offense:</u> 3 days out-of-school suspension.</p> <p><u>Third Offense:</u> 5 days out-of-school suspension; consideration for expulsion.</p>
TOBACCO	A student shall not use, possess, or visibly display tobacco products/smoking materials on school grounds or in a school zone as defined by Minnesota Statutes.	<p>– <u>First Offense:</u> Mandatory, timely notification of police; student conference; notification of parent(s) or guardian(s); tobacco ticket.</p> <p>– <u>Second Offense:</u> 1 day in- or out-of-school suspension.</p> <p>– <u>Third Offense:</u> 1 to 3 days out-of-school suspension.</p>
VANDALISM/PROPERTY RELATED	<p>A student shall not willfully, cut, deface, or otherwise damage in any way any property, real or personal. This includes school busses.</p> <p>A fee will be charged for lost or destroyed textbooks, workbooks, or library books.</p>	<p>– Required restitution by parent(s) or guardian(s) and student; consideration for notification of police; 1 to 3 days in- or out-of-school suspension.</p> <p>– Parent(s) or guardian(s) and student shall be liable for fees charged by the school district.</p>
VERBAL ABUSE*	A student shall not engage in obscene or abusive language/comments.	<p>– <u>First Offense:</u> Student conference; parent(s) or guardian(s) conference; consideration for 1 day in-school suspension or dismissal; notification of diversity staff, if appropriate.</p> <p>– <u>Second Offense:</u> 2 days out-of-school suspension.</p> <p>– <u>Third Offense:</u> 3 days out-of-school suspension.</p> <p><u>NOTE:</u> Engaging in obscene or abusive language directed towards a staff member will result in automatic mandatory in- or out-of-school suspension.</p>



	VIOLATION	MINIMUM-DISCIPLINARY ACTION
WEAPON	<p>“Dangerous weapon” means any firearm, whether loaded or unloaded, knives, stun guns, martial arts instruments, mace or any device designed as a weapon, or any other device or instrument which in the manner it is used or intended to be used is calculated or likely to produce death or great bodily harm. This includes any look-alike object that may have the appearance of a weapon or dangerous instrument. A student shall not knowingly possess, store, handle, transmit, use, or encourage or aid any student to possess, store, handle, or transmit these weapons in:</p> <ul style="list-style-type: none"> ▪ Any school building. ▪ On any school premises. ▪ On any school-provided transportation. ▪ Off the school grounds at any school-related activity, event, or function. ▪ In a school zone as defined by Minnesota Statutes. 	<p>– Mandatory, timely notification of police or probation officer, if applicable; notification of parent(s) or guardian(s); 1 to 5 days out-of-school suspension; possible expulsion. Weapon will be confiscated by building administration.</p> <p><u>NOTE:</u> A school board may expel for a period of at least one school year a student who is determined to have brought a firearm to school.</p> <p>For the purpose of this section, firearm is defined in United States Code, title 18, section 921.</p>

It is always appropriate to report any incidents or violations.

~~*Bottom line behaviors warrant a mandatory out-of-school suspension.~~