

Up North Learning Center ISD 6099

**2025-2026
Setting IV Student Handbook**



UNLC

5413 County 37 NW
Walker, MN 56484

Phone # 218-547-6525

Fax # 218-547-6542

Dawn Casteel Principal

Contents

Welcome to Up North Learning Center.....	4
Up North Learning Center Mission Statement.....	4
Statement of Nondiscrimination.....	4
Important Phone Numbers.....	5
School Calendar.....	5
Daily/Weekly Class Schedule.....	5
MCA Testing Schedule.....	5
UNLC Testing Dates 2025-2026.....	5
Policies, Procedures, and Programs.....	6
Before and After School Hours:.....	6
Types of Absences:.....	6
Truancy Procedures:.....	7
Birthdays:.....	7
Expectations for Student Behavior:.....	8
Introduction:.....	8
Expectations of All Up North Learning Center Staff and Students:.....	8
Tobacco Products/Tobacco Substitutes or Look-A-Likes:.....	10
Alcoholic Beverages, Non-Prescription Drugs, or Controlled Substances:.....	10
Property Damage:.....	11
False Fire Alarms/Fire Extinguishers/Security System/Bomb Threat:.....	11
Weapons/Explosives:.....	11
Search and Seizure:.....	12
Disorderly Conduct/Verbal or Physical Abuse/Threat of Violence/Assault/Harassment:.....	13
Harassment and Violence:.....	15
REPORTING PROCEDURES:.....	19
Bullying/Cyberbullying Policy:.....	20
Behavior Interventions:.....	21
Restrictive Procedures:.....	21
Emergency Situation:.....	22
Seclusion:.....	22
Withdrawal of Consent:.....	22
Transportation:.....	22

Closed Campus Regulations:	23
Computer/Internet Use:	23
Data Privacy:	24
Disciplinary Action:	24
Dress Code:	27
Emergency School Closing/Early Dismissal:	28
E-Learning:	28
Fire Drills:	29
Illness at School:	29
Locker Policy:	29
Lost and Found:	29
Lunch:	29
Medications/Prescriptions	30
Pledge of Allegiance:	30
Report Cards:	30
Credit Recovery:	30
Suicide Prevention Information:	31
Visitors for Students:	31
Parent Participation:	31
Laser Lights, Cell Phones, iPods, mp3 PLAYER, Skateboard/Rip-sticks:	31
MN PUPIL FAIR DISMISSAL ACT, revised August, 2016	31

Welcome to Up North Learning Center

Dear Students and Parents,

Welcome to Up North Learning Center! The guidelines set forth in this handbook promote the common understanding essential for a positive and productive school experience. The UNLC education team looks forward to assisting students in fulfilling their educational goals. The administration, faculty, and staff welcome the opportunity to support student success throughout their attendance at UNLC. Please feel encouraged to contact the school with any questions you may have 218-547-6525. Parents, students and the community can also check our webpage: wha.k12.mn.us under the "Schools" tab. Administration recommends families review this handbook together and keep it as a reference during the school year. Thank you so much for your partnership as we continue to support the growth of your child throughout the year.

Up North Learning Center Mission Statement

Up North Learning Center's mission is to support children with significant social, emotional and behavioral needs to be successful active members of the community as they grow and thrive. We provide a safe place for students to achieve socially and academically with intensive mental health services to increase individual student skills, knowledge, and confidence. Our goal is to foster a love of learning, promote independence, cultivate social and behavioral skills as well as work with families and member districts to become successful learners.

Statement of Nondiscrimination

It is the policy of the UNLC #6099 to comply with the federal and state law prohibiting discrimination and all requirements imposed by or pursuant to regulations issued thereto, to the end that no person in the school district shall on grounds of race, color, national origin, creed, religion, sex, marital status, age, status with regard to public assistance, or disability be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any education program, or in employment, or recruitment, consideration or selection, therefore, whether fulltime or parttime under an education program or activity for which the school district is responsible. The following persons have been designated to handle inquiries regarding the nondiscrimination policies:

Up North Learning Center's appointed ADA/Section 504 Coordinator: Dawn Casteel

Up North Learning Center Principal: Dawn Casteel (218)-547-6525

This is a shortened version of the policies which may be found on the school's website under School District Policy. Policy #401 Equal Employment Opportunity, #402 Disability Nondiscrimination, #521 Student Disability Nondiscrimination, #522 Student Sex Nondiscrimination

Important Phone Numbers

Up North Learning Center School Office: (218) 547-6525
Up North Learning Center Fax: (218) 547-6542
PAWN Special Education Director's Office: (218) 237-6541

School Calendar

Up North Learning Center calendar is included in the welcome packet each family receives and can be found on our website. Another copy may be requested by calling the office.

Daily/Weekly Class Schedule

The daily/weekly classroom schedules will be given out by the classroom teacher at the end of the first week of school.

MCA Testing Schedule

While the Minnesota Department of Education strives to ensure this testing schedule remains unaltered, it is subject to change based on assessment decisions made by the state or federal legislation.

UNLC Testing Dates 2025-2026

August 8, 2025 – August 28, 2025 (fall)	FastBridge
December 1, 2025 – December 19, 2025 (winter)	
May 11, 2026 – May 29, 2026 (spring)	
January 24, 2026	Access Testing
March 2, 2026 – April 10, 2026	MCA Testing
March 2, 2026 – April 10, 2026	MTAS Testing
April 2026	ACT Testing

*****The Testing Refusal form is provided at the end of this handbook.***

Policies, Procedures, and Programs

Before and After School Hours:

Students are not to be at school before 8:15 am or after 2:30 pm unless they are here for a specific purpose under the direct supervision of a PARENT/GUARDIAN. Regular attendance is an important requirement for all students. When it is necessary for the student to be absent, parents are to notify the school before 9:00 am. Following any absence, a student must present an excuse from a parent stating the reason for the absence and the date(s) of the absence.

Types of Absences:

1. **Excused**: Any absence falling into the categories of personal illness or family emergency. Examples include medical appointments, dentist appointments, counseling appointments, court appearances, driver's license exam, death in the family and prearranged family vacations. All incomplete assignments may be made up if proper procedures have been followed. **All appointments need to be reported to the school office in order to be excused.**
2. **Advanced Make-Up**: May be obtained from the office with parent request before the date of absence. All work can be made up. Examples would include medical appointments, family trips, court appearances, etc.
3. **Unexcused**: Any absence not directly covered by the preceding excused absences will be considered an unexcused absence. Examples of unexcused absences include errands and appointments with no further explanation, truancy, leaving school without permission, forgery on excused, babysitting, luncheons, work, missed bus, car trouble, shopping, hair appointments, tanning appointments, oversleeping, etc. In the case of a student being needed at home, parental contact by phone is necessary to explain the extenuating circumstances. A decision will then be made as to whether the absence is excused or unexcused. An unexcused absence means that make-up work need not be given and all tests, etc. are not to be made up. **Attendance issues can be determined at the discretion of the building administrator.**
4. **Excessive Excused Absences**: Students and parents/guardians must understand that each school has the right to respond to students with inadequate seat time, which may include not granting credit or not promoting to the next grade level. It must also be understood that each school reserves the right to request physician's notes for a student who has had excessive excused absences (if a note has been

requested and not provided, the school can determine that day to be absent unexcused).

5. **Tardiness:** The fourth accumulated unexcused tardy in a grading quarter and each additional unexcused tardy thereafter.

It is the responsibility of each student and parent/guardian to read attendance policies within their school's handbook. Refer to school administration for questions or clarification.

All policies and procedures listed pertain to K- 12 students enrolled at Up North Learning Center.

Truancy Procedures:

Three unexcused or a combination of eight total unexcused/excused absences

1. Initial letter of notification sent to parents/guardians by school officials.

Five unexcused or a combination of ten total unexcused/excused absences

1. Referral sent to the truancy officer, the district truancy office may take the following actions (in cooperation with school administration*).
 - a. Meet with the student and/or parent/guardian to explain Minnesota state attendance laws and consequences.
 - b. Sign and individual attendance contract with student and/or parent.
 - c. Contact and arrange assistance for family with any needed support services (i.e. school nurse, school social worker)

*The district truancy officer meets with the building administrator weekly to discuss truancy problems and work on preventative strategies.

Seven unexcused absences or more, referral to County District Attorney (habitual truant under Minnesota Statute 260C.007 sub 19)

1. Truancy petition filed with the County Attorney
 - a. District Attorney will file as a child in need of protection with District Court
 - b. Depending on the age of the student, District Attorney, Truancy Officer and County Human Services will decide whether or not it is a case of truancy or educational neglect.

Birthdays:

Birthdays are a special time for children.

In School: Please check in advance with your child's teacher if you wish to bring treats for your child's birthday (or in the case of a summer birthday - we celebrate half birthdays). Homemade treats are NOT allowed to be served due to health regulations.

Parties at Home: If you are having a party for your child at home, please mail the invitations or phone parents, unless you are inviting the entire class. We have badly hurt feelings if invitations are passed out in school and some children are excluded.

Also, school transportation will not permit other students to ride your child's scheduled transportation.

Expectations for Student Behavior:

Introduction:

As citizens in a democratic society, students have rights as spelled out by the Constitution of the United States. The Constitutional amendments that specifically apply to students' rights in school are the First, Fourth, and Fourteenth, which guaranteed the right to free expression, freedom from unreasonable search and seizure, due process, and equal educational opportunities. Students are responsible to behave in ways that are reasonable for time, place, and manner in a school setting. All students and staff are responsible to protect the educational process.

There are four time-tested interest arguments that explain when the rights and needs of the group take priority over the individual's rights. These explanations are well grounded in legal principles. These group needs are called Compelling State Interests.

1. Property Loss or Damage
2. Legitimate Educational Purpose
3. Health and Safety
4. Serious Disruption of the Educational Process

Expectations of All Up North Learning Center Staff and Students:

1. TREAT ALL PROPERTY WITH RESPECT

Take care of school property and equipment. Respect and care for personal property of yourself and others. Borrow property of others only after receiving permission. If you break or damage property, you will need to fix, replace, or pay for it. (Compelling State Interest: Property Loss or Damage)

2. TAKE RESPONSIBILITY FOR LEARNING

Be an active learner, work hard and do your best, be involved, come to school prepared to learn, be a good listener, turn in your assignments on time, study outside of class, have necessary materials, set a good example for others, feel good about yourself, and be on time, etc. (Compelling State Interest: Legitimate Educational Purpose)

3. ACT IN A SAFE AND HEALTHY WAY

Be kind and considerate with words and actions. Use furniture and equipment appropriately, walk in the building, keep hands and feet to self, etc. (Compelling State Interest: Health and Safety)

4. RESPECT THE RIGHTS AND NEEDS OF OTHERS

Work and play without disrupting others, show courtesy towards others, cooperate to help others learn, use positive words and actions, etc. (Compelling State Interest: Serious Disruption of the Educational Process)

***Keep the balance between your individual rights and the needs of the group.**

CODE OF STUDENT RIGHTS

- All students have a right to equal educational opportunities.
- All students have the right to be free from assault or intimidation.
- All students have the right to utilize school facilities and programs according to established school regulations and procedures.
- All students have the right to hold property free from theft or damage.
- All students have the right to expect courteous behavior from other students and school personnel.
- All students have the right to determine their own dress so long as it is not distracting, wholly inappropriate or indecent.
- All students have the right to seek and obtain help regarding personal problems from school staff members.
- All students have the right to form, hold, and express opinions and beliefs so long as the expression does not disrupt the normal operation of the school.
- All students have the right to establish an elective student council.
- All students have the right to have access to all the rules to which they are subjected.

Other:

1. Wearing hats is prohibited during the school day.
2. Chains and other potentially dangerous accessories are prohibited.
3. Nuisance devices (laser-pointers, electronic toys, etc.) are prohibited.
4. Cell phones may only be used before and after school.
5. Coats and bulky jackets are not permitted in classrooms during the school day.
6. Backpacks, purses and bags are not permitted in classrooms during the school day

If you have a legitimate reason to have any of these in school, please see the UNLC Principal or contact by calling 218-547-6525.

Tobacco Products/Tobacco Substitutes or Look-A-Likes:

Up North Learning Center is a tobacco-free facility. Students shall not possess, use, sell, or transmit tobacco products, paraphernalia (including lighters and matches), substitutes or look-a-likes on school property, in school transportation, or at school sponsored events. Students who are in possession of such products will have them confiscated by program staff. These items will not be returned to students.

Parents will be notified when students are caught using or possessing such. A report may be filed with local law enforcement if the student is under age 21. Offenses may lead to other consequences such as, in-school suspension or out-of-school suspension (not to exceed three school days).

If further offenses occur, a staffing will be held with the student's team. Besides school consequences, a determination will be made as to whether a tobacco evaluation is needed. (Compelling State Interest: Health and Safety)

A limited exception to the tobacco prohibition exists for adult members of an Indigenous tribe, as defined under Minnesota law, who may light tobacco on school district property as a part of a traditional spiritual or cultural ceremony.

This is a shortened version of the policy which may be found on the school's website under School District Policy. Policy #419 - Tobacco-Free Environment

Alcoholic Beverages, Non-Prescription Drugs, or Controlled Substances:

Students shall not buy, sell, possess, use, transmit, be under the influence of, or show any effect of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage or intoxicant, etc. while on school property or at a school sponsored event.

Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of narcotics, drugs, or other controlled substances, (except as prescribed by a physician), or look-alike substances, (these

prohibitions include medical marijuana or medical cannabis, even when prescribed by a physician, and one student sharing prescription medication with another student).

Students who are caught using, possessing, or under the influence of such substances may be required to have a urine analysis. If the urinalysis is positive, a chemical evaluation may be required with the student following whatever recommendations result from the evaluation. Law enforcement agencies will be contacted.

Other consequences as determined by the school personnel may be assigned. (Compelling State Interest: Health and Safety)

This is a shortened version of the policies which may be found on the school's website under School District Policy. Policy #417 Chemical Use and Abuse and #418-Drug Free Workplace/Drug Free School

Property Damage:

Any student who damages school property and/or the personal property of other students or program staff will be required to make monetary restitution in full and may be disciplined. This may include the cost of materials for repair, cost of wages for the person making the repairs, or the cost of replacing the damaged item. Parents will be notified. Law enforcement may also be notified. If restitution is not received, a referral to civil court may result. (Compelling State Interests: Property Loss or Damage)

False Fire Alarms/Fire Extinguishers/Security System/Bomb Threat:

Any student who tampers with a fire alarm, fire extinguisher or the security system will be subject to immediate suspension. Parents/guardians will be notified of the infraction.

Turning in a false fire alarm or bomb scare is a misdemeanor under MN Statutes. The Up North Learning Center will prosecute anyone caught turning in a false alarm. Damage to property due to misuse of fire prevention equipment shall be dealt with according to the Property Damage Policy. (Compelling State Interests: Health & Safety, Property Loss and Damage, and Serious Disruption of the Educational Process)

Weapons/Explosives:

No student or non-student, including adults and visitors, shall possess, use, or distribute a weapon when in a school location.

A “weapon” means any object, device, or instrument designed as a weapon or through its use is capable of threatening or producing bodily harm or which may be used to inflict self-injury including, but not limited to, any firearm, whether loaded or unloaded, air guns, pellet guns, BB guns, all knives, blades, clubs, metal knuckles, nun-chucks, throwing stars, explosives, fireworks, mace, and other propellants, stun guns, ammunition, poisons, chains, arrows, and objects that have been modified to serve as a weapon.

No student shall possess, use or distribute any object, device, or instrument having the appearance of a weapon and such objects, devices, or instruments shall be treated as weapons including, but not limited to, weapons listed above which are broken or nonfunctional, look alike guns, toy guns, and any object that is a facsimile of a real weapon.

No student shall use articles designed for other purposes (i.e., belts, combs, pencils, files, scissors, etc.) to inflict bodily harm and/or intimidate and such use will be treated as the possession and use of a weapon.

The program takes a position of “zero tolerance” in regard to the possession, use or distribution of weapons by students. Consequently, the consequences for students possessing, using, or distributing weapons may include but not be limited to:

1. Immediate out-of-school suspension;
2. Confiscation of the weapon;
3. Immediate notification of police;
4. Parent or guardian notification;
5. Resident district notification
6. Recommendation to the Superintendent of dismissal for a period of time not to exceed one year.

Pursuant to Minnesota law, a student who brings a firearm, as defined by federal law, to school will be expelled for at least one year. The resident district board may modify this requirement on a case-by- case basis. (Compelling State Interest: Health and Safety)

This is a shortened version of the policy which may be found on the school’s website under School District Policy. Policy #501 - School Weapons Policy

Search and Seizure:

Students or their property may be searched if staff has a reasonable suspicion that the student is in possession of contraband, illegal substances or something that may be a health and safety hazard. This suspicion may be due to a bulge in a student’s pocket, a concern raised by students or staff, unusual behavior, etc. Students should have a lowered

expectation of privacy in a public school setting due to the significant health and safety concerns for all students and staff. If contraband, illegal substances, or dangerous objects are taken from a student, these objects cannot be returned to a student. Examples: drugs, cigarettes, lighters, matches, knives, sharp objects, etc.

Staff may also ask students to give them items which are disruptive to the learning environment. Examples: toys, rubber bands, etc. These disruptive items may be returned to the student at the end of the school day or returned to parent/guardian.

Staff may inspect the interiors of lockers and desks for any reason at any time, without notice, without student consent, and without a search warrant. School officials may inspect the personal possessions of a student and/or a student's person based on a reasonable suspicion that the search will uncover a violation of law or school rules. A search of personal possessions of a student and/or a student's person will be reasonable in its scope and intrusiveness.

As soon as practicable after a search of personal possessions within a locker or desk pursuant to this policy, the school officials must provide notice of the search to students whose possessions were searched unless disclosure would impede an ongoing investigation by police or school officials. Whenever feasible, a search of a person shall be conducted in private by a school official of the same sex. A second school official of the same sex shall be present as an observer during the search of a person whenever feasible.

A student found to have violated this policy and/or the directives and guidelines implementing it shall be subject to discipline, which may include suspension, exclusion, or expulsion, and the student may, when appropriate, be referred to legal authorities.
(Compelling State Interests: Health and Safety and Serious Disruption of the Educational Process)

This is a shortened version of the policy which may be found on the school's website under School District Policy. Policy #502 - Search of Student Lockers, Desks, Personal Possessions and a Student's Person

Disorderly Conduct/Verbal or Physical Abuse/Threat of Violence/Assault/Harassment:

Ongoing disorderly conduct, verbal abuse, physical abuse, and verbally or physically threatening violence or assault of students or staff at the Up North Learning Center site cannot be tolerated. Examples of such behavior are: obscene gestures, obscene language directed at another person, behavior that interferes with the teaching and learning

environment of the program, deliberately embarrassing another, flagrantly and repeatedly violating program behavior expectations, any physical aggression – hitting, kicking, biting, spitting, etc. Staff or students have a right to report assault or serious threats of harm to law enforcement. Disciplinary action may be taken.

Staff will work with the student to help de-escalate the behavior using redirecting, one-on-one processing, distracting, practicing/learning social skills, calming methods, etc. Staff will follow the steps written in the Individual Education Plan (IEP) to help the student stop the behavior or schedule an IEP meeting to revisit goals and objectives to establish if there is a need for a change in the IEP. (Compelling State Interests: Health and Safety and Serious Disruption of the Educational Process)

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, or for any other purpose. The term hazing includes, but is not limited to:

1. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking, or placing a harmful substance on the body.
2. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
3. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product, or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student. Any initiation related activity that intimidates or threatens the student with ostracism, which subjects a student to extreme mental stress, embarrassment, shame or humiliation, which adversely affects the mental health or dignity of the student or discourages the student from remaining in school.
4. Any activity that causes the student to perform a task that involves violation of state or federal law or of the Up North Learning Center policies or regulations.
5. Any initiation related activity that intimidates or threatens the student with ostracism, which subjects a student to extreme mental stress, embarrassment, shame or humiliation, which adversely affects the mental health or dignity of the student or discourages the student from remaining in school.

No student shall plan, direct, encourage, aid, or engage in hazing.

Any person who believes s/he has been the victim of hazing or any person with knowledge or belief of conduct which may constitute hazing shall report the alleged acts immediately to an appropriate Up North Learning Center official designated by this policy.

Upon receipt of a complaint or report of hazing, the program shall undertake or authorize an investigation by school district officials or a third party designated by the school district.

Upon completion of the investigation, Up North Learning Center will take appropriate action. Such action may include, but is not limited to warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline prohibited behavior. District action taken for violation of this policy will be consistent with the requirements of applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act, Up North Learning Center policies and regulations.

The Up North Learning Center will discipline or take appropriate action against any student who retaliates against any person who makes a good faith report of alleged hazing or against any person who testifies, assists, or participates in a proceeding or hearing relating to such hazing. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. (Compelling State Interests: Health and Safety)

This is a shortened version of policy which may be found on the school's website under School District Policy. Policy #526 - Hazing Prohibition

Harassment and Violence:

- The policy of Up North Learning Center is to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability. The Up North Learning Center prohibits any form of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.
- A violation of this policy occurs when any student, teacher, administrator, or other employee of Up North Learning Center harasses a student, teacher, administrator or employee of Up North Learning Center or group of students, teachers, administrators, or other employees of Up North Learning Center through conduct or communication based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability as defined by this policy. (For purposes of this policy, Up

North Learning Center personnel include board members, employees, agents, volunteers, contractors, or persons subject to the supervision and control of Up North Learning Center.)

- A violation of this policy occurs when any student, teacher, administrator, or employee of Up North Learning Center inflicts, threatens to inflict, or attempts to inflict violence upon any student, teacher, administrator, or other employee of the Up North Learning Center or group of students, teachers, administrators, or other employees of the Up North Learning Center based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.
- The Up North Learning Center will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, and to discipline or take appropriate action against any student, teacher, administrator, or other employee who is found to have violated this policy.

DEFINITIONS:

- "Assault" is:
 1. an act done with intent to cause fear in another of immediate bodily harm or death;
 2. the intentional infliction of or attempt to inflict bodily harm upon another; or
 3. the threat to do bodily harm to another with present ability to carry out the threat.
- "Harassment" prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals' race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability when the conduct:
 1. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
 2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance;
 3. otherwise adversely affects an individual's employment or academic opportunities.
- "Immediately" means as soon as possible but in no event longer than 24 hours.
- Protected Classifications; Definitions
 1. "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:

- a. has a physical, sensory, or mental impairment which materially limits one or more major life activities;
 - b. has a record of such an impairment; or
 - c. is regarded as having such an impairment.
 2. "Familial status" means the condition of one or more minors being domiciled With:
 - a. their parent or parents or the minor's legal guardian; or
 - b. the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against harassment on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.
 3. "Marital status" means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.
 4. "National origin" means the place of birth of an individual or of any of the individual's lineal ancestors.
 5. "Sex" includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
 6. "Sexual orientation" means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness. "Sexual orientation" does not include a physical or sexual attachment to children by an adult.
 7. "Status with regard to public assistance" means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.
- "Remedial response" means a measure to stop and correct acts of harassment or violence, prevent acts of harassment or violence from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of acts of harassment or violence.
 - Sexual Harassment: Definition.
 1. Sexual harassment consists of unwelcome sexual advances, requests for Sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

- Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or an education;
 - Submissions to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
 - That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or educational environment.
2. Sexual harassment may include but is not limited to:
- Unwelcome verbal harassment or abuse;
 - Unwelcome pressure for sexual activity;
 - Unwelcome, sexually motivated or inappropriate patting, pinching, or physical contact, other than necessary restraint of student(s) by teachers, administrators or other Up North Learning Center personnel to avoid physical harm to persons or property;
 - Unwelcome sexual behavior or words, including demands for sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
 - Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises or preferential treatment with regard to an individual's employment or educational status; or
 - Unwelcome behavior or words directed at an individual because of gender.

Sexual Violence: Definition:

1. Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts, as defined in Minnesota Statutes, Section 609.341, include the primary genital area, groin, inner thigh, buttocks or breasts, as well as the clothing covering these areas.
2. Sexual Violence may include, but is not limited to:
 - Touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex.
 - Coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts;
 - Coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another; or

- Threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

Violence: Definition:

1. Violence prohibited by this policy is a physical act of aggression or assault upon another or group of individuals because of, or in a manner reasonably related to, race, color, creed religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation or disability.

REPORTING PROCEDURES:

- Any person who believes he or she has been the target or victim of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability by a student, teacher, administrator or other employee of the Up North Learning Center or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a student, teacher, administrator or other employee of the Up North Learning Center or group of students, teachers, administrators, or other employees of the Up North Learning Center should report the alleged acts immediately to an appropriate Up North Learning Center official designated by this policy. A person may report conduct which may constitute harassment or violence anonymously. However, Up North Learning Center may not rely solely on an anonymous report to determine discipline or other remedial responses.
- Retaliation against a victim, good faith reporter, or a witness of violence or harassment is prohibited and discipline or appropriate action will be taken.
- False accusations or reports of violence or harassment against another person are prohibited and discipline or appropriate action will be taken.
- A person who engages in an act of violence or harassment, reprisal, retaliation, or false reporting of violence or harassment, or permits, condones, or tolerates violence or harassment shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures.

Consequences for students who commit, or are a party to, prohibited acts of violence or harassment or who engage in reprisal or intentional false reporting may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion.

This is a shortened version of policy which may be found on the school's website under School District Policy. Policy #413 - Harassment and Violence

Bullying/Cyberbullying Policy:

An act of bullying, by either an individual student or a group of students, is expressly prohibited on school premises, on school property, at school functions or activities, or on school transportation. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student or other students, or materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. This policy also applies to an act of cyberbullying regardless of whether such acts are committed on or off school property and/or with or without the use of school resources.

- Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
- False accusations or reports of bullying against another student are prohibited.
- A person who engages in an act of bullying, reprisal, retaliation, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline. Consequences for students who commit prohibited acts of bullying may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion. (Up North Learning Center will act to investigate all complaints of bullying reported to the school district within 3 days of the report.)
- "Bullying" means intimidating, threatening, abusive, or harming conduct that is objectively offensive and:
 1. An actual or perceived imbalance of power exists between the student engaging in the prohibited conduct and the target of the prohibited conduct, and the conduct is repeated or forms a pattern; or
 2. Materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.
- "Cyberbullying" means bullying using technology or other electronic communication, including, but not limited to, a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet website or forum, transmitted through a computer, cell phone, or other electronic device. The term applies to prohibited conduct which occurs on school premises, on school district property, at school functions or activities, on school transportation, or on school computers, networks, forums, and mailing lists, or off school premises to the

extent that it substantially and materially disrupts student learning or the school environment.

- Any person who believes he or she has been the target or victim of bullying or any person with knowledge or belief of conduct that may constitute bullying or prohibited conduct shall report the alleged acts immediately to an appropriate staff member. A person may report bullying anonymously.
- Within three days of the receipt of a complaint or report of bullying or other prohibited conduct, Up North Learning Center shall undertake an investigation.
- Upon completion of an investigation that determines that bullying or other prohibited conduct has occurred, the resident district and/or Up North Learning Center will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge.
- The school district is committed to providing a safe and respectful learning environment for all students. Acts of bullying, in any form, will not be tolerated. Any person who believes he/she has been the victim of bullying or any person with knowledge of bullying or prohibited conduct under this policy shall report the alleged acts immediately to an appropriate school district official designated by this policy. The school district may not rely solely on an anonymous report to determine discipline or other remedial responses. The school district encourages the reporting party to use the form available from the principal or available in the school district office. The building administrator is the person responsible for receiving reports of bullying or other prohibited conduct at the building level. If the complaint involves the building administrator, the complaint shall be filed directly with the Walker-Hackensack-Akeley Superintendent or Up North Learning Center School Board by the reporting party. For further additional information about the school district's response to preventing bullying, please refer to School District Policy #514 and MN State Statute 121A.031.

Behavior Interventions:

All program/school district staff are trained in the use of an approved crisis prevention technique. Every attempt is made to de-escalate student's behavior through redirecting, one-on-one conferencing, calming techniques, etc. The program/school district may use a variety of Positive Behavior Interventions and Supports.

Restrictive Procedures:

Restrictive Procedures means the use of physical holding or seclusion in an emergency. Restrictive procedures may only be used when included as part of a pupil's Individual

Education Plan (IEP) or in an emergency situation. Physical holding is a restrictive procedure that is physical intervention intended to hold the child immobile or limit a child's movement and where body contact is the only source of physical restraint. A Physical hold is NOT:

- Physical contact that helps a child respond to complete a task.
- Assisting child without restricting movement.
- Needed to administer an authorized health-related service or procedure.
- Needed to physically escort a child when child does not resist or the child's resistance is minimal.

Any behavior intervention(s) not covered in the IEP must be consistent with the Up North Learning Center discipline policy affecting all pupils within the district. Continued and repeated use of any element of the center's discipline policy must be reviewed in development of the pupil's IEP.

Emergency Situation:

An emergency situation is an immediate intervention to protect a pupil or other individual from physical injury. The emergency intervention must be the least intrusive intervention possible to reasonably react to the emergency situation. The program lead, administrator, and parents must be notified immediately when a restrictive procedure is used in an emergency situation. NOTE: This rule/procedure should not be interpreted so as to prohibit staff from using reasonable force to protect themselves or other pupils.

Seclusion:

Seclusion is not used at Up North Learning Center. It means confining a child alone in a room from which egress is barred. Removing a child from an activity to a location where the child cannot participate in or observe the activity is NOT classified as seclusion.

Withdrawal of Consent:

Parents have the right to withdraw consent for use of a restrictive procedure at any time by notifying the program coordinator or IEP manager.

Transportation:

It is the responsibility of the school district where the student resides to provide transportation to and from the program. Up North Learning Center will help facilitate this process. Transportation is provided by the resident school district.

Students must return home from school in the designated (per IEP) transportation. No student will be allowed to change the transportation plan. **If a parent/guardian must change the transportation for a student, a call must be made by the parent or guardian before 1:00 pm to give Up North Learning Center staff time to facilitate that change if possible. There is no guarantee that changes can be made if the call is received after 1:00pm.**

Students are required to abide by all behavioral expectations and regulations while waiting for transportation, being transported, or exiting the vehicle. School transportation stops and school transportation vehicles are considered an extension of school grounds. The health and safety of students and the driver are a priority. If a student's behavior compromises health and safety conditions, the student may lose transportation privileges. Then the parent/guardian may have to assume the responsibility of transporting the student to school. Parents' cooperation and support of these expectations are vital so that everyone is healthy and safe. The Up North Learning Center and the student's home school district will work together to resolve discipline issues that may arise during transportation to the Up North Learning Center. All students upon arriving at school are to immediately enter the building and go to their assigned location in the building.

Closed Campus Regulations:

Campus is completely closed for all students attending Up North Learning Center. All students must stay on school property at all times during the school day, which begins at the time they arrive at school in the morning and ends when they leave for home after dismissal. Students who must leave campus must bring a note from home requesting permission for them to leave campus or have a parent/guardian call the school office. The notification should specify a legitimate reason, a specific date, and if it is a note, it is to be signed by the student's parent/guardian. School staff will follow up a note with a phone call to the parent/guardian to verify the absence.

Computer/Internet Use:

Internet access is a privilege offered each academic year to the staff and students of Up North Learning Center, and is hosted by the WHA Public Schools, ISD #113's network. Refer to ISD #113 Internet Acceptable Use and Safety Policy #524 for guidelines that apply to all Up North Learning Center students regarding:

- purpose of internet use
- inappropriate or offensive material
- Safety

- Privacy
- liability and risk
- behavior and communications over networks and general school rules
- unauthorized use
- prohibited network interference or disruption
- vandalism, harassment or illegal purposes
- Acceptable Use of Technology Agreement-must be completed by all employees as well as all students must have parent permission to use the internet
- response to violations

Data Privacy:

Federal and state law require all public Minnesota schools to request payment for Individualized Education Program (IEP) health-related services from public and private health insurers. Minnesota Health Care Programs (MHCP) pays the federal share of covered health-related services described on a child's IEP or Individualized Family Service Plan (IFSP).

Schools are reimbursed when a child has a disability and an IEP or IFSP, requires health-related services in order to benefit from special education and is eligible for Minnesota Health Care Programs (MHCP) (which includes Medical Assistance (MA), MinnesotaCare and other public, government health programs).

The district will enter your child's name and date of birth into the Minnesota Medicaid System to find out if your child is receiving medical assistance or Minnesota Care. If you do not want the district to enter your child's name and date of birth into the Minnesota Medicaid System, please contact Up North Learning Center and communicate your request to the Assistant Special Education Director.

Disciplinary Action:

Disciplinary Actions will be determined by the UNLC Principal. If a pattern of behavior develops that is not able to be addressed by the student's IEP and BIP, the IEP team will meet to review and revise the plan for the student.

Possible Offenses Include:

1. HALLS – Swearing (accidental), jostling, arguing, smart mouthing, not following directions, over-affection.
2. LUNCHROOM – Throwing food, rough-housing, insubordination.
3. EXCESSIVE TRUANCY

4. LEAVING SCHOOL GROUNDS WITHOUT AUTHORIZATION – Campus is completely closed for all K-12th graders. They must remain on school property at all times during the school day, beginning when they arrive in the morning and ending at dismissal. Students who must leave campus MUST bring a note from home requesting permission to leave. The note should specify a legitimate reason, a specific date, and be signed by the student's parent/guardian.
5. THROWING SNOWBALLS, ROCKS, or other items with the intent to cause harm
6. FORGED OR FALSE Documents
7. USE OR POSSESSION OF ANY TOBACCO PRODUCTS - OSS – Plus referral to law enforcement
8. WILLFUL DISOBEDIENCE, DISRESPECT, SWEARING, CLASS DISRUPTION, PETTY THEFT
9. USE OR POSSESSION OF ALCOHOL OR NARCOTICS – OSS (minimum 3 days) – Plus referral to law enforcement
10. VIOLENCE (FIGHTING), VANDALISM, STEALING, HAZING, USE OF INCENDIARY DEVICES, POSSESSION OF WEAPONS - Out of School Suspension (possible expulsion) – Restitution required when stealing and vandalism occur
11. HARASSING A SUBSTITUTE
12. ILLEGAL USE OR POSSESSION OF FIREARMS - *Expulsion and referral to law enforcement

Disciplinary Actions

Non-Exclusionary discipline policies and practice:

- PTS behavior data collection – teaming for support
- SEL interventions and skills – direct instruction of skills
- Counseling/Mental Health – referral to county for additional support

Disciplinary action may include but is not limited to:

1. Meeting with the teacher, or counselor
2. Self-Time and/or Directed Time, Problem Solving (in the classroom or out of the classroom)
3. Loss of level privileges
4. Parental conference with school staff
5. IEP team meeting to review and revise the Behavior Intervention Plan
6. Modified school programs or additional educational programming
7. Removal from class: Suspension, Exclusion, and Expulsion

Removal from Class

Removal from class is the short-term exclusion of a student from school during which the school retains custody of the student. Students removed from class shall be the

responsibility of the principal and his/her lawful designee. The removal of a student from class shall not exceed three class periods. Student shall be removed from class only upon agreement of the appropriate teacher.

After an informal administrative conference with the pupil, the decision as to removal shall ultimately be up to the administrator. The removal from class may be imposed without an informal administrative conference where it appears that the student will create an immediate and substantial danger to himself/herself or to persons or property around him/her. The length of time of the removal from class shall be at the discretion of the principal after consultation with the teacher. Students shall be returned to class upon completion of the terms of the removal established at the informal administrative conference including but not limited to the completion of any make-up work.

Suspension is the short-term exclusion of the student from school during which the school is relieved of custody of the child. Suspension, exclusion and expulsion shall be utilized in accord with The Pupil Fair Dismissal Act as amended.

Out of School Suspension

Parents will be notified, by mail, if a student is assigned a suspension. Phone calls will be made when a student is suspended during the school day.

Policy:

The administration has power to suspend students when it is judged that their conduct does in fact undermine good order, threatens the welfare of the school, disrupts the educational process, or deprives other students of an effective opportunity to pursue their own education. All suspensions are of short duration and readmission may require a meeting between the parents and the administration.

NOTE:

Students who get suspended are responsible to get all of their assignments for the day they are out of school.

Excessive violations of any school rules may lead to an expulsion hearing by the Board of Education.

Discipline Complaint Procedure

Students, parents and other guardians and school staff may file a complaint and seek corrective action when the requirements of the Minnesota Pupil Fair Dismissal Act, including the implementation of the local behavior and discipline policies, are not being

implemented appropriately or are being discriminated against. Complaints must be submitted in writing to the Superintendent.

This is a shortened version of policies which may be found on the school's website under School District Policy. POLICY 506: Student Discipline

Copies of Policy

Copies of this policy, together with The Pupil Fair Dismissal Act, are available on the website. Nothing in this policy is intended to conflict with The Pupil Fair Dismissal Act (page 31 of this handbook).

Parent Notification

Parents shall be notified in writing of violation of the rules on conduct and resulting disciplinary actions by first class mail as provided otherwise by The Pupil Fair Dismissal Act.

Dress Code:

Students are to be dressed in good taste and in a socially approved manner in accordance with the guidelines established to promote health, safety and student learning in school. Health – Cleanliness of body and dress.

Safety – Grooming and dress that exposes students to accidents must be avoided – this includes chains.

Student Learning – Grooming and dress styles that create a disruption of the learning process within the classroom must be avoided. This includes:

1. Clothing that is not in keeping the community standards.
2. Clothing which bears a message determined as lewd, vulgar or obscene.
3. Apparel promoting products or activities that are illegal for use by minors
4. Objectionable emblems, signs, words, objects or pictures on clothing communicating a message that is racist, sexist or otherwise derogatory to a protected minority group.
5. Any known gang related apparel/objects
6. Objectionable clothing, includes but is not limited to, low-cut shirts, exposed midriffs, low-riding slacks, see-through blouses, extremely short skirts or shorts, sagging pants that expose the top of boxers, and spaghetti strap tops.

Students whose dress and grooming do not conform to these standards will be referred to the principal. The student will be warned and advised as to the adjustments must be made. If the student fails to remedy the problem, the student will be removed from the class or activity involved until the student corrects the situation. Students may be sent home to change.

Emergency School Closing/Early Dismissal:

Before School: During severe winter storms when a resident district deems it is unsafe for the buses of that district to run, the students attending Up North Learning Center will be excused from attending school or will have a later starting time in the case of a late start. If Walker-Hackensack-Akeley School District ISD #113 closes or has a late start, Up North Learning Center will also be closed and have a late start. Up North Learning Center uses an auto calling system to alert families of closings and late starts, please be sure to keep your contact information updated by contacting the office with any changes. If we are having any problems at school (power outage, water problems, etc.) we will announce closing or delays with the above-mentioned calling system.

During School: If serious weather develops during the school day, Up North Learning Center staff will work with resident districts to return students home. You will be notified by Up North Learning Center staff regarding the reason and the approximate time your student will return home. The same will occur if we need to close due to other problems such as power or electrical failures. IT IS CRUCIAL THAT YOUR CHILD KNOW WHERE TO GO IF THIS SITUATION ARISES so that we are not sending the child to a locked or empty house.

If the weather looks threatening and no one will be home, discuss with your child ahead of time a safe alternative plan.

E-Learning:

UNLC utilizes E-Learning days to make up to five days that may be missed due to inclement weather during the school year. Students and staff will collaborate electronically to conduct a school day from home when they cannot make it to school due to poor weather conditions. Classroom teachers have created digital learning opportunities for students to interact with on days when they cannot make it into school. Teachers will communicate their individual E-Learning lessons with families and will share the process with families at fall conferences in November.

Fire Drills:

Fire drills will take place periodically. Leave the room quickly, quietly, and in good order. Leave the building by the route indicated on the instruction sheet for the particular room from which you are evacuating.

Illness at School:

Should a student become ill while at school and be unable to attend classes, the student is to report to the nurse's office. The office will aid in determining further action and if the office/student will call a parent.

Locker Policy:

It is the policy of the State of Minnesota, and therefore, Up North Learning Center, that school lockers are the property of the school district. At no time does the school district relinquish its exclusive control of the locker 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 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 the students whose lockers were searched unless disclosure would impede an ongoing investigation by police or school officials.

Lost and Found:

Lost and found is located in the school office. Report any loss of articles and valuables to the school office.

Lunch:

Lunch is to be eaten in designated areas only. Lunch times vary by classroom. Students will be notified of their assigned lunch time on their first day of school. Lunch schedules may change at quarter and/or semester breaks. Students will receive a lunch at school or bring a prepared lunch from home. Milk will be available to supplement lunches brought from home. UNLC participates in the United States Department of Agriculture School Lunch program and has identified student percentages below the federal percentage determined

for all meals to be reimbursed at the free rate. Students will be provided two meals per school day including one free breakfast and one free lunch.

Medications/Prescriptions

If your child needs to take ANY medications (both prescription and over the counter), you MUST:

1. Bring the medication in the original bottle to school. A student is not allowed to transport medication to school themselves.
2. Complete the parent/guardian portion of the Authorization for Med Administration form and have your physician complete the other portion of the form.
3. Bring the completed Authorization for Med Administration form and the prescribed medication in the original pharmacy container to school. Students are not allowed to transport medication to school themselves.

Minnesota law requires school districts to maintain a supply of opiate antagonists at each site. UNLC has two doses of nasal naloxone available onsite to be administered in an emergency by trained personnel.

This is a shortened version of policies which may be found on the school's website under School District Policy. POLICY 516: Student Medication

Pledge of Allegiance:

Minnesota Statutes 121A.11 mandates that the pledge of allegiance be recited once a week in public schools. Anyone who does not wish to participate in reciting the pledge of allegiance for any personal reason may elect not to do so. Students must respect another person's right to make that choice.

This is a shortened version of policies which may be found on the school's website under School District Policy. POLICY 531: The Pledge of Allegiance

Report Cards:

Report cards will be issued after each quarter. Parent conferences are scheduled each mid quarter; however, a conference can be scheduled whenever a teacher or parent sees the necessity.

Credit Recovery:

Credit recovery courses are graded Pass/No Pass and the student must complete the course with a passing grade. Once the course is completed the credit for the course will be

granted to the student on their transcript. The course does not replace the failing letter grade earned in the classroom. The course does not affect the student's GPA. The course will be identified on the transcript as a credit recovery course.

Suicide Prevention Information:

988 Suicide and Crisis Lifeline

Anyone can dial or text 988, 24 hours a day, 7 days a week to reach crisis support or to use an online chat feature to connect with crisis support. If you or someone you know needs help dial 988 to reach crisis support.

Visitors for Students:

Due to confidentiality for all students and protection of the important learning students are engaged in, Up North Learning Center prefers students to remain in class all day. If there is an emergency and a student enrolled in Up North Learning Center needs to have a visitor, the person will check into the office and staff will notify the student after confirming the reason for the visit.

Parent Participation:

Parent/Guardian participation is strongly encouraged. All parents/guardians will receive information from the school on ways to be involved in their student's education.

Laser Lights, Cell Phones, iPods, mp3 PLAYER, Skateboard/Rip-sticks:

Cell phones are not allowed in the classroom and must be locked up in the office upon arrival. Failure to do so will result in further disciplinary action. Laser lights of any type are prohibited in the school building, on school grounds, or at school sponsored activities both on and off campus. No use of iPods or MP3 players in classrooms without teacher's permission. No riding of skateboards or rip-sticks on school grounds. When a device has been confiscated from a student, the device will be held in the school office and the student or student's parent/guardian will be asked to pick up the confiscated device, depending on the incident.

MN PUPIL FAIR DISMISSAL ACT, revised August, 2016

121A.40 CITATION. Sections 121A.40 to 121A.56 may be cited as the "Pupil Fair Dismissal Act."

121A.41 DEFINITIONS.

Subdivision 1. Applicability. As used in sections 121A.40 to 121A.56, the terms defined in this section shall have the meanings assigned to them.

Subd. 2. Dismissal. "Dismissal" means the denial of the current educational program to any pupil, including exclusion, expulsion, and suspension. It does not include removal from class.

Subd. 3. District. "District" means any school district.

Subd. 4. Exclusion. "Exclusion" means an action taken by the school board to prevent enrollment or reenrollment of a pupil for a period that shall not extend beyond the school year.

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.

Subd. 6. Parent. "Parent" means

- (a) one of the pupil's parents,
- (b) in the case of divorce or legal separation, the parent or parents with physical custody of the pupil, including a noncustodial parent with legal custody who has provided the district with a current address and telephone number, or
- (c) a legally appointed guardian. In the case of a pupil with a disability under the age of 18, parent may include a district-appointed surrogate parent.

Subd. 7. Pupil.

(a) "Pupil" means any student:

- (1) without a disability under 21 years of age; or
- (2) with a disability under 21 years old who has not received a regular high school diploma or for a child with a disability who becomes 21 years old during the school year but has not received a regular high school diploma, until the end of that school year; and
- (3) who remains eligible to attend a public elementary or secondary school.

(b) A "student with a disability" or a "pupil with a disability" has the same meaning as a "child with a disability" under section 125A.02.

Subd. 8. School. "School" means any school defined in section 120A.05, subdivisions 9, 11, 13, and 17.

Subd. 9. School board. "School board" means the governing body of any school district.

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 readmission plan. The readmission plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission and may not be used to extend the current suspension. Consistent with section 125A.091, subdivision 5, the readmission plan must not obligate a parent to provide a sympathomimetic medication for the parent's child as a condition of readmission. 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 school days.

Subd. 11. 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.

121A.42 POLICY. No public school shall deny due process or equal protection of the law to any public-school pupil involved in a dismissal proceeding which may result in suspension, exclusion, or expulsion.

121A.43 EXCLUSION AND EXPULSION OF PUPILS WITH A DISABILITY.

(a) Consistent with federal law governing days of removal and section 121A.46, school personnel may suspend a child with a disability. When a child with a disability has been suspended for more than five consecutive school days or ten cumulative school days in the same school year, and that suspension does not involve a recommendation for expulsion or exclusion or other change of placement under federal law, relevant members of the child's

individualized education program team, including at least one of the child's teachers, shall meet and determine the extent to which the child needs services in order to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the child's individualized education program. That meeting must occur as soon as possible, but no more than ten days after the sixth consecutive day of suspension or the tenth cumulative day of suspension has elapsed.

(b) A dismissal for one school day or less is a day or a partial day of suspension if the child with a disability does not receive regular or special education instruction during that dismissal period. The notice requirements under section 121A.46 do not apply to a dismissal of one day or less.

(c) A child with a disability shall be provided alternative educational services to the extent a suspension exceeds five consecutive school days.

(d) Before initiating an expulsion or exclusion under sections 121A.40 to 121A.56, the district, relevant members of the child's individualized education program team, and the child's parent shall, consistent with federal law, determine whether the child's behavior was caused by or had a direct and substantial relationship to the child's disability and whether the child's conduct was a direct result of a failure to implement the child's individualized education program. When a child with a disability who has an individualized education program is excluded or expelled under sections 121A.40 to 121A.56 for misbehavior that is not a manifestation of the child's disability, the district shall continue to provide special education and related services during the exclusion or expulsion.

121A.44 EXPULSION FOR POSSESSION OF FIREARM.

(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 purposes of this section, firearms are 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.

121A.45 GROUNDS FOR DISMISSAL.

Subdivision 1. Provision of alternative programs. No school shall dismiss any pupil without attempting to provide alternative educational services before dismissal proceedings, except where it appears that the pupil will create an immediate and substantial danger to self or to surrounding persons or property.

Subd. 2. Grounds for dismissal. A pupil may be dismissed on any of the following grounds:

- (a) willful violation of any reasonable school board regulation. Such regulation must be clear and definite to provide notice to pupils that they must conform their conduct to its requirements;
- (b) willful conduct that significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities; or
- (c) willful conduct that endangers the pupil or other pupils, or surrounding persons, including school district employees, or property of the school.

Subd. 3. Parent notification and meeting. If a pupil's total days of removal from school exceeds ten cumulative days in a school year, the school district shall make reasonable attempts to convene a meeting with the pupil and the pupil's parent or guardian before subsequently removing the pupil from school and, with the permission of the parent or guardian, arrange for a mental health screening for the pupil. The district is not required to pay for the mental health screening. The purpose of this meeting is to attempt to determine the pupil's need for assessment or other services or whether the parent or guardian should have the pupil assessed or diagnosed to determine whether the pupil needs treatment for a mental health disorder.

121A.46 SUSPENSION PROCEDURES.

Subdivision 1. Informal administrative conference before suspension. The school administration shall not suspend a pupil from school without an informal administrative conference with the pupil. The informal administrative conference shall take place before the suspension, except where it appears that the pupil will create an immediate and substantial danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension.

Subd. 2. Administrator notifies pupil of grounds for suspension. At the informal administrative conference, a school administrator shall notify the pupil of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the pupil may present the pupil's version of the facts.

Subd. 3. Written notice of grounds for suspension. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of sections 121A.40 to 121A.56, shall be personally served upon the pupil at or before the time the suspension is to take effect, and upon the pupil's parent or guardian by mail within 48 hours of the conference. The district shall make reasonable efforts to notify the parents of the suspension by telephone as soon as possible following

suspension. In the event a pupil is suspended without an informal administrative conference on the grounds that the pupil will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the pupil and the pupil's parent or guardian within 48 hours of the suspension. Service by mail is complete upon mailing.

Subd. 4. Suspension pending expulsion or exclusion hearing. Notwithstanding the provisions of subdivisions 1 and 3, the pupil may be suspended pending the school board's decision in the expulsion or exclusion hearing; provided that alternative educational services are implemented to the extent that suspension exceeds five days.

121A.47 EXCLUSION AND EXPULSION PROCEDURES.

Subdivision 1. Requiring a hearing; pupil may waive hearing. No exclusion or expulsion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the pupil and parent or guardian. The action shall be initiated by the school board or its agent.

Subd. 2. Written notice. Written notice of intent to take action shall:

- (a) be served upon the pupil and the pupil's parent or guardian personally or by mail;
- (b) contain a complete statement of the facts, a list of the witnesses and a description of their testimony;
- (c) state the date, time, and place of the hearing;
- (d) be accompanied by a copy of sections 121A.40 to 121A.56;
- (e) describe alternative educational services accorded the pupil in an attempt to avoid the expulsion proceedings; and
- (f) inform the pupil and parent or guardian of the right to:
 - (1) have a representative of the pupil's own choosing, including legal counsel, at the hearing. The district shall advise the pupil's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Department of Education;
 - (2) examine the pupil's records before the hearing;
 - (3) present evidence; and
 - (4) confront and cross-examine witnesses.

Subd. 3. Hearing schedule. The hearing shall be scheduled within ten days of the service of the written notice unless an extension, not to exceed five days, is requested for good cause by the school board, pupil, parent or guardian.

Subd. 4. Convenient time and place of hearing. The hearing shall be at a time and place reasonably convenient to pupil, parent or guardian.

Subd. 5. Closed or open hearing. The hearing shall be closed unless the pupil, parent or guardian requests an open hearing.

Subd. 6. Impartial hearing. The hearing shall take place before:

- (1) an independent hearing officer;
- (2) a member of the school board;
- (3) a committee of the school board; or
- (4) the full school board;

as determined by the school board. The hearing shall be conducted in a fair and impartial manner.

Subd. 7. Creating a hearing record. The school board shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense. Testimony shall be given under oath. The hearing officer or a member of the school board shall have the power to issue subpoenas and administer oaths.

Subd. 8. Access to pupil's records. At a reasonable time prior to the hearing, the pupil, parent or guardian, or representative, shall be given access to all public school system records pertaining to the pupil, including any tests or reports upon which the proposed action may be based.

Subd. 9. Pupil's right to compel testimony. The pupil, parent or guardian, or representative, shall have the right to compel the attendance of any official employee or agent of the public school system or any public employee or any other person who may have evidence upon which the proposed action may be based, and to confront and to cross-examine any witness testifying for the public school system.

Subd. 10. Pupil's right to present evidence and testimony. The pupil, parent or guardian, or representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.

Subd. 11. Pupil not compelled to testify. The pupil cannot be compelled to testify in the dismissal proceedings.

Subd. 12. Hearer's recommendation limited to evidence at hearing; service within two days. The recommendation of the hearing officer or school board member or committee shall be based solely upon substantial evidence presented at the hearing and must be made to the school board and served upon the parties within two days of the end of the hearing.

Subd. 13. Basis of school board decision; opportunity for comment. The school board shall base its decision upon the recommendation of the hearing officer or school board member or committee and shall render its decision at a meeting held within five days after receiving the recommendation. The school board may provide the parties with the opportunity to present exceptions and comments to the hearing officer's recommendations provided that neither party presents any evidence not admitted at the hearing. The decision by the school board must be based on the record, must be in writing, and must state the controlling facts on which the decision is made in sufficient detail to apprise the parties and the commissioner of education of the basis and reason for the decision.

Subd. 14. Admission or readmission plan.

(a) A school administrator shall prepare and enforce an admission or readmission plan for any pupil who is excluded or expelled from school. The plan may include measures to improve the pupil's behavior, including completing a character education program, consistent with section 120B.232, subdivision 1, and require parental involvement in the admission or readmission process, and may indicate the consequences to the pupil of not improving the pupil's behavior.

(b) The definition of suspension under section 121A.41, subdivision 10, does not apply to a student's dismissal from school for one school day or less, except as provided under federal law for a student with a disability. Each suspension action may include a readmission plan. A readmission plan must provide, where appropriate, alternative education services, which must not be used to extend the student's current suspension period. Consistent with section 125A.091, subdivision 5, a readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. School officials must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of a charge of child abuse, child neglect or medical or educational neglect.

121A.48 GOOD FAITH EXCEPTION. A violation of the technical provisions of the Pupil Fair Dismissal Act, made in good faith, is not a defense to a disciplinary procedure under the act unless the pupil can demonstrate actual prejudice as a result of the violation.

121A.49 APPEAL.

A party to an exclusion or expulsion decision made under sections 121A.40 to 121A.56 may appeal the decision to the commissioner of education within 21 calendar days of school board action. Upon being served with a notice of appeal, the district shall provide the commissioner and the parent or guardian with a complete copy of the hearing record

within five days of its receipt of the notice of appeal. All written submissions by the appellant must be submitted and served on the respondent within ten days of its actual receipt of the transcript. All written submissions by the respondent must be submitted and served on the appellant within ten days of its actual receipt of the written submissions of the appellant. The decision of the school board must be implemented during the appeal to the commissioner.

In an appeal under this section, the commissioner may affirm the decision of the agency, may remand the decision for additional findings, or may reverse or modify the decision if the substantial rights of the petitioners have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (1) in violation of constitutional provisions;
- (2) in excess of the statutory authority or jurisdiction of the school district;
- (3) made upon unlawful procedure, except as provided in section 121A.48;
- (4) affected by other error of law;
- (5) unsupported by substantial evidence in view of the entire record submitted; or
- (6) arbitrary or capricious.

The commissioner or the commissioner's representative shall make a final decision based upon the record. The commissioner shall issue a decision within 30 calendar days of receiving the entire record and the parties' written submission on appeal. The commissioner's decision shall be final and binding upon the parties after the time for appeal expires under section 121A.50.

121A.50 JUDICIAL REVIEW. The decision of the commissioner of education made under sections 121A.40 to 121A.56 is subject to judicial review under sections 14.63 to 14.69. The decision of the commissioner is stayed pending an appeal under this section.

121A.51 REPORTS TO SERVICE AGENCY. The school board shall report any action taken pursuant to sections 121A.40 to 121A.56 to the appropriate public service agency, when the pupil is under the supervision of such agency.

121A.52 NONAPPLICATION OF COMPULSORY ATTENDANCE LAW. The provisions of section 120A.22, subdivision 5, shall not apply to any pupil during a dismissal pursuant to sections 121A.40 to 121A.56.

121A.53 REPORT TO COMMISSIONER OF EDUCATION.

Subdivision 1. Exclusions and expulsions; physical assaults. The school board must report through the department electronic reporting system each exclusion or expulsion and each physical assault of a district employee by a student within 30 days of the effective date of the dismissal action or assault to the commissioner of education. This report must include a

statement of alternative educational services, or other sanction, intervention, or resolution in response to the assault given the pupil and the reason for, the effective date, and the duration of the exclusion or expulsion or other sanction, intervention, or resolution. The report must also include the student's age, grade, gender, race, and special education status.

Subd. 2. Report.

(a) The school board must include state student identification numbers of affected pupils on all dismissal and other disciplinary reports required by the department. The department must report annually to the commissioner summary data on the number of dismissals and physical assaults of district employees by a student by age, grade, gender, race, and special education status of the affected pupils. All dismissal and other disciplinary reports must be submitted through the department electronic reporting system.

(b) The commissioner must aggregate the district data reported under this section and include the aggregated data, including aggregated data on physical assaults of a district employee by a student, in the annual school performance reports under section 120B.36.

121A.54 NOTICE OF RIGHT TO BE REINSTATED. Whenever a pupil fails to return to school within ten school days of the termination of dismissal, a school administrator shall inform the pupil and the pupil's parents by mail of the pupil's right to attend and to be reinstated in the public school.

121A.55 POLICIES TO BE ESTABLISHED.

(a) The commissioner of education shall promulgate guidelines to assist each school board. Each school board shall establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies shall emphasize preventing dismissals through early detection of problems and shall be designed to address students' inappropriate behavior from recurring. The policies shall recognize the continuing responsibility of the school for the education of the pupil during the dismissal period. The alternative educational services, if the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress towards meeting the graduation standards adopted under section 120B.02 and help prepare the pupil for readmission.

(b) An area learning center under section 123A.05 may not prohibit an expelled or excluded pupil from enrolling solely because a district expelled or excluded the pupil. The board of the area learning center may use the provisions of the Pupil Fair Dismissal Act to exclude a pupil or to require an admission plan.

(c) Each school district shall develop a policy and report it to the commissioner on the appropriate use of peace officers and crisis teams to remove students who have an individualized education program from school grounds.

121A.56 APPLICATION.

Subdivision 1. Prohibition against discrimination remains in effect. Sections 121A.40 to 121A.56 shall not be deemed to amend or otherwise affect or change section 363A.13, subdivision 2.

Subd. 2. Portions of the school program for credit. Sections 121A.40 to 121A.56 shall apply only to those portions of the school program for which credit is granted.

Up North Learning Center District #6099 reserves the right to revise and update the Student Handbook when necessary. When revisions are made, each student and parent will receive a copy of the updated version.