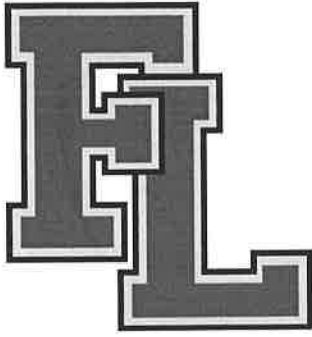




**FOREST LAKE AREA SCHOOLS
FOREST LAKE, MN 55025**

April 5, 2018

AGENDA ITEM: 10.1

TOPIC: Discipline Policy #515

BACKGROUND: The discipline policy is reviewed annually, prior to the printing of the codes of conduct.

PROCESS: The School Board Policy Committee and Administrative Council have reviewed this policy. They are presenting it to the School Board with the changes noted.

RECOMMENDATION: First reading of this policy.

DISCIPLINE POLICY

I. STATEMENT OF PHILOSOPHY

The School Board firmly believes that learning can best take place in an orderly environment and that students can best learn individual and collective responsibility and gain maturity if they are provided opportunities in which to exercise responsibility within the school setting. This School Discipline Policy is intended to communicate expectations regarding acceptable conduct in school in order to provide a positive learning environment for all students.

It is a responsibility of the School Board, administrators and teachers to safeguard the health and safety of each student. The School Board and district administrators will support district personnel who, in dealing with students on disciplinary matters, act in accordance with State Law, Department of Education Regulations and School District policies.

The School Board recognizes its responsibility to meet the educational needs of students who do not respond well to normal school programs. Such efforts may include utilizing special services personnel and outside referral agencies and/or adjusting normal school procedures. If a student does not respond to these efforts and consistently exerts a disruptive influence on the educational environment of a school, the needs of the other students and staff must become a major factor in planning alternatives.

With due consideration to these obligations, it is the responsibility of the School Board and administrators to make reasonable rules and regulations for the governing of student behavior and conduct. Building principals and appropriate staff will annually review this policy to assess its effectiveness. All rules and regulations regarding student conduct and misconduct will be approved annually by the School Board. Discipline of students with individualized education programs (IEPs) will be consistent with state and federal laws.

The District believes that positive, proactive behavior strategies are effective in minimizing disruptive behavior. Programs and practices are in place throughout the district that promote the use of positive behavior supports and interventions, including training on the communicative intent of behavior, relationship building and de-escalation strategies.

Physical holding or seclusion are never used as a method of discipline or punishment. Such procedures may be used in a situation where immediate intervention is needed to protect a child or other individual from physical injury. The district's policy regarding the use of restrictive procedures will be detailed in the District's restrictive procedures plan, which will be included on the District's website.

II. CODE OF CONDUCT

A. Student Code of Conduct

The Student Code of Conduct is in effect from the time a student arrives at the bus stop and boards the bus at the beginning of the day until the student gets off the bus

and leaves the bus stop at the end of the day and at all times when students are participating in school sponsored activities whether on district premises or not.

1. Parental/guardian involvement and cooperation is vital in the discipline process.
2. The discipline procedures will apply and be consistently enforced at all schools, with consideration given to the age and developmental status of the student. At the same time, the School Board realizes the uniqueness of each building and recognizes that there may be individual building and classroom procedures to implement and supplement these District procedures.
3. All staff and parents/guardians will work together to correct the misbehavior of the student and to maintain a written or electronic record of incidents of serious misbehavior.
4. Measures to correct misbehavior will depend upon the nature of the behavior, the frequency, and the willingness of the student to correct the undesirable behavior. The use of these measures is intended to encourage acceptable behavior. Corrective action will normally begin at a minimal level and proceed to more serious action.

B. Behavior Expectations

1. The following rules will apply at all schools:
 - a. Students will show respect and courtesy to other people at all times.
 - b. Students will show respect for property inside and outside the buildings.
 - c. Students will behave in a manner that does not endanger themselves or others.
2. When unacceptable behavior cannot be readily corrected by the classroom teacher, the child's parents/guardians will be informed of the problem by the teacher or the principal and requested to participate in solving the problem.
3. If it is suspected that a student has a disability, the teacher will make an appropriate referral to begin interventions or to consider or begin a special education evaluation.
4. If the problem is not resolved at the building level, the Principal may refer the student to the Superintendent or designee for further action.

C. Rules Governing Eligibility for Co-Curricular Activities

The Minnesota State High School League controls inter-scholastic competitive teams with regard to eligibility and has promulgated minimum standards. The School

District may adopt amendments to the Minnesota State High School League rules if those amendments do not lower the minimum standards.

1. The Minnesota State High School League rules governing Category I activities and any additional amendments approved by the School Board shall apply to all co-curricular activities under the control of the Minnesota State High School League and to all junior high school athletic activities.
2. The Minnesota State High School League rules governing Category I activities and any additional amendments approved by the School Board shall apply to all co-curricular activities not under the control of the Minnesota State High School League but these rules shall only apply when the students are under the supervision of the School District.
3. Good sportsmanship is the goal for all at Forest Lake Area Schools' events. Promotion of good sportsmanship shall include a demonstration of respect for opponents and officials. Rules of the event shall be understood and skill and performance shall be recognized regardless of the team affiliation. Good sportsmanship is the cornerstone of a quality activities program at Forest Lake Area Schools.

Minimum Action: Student conference and parent contact.

Maximum Action: Exclusion from attending contests up to possible suspension and expulsion.

D. Unacceptable Behavior

Disciplinary action may be taken as a result of any behavior which is disruptive or which violates the rights of others. The following acts are examples of unacceptable behavior and subject to disciplinary action in District #831 elementary schools, at school bus stops, on the school buses and at school sponsored activities. School sponsored activities include, but are not limited to, co-curricular events, field trips, and club activities.

The listing of minimum actions does not imply or require that a "step-by-step" progression of increasing severity be employed by an administrator in dealing with a violation. However, there shall be a relationship between the severity of the offense and the administrative action.

1. Violation Against Persons

a. Fighting

Mutual combat in which all parties have contributed to the situation by verbal and/or physical action.

Harassment

Participating in, or conspiring for others to engage in acts that injure, degrade, or disgrace other individuals.

Abusive/Inappropriate Language

- (1) Disrespectful language to others.
- (2) Threatening language to others.

Interference/Obstruction

Any intentional action taken to attempt to prevent a staff member from exercising his/her lawfully assigned duties.

Hazing

“Hazing” means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm or embarrassment to a person, in order for the student to be initiated or affiliated with a student organization, or for any other purpose. (Further clarification can be found in School Board Policy 431 which is available on the district’s website: www.flaschools.org.)

Minimum Action: Student conference and parent/guardian contact.

Maximum Action: Expulsion or exclusion.

b. Sexual, Racial and Religious Harassment and Violence

Sexual, racial and religious harassment and violence as defined in School Board Policy 425 (available on the district’s website: www.flaschools.org).

Minimum Action: Student conference, parent/guardian contact, and referral to the School District’s Human Rights Officers.

Maximum Action: Expulsion or exclusion.

c. Bullying

“Bullying” means intimidating, threatening, abusive, or harming conduct that is objectively offensive; and 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 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. The term, “bullying,” specifically includes cyberbullying. “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. (Further clarification can be found in School Board Policy 541 which is available on the district's website: www.flaschools.org.)

Minimum Action: Student conference and parent/guardian contact.
Maximum Action: Expulsion or exclusion.

d. Possession of a Firearm (See also School Board Policy #532)

Minimum Action: Immediate suspension, notification of police.
Maximum Action: Expulsion or exclusion.

e. Possession of a Weapon Other than a Firearm Which Could Cause Harm (See also School Board Policy #532)

Possession of a Weapon Facsimile (See also School Board Policy #532)

Assault

"Assault" is doing an act with intent to cause fear in another of immediate bodily harm or death or intentionally inflicting or attempting to inflict bodily harm upon another.

Minimum Action: Student conference, parent/guardian contact and possible notification of police.
Maximum Action: Expulsion or exclusion.

f. Aggravated Assault

"Aggravated Assault" is committing an assault upon the person of another with a dangerous weapon or an assault which inflicts great bodily harm upon the person of another.

Minimum Action: Student conference, suspension, parent/guardian contact and notification of police.
Maximum Action: Expulsion or exclusion.

2. Violation Against Property

a. Unauthorized Use of School Property

The unauthorized and/or illegal use of school property.

Willful Damage of School Property, Property of Staff Members, or Property of Others

Theft

The unauthorized taking or possession of the property of another.

Tampering with Food or Beverages

Adding or attempting to add foreign substances to food or beverages, including spitting into food or beverages or spitting on food trays.

Minimum Action: Student conference, parent/guardian contact and possible notification of police or juvenile authorities.

Maximum Action: Expulsion or exclusion.

b. Robbery/Extortion

The obtaining of property from another where his/her consent was induced by a use of force or a threat of force.

Minimum Action: Student conference, suspension, parent/guardian contact and immediate notification of police.

Maximum Action: Expulsion or exclusion.

3. Violation Against School Administrative Procedures

a. Insubordination

Refusal to follow school rules and regulations as directed by staff.

Disruptive Behavior

Actions which interfere with effective operations of the school.

Disorderly Conduct

Engaging in offensive, obscene, or abusive language or in boisterous and noisy conduct.

Record and Identification Falsification/Forgery

- (1) Falsifying signatures or data on official record.
- (2) Refusal to give correct identification or giving false identification when requested to do so by a staff member.

Leaving School Building or Grounds

Leaving school buildings or grounds during school hours without proper permission from school authorities.

Minimum Action: Student conference and parent/guardian contact.

Maximum Action: Expulsion or exclusion.

b. Chronic and Unexcused Absenteeism

Truancy

Chronic and Unexcused Tardiness

Minimum Action: Student conference.

Maximum Action: Drop from student enrollment according to Minnesota Department of Education requirements; appropriate reports to county juvenile authorities.

c. Student Attire

Manner of dress or personal grooming which presents a clear danger to the student's health and safety, causes or is reasonably likely to cause an interference with work, or creates classroom or school disruption. The following are prohibited on school property or at school-sponsored events. Principals of school buildings may adopt more restrictive standards. "School property" is defined as school buildings, grounds, including parking lots and school buses.

- (1) Headwear, coats, and wearing or displaying confederate flag, swastika and KKK signs or symbols. Some school events and/or activities may permit the wearing of appropriate headwear when previously approved by the building principal.
- (2) Clothing that displays or promotes tobacco, alcohol, drug, or drug paraphernalia and offensive words, pictures or symbols.
- (3) Clothing that does not cover back, midriff, and chest, buttocks and underclothing. District-approved uniforms for school sports may be an exception from this policy. Attire for swimming or aquatics-based classes or activities shall meet the requirements set out by school buildings.

Minimum Action: Student conference and parent/guardian contact.

Maximum Action: Expulsion or exclusion.

d. Trespassing

Physically present on a school campus or at a school activity after being requested to leave by school principal or other person lawfully responsible for the control of said premises.

Minimum Action: Student conference and possible referral to police or juvenile authorities.

Maximum Action: Expulsion or exclusion.

e. Student Cell Phone Use in School

The term "cell phone" includes all personal communication devices. The following rules are intended to outline minimal expectations regarding cell phone use in school. Principals are authorized to enforce rules that are more strict.

- (1) For elementary students, cell phones must be turned off in classrooms and stored in a purse, briefcase, backpack, pocket, etc. For secondary students, cell phones may be used in classrooms as permitted by the teacher. If a teacher does not permit use of such devices in class, either in the entirety of class or any portion of class, cell phones must be silenced and stored

in such a manner so as not to create a distraction to the owner, any other student, or the teacher.

- (2) Cell phones must be turned off in locker rooms and bathrooms and stored in a purse, briefcase, backpack, pocket, etc.
- (3) Cell phones that are stored in lockers must be turned off.

Minimum Action: Student conference.

Maximum Action: Expulsion or exclusion.

In addition to any disciplinary consequences, failure to follow these directives may result in the loss of all cell phone privileges at school.

f. Student Camera Recording Device Use in School

The use of ~~cameras~~ (all any devices used to record still pictures, and/or motion pictures, and/or audio recordings) in school by students is generally prohibited because of the disruption that can occur. However, in some very restricted instances, camera recording device use by students is permitted. The following rules are intended to outline minimal expectations regarding camera recording device use in school. Principals are authorized to enforce rules that are more strict.

- (1) ~~Cameras~~ Recording devices cannot be used in locker rooms or bathrooms.
- (2) Students may only use ~~cameras~~ recording devices to record the activities of themselves or others, provided the others being recorded are aware of and consent to the recording.
- (3) A student may only record misconduct of others for the purpose of reporting the misconduct to appropriate school authorities as soon as reasonably possible after the misconduct. A student recording misconduct of others for the purpose of appropriate reporting, as provided in this provision, is exempt from the requirement of having others' awareness and consent. A student making a recording according to this provision is prohibited from sharing the recording with anyone (including by posting on any social networking location(s) or other electronic means) other than a responsible school authority, law enforcement authority, or other ~~than another~~ responsible adult for the purpose of seeking guidance.

Minimum Action: Student conference.

Maximum Action: Expulsion or exclusion.

In addition to any disciplinary consequences, failure to follow these directives may result in the loss of all cell phone privileges at school.

4. Other Violations

a. Gambling

The playing of a game of chance for stakes.

Minimum Action: Student conference and parent/guardian contact.

Maximum Action: Expulsion or exclusion.

b. Use or Possession of Tobacco and/or Tobacco Products, Including E-Cigarettes

Use of and/or possession of any type of tobacco product or e-cigarette by any student, regardless of age, will be governed by Minnesota Statute and School District rules. (See Also Policy 427)

Minimum Action: Student conference and parent/guardian contact.

Maximum Action: Expulsion or exclusion.

Note: Consequences may also include any or all of the consequences within provision (c), below.

c. Use, Possession, Distribution or Sale of Illegal Drugs, Alcohol, Narcotics, Drug Paraphernalia, or Simulated Drugs

Students who violate the rules concerning the use of alcohol and drugs will be subject to one or more of the following procedures:

- (1) Parent/guardian conference.
- (2) Notification of local law enforcement agency or other appropriate agencies.
- (3) Referral to the ~~Lakes Area Youth Service Bureau~~ Lakes Center for Youth & Families or similar organization.
- (4) Referral via petition to Chisago, Washington, or Anoka County Court Services.
- (5) In-school restriction.
- (6) Dismissal from school (Suspension or Expulsion/Exclusion).

d. Fire Alarms/911

The sounding of false fire alarms or false 911 calls.

Minimum Action: Student conference, parent/guardian contact, and notification of appropriate Police and Fire Department officials.

Maximum Action: Expulsion or exclusion.

e. Terroristic Threats (including bomb threats)

The making of bomb threats or other terroristic threats either verbally, by telephone, by letter or through any other means of communication.

Minimum Action: Immediate suspension, notification of law enforcement agency.

Maximum Action: Expulsion or exclusion.

- f. Inappropriate Use of Technology (See also School Board Policy 540)
Technology instruction includes computers, televisions, video or audio recorders and players, and other related technological equipment. Students must follow all appropriate use of technology procedures as established by the School District.

Technology misuse includes, but is not limited to:

- (1) Using unauthorized programs, software, videos, CDs or audiotapes.
- (2) Attempting to bypass or alter computer security.
- (3) Unauthorized modification of computer configuration (desktop pattern, sounds, etc.).
- (4) Attempting to access, add, delete or alter information or files of another person or organization without permission.
- (5) Using technology to access, transfer, copy or store inappropriate materials or messages.
- (6) Use technology resources for commercial, personal profit or illegal enterprises.

Minimum Action: Student conference.

Maximum Action: Expulsion or exclusion.

- g. Academic Dishonesty

It is expected that students pursue their academic studies in an honest manner and with integrity. Work that is turned in for credit needs to result from the student's own efforts. Academic dishonesty includes but is not limited to two major areas: cheating and plagiarism. Cheating is a deceptive act in which a student attempts to show knowledge which is not theirs. Plagiarism is presenting information from someone else, as though the ideas, words, or facts are the student's own.

Minimum Action: Student conference, parent/guardian contact.

Maximum Action: Expulsion or exclusion.

5. Violation Against Traffic Regulations

Parking

Parking in an unauthorized area of school property.

Parking Without a Permit

Reckless or Careless Driving

Driving on school property in such a manner as to endanger persons or property.

Fraudulent Use of a Parking Permit

Using a stolen, forged, or outdated parking permit.

Minimum Action: Student conference and possible loss of parking privileges.

Maximum Action: Expulsion or exclusion.

E. Conduct on School Buses and Consequences for Misbehavior (See also School Board Policy #531)

1. Riding the school bus is a privilege, not a right. Students are expected to follow the same behavioral standards while riding school buses as are expected on school property or at school activities, functions or events. All school rules are in effect while a student is riding the bus or at the bus stop.
2. Consequences for school bus/bus stop misconduct will be imposed by the Building Principal or the Principal's designee. The Transportation Supervisor may impose consequences for student bus/bus stop misconduct for charter and non-public school students who ride general education buses at his/her discretion in accordance with this policy. In addition, all school bus/bus stop misconduct will be reported to the District's Transportation Safety Director and may be reported to local law enforcement.

a. School Bus and Bus Stop Rules.

The School District school bus safety rules are to be posted on every bus. If these rules are broken, the School District's discipline procedures are to be followed. Consequences are progressive and may include suspension of bus privileges. It is the school bus driver's responsibility to report unacceptable behavior to the School District's Transportation Office/School Office.

b. Rules at the Bus Stop.

- (1) Get to your bus stop 5 minutes before your scheduled pick up time. The school bus driver will stop, but not wait for late students.
- (2) Respect the property of others while waiting at your bus stop.
- (3) Keep your arms, legs and belongings to yourself.
- (4) Use appropriate language.
- (5) Stay away from the street, road or highway when waiting for the bus. Wait until the bus stops before approaching the bus.

- (6) After getting off the bus, move away from the bus.
- (7) If you must cross the street, always cross in front of the bus where the driver can see you. Wait for the driver to signal to you before crossing the street.
- (8) No fighting, harassment, intimidation or horseplay.
- (9) No use of alcohol, tobacco or drugs.

c. Rules on the Bus.

- (1) Immediately follow the directions of the driver.
- (2) Sit in your seat facing forward.
- (3) Talk quietly and use appropriate language.
- (4) Keep all parts of your body inside the bus.
- (5) Keep your arms, legs and belongings to yourself.
- (6) No fighting, harassment, intimidation or horseplay.
- (7) Do not throw any object.
- (8) Do not eat or drink on the school bus on regular school bus routes to and from school. Exceptions will be made for medical reasons.
- (9) No use of alcohol, tobacco or drugs.
- (10) Do not bring any weapon or dangerous objects on the school bus.
- (11) Do not damage the school bus.

d. Consequences.

- (1) Consequences for school bus/bus stop misconduct will apply to all regular and late routes. Decisions regarding a student's ability to ride the bus in connection with co-curricular and extra-curricular events (for example, field trips or competitions) will be in the sole discretion of the School District. Parents/guardians will be notified of any offenses and/or suspension of bus privileges.

(a) Consequences per school year.

1st offense – warning

2nd offense – warning or 1-3 school day suspension from riding the bus

3rd offense – 3-5 school day suspension from riding the bus

4th offense – 5-10 school day suspension from riding the bus and meeting with parent or guardian

Further offenses – individually considered. Students may be suspended for longer periods of time, including the remainder of the school year.

(b) Other Discipline.

Based on the severity of a student's conduct, more serious consequences may be imposed at any time, and may

bypass one or more of the stated progressive steps. Serious misconduct on school buses or at bus stops and/or repeated offenses may result in consequences including suspension or expulsion.

On a take home route, a school bus driver shall have the authority to remove a student from the bus for one day for misbehavior considered to be causing an immediate and substantial danger to self or surrounding persons or property, provided the driver follows the administrative regulations addressing these suspensions, as outlined in the Driver's Handbook.

(c) Records.

Records of school bus/bus stop misconduct will be forwarded to the individual school building and will be retained in the same manner as other student discipline records. Records may also be maintained in the transportation office.

(d) Vandalism/Bus Damage.

Students damaging school buses will be responsible for the damages. Failure to pay such damages (or make arrangements to pay) within two weeks may result in the loss of bus privileges until damages are paid.

(e) Notice.

Students will be given a copy of school bus and bus stop rules during school bus safety training. Rules are to be posted on each bus and both rules and consequences will be periodically reviewed with students by the driver.

(f) Criminal Conduct.

In cases involving criminal conduct, the Superintendent, local law enforcement officials and the Department of Public Safety will be informed.

(2) Parent/Guardian Involvement

(a) Parent/Guardian Responsibilities For Transportation Safety.

- (i) Become familiar with District rules and policies, regulations and principles of school bus safety.
- (ii) Assist students in understanding safety rules and encourage them to abide by them.
- (iii) Recognize their responsibilities for the actions of their children.

- (iv) Support safe riding practices and reasonable discipline efforts.
 - (v) When appropriate, assist students in safely crossing local streets before boarding and after leaving the bus.
 - (vi) Support procedures for emergency evacuation, and procedures in emergencies as set up by the School District.
 - (vii) Respect the rights and privileges of others.
 - (viii) Communicate safety concerns to school administrators.
 - (ix) Monitor bus stops, if possible.
 - (x) Support all efforts to improve school bus safety.
- (b) Parent/Guardian Notification.

A copy of the School District school bus and bus stop rules will be provided to each family at the beginning of the school year or when a child enrolls, if this occurs during the school year. Parents/guardians are urged to review the rules with their children.

III. CORRECTIVE MEASURES

Discipline should not be confused with punishment. The goal of discipline is a self-regulated individual with mature attitudes and socially-acceptable standards of conduct.

Corrective measures used will depend upon the nature of the behavior, the frequency, and the degree to which the student is willing to try to correct undesirable behavior.

With the exception of serious violations of the Student Conduct Code, corrective measures will normally begin at a minimal level and then proceed to more serious levels. These procedures may include but are not limited to: conferences with teacher, counselor, or principal; detention; loss of school privileges; parent/guardian conference with school staff; modified school program; school transfer; dismissal for one day; suspension; referral to District Administration; expulsion; police referral; court referral and home instruction.

A. Student Conference

Conferences will be conducted with students regarding disciplinary matters to ensure due process. (Conferences by school administrators are not required for discipline action under Article IV B. Removal of Student From Class.) Each student facing the imposition of disciplinary action under this code of conduct must be informed, orally or in writing, of the facts and the nature of the conduct which has been challenged and be given an opportunity to explain his or her version of the facts or conduct which has been challenged prior to the imposition of discipline.

B. Parent/Guardian Contact

Depending on the violation and the seriousness of the action, a student's parent/guardian may be contacted by telephone or mail in addition to a student conference. The intent of the contact is to inform the parent/guardian of the violation and the student's attitude during the conference and to elicit parent/guardian support for correcting the unacceptable behavior.

C. Parent/Guardian Conference

The principal, assistant principal, counselor, or teacher may request a parent/guardian conference, with or without the student present, to insure parent/guardian understanding of the student's academic and/or behavior problem and to mobilize a cooperative effort to correct the difficulty.

D. Restorative Justice

The appropriate administrator may require the student to complete an activity or function that is designed to increase the student's sense of connectedness to his/her school community and/or to increase the student's sense of awareness of the impact of the inappropriate behavior. Restorative justice is intended to be a positive experience and does not include placing requirements upon students that would serve to humiliate or ostracize a student. Restorative justice could include activities such as a writing assignment asking the student to reflect on his/her conduct, cleaning of fixtures or equipment if such assignment is reasonably related to the misconduct, or assisting a teacher or another student in approved activities.

E. In-School Monitoring

Students may be required to have an hourly report signed by their teachers verifying their movement in the building during the day. The report will be picked up daily from a designated person and returned to a designated person at the end of the day for verification of the student's movements. Parents/Guardians are often notified of this arrangement.

F. Detention

Detention may be required of a student for one or more breaches of the code of conduct. Student failure to serve detention on the assigned date(s) will result in either an increased term of detention, assignment to an alternative program, in-school restriction or suspension. Every effort will be made to insure that students will be doing school work during this time.

1. Teacher's Detention

A teacher may detain a student after school to correct a student's unacceptable behavior. Parents/Guardians are to be informed of a student detention and

teachers will document notice to parents/guardians that detention has been scheduled.

2. Administrative Detention

Students may be detained by the Administration for the following reasons:

- a. Excessive tardiness to school or class.
- b. Unexcused absence from school or class.
- c. Deliberate disrespect and/or insubordination.
- d. Disciplinary reasons in the school or classroom.

Parents/Guardians are to be informed of a student detention and principals will document notice to parents/guardians that detention has been scheduled.

G. Referral to Community Services Agencies

Referral to Community Services agencies is to be by school authorities. The parents/guardians will be consulted when appropriate if any community service is to be used for a student or if a student will be referred to a community resource.

H. Suspension (M.S. 121A.41 Subd. 10)

“Suspension” means an action taken by the school administration prohibiting a student from attending school for a period of not more than ten consecutive school days. The suspension period may be extended an additional five days when it is determined that the student will create an immediate and substantial danger to persons or property around him/her. The purpose of suspension is to remove the student from the school environment and to provide time for the professional staff, parent/guardian and student to discuss the matter and bring about an agreement on future conduct.

I. Alternative Program

“Alternative Program” means educational opportunities made available within the School District, but which may be at a site different from a student’s originally assigned school or schedule. After a student returns from an alternative program, in-school monitoring may be used to assist the student in his/her adjustment to the school rules and environment.

J. Expulsion or Exclusion

“Expulsion” means an action taken by the School Board to prohibit an enrolled student from further attendance for a period that shall not extend beyond an amount of time equal to one school year from the date a student is expelled. (M.S. 121A.41, Subd. 5).
“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 (M.S. 121A.41, Subd. 4).

K. Referral to Police or Juvenile Authorities

When a student's misbehavior is so extreme that it may involve the violation of a law, police or juvenile authorities will be contacted by the Principal or a designated representative. Every reasonable attempt shall be made to notify parents/guardians at the same time juvenile authorities are called. If the officer indicates that he/she is arresting the student, with or without a warrant, that officer shall have complete jurisdiction and responsibility in the matter and the Principal shall not interfere with the student's removal from the building. It is expected that the contact with the student shall be arranged in a manner to make it as unobtrusive as possible.

L. In-School Restriction

In-School Restriction (ISR) may be required of a student for one or more breaches of the Code of Conduct. Students placed in ISR are required to remain in one room for a designated period of time. Students in ISR are under the supervision of school staff and are given ISR and/or homework assignments which must be completed.

IV. OTHER RELATED INFORMATION

A. Students with Disabilities

Students who are currently identified as eligible under the IDEA or Section 504 will be subject to the provisions of this policy, unless the student's IEP or 504 plan specifies a necessary modification.

Before initiating an expulsion or exclusion of a student with a disability, relevant members of the child's IEP or 504 team and the child's parent shall, consistent with federal law, conduct a manifestation determination and determine whether the child's behavior was (i) caused by or had a direct and substantial relationship to the child's disability and (ii) whether the child's conduct was a direct result of a failure to implement the child's IEP or 504 plan. If the student's educational program is appropriate and the behavior is not a manifestation of the student's disability, the school district will proceed with discipline – up to and including expulsion – as if the student did not have a disability, unless the student's educational program provides otherwise. If the team determines that the behavior subject to discipline is a manifestation of the student's disability, the team shall conduct a functional behavioral assessment and implement a behavioral intervention plan for such student provided that the school district had not conducted such assessment prior to the manifestation determination before the behavior that resulted in a change of placement. Where a behavioral intervention plan previously has been developed, the team will review the behavioral intervention plan and modify it as necessary to address the behavior.

When a student who has an IEP is excluded or expelled for misbehavior that is not a manifestation of the student's disability, the school district shall continue to provide special education and related services during the period of expulsion or exclusion.

B. Removal of Student From Class

1. Rules Governing Student Conduct:

The rules governing student conduct are included in this School Code of Conduct. Students will be informed of these rules by a designated faculty member during the first week of each school year. Students enrolling after the school year starts will be informed of these rules by a designated staff member.

2. Grounds for Removal From Class:

The grounds for removal are as follows:

- a. Willful conduct which materially and substantially disrupts the rights of others to an education;
- b. Willful conduct which endangers School District employees, the student or other students, or the property of the school;
- c. Willful violation of any rule of conduct established in the discipline policy.

3. Authority to Remove Students:

The teacher or supervisor in immediate charge of the class from which the student is being removed; or the building Principal or lead teacher; may remove a student from that specific class as specified under M.S. 121A.61. A student may be removed from class when in the judgment of the teacher, supervisor or administrator authorized to remove said student, the student has violated one or more of the grounds listed for removal from class.

4. The Procedure for Removal:

- a. The student will be informed of the reason for removal.
- b. The student will be given an opportunity to respond.
- c. The principal/designee will be informed of the removal.
- d. The classroom teacher will be informed.
- e. The student will report to the area designated by the teacher or supervisor. If, in the judgment of the teacher or supervisor, allowing the student to move unescorted may endanger the student, other individuals, or School District property, the teacher or supervisor

should escort the student or request assistance from the office in escorting the student.

- f. The student will be provided and expected to complete the assignments missed due to being removed from the class.

5. Length of Time of Removal

Any removal which is longer than the activity being participated in or 45 minutes will come under the jurisdiction of this policy. The removal shall not exceed three consecutive hours in a day or extend to multiple days unless by administrative action.

6. Responsibility For and Custody of a Student Removed From Class:

The Principal or designee will make the necessary arrangements.

7. Procedures for Returning the Student to Class:

The Principal or designee will return the student to the classroom.

8. Notifying Parents/Guardians:

The school employee removing the student will communicate with the parent/guardian.

9. Procedures Determined Appropriate for Encouraging Early Involvement of Parents/Guardians:

Teachers will attempt to discuss behavior problems with parents/guardians prior to invoking the removal procedures.

- 10. Students with reoccurring behavior problems will be referred to the school's problem-solving team.

- 11. In the case of a student with a disability, the student's individual education program team shall meet immediately but not more than ten (10) school days after the date on which the decision to remove the student from the student's current education placement is made. The individual education program team must review all relevant information in the student's file to determine if the conduct in question was (i) caused by, or had a direct and substantial relationship to, the child's disability, or (ii) the direct result of the school's failure to implement the individual education program. This is referred to as a "manifestation determination meeting."

C. Procedures for Notification of Students and Parents or Guardians of Violation of the Rules of Conduct and of Resulting Disciplinary Actions:

1. Violations of Student Code of Conduct: Students and parents or guardians will be notified of violations and disciplinary actions taken as listed in the Student Code of Conduct.
2. Annual Report: The building Principal or his/her designee shall prepare a yearly report consistent with State statute or Minnesota Department of Education rules.

D. Student Searches

1. Locker Searches

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 the law or school rules. As soon as practicable after the search of a student's locker, school authorities must provide notice of the search to students and the student's parents whose lockers were searched unless disclosure would impede an ongoing investigation by police or school officials.

2. Personal Possession Searches

The personal possessions of students whether on their person, in desks, in backpacks or purses, in cell phones or other recording devices, lockers or cars parked in the school parking lot may be subject to a reasonable search when the School District has a reasonable, individualized suspicion that evidence will be produced showing that the student violated the law or school rules.

3. School officials may seek assistance from law enforcement if deemed necessary. As soon as practicable after the search of a student's personal possessions, school authorities must provide notice of the search to students and the student's parents whose personal possessions were searched unless disclosure would impede an ongoing investigation by police or school officials. Students who refuse to comply or impede an investigation will be in violation of policy and subject to further disciplinary action.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 120B.02 (Educational Expectations for Minnesota Students)
Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 121A.26 (School Preassessment Teams)
Minn. Stat. § 121A.27 (School and Community Advisory Team)
Minn. Stat. § 121A.29 (Reporting; Chemical Abuse)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.575 (Alternatives to Pupil Suspension)
Minn. Stat. § 121A.582 (Reasonable Force)

Minn. Stat. §§ 121A.60-121A.61 (Removal From Class)
Minn. Stat. § 123A.05 (Area Learning Center Organization)
Minn. Stat. § 124D.03 (Enrollment Options Program)
Minn. Stat. § 124D.08 (Enrollment in Nonresident District)
Minn. Stat. Ch.125A (Students With Disabilities)
Minn. Stat. Ch. 260A (Truancy)
Minn. Stat. Ch. 260C (Juvenile Court Act)
20 U.S.C. §§ 1400-1487 (Individuals with Disabilities Education Improvement Act of 2004)
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)
34 C.F.R. § 300.530(e)(1) (Manifestation Determination)

Cross References:

Prohibiting Discrimination Policy 419
Harassment and Violence Policy 425
School Weapons Policy 532
Search of Student Lockers, Desks, Personal Possessions and Student's Person Policy 514
Student Attendance Policy 519
Anti-Bullying Policy 541
Technology Acceptable Use and Safety Policy 540
Hazing Prohibition Policy 431
Student Transportation Safety Policy 531

ADOPTED: 06/14/84
REVISED: 06/16/86
REVISED: 06/05/89
REVISED: 07/15/91
REVISED: 05/18/93
REVISED: 06/20/94
REVISED: 07/24/95
REVISED: 06/17/96
REVISED: 01/21/97
REVISED: 06/16/97
REVISED: 05/04/98
REVISED: 06/07/99
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REVISED: 06/03/02
REVISED: 06/02/03
REVISED: 05/03/04
REVISED: 05/05/05
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REVISED: 05/24/07
REVISED: 05/01/08
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NO CHANGES: 05/03/12
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