

STUDENT PERSONNEL
MISCELLANEOUS – SCHOOL DISCIPLINE POLICY

I. STATEMENT OF POLICY

It is the responsibility of the School Board, administrators and staff 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 statute, State Board of Education regulations and this policy.

Further, it is the position of the school district that a fair and equitable district-wide school discipline policy will contribute to the quality of a student's educational experience. Without discipline in the schools, learning cannot occur. Therefore, this district-wide school discipline policy has been adopted.

The Rules of Conduct listed below under Section 1 will be uniformly enforced with consistent consequences in all district buildings and programs. The Rules of Conduct listed under Section 2 will be uniformly enforced, but the consequences may vary according to the age of the student.

II. RULES OF CONDUCT

Section 1. Disciplinary action may be taken against students for any behavior which is disruptive of good order or violates the rights of others. The following acts are unacceptable behavior subject to disciplinary action in the school district.

A. Dangerous, Harmful and Nuisance Substances and Articles

1. Alcohol: Students are prohibited from using, possessing or being under the influence of alcoholic beverages at school, at school-sponsored activities or on school grounds.
2. Drugs: Students are prohibited from using, possessing, distributing or being under the influence of illegal drugs or narcotics at school, school-sponsored activities or on school grounds.
3. Use or Possession of Tobacco: Tobacco use or possession by students is prohibited at school, at school-sponsored activities and on school grounds.
4. Harmful or Nuisance Articles: The possession or use of articles that are nuisances, illegal or that may cause harm to persons or property is prohibited at school and school-sponsored activities.

5. Weapons: Anyone bringing a weapon on school grounds shall be subject to disciplinary action. The use of a weapon to provide a threat to anyone shall be punishable to the fullest extent of school board policy and the law.
- B. Physical Assault: Physical assault is an act which intentionally inflicts or attempts to inflict bodily harm upon another.
- C. Verbal Assaults: Verbal assaults are abusive, threatening, profane or obscene language either oral or written by a student toward a staff member of another student including conduct which degrades people because of their race, religion, ethnic background, gender or physical or mental disability.
- D. Threats: Threats to normal school operations or school activities, including but not limited to, the reporting of dangerous or hazardous situations that do not exist are unacceptable behavior.

Section 2.

A. Truancy and Unauthorized Absences

1. As required by current statutes, regulations of the Department of Education and the School Board of this district, students shall be in attendance each day that school is in session. The authority to decide whether an absence is excused or unexcused rests with the building principal. Students returning to school following an absence will be expected to complete all missed assignments within a reasonable period of time.
2. Truancy, for purposes of this policy, is the absenting of one's self from school or class without the approval of the school. **Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission.**
3. If a student develops a pattern of tardiness to school or class, disciplinary action will be taken.
4. **The school district may terminate the enrollment of a nonresident student enrolled under an Enrollment Option Program (Minn. Stat. § 124D.03) or Enrollment in Nonresident District (Minn. Stat. § 124D.08) at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy (Minn. Stat. Ch. 260A), and the student's case has been referred to juvenile court. The school district may also terminate the enrollment of a nonresident student over the age of seventeen (17) enrolled under an Enrollment Options Program if the student is absent without lawful excuse for one or more periods on fifteen (15) school days and has not lawfully withdrawn from school.**

The following highlighted information is already in the Code of Conduct SBR 700-40-2

B. ~~Damage to School or Personal Property~~

- 1. ~~Vandalism: Damage to or destruction of school property or property of others by students is vandalism.~~**
- 2. ~~Theft: Theft is the act of intentionally and without claim of right taking, using, transferring, concealing or retaining possession of movable property of another without his/her consent and with intent to deprive the owner permanently of the property, or the finding of lost property and not making reasonable effort to find the owner.~~**

C. ~~Failure to Identify Oneself. Failure to provide proper identification upon request of a staff member is unacceptable behavior.~~

D. ~~The violation of any state or local law or the violation of any federal law is unacceptable behavior.~~

E. ~~The following constitute unacceptable behavior:~~

- 1. ~~Willful conduct which materially and substantially disrupts the rights of others to an education.~~**
- 2. ~~Any student who disturbs or interrupts the peace and good order of the school or school-sponsored activities will be subject to disciplinary action.~~**
- 3. ~~Willful conduct which endangers school district employees, the student or other students or the property of the school.~~**
- 4. ~~Willful violation or any rule of conduct specified in this discipline policy.~~**

III. DISCIPLINARY ACTION

A. Disciplinary action may include, but is not limited to:

1. Meeting with teacher, counselor or principal;
2. Detention;
3. Loss of school privileges;
4. Parental conference with school staff;
5. Modified school programs;
6. Removal from class;
7. Suspension;
8. Exclusion; and

9. Expulsion.
- B. Copies of this policy, together with “The Pupil Fair Dismissal Act ~~of 1974~~” shall be published in the student handbook and distributed to all students during the first month of the school year. Nothing in this policy is intended to conflict with “The Pupil Fair Dismissal Act.”
- C. Parents shall be notified in writing of violation of the rules of conduct and resulting disciplinary actions by first class mail, except as provided otherwise by “The Pupil Fair Dismissal Act ~~of 1974~~.” Students shall be notified of violations of the rules of conduct and resulting disciplinary actions verbally as provided otherwise by “The Pupil Fair Dismissal Act ~~of 1974~~.”
- D. The school administration shall implement alternative educational services when the suspension exceeds five (5) days. 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 assessments, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center under Minn. Stat. § 123A.05 selected to allow the pupil to progress toward meeting graduation standards under Minn. Stat. § 120B.02, although in a different setting.**

IV. AUTHORIZED USE OF FORCE

- A. Reasonable force may be used without consent when the following circumstances exist or there is reason to believe they exist. **A school employee, or other agent of a school district, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student or prevent bodily harm or death to another.**
1. When used by a public officer or one assisting him under his direction:
 - a. in effecting a lawful arrest;
 - b. in the execution of legal process;
 - c. in enforcing an order of the court;
 - d. in executing any other duty imposed upon him by law, or
 2. When used by a person, not a public officer, in arresting another in the cases and in the manner provided by law and delivering him to an officer competent to receive him into custody.
 3. When used by any person in resisting or aiding another to resist offense against the person.

4. When used by another person in lawful possession of real or personal property, or by another assisting him, in resisting a trespass upon or other lawful interference with such property.
5. When used by any person to prevent the escape or to retake following the escape of a person lawfully held on a charge or conviction of a crime.
6. When used by a parent, guardian, teacher or other lawful custodian of a child or student, in the exercise of lawful authority, to restrain or correct such child or student.
7. When used by a common carrier in expelling a passenger who refuses to obey a lawful requirement for the conduct of passengers and reasonable care is exercised with regard to his personal safety.
8. When used to restrain a mentally ill or mentally defective person from injuring himself or another when used by one with authority to do so to compel compliance with reasonable requirement for his control, conduct or treatment.
9. When used by a public or private institution providing custody or treatment against one lawfully committed to it to compel compliance with reasonable requirements for his control, conduct or treatment.

V. EARLY INTERVENTIONS

Definitions:

- A. Any procedure determined appropriate for encouraging early involvement of parents or guardians in attempts to improve a student's behavior. Or any procedures determined appropriate for encouraging early detection of behavioral problems.
- B. If early signs of inappropriate behavior appears, the school will use any of the following methods to encourage parental involvement:
 1. Talking with the student about the problem.
 2. A phone call to parents.
 3. Arrangement of parental conference.
 4. Written correspondence to the parent, including:
 - a. short narrative of the problem;
 - b. referral containing description of behavior and consequences;
 - c. suspension notice according to "The Pupil Fair Dismissal Act of 1974."

- C. School staff are encouraged to deal with all inappropriate behavior even in its earliest stages. Early detection through close observation and immediate and fair consequences are very effective.

IV. SPECIAL EDUCATION

- A. Any student suspected of having a behavioral disability condition should be referred to the Building Child Study Team and elementary/secondary Child Find Facilitator when:
 - 1. Disciplinary action is being considered against the student; or
 - 2. Consideration is being given to removing the student from school.
- B. Exception: Any student with a disability exhibiting unacceptable behavior at a level which is threatening to self or others shall immediately be dealt with according to the policy statements for all students. It is not necessary to first refer the student to the Building Child Study Team and/or Child Find Facilitator. In such cases, primary consideration must be given to the safety of students and others.
- C. **A child with a disability is subject to the same expectations and the Code of Conduct as other students.** All due process procedures regarding students with disabilities must be followed.
 - 1. **When a child with a disability is expelled, excluded, or suspended for more than five (5) consecutive days, or suspended for ten (10) cumulative days in the same year, an IEP team/manifestation determination must occur as follows:**
 - a. **The IEP team meeting must occur as soon as possible but no more than ten (10) days after the sixth consecutive day of suspension/expulsion or the tenth cumulative day of suspension has elapsed.**
 - b. **Relevant members of the child's IEP team, including at least one of the child's teachers, shall meet.**
 - c. **The IEP team must review:**
 - 1. **All relevant information in the student's file, including the student's IEP.**
 - 2. **Any teacher observations.**
 - 3. **Any relevant information provided by the parents.**
 - d. **The IEP team must determine:**
 - 1. **If the conduct in question was caused by, or had a direct and substantial relationship, to the student's disability.**
 - 2. **If the conduct in question was the direct result of the school's failure to implement the IEP.**
 - e. **The IEP team may:**
 - 1. **Determine the extent to which the child needs services in order to continue to participate in the general education curriculum, although services may be provided in another setting, and to progress towards meeting the goals in the child's IEP;**

2. **Review any assessment and determine the needs for further assessment; and**
3. **Review the IEP plan and amend goals and objectives or develop an alternative IEP plan.**

~~1. Suspension (M.R. 3525.2470, Subp.1): An IEP team meeting shall be held within five school days of a learner's suspension:~~

- ~~a. determine whether the misconduct is related to the disability,~~
- ~~b. review any assessments and determine the need for further assessment, and~~
- ~~c. review the IEP plan and amend goals and objectives or develop an alternative IEP plan.~~

VII. THE FOLLOWING SBR'S ARE FOR REFERENCE AND REINFORCE THE DISTRICT-WIDE DISCIPLINE POLICY

- A. SBR 500-10-2
- B. SBR 600-40-2
- C. SBR 700-40-1
- D. SBR 700-40-4 Code of Conduct**

VIII. REVIEW OF POLICY

- A. The principal and the licensed employees in a school building shall confer at least annually to review the discipline policy and to assess whether the policy has been enforced.

~~Note: SBR 400-90-5, dated 16 August 1993, supersedes SBR 400-90-5 dated September 16, 1991~~