

Adopted: 2/11/2016

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NASHA SHKOLA POLICY No. 5.4.4 STUDENT DISCIPLINE

I. PURPOSE

Proper student conduct is necessary to create an atmosphere conducive to high student achievement. The purpose of this Student Discipline policy is to ensure that students are aware of and comply with the school's expectations for student conduct. Nasha Shkola will take appropriate disciplinary action when a student violates school rules.

II. POLICY STATEMENT

The school board recognizes that individual responsibility and mutual respect are essential components of the educational process. The school board further recognizes that nurturing the maturity of each student is of primary importance and is closely linked with the balance that must be maintained between authority and self-discipline as the individual progresses from a child's dependence on authority to the more mature behavior of self-control.

All students are entitled to learn and develop in a setting which promotes respect of self, others, and property. Proper positive discipline can only result from an environment which provides options and stresses student self-direction, decision-making, and responsibility. Schools can function effectively only with internal discipline based on mutual understanding of rights and responsibilities.

Students must conduct themselves in an appropriate manner that maintains a climate in which learning can take place. Overall decorum affects student attitudes and influences student behavior. Proper student conduct is necessary to facilitate the education process and to create an atmosphere conducive to high student achievement.

Although this policy emphasizes the development of self-discipline, it is recognized that there are instances when it will be necessary to administer disciplinary measures. The position of the school district is that a fair and equitable district-wide student discipline policy will contribute to the quality of the student's educational experience. This discipline policy is adopted in accordance with and subject to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56.

In view of the foregoing and in accordance with Minn. Stat. § 121A.55, the school board, with the participation of school district administrators, teachers, employees, students, parents, community members, and such other individuals and organizations as appropriate, has developed this policy which governs student conduct and applies to all students of the school district.

III. DEFINITIONS

- A. “Nonexclusionary disciplinary policies and practices” means policies and practices that are alternatives to dismissing a pupil from school, including but not limited to evidence-based positive behavior interventions and supports, social and emotional services, school-linked mental health services, counseling services, social work services, academic screening for Title 1 services or reading interventions, and alternative education services. Nonexclusionary disciplinary policies and practices include but are not limited to the policies and practices under sections 120B.12; 121A.575, clauses (1) and (2); 121A.031, subdivision 4, paragraph (a), clause (1); 121A.61, subdivision 3, paragraph (r); and 122A.627, clause (3).
- B. “Pupil withdrawal agreement” means a verbal or written agreement between a school administrator and a pupil's parent to withdraw a student from the school to avoid expulsion or exclusion dismissal proceedings. The duration of the withdrawal agreement cannot be for more than a 12-month period.

IV. POLICY

- A. The school board must establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of Minnesota Statutes sections 121A.40 to 121A.56. The policies must include nonexclusionary disciplinary policies and practices consistent with Minnesota Statutes, section 121A.41, subdivision 12, and must emphasize preventing dismissals through early detection of problems. The policies must be designed to address students’ inappropriate behavior from recurring.
- B. The policies must recognize the continuing responsibility of the school for the education of the pupil during the dismissal period.
- C. The school is responsible for ensuring that alternative educational services, if the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress toward meeting the graduation standards adopted under Minnesota Statutes, section 120B.02 and help prepare the pupil for readmission in accordance with section Minnesota Statutes, section 121A.46, subdivision 5.
- D. For expulsion and exclusion dismissals and pupil withdrawal agreements as defined in Minnesota Statutes, section 121A.41, subdivision 13:
 - 1. for a pupil who remains enrolled in the school or is awaiting enrollment in a new school district, the school's continuing responsibility includes reviewing the pupil's schoolwork and grades on a quarterly basis to ensure the pupil is on track for readmission with the pupil's peers. The school must communicate on a regular basis with the pupil's parent or guardian to ensure that the pupil is completing the work assigned through the alternative educational services as defined in Minnesota Statutes, section 121A.41, subdivision 11. These services are required until the pupil enrolls in another school or returns to the same school;

2. a pupil receiving school-based or school-linked mental health services in the school under Minnesota Statutes, section 245.4889 continues to be eligible for those services until the pupil is enrolled in a new district; and
3. the school must provide to the pupil's parent or guardian information on accessing mental health services, including any free or sliding fee providers in the community. The information must also be posted on the school website.

V. RESPONSIBILITY

- A. Nasha Shkola's School Board holds all school personnel responsible for the maintenance of order within the school and supports all personnel acting within the framework of this discipline policy.
- B. Nasha Shkola's Director is responsible for ensuring that discipline matters are handled in conformance with this policy. All teachers and other school personnel must enforce this policy.
- C. Nasha Shkola's Director and any teacher, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student to prevent imminent bodily harm or death to the student or another. A school employee, school bus driver, or other agent of the school, acting in 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.
- D. Teachers. All teachers shall be responsible for providing a well-planned teaching/learning environment and shall have primary responsibility for student conduct, with appropriate assistance from the administration. All teachers shall enforce the Code of Student Conduct. In exercising the teacher's lawful authority, a teacher may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.
- E. All school personnel shall be responsible for contributing to the atmosphere of mutual respect within the school. Their responsibilities relating to student behavior shall be as authorized and directed by the Executive Director. A school employee, school bus driver, or other agent of a school, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student or to prevent bodily harm or death to the student or another.
- F. Parents or Legal Guardians. Parents and guardians shall be held responsible for the behavior of their children as determined by law and community practice. They are expected to cooperate with school authorities and to participate regarding the behavior of their children.
- G. All students shall be held individually responsible for their behavior and for knowing and following the Code of Student Conduct and this policy.
- H. Reasonable Force Reports.

1. The school must report data on its use of any reasonable force used on a student with a disability to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under Minnesota Statutes, section 125A.0941, paragraph (c), as outlined in section 125A.0942, subdivision 3, paragraph (b).
2. Beginning with the 2024-2025 school year, the school must report annually by July 15, in a form and manner determined by the MDE Commissioner, data from the prior school year about any reasonable force used on a general education student to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under Minnesota Statutes, section 125A.0941, paragraph (c).
3. Any reasonable force used under Minnesota Statutes, sections 121A.582; 609.06, subdivision 1; and 609.379 which intends to hold a child immobile or limit a child's movement where body contact is the only source of physical restraint or confines a child alone in a room from which egress is barred shall be reported to the Minnesota Department of Education as a restrictive procedure, including physical holding or seclusion used by an unauthorized or untrained staff person.

VI. STUDENT RIGHTS

All students have the right to an education and the right to learn.

VII. STUDENT RESPONSIBILITIES

The following list of student responsibilities is not exhaustive. All students have the responsibility:

1. For their behavior and for knowing and obeying all school rules, regulations, policies, and procedures;
2. To attend school daily, except when excused, and to be on time to all classes and other school functions;
3. To pursue and attempt to complete the courses of study prescribed by the state and local school authorities consistent with an individual's ability;
4. Exhibit honest behavior as it applies to tests, assignments, and other school work;
5. To arrange to make up work when absent from school.
6. To be aware of all school rules, regulations, policies, and procedures, including those in this policy, and to conduct themselves in accord with them;
7. To be aware of and comply with federal, state, and local laws;
8. To assist the school staff in maintaining a safe school for all students;
9. To volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with school staff as appropriate;

10. To respect and maintain the school's property and the property of others. Do not damage school property;
11. To dress and groom in a manner which meets standards of safety and health and common standards of decency and which is consistent with applicable school uniform policy;
12. To conduct themselves in an appropriate physical or verbal manner and refrain from indecent or obscene language;
13. To comply with school rules governing the proper use of electronic devices.
14. To understand and comply with school rules regarding appropriate conduct on the bus and at extra-curricular or other school-related activities.
15. To refrain from the use of non-prescription drugs at school and at school-related activities unless in accordance with school policy and procedural requirements, including written authorization provided by the parent/guardian to the school.
16. To refrain from using and/or possessing alcohol, tobacco, controlled substances, and other dangerous or illegal substances at school, on school property or school buses, and at extra-curricular or other school-related activities.
17. To assume personal responsibility for acting with respect and common courtesy; recognize and respect the rights of others;
18. To accept disciplinary consequences with dignity and make a commitment to improve one's own individual performance and conduct.

VII. CODE OF STUDENT CONDUCT

- A. **Disciplinary Action.** Disciplinary action may be taken for any student conduct that interferes with the operations of the school or the welfare of the student or others. This discipline policy applies to all school buildings; school grounds; school property; school-sponsored activities or trips; school bus stops; school buses; school vehicles; school contracted vehicles; vehicles approved for school purposes; the area of entrance or departure from school premises or events; and all school-related functions. It applies to behavior that occurs outside of school when that behavior interferes with or impacts the learning of any student.
- B. **Examples of Unacceptable Behavior.** The following are examples of unacceptable behavior subject to disciplinary action by the school. This is not intended to be an exhaustive list. Any student who engages in any of these activities will be disciplined in accordance with this discipline policy. The Executive Director and teachers have discretion and authority to impose appropriate discipline based on the facts and circumstances at hand.
 1. Violations against property including, but not limited to, damage to or

- destruction of school property or the property of others, failure to compensate for damage or destruction of such property, arson, breaking and entering, theft, robbery, possession of stolen property, extortion, trespassing, unauthorized usage, or vandalism;
2. The use of profanity or obscene language, or the possession of obscene materials;
 3. Gambling, including, but not limited to, playing a game of chance for stakes;
 4. Violation of the school district's Hazing Prohibition Policy;
 5. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission;
 6. Opposition to authority using physical force or violence;
 7. Using, possessing, or distributing tobacco, tobacco-related devices, electronic cigarettes, or tobacco paraphernalia;
 8. Using, possessing, distributing, intending to distribute, making a request of another person for (solicitation), or being under the influence of alcohol or other intoxicating substances or look-alike substances;
 9. Using, possessing, distributing, intending to distribute, making a request of another person for (solicitation), or being under the influence of narcotics, drugs, or other controlled substances, or look-alike substances, except as prescribed by a physician, including one student sharing prescription medication with another student (these prohibitions include medical marijuana or medical cannabis, even when prescribed by a physician);
 10. Using, possessing, distributing, intending to distribute, or making a request of another person for (solicitation) items or articles that are illegal or harmful to persons or property including, but not limited to, drug paraphernalia;
 11. Using, possessing, distributing, intending to distribute, or making a request of another person for (solicitation) weapons, or look-alike weapons or other dangerous objects;
 12. Violation of the school district's Weapons Policy;
 13. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;
 14. Possession, use, distribution, intending to distribute, or making a request of another person for (solicitation) of explosives or any compound or mixture, the primary or common purpose or intended use of which is to function as an explosive;
 15. Possession, use, distribution, intending to distribute, or making a request of another person for (solicitation) of fireworks or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation;
 16. Using an ignition device, including a butane or disposable lighter or matches, inside an educational building and under circumstances where there is a risk of fire, except where the device is used in a manner authorized by the school;
 17. Violation of any local, state or federal law as appropriate;
 18. Acts disruptive of the educational process, including, but not limited to, disobedience, disruptive or disrespectful behavior, defiance of authority, cheating, insolence, insubordination, failure to identify oneself, improper activation of fire alarms, or bomb threats;

19. Violation of the school district's Internet Acceptable Use and Safety Policy;
20. Possession of nuisance devices or objects that cause distractions and may facilitate cheating including, but not limited to, pagers, radios, and phones, including picture phones;
21. Violation of school bus or transportation rules or the school district's Student Transportation Safety policy;
22. Violation of parking or school traffic rules and regulations, including, but not limited to, driving on school property in such a manner as to endanger persons or property;
23. Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker;
24. Possession or distribution of slanderous, libelous or pornographic materials;
25. Bullying or violations of the school district's Bullying Prohibition Policy;
26. Student attire or personal grooming which creates a danger to health or safety or creates a disruption to the educational process, including clothing which bears a message which is lewd, vulgar, or obscene, apparel promoting products or activities that are illegal for use by minors, or clothing containing objectionable emblems, signs, words, objects, or pictures communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership;
27. Criminal activity;
28. Falsification of any records, documents, notes or signatures;
29. Tampering with, changing, or altering records or documents of the school by any method including, but not limited to, computer access or other electronic means;
30. Scholastic dishonesty which includes, but is not limited to, cheating on a school assignment or test, plagiarism, or collusion, including the use of picture phones or other technology to accomplish this end;
31. Impertinent or disrespectful language toward teachers or other school personnel;
32. Violation of the school district's Harassment and Violence Policy;
33. Actions, including fighting or any other assaultive behavior, which causes or could cause injury to the student or other persons or which otherwise endangers the health, safety, or welfare of teachers, students, other school personnel, other persons, or school property;
34. Committing an act that inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;
35. Violations against persons, including, but not limited to, assault or threatened assault, fighting, harassment, interference or obstruction, attack with a weapon, or look-alike weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure;
36. Verbal assaults, or verbally abusive behavior, including, but not limited to, use of language that is discriminatory, abusive, obscene, threatening, intimidating or that degrades other people, or that threatens school property;
37. Physical or verbal threats including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;
38. Inappropriate, abusive, threatening, or demeaning actions based on race,

- color, creed, religion, sex, marital status, status with regard to public assistance, disability, national origin or sexual orientation;
39. Violation of school rules, regulations, policies, or procedures, including, but not limited to, those policies specifically enumerated in this policy;
 40. Other acts, as determined by the school, which are disruptive of the educational process or dangerous or detrimental to the student or other students, school personnel or surrounding persons, or which violate the rights of others or which damage or endanger the property of the school, or which otherwise interferes with or obstruct the mission or operations of the school or the safety or welfare of students or employees.

VII. DISCIPLINARY ACTION OPTIONS

It is the general policy of the school to utilize progressive discipline to the extent reasonable and appropriate based upon the specific facts and circumstances of student misconduct. The specific form of discipline chosen in a particular case will be based on the facts and circumstances of the misconduct and is solely within the discretion of the school. Any violation of school rule will result in disciplinary action. Disciplinary action may range from a simple verbal warning, parent contact, removal from class, in-school suspension, or other appropriate disciplinary action up to and including expulsion or exclusion, depending on the nature of the infraction. The school, however, shall, impose more severe disciplinary sanctions for any violation, including exclusion or expulsion, if warranted by the student's misconduct, as determined by the school. Disciplinary action may include, but is not limited to, one or more of the following:

- A. Student conference with teacher, director, counselor or other school personnel, and verbal warning;
- B. Confiscation by school personnel and/or by law enforcement of any item, article, object, or thing, prohibited by, or used in the violation of, any school policy, rule, regulation, procedure, or state or federal law. If confiscated by the school, the confiscated item, article, object, or thing will be released only to the parent/guardian following the completion of any investigation or disciplinary action instituted or taken related to the violation.
- C. Parent contact;
- D. Parent conference;
- E. Removal from class;
- F. In-school suspension;
- G. Suspension from extracurricular activities;
- H. Detention or restriction of privileges;

- I. Loss of school privileges;
- J. In-school monitoring or revised class schedule;
- K. Referral to in-school support services;
- L. Referral to community resources or outside agency services;
- M. Financial restitution;
- N. Referral to police, other law enforcement agencies, or other appropriate authorities;
- O. A request for a petition to be filed in district court for juvenile delinquency adjudication;
- P. Out-of-school suspension under the Pupil Fair Dismissal Act;
- Q. Preparation of an admission or readmission plan;
- R. Saturday school;
- S. Expulsion under the Pupil Fair Dismissal Act;
- T. Exclusion under the Pupil Fair Dismissal Act; and/or
- U. Other disciplinary action as deemed appropriate by the school.

IX. DETENTION

“Detention” means to require a student to remain outside of normal school hours as a disciplinary action or because of some misbehavior on the part of the student. A student may be detained for disciplinary action or academic need. Reasons for detaining will be clarified.

1. Detention may be given by the Director or a teacher. If a teacher assigns more than two hours of detention, it must, in each instance, be approved by the Director or designee.
2. The student must be given 24 hour notice if transportation is a factor. Detention does not preclude the student from using school bus transportation when available.
3. Students in elementary grades may not be kept after school without first contacting the parents. Parents of students in middle school are contacted for each detention assigned. Parents of high school students will be contacted at least after five incidents of detention. Suspension usually occurs after 10 detentions.
4. Supervision of detention is the responsibility of school administration and staff.
5. When detention conflicts with after school activities, detention shall be given higher priority. Exceptions can be determined by the teacher, School Director or

designee.

X. RECESS AND OTHER BREAKS

- A. “Recess detention” means excluding or excessively delaying a student from participating in a scheduled recess period as a consequence for student behavior. Recess detention does not include, among other things, providing alternative recess at the student's choice.
- B. The school must not use recess detention unless:
 - 1. a student causes or is likely to cause serious physical harm to other students or staff;
 - 2. the student's parent or guardian specifically consents to the use of recess detention; or
 - 3. for students receiving special education services, the student's individualized education program team has determined that withholding recess is appropriate based on the individualized needs of the student.
- C. The school must not withhold recess from a student based on incomplete schoolwork.
- D. The school must require school staff to make a reasonable attempt to notify a parent or guardian within 24 hours of using recess detention.
- E. The school must compile information on each recess detention at the end of each school year, including the student's age, grade, gender, race or ethnicity, and special education status. This information must be available to the public upon request. The school is encouraged to use the data in professional development promoting the use of nonexclusionary discipline.
- F. The school must not withhold or excessively delay a student's participation in scheduled mealtimes. This section does not alter a school’s existing responsibilities under Minnesota Statutes, section 124D.111 or other state or federal law.

XI. REMOVAL OF STUDENTS FROM CLASS

- A. The teacher of record shall have the general control and government of the classroom. Teachers have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement, assigning detention or other consequences, or contacting the student’s parents. When such measures fail, or when the teacher determines it is otherwise appropriate based upon the student’s conduct, the teacher shall have the authority to remove the student from class pursuant to the procedures established by this discipline policy. “Removal from

class” and “removal” mean any actions taken by a teacher, principal, executive director, or other school employee to prohibit a student from attending a class or activity period for a period of time not to exceed five (5) periods pursuant to this discipline policy.

Grounds for removal from class shall include any of the following:

1. Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher’s ability to teach or communicate effectively with students in a class or with the ability of other students to learn;
2. Willful conduct that endangers surrounding persons, including school employees, the student or other students, or the property of the school;
3. Willful violation of any school rules, regulations, policies or procedures, including the Code of Student Conduct in this policy; or
4. Other conduct, which in the discretion of the teacher or administration, requires removal of the student from class.

Such removal shall be for at least one (1) activity period or class period of instruction for a given course of study and shall not exceed five (5) such periods.

- B. Any student who engages in assault or other violent behavior shall be immediately removed from class. “Assault” is an act done with intent to cause fear in another of immediate bodily harm or death; or the intentional infliction of, or attempt to inflict, bodily harm upon another. The removal from class shall be for a period of time deemed appropriate by the director, in consultation with the teacher.
- C. If a student is removed from class more than ten (10) times in a school year, the school shall notify the parent or guardian of the student’s tenth removal from class and make reasonable attempts to convene a meeting with the student’s parent or guardian to discuss the problem that is causing the student to be removed from class.
- D. **Procedures for Removal of a Student from a Class.** In order to remove a student from class, the teacher, administrator or other designated staff member shall follow the established communication procedures depending on the circumstances. The designated staff member will proceed immediately to the classroom or other school location to facilitate the removal of the student. Once removed, and by the end of that particular school day, the teacher, administrator or designated staff member shall complete and file as necessary the required documentation and communicate with the parent/guardian accordingly.
- E. **Responsibility for the Custody of a Student Removed From Class.** Once removed from class, the student shall be accompanied by the designated staff member who was summoned to assist to an agreed upon location. Depending on the situation, the

teacher may provide the student with work to be completed during the time that s/he is removed from class. During that time, the student shall be monitored by the administrator or designated staff member.

- F. Procedures for Return of a Student to a Class From Which the Student Was Removed. Depending on the circumstances and, as appropriate, notes shall be sent home to parents/guardians, and/or conferences will be held with parents/guardians outlining concerns, decisions and disciplinary actions, if any, along with behavior agreements/contracts, if necessary, to be implemented on a go-forward basis which appropriately address remediation for the conduct for which the student was removed from the classroom.
- G. Procedures for Notification. Whenever disciplinary action is required, other than re-direction in the ordinary course of classroom management, contact will be made with the parent/guardian consisting of an explanation of the situation, the action that was taken and other information deemed relevant under the circumstances. Copies of all such correspondence/ notes home shall be kept in appropriate files.
- H. Students with Disabilities: Special Provisions.
 - 1. Procedures for consideration of whether there is a need for further assessment can be found on pages 26-28 of the school's Total Special Education System manual.
 - 2. Procedures for consideration of whether there is a need for a review of the adequacy of the current Individual Education Program (IEP) of a student with a disability can be found on pages 3-8 of the school's Total Special Education System manual.
 - 3. Any procedures determined appropriate for referring students in need of special education services to those services can be found on pages 1-6 and Appendix A of the school's Total Special Education System manual.
- I. Procedures for Detecting and Addressing Chemical Abuse Problems of Students While on School Premises.
 - 1. If deemed necessary by the school board and/or school administration, the school shall establish a chemical abuse pre-assessment team pursuant to Minn. Stat. § 121A.26; and
 - 2. If deemed necessary by the school and/or school administration, the school shall establish teacher reporting procedures to the chemical abuse pre-assessment team pursuant to Minn. Stat. § 121A.29.
- J. Procedures for Encouraging Early Involvement of Parents or Guardians in Attempts to Improve a Student's Behavior. All school employees are encouraged to take a special interest in the welfare of each student. Parent phone numbers will be made

available so that employees may contact parents with specific concerns. Bus drivers, teachers, and principals are instructed to contact parents regarding discipline infractions.

- K. Procedures for Encouraging Early Detection of Behavioral Problems. Teachers and principals may consult appropriate support personnel and other resources as may be available on any ongoing behavioral concerns.

XII. DISMISSAL

- A. “Dismissal” means the denial of the current educational program to any student, including exclusion, expulsion and suspension. Dismissal does not include removal from class.

The school shall not deny due process or equal protection of the law to any student involved in a dismissal proceeding which may result in suspension, exclusion or expulsion.

The school shall not dismiss any student without attempting to use nonexclusionary disciplinary policies and practices before dismissal proceedings or pupil withdrawal agreements, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

- B. Violations leading to suspension, based upon severity, may also be grounds for actions leading to expulsion, and/or exclusion. A student may be dismissed on any of the following grounds:

1. Willful violation of any reasonable school board regulation, including those found in this policy;
2. 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
3. Willful conduct that endangers the student or other students, or surrounding persons, including school employees, or property of the school.

- C. Disciplinary Dismissals Prohibited

1. A pupil enrolled in the following is not subject to dismissals under the Pupil Fair Dismissal Act:
 - a. a preschool or prekindergarten program, including an early childhood family education, school readiness, school readiness plus, voluntary prekindergarten, Head Start, or other school-based preschool or prekindergarten program; or

- b. kindergarten through Grade 3.
2. This section does not apply to dismissal from school for less than one school day, except as provided under Minnesota Statutes, chapter 125A and federal law for a student receiving special education services.
3. Notwithstanding this section, expulsions and exclusions may be used only after the nonexclusionary discipline resources outlined in Minnesota Statutes, section 121A.425, subdivision 2, have been exhausted, and only in circumstances where there is an ongoing serious safety threat to the child or others.

D. Suspension Procedures

1. "Suspension" means an action by the school administration, under rules promulgated by the School Board, prohibiting a student from attending school for a period of no more than ten (10) school days; provided, however, if a suspension is longer than five (5) school days, the suspending administrator shall provide the director with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) school day or less, except as may be provided in federal law for a student with a disability.
2. School administration must allow a suspended pupil the opportunity to complete all school work assigned during the period of the pupil's suspension and to receive full credit for satisfactorily completing the assignments.
3. If a student's total days of removal from school exceed ten (10) cumulative days in a school year, the school shall make reasonable attempts to convene a meeting with the student and the student's parent or guardian before subsequently removing the student from school and, with the permission of the parent or guardian, arrange for a mental health screening for the student at the parent or guardian's expense. 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 student assessed or diagnosed to determine whether the student needs treatment for a mental health disorder.
4. The definition of suspension under Minnesota Statutes, 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. The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission which must not be used to extend the current suspension. A readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. School administration 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. The school administration may not impose consecutive suspensions against the same student for the same course of conduct, or incident of misconduct, except where the student will create an immediate and substantial danger to self or to surrounding persons or property or where the school is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of fifteen (15) days.

5. A child with a disability may be suspended. When a child with a disability has been suspended for more than five (5) consecutive school days or ten (10) cumulative school days in the same year, and that suspension does not involve a recommendation for expulsion or exclusion or other change in placement under federal law, relevant members of the child's IEP 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 IEP. That meeting must occur as soon as possible, but no more than ten (10) days after the sixth (6th) consecutive day of suspension or the tenth (10th) cumulative day of suspension has elapsed.
6. Alternative education services must be provided to a pupil who is suspended for more than five (5) consecutive school 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.
7. The school administration shall not suspend a student from school without an informal administrative conference with the student. The informal administrative conference shall take place before the suspension, except where it appears that the student 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. At the informal administrative conference, a school administrator shall notify the student of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the student may present the student's version of the facts. A separate administrative conference is required for each period of suspension.
8. After school administration notifies a student of the grounds for suspension, school administration may, instead of imposing the suspension, do one or

more of the following:

- a. partner with the parent on additional support services for the student;
 - b. strongly encourage a parent or guardian of the student to attend school with the student for one day;
 - c. petition the juvenile court that the student is in need of services under Minn. Stat. Ch. 260C.
9. 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 the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56, shall be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent or guardian by mail within forty-eight (48) hours of the conference.
 10. The school administration shall make reasonable efforts to notify the student's parent or guardian of the suspension as soon as possible following suspension.
 11. In the event a student is suspended without an informal administrative conference on the grounds that the student will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the student and the student's parent or guardian within forty-eight (48) hours of the suspension. Service by mail shall be complete upon mailing.
 12. Notwithstanding the foregoing provisions, the student may be suspended pending the school board's decision in an expulsion or exclusion proceeding, provided that alternative educational services are implemented to the extent that suspension exceeds five (5) consecutive school days.

E. Expulsion and Exclusion Procedures

1. "Expulsion" means a school board action to prohibit an enrolled student from further attendance for up to twelve (12) months from the date the student is expelled. The authority to expel rests with the school board.
2. "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. The authority to exclude rests with the school board.
3. All expulsion and exclusion proceedings will be held pursuant to and in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§121A.40-121A.56.
4. No expulsion or exclusion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent or guardian.

5. The student and parent or guardian shall be provided written notice of the school's intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and his or her parent or guardian personally or by mail, and shall contain a complete statement of the facts; a list of the witnesses and a description of their testimony; state the date, time and place of hearing; be accompanied by a copy of the Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56; describe nonexclusionary disciplinary practices accorded the student in an attempt to avoid the expulsion proceedings; and inform the student and parent or guardian of their right to: (1) have a representative of the student's own choosing, including legal counsel at the hearing; (2) examine the student's records before the hearing; (3) present evidence; and (4) confront and cross-examine witnesses. The school must advise the student'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 Minnesota Department of Education (MDE) and is posted on the MDE's website.
6. The hearing shall be scheduled within ten (10) days of the service of the written notice unless an extension, not to exceed five (5) days, is requested for good cause by the school, student, parent or guardian.
7. All hearings shall be held at a time and place reasonably convenient to the student, parent or guardian and shall be closed, unless the student, parent or guardian requests an open hearing.
8. The school shall record the hearing proceedings at school's expense, and a party may obtain a transcript at its own expense.
9. The student shall have a right to a representative of the student's own choosing, including legal counsel, at the student's sole expense. The school must advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from MDE and is posted on the MDE's website. The school board may appoint an attorney to represent the school in any proceeding.
10. If the student designates a representative other than the parent or guardian, the representative must have a written authorization from the student and the parent or guardian providing them with access to and/or copies of the student's records.
11. All expulsion or exclusion hearings shall take place before and be conducted by (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 designated by the school. The hearing shall be conducted in a fair and impartial manner. Testimony shall be given under oath and the hearing officer, school board member, board committee, or school board shall have the power to issue

subpoenas and administer oaths.

12. At a reasonable time prior to the hearing, the student, parent or guardian, or authorized representative shall be given access to all school records pertaining to the student, including any tests or reports upon which the proposed dismissal action may be based.
13. The student, parent or guardian, or authorized representative, shall have the right to compel the presence of any school employee or agent or any other person who may have evidence upon which the proposed dismissal action may be based, and to confront and cross-examine any witnesses testifying for the school.
14. The student, parent or guardian, or authorized representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.
15. The student cannot be compelled to testify in the dismissal proceedings.
16. The hearing officer, school board member, or board committee shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to the school board and served upon the parties within two (2) days after the close of the hearing.
17. The school board shall base its decision upon the findings and recommendation of the hearing officer, school board member, or board committee and shall render its decision at a meeting held within five (5) days after receiving the findings and recommendation. The school board may provide the parties with the opportunity to present exceptions and comments to the findings and recommendation by the hearing officer, school board member, or board committee 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 (Commissioner) of the basis and reason for the decision.
18. A party to an expulsion or exclusion decision made by the school board may appeal the decision to the Commissioner within twenty-one (21) calendar days of school board action pursuant to Minn. Stat. § 121A.49. The decision of the school board shall be implemented during the appeal to the Commissioner.
19. The school shall report any suspension, expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.
20. The school must report, through the MDE electronic reporting system, each

expulsion or exclusion within thirty (30) days of the effective date of the action to the Commissioner. This report must include a statement of alternative educational services given the student and the reason for, the effective date, and the duration of the exclusion or expulsion. The report must also include the student's age, grade, gender, race, and special education status. The dismissal report must include state student identification numbers of affected students.

21. Whenever a student fails to return to school within ten (10) school days of the termination of dismissal, a school administrator shall inform the student and his/her parent or guardian by mail of the student's right to attend and to be reinstated in the school.

XIII. ADMISSION OR READMISSION PLAN

A school administrator must prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. The plan must include measures to improve the student's behavior, which may include completing a character education program consistent with Minn. Stat. § 120B.232, Subd. 1, social and emotional learning, counseling, social work services, mental health services, referrals for special education or 504 evaluation, and evidence-based academic interventions. The plan must include reasonable attempts to obtain parental involvement in the admission or readmission process, and may indicate the consequences to the student of not improving the student's behavior. The readmission plan must not obligate parents to provide a sympathomimetic medication for their child as a condition of readmission.

XIV. NOTIFICATION OF POLICY VIOLATIONS

Notification of any violation of this policy and resulting disciplinary action shall be as provided herein, or as otherwise provided by the Pupil Fair Dismissal Act or other applicable law. The teacher, principal, executive director, or other school official may provide additional notification as deemed appropriate.

In addition, the school must report, through the MDE electronic reporting system, each exclusion or expulsion, each physical assault of a school employee by a pupil, and each pupil withdrawal agreement within thirty (30) days of the effective date of the dismissal action, pupil withdrawal, or assault, to the MDE Commissioner. This report must include a statement of the nonexclusionary disciplinary practices, or other sanction, intervention, or resolution in response to the assault given to 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 pupil's age, grade, gender, race, and special education status.

XV. STUDENT DISCIPLINE RECORDS

It is the policy of the school that complete and accurate student discipline records be maintained. The collection, dissemination, and maintenance of student discipline records shall be consistent with applicable school policies and federal and state law, including the

XVI. 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 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 or (ii) whether the child's conduct was a direct result of a failure to implement the child's IEP. If the student's educational program is appropriate and the behavior is not a manifestation of the student's disability, the school 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 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 shall continue to provide special education and related services during the period of expulsion or exclusion.

XVII. DISCIPLINE COMPLAINT PROCEDURE

- A. Students, parents, legal guardians, and school staff members may file a complaint and seek corrective action if they believe the school has not appropriately implemented Minnesota Statutes sections 121A.40 to 121A.61, including the school's code of conduct for students or the school's discipline policies, or has implemented them in a discriminatory manner.
- B. The complaint must be filed in writing with the school principal. If the school principal is the subject of the complaint, the complaint must be filed directly with the superintendent.
- C. The report must include a detailed account of how the school violated Minnesota Statutes sections 121A.40 to 121A.61, including the school's code of conduct for students or the school's discipline policies, or how the law, code of conduct, or policies were implemented in a discriminatory manner.
- D. The person receiving the report (principal or superintendent), or a designee, will begin to investigate the complaint within three (3) school days of receipt. During

the investigation, the parties may submit additional information related to the complaint.

- E. The investigator will apply a preponderance of the evidence standard in determining whether the allegations have been substantiated.
- F. After completing the investigation, the investigator will issue a written determination to the complainant that contains findings and conclusions and addresses each allegation.
- G. If the investigator determines that the requirements of Minnesota Statutes sections 121A.40 to 121A.61, including the school's code of conduct for students or the school's discipline policies, were not implemented or were implemented in a discriminatory manner, the report of findings will include a corrective action plan to correct the student's record, if appropriate, and to provide relevant staff with training, coaching, or other accountability practices to ensure appropriate compliance with policies in the future.
- H. The complaint and any records resulting from the investigation will be maintained by the building principal or, if the principal is the subject of the complaint, by the superintendent or a designee. Access to the records will be governed by the Minnesota Government Data Practices Act and will not be disclosed except as permitted by law.
- I. The school prohibits reprisals or retaliation against any person who asserts, alleges, or reports a complaint, and will impose appropriate consequences for any person who engages in reprisal or retaliation. Submission of a discipline complaint will not affect the complainant's or reporter's future employment, grades, work assignments, or educational or work environment.
- J. 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.
- K. The school will communicate this policy as set forth in Section XVIII below.

XVIII. OPEN ENROLLED STUDENTS

The school 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. A student under 18 is a “habitual truant” when “absent from attendance at school without lawful excuse” for all or part of seven or more school days. (Minn. Stat. § 260C.007, subd.)

The school may also terminate the enrollment of a nonresident student over the age of sixteen (16) enrolled under an Enrollment Options Program if the student is absent without lawful excuse for one or more periods of fifteen (15) school days and has not lawfully withdrawn from school.

XIX. DISTRIBUTION OF POLICY

The school will notify students and parents of the existence and contents of this policy in such manner as it deems appropriate. The Director shall ensure that this policy is distributed to students and parents at the beginning of each school year and upon enrollment of a new student. This policy will also be available in the School Director’s office upon request.

XX. REVIEW OF POLICY

The School Director and representatives of parents, students and staff in each school building shall confer at least annually to review this discipline policy, to determine if the policy is accomplishing its purposes, and to assess whether the discipline policy has been enforced. Any recommended changes must be submitted to the School Director for consideration by the school board. The school board will conduct an annual review of this policy.

Legal References: Minn. Stat. §§121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. Ch. 124E (Minnesota Charter School Law)
Minn. Stat. §121A.575 (Alternatives to Pupil Suspension)
Minn. Stat. §§121A.60-121A.61 (Removal From Class)
Minn. Stat. §124D.03 (Enrollment Options Program)
Minn. Stat. §124D.08 (Enrollment in Nonresident District)
Minn. Stat. Ch. 260A (Truancy)
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.29 (Reporting; Chemical Abuse)
Minn. Stat. § 121A.582 (Reasonable Force)
Minn. Stat. § 122A.42 (General Control of Schools)
Minn. Stat. § 123A.05 (Area Learning Center Organization)
Minn. Stat. Ch.125A (Students With Disabilities)
Minn. Stat. § 152.22 (Medical Cannabis; Definitions)
Minn. Stat. § 152.23 (Medical Cannabis; Limitations)
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)